

2015 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1105

2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee

Fort Union, State Capitol

HB 1105

1/9/2015

21791

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to criminal history record checks for the office of the Adjutant General.

Minutes:

Testimony #1

Chairman Kasper opened the hearing on HB 1105.

Major Michelle Hagel, Office of the Adjutant General, appeared and presented attached testimony #1. (:11-1:50)

Rep. Mooney Why_ omitted?

Major Hagel Omitted from having access to background checks?

Rep. Mooney Right.

Major Hagel The FBI is very particular, and they have lots of rules about who is allowed access. That is why we are going with BCI because they have the access to criminal investigative agencies and we are not one of those.

Rep. Amerman Can you estimate what the cost is to do a background check?

Major Hagel I believe \$30 per check. BCI is here and I am told it is \$42.75.

Rep. Karls I have been asked to sponsor a bill that deals with biometrics as far as background checks. I am wondering if that is something that will increase our cost. Is the \$42.75 the new, latest, and greatest rate? There was a yes nod from the person from BCI that was in the audience.

Rep. Wallman Can you tell the difference between a national agency check and a FBI background check?

Major Hagel A national agency check is broader than a FBI check. It is composed of three parts--Office of Personnel Management, the FBI check, and DOT check.

No opposition.

The hearing was closed.

Rep. Laning made a motion for a Do Pass.

Rep. Seibel seconded the motion.

A roll call vote was taken. 13 Yeas, 0 Nays, 1 absent.

Rep. Laning will be the carrier.

Chairman Kasper We had some discussion on 1064 that we passed yesterday on the TFFR. With the handouts that Fay Kopp brought this morning, there are some questions about what we actually did and the ramifications of that motion and the passing of that bill. I am holding that bill. Rep. Koppelman is in conversation with Fay Kopp, and he will give us a report next Thursday about what he has learned about some of the questions that were brought to me by a couple of the committee members after they read the handouts this morning. We may have to reconsider and will call for a motion to reconsider our action we took yesterday. The committee will vote yes or no. If we vote yes to reconsider, then we would bring the bill back before us and have discussion about if we should be doing anything or not. That is the value of getting complete information when we have someone testifying in front of our committee. Many times you will hear a reference to something. We should see the documentation. Rep. Amerman asked if the copies in front of them were for HB 1064 and was told they were. In the future the intern will be following up on any of your requests for information from anyone who testifies, and he will get the bill number on the handouts and the date he hands it out, and three-holed punched. The National Guard members were thanked for their service.

The meeting was adjourned.

Date: 1-9-15
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1105

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Laning Seconded By Seibel

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman	X	
Vice Chair Karen Rohr	X		Rep. Gail Mooney	X	
Rep. Jason Dockter	X		Rep. Mary Schneider	X	
Rep. Mary C. Johnson			Rep. Kris Wallman	X	
Rep. Karen Karls	X				
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Jay Seibel	X				
Rep. Vicky Steiner	X				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Laning

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1105: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
HB 1105 was placed on the Eleventh order on the calendar.

2015 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1105

2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee

Missouri River Room, State Capitol

HB 1105
3/5/2015
Job # 24364

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Relating to criminal history record checks for the office of the adjutant general; and to declare an emergency

Minutes:

Attachments 1

Chairman Dever: Opened the hearing on HB 1105.

Major Hagel, Legal Advisor, North Dakota National Guard: See Attachment #1 for testimony in support of the bill and to explain the bill.

(1:50)Chairman Dever: Are the background checks conducted by Adjutant General or for other agencies the Attorney General?

Major Hagel: That would be through BCI.

Chairman Dever: There are other bills involving sexual assault that I think the National Guard has an interest in?

Major Hagel: Yes, just the one.

Chairman Dever: There was a bill heard in Senate Human Services yesterday involving the ability to conduct forensic exams for a minor victim of sexual assault without parental notification and it was pointed out to me that young people join the Guard when they are 17, does the Guard have an interest in that bill?

Major Hagel: We are aware of it but we are not tracking it through the North Dakota Cares Program.

Senator Nelson: Can you repeat the national agency check?

Major Hagel: It is a check through the office of personal management, Department of Defense, and through the FBI. It is all federal agencies.

Chairman Dever: Are we solving a problem?

Major Hagel: Yes we are. These mandates have been coming really quick and we do not have the mechanisms to screen our folks so we need the assistance of BCI to get these folks screened so that they can work within these programs.

Chairman Dever: But it is a response to federal law?

Major Hagel: Yes sir.

Chairman Dever: Closed the hearing on HB 1105.

Senator Poolman: Moved a Do Pass.

Senator Davison: Seconded.

A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.

Motion Carried.

Senator Poolman will carry the bill.

Date: 3/5
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1105

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Poolman Seconded By Davison

Senators	Yes	No	Senators	Yes	No
Chairman Dever	✓		Senator Marcellais	✓	
Vice Chairman Poolman	✓		Senator Nelson	✓	
Senator Cook	✓				
Senator Davison	✓				
Senator Flakoll	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Poolman

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1105: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HB 1105 was placed on the Fourteenth order on the calendar.

2015 TESTIMONY

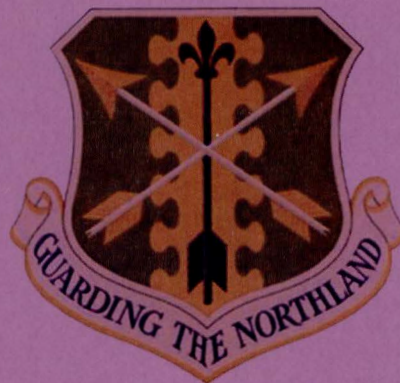
HB 1105

#1 1105



Army National Guard

"The Straight Arrows"



Air National Guard

"The Happy Hooligans"



*Department of
Emergency Services
Homeland Security &
State Radio*

*The
Office of the
Adjutant General*

*Testimony of
Major Michelle Hagel*

before the

*House
Government and Veteran Affairs
Committee
January 9, 2015*

HOUSE BILL 1105

TESTIMONY OF
MAJOR MICHELLE HAGEL
BEFORE THE
GOVERNMENT AND VETERAN AFFAIRS COMMITTEE
9 JANUARY 2015
HOUSE BILL 1105

Good morning Mr. Chairman and members of the committee, I am Major Michelle Hagel, legal advisor to the Office of the Adjutant General. I am here today to testify in support of House Bill 1105. The National Guard has a number of critical and sensitive programs. The Department of Defense has mandated background checks for the staff who work within these programs.

Our child and youth program is one of the main components of our family program. Our members and the volunteers who work with minor children are required to have a FBI background check. Recruiters also work with minors; they are required to have a FBI background check. The military's sexual assault program requires that the victim advocates have a National Agency Check.

The issue is that we, the North Dakota National Guard, do not have access to FBI background checks. Federal code, 32 CFR §86.4, requires that we work with local, state, and federal agencies to accomplish the required checks. If we are unable to conduct the background checks we will not be able to staff these essential programs within our State. This could result in loss of funding and failure of these programs.

The authority provided in this bill will help us meet the federal requirements and ensure those working within these programs are the right people to be working with children, recruits, and victims. There is an emergency clause in the bill so we will have the authority to start the background checks as soon as possible.

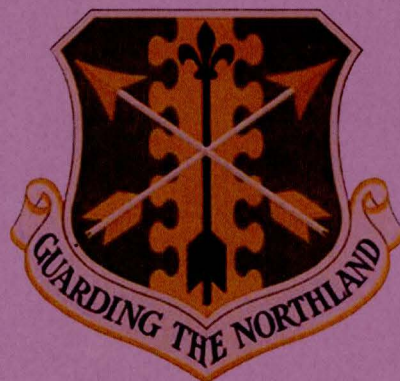
There should not be a general fund impact to the State. Since this is a federal requirement the services provided will be paid through federal operational funds or reimbursed under a cooperative agreement.

I ask for your support for this bill and will stand for any questions you may have.



Army National Guard

"The Straight Arrows"



Air National Guard

"The Happy Hooligans"



*Department of
Emergency Services
Homeland Security &
State Radio*

*The
Office of the
Adjutant General*

*Testimony of
Major Michelle Hagel*

before the

*Senate
Government and Veteran Affairs
Committee
March 5, 2015*

HOUSE BILL 1105

TESTIMONY OF
MAJOR MICHELLE HAGEL
BEFORE THE
GOVERNMENT AND VETERAN AFFAIRS COMMITTEE
5 MARCH 2015
HOUSE BILL 1105

Good morning Mr. Chairman and members of the committee, I am Major Michelle Hagel, legal advisor to the Office of the Adjutant General. I am here today to testify in support of House Bill 1105. The National Guard has a number of critical and sensitive programs. The Department of Defense has mandated background checks for the staff who work within these programs.

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