

FISCAL NOTE
Requested by Legislative Council
03/09/2017

Amendment to: HB 1060

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$1,000	\$6,000	\$1,000	\$6,000
Appropriations			\$1,000	\$6,000	\$1,000	\$6,000

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Engrossed HB 1060 relates to criminal background checks requested by the Department of Commerce for volunteers providing services through the department & criminal background checks requested by the state court for guardians ad litem.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This bill requires the Bureau of Criminal Investigation to process background checks requested by the Department of Commerce for volunteers providing services through the department. For the 2017-19 biennium it is anticipated up to 150 volunteers would need background checks for a total cost of \$6,000 (150 x \$40.00 rate for check). It is anticipated that the amount needed would remain the same for the 2019-21 biennium.

This bill requires the court administrator (ND Court System) to provide criminal background checks for guardians ad litem. For the 2017-19 biennium it is anticipated up to 25 guardians ad litem would need background checks for a total cost of \$1,000 (25 x \$40.00 rate for check). It is anticipated that the amount needed would remain the same for the 2019-21 biennium.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

In both the 2017-19 and 2019-21 biennium the Department of Commerce Services would incur additional federal fund expenditures of \$6,000 to process 150 volunteer background checks at a rate of \$40 each.

In both the 17-19 and 19-21 biennium the ND Court System would incur additional general fund operating expenditures of \$1,000 to process 25 guardians ad litem background checks at a rate of \$40 each.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Federal funds available for the AmeriCorps program would be used to pay for the background checks for volunteers associated with the program. This is anticipated to be up to \$6,000 for the 2017-19 and 2019-21 bienniums.

For the 2017-19 biennium the ND Court System would need an appropriation increase of \$1,000, of which all is general fund, to the base level budget (SB 2002). For the 2019-21 biennium an appropriation increase of \$1,000, of which all is general fund, would be needed.

Name: Justin Dever

Agency: Department of Commerce

Telephone: 701-328-7258

Date Prepared: 03/15/2017

FISCAL NOTE
Requested by Legislative Council
01/26/2017

Amendment to: HB 1060

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$5,000		\$5,000	
Appropriations			\$5,000		\$5,000	

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Engrossed HB 1060 relates to criminal background checks requested by the Dept of Commerce for volunteers providing mentoring to at-risk youth & homeless young adults through nonprofit organizations under chapter 50-12 & criminal background checks requested by the state court for guardians ad litem.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This bill requires the Department of Human Services to process background checks requested by the Department of Commerce for volunteers providing mentoring to at-risk youth and homeless young adults through non profit organizations under chapter 50-12. For the 17-19 biennium it is anticipated up to 100 volunteers would need background checks for a total cost of \$4,000 (100 x \$40.00 rate for check). It is anticipated that the amount needed would remain the same for the 19-21 biennium.

This bill requires the court administrator (ND Court System) to provide criminal background checks for guardians ad litem. For the 17-19 biennium it is anticipated up to 25 guardians ad litem would need background checks for a total cost of \$1,000 (25 x \$40.00 rate for check). It is anticipated that the amount needed would remain the same for the 19-21 biennium.

Estimates assume that the Department of Human Services has adequate staffing to complete the background checks and that required federal background checks for the Department programs will take precedence.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

In both the 17-19 and 19-21 biennium the Department of Human Services would incur additional general fund operating expenditures of \$4,000 to process 100 volunteer background checks at a rate of \$40 each.

In both the 17-19 and 19-21 biennium the ND Court System would incur additional general fund operating expenditures of \$1,000 to process 25 guardians ad litem background checks at a rate of \$40 each.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

For the 17-19 biennium the Department of Human Services would need an appropriation increase of \$4,000, of which all is general fund, to the base level budget (HB 1012). For the 19-21 biennium an appropriation increase of \$4,000, of which all is general fund, would be needed.

For the 17-19 biennium the ND Court System would need an appropriation increase of \$1,000, of which all is general fund, to the base level budget (SB 2002). For the 19-21 biennium an appropriation increase of \$1,000, of which all is general fund, would be needed.

Name: Jennifer Scheet

Agency: Dept of Human Services

Telephone: 328-4608

Date Prepared: 02/08/2017

FISCAL NOTE
Requested by Legislative Council
01/06/2017

Amendment to: HB 1060

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$4,000		\$4,000
Expenditures				\$4,000		\$4,000
Appropriations				\$4,000		\$4,000

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

HB 1060 relates to criminal background checks requested by the Department of Commerce for volunteers providing mentoring to at-risk youth and homeless young adults through nonprofit organizations under chapter 50-12.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This bill requires the Department of Human Services (Department) to process background checks requested by the Department of Commerce for volunteers providing mentoring to at-risk youth and homeless young adults through nonprofit organizations under chapter 50-12. Since the child-placing agency is responsible for all fees associated with a criminal history record check requested for volunteers, the Department would collect the fees and reimburse the Bureau of Criminal Investigation for background checks processed.

For the 17-19 biennium it is anticipated up to 100 volunteers would need background checks for a total cost of \$4,000 (100 x \$40.00 rate for the check). It is anticipated that the amount needed would remain the same for the 19-21 biennium.

Estimates assume that the Department has adequate staffing to complete the background checks and that required federal background checks for the Department programs will take precedence.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The child-placing agency is responsible for all fees associated with a criminal history record requested for volunteers. Therefore the Department would receive \$4,000 in other revenue for both the 17-19 and 19-21 biennium.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

In both the 17-19 and 19-21 biennium the Department would incur additional other fund operating expenditures of \$4,000 to process 100 background checks at a rate of \$40 each.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

For the 17-19 biennium the Department would need an appropriation increase of \$4,000 in other funds to the executive budget recommendation(HB1072) and to the base level budget (HB1012). For the 19-21 biennium an appropriation increase of \$4,000 in other funds would be needed.

Name: Debra McDermott

Agency: Human Services

Telephone: 328-3695

Date Prepared: 01/11/2017

FISCAL NOTE
Requested by Legislative Council
01/06/2017

Bill/Resolution No.: HB 1060

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$4,000		\$4,000
Expenditures				\$4,000		\$4,000
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For the 17-19 biennium it is anticipated up to 100 volunteers would need background checks for a total cost of \$4,000 (100 x \$40.00 rate for the check). It is anticipated that the amount needed would remain the same for the 19-21 biennium.

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In both the 17-19 and 19-21 biennium the Department would incur additional other fund operating expenditures of \$4,000 to process 100 background checks at a rate of \$40 each.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

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Name: Debra McDermott

Agency: Human Services

Telephone: 328-3695

Date Prepared: 01/11/2017

2017 HOUSE JUDICIARY

HB 1060

2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1060
1/4/2017
26562

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to criminal history record checks requested by the Dept. of Commerce for volunteers providing mentoring and youth engagement services to at-risk youth and homeless young adults through the department.

Minutes:

1,2,3,4,5

Chairman K. Koppelman: Opened the hearing on HB 1060.

Rep. Meier: Sponsor of the bill. Handed out (Testimony #1) and read it.

Senator Matheron: This bill permits these entities that use this service to have the background checks for the volunteers done by the BCI. We are asking you to use that entity to have those background checks done. I am open to the amendments that the DOC might bring; that Youth Works might bring to make this a workable affair. Essentially we are all benefiting when we have volunteers involved in the services that we deliver to young people in our state. We want to use the entity that is in place because they would pay the fee involved.

Wayde Sick, Director of the WDD : (See Testimony #2,3,4) (5:37- 9:12).

Representative Nelson: Who are doing these background checks today?

Wayde Sick: Many of the projects use a vender to do the background checks. There is a lag in getting them to the FBI or whoever is doing the background. We want to go directly to the BCI.

Representative Nelson: Have you checked with BCI? Other people are saying they are waiting a long time for these background checks. I am hearing from allot of people they are waiting a long time for the Attorney General's to do these background checks?

Wayde Sick: I did talk to BCI yesterday and it is about 2-3 weeks now?

Chairman K. Koppelman: The last section of the bill; why is that deleted?

Wayde Sick: We felt it did not belong in that section of the century code. We agree that the agency should be paying for that background check and that language should be in the Subsection of 12-60-24. It should also say the projects are responsible for the fee.

Chairman K. Koppelman: with respect with you naming AmeriCorps by naming it in statute will that restrict us in the future if that program goes away or there is another way you want to accomplish this same goal by simply naming the program are you fencing that in?

Wayde Sick: We have to look at other options.

Lauren Bosch, Youthworks Program Manager (See testimony #5)(15:14-25:30) We are in support of this bill.

Representative Vetter: Under AmeriCorps's program language so you are saying if you change that to a broader term. Is that what you are saying?

Lauren Bosch: This is a complicated discussion. We are talking about two distinct services. One of them deals with AmeriCorps volunteers through the DOC. My second concern is about Guardian ad Litem that are contract agents of the Supreme court and I feel they should be separate section in the century code.

Lauren Bosch: Explained the century code. We are staying there should be two additional entities that have excess.

Chairman K. Koppelman: This would be an addition to that anyone that contracts with the supreme court guardian services.

Representative Klemin: (28:04-) Explain the history on this.

Chairman K. Koppelman: No law requirement for BCI background check so explained how it came about.

Representative Magrum: Why has the background checks not become more efficient with the technical we have now?

Lauren Bosch: Results is because we are last in line with the FBI. BCI is first in line now. Explained how it works now.

Chairman K. Koppelman: These come from the FBI and we have to use them. BCI is now the best way to do that now.

Lauren Bosch: We are seeking this because it would be very beneficial to have this done.

Representative Johnston: The 16 weeks you mentioned; is that the worst case scenario?

Lauren Bosch: It is usually 12 weeks.

Representative Nelson: You have to have a criminal background check. What does it have to say. Does it have to be a clean record?

Lauren Bosch: The federal government and AmeriCorp sets these rules and the federal government has these requirements.

Chairman K. Koppelman: No others in the room to testify on this bill.

Hearing closed

2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1060
1/16/2017
26926

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to criminal history record checks requested by the Dept. of Commerce for volunteers providing mentoring and youth engagement services to at-risk youth and homeless young adults through the department.

Minutes:

1

Chairman K. Koppelman: Opened the meeting on HB 1060.

Vice Chairman Karls: (Proposed amendment #1) This amendment leaves them under the Dept. of Commerce, but enables them to go through BCI in a more direct fashion. (:18- Went over the proposed amendment.

Representative Klemin: On the original bill we are going to remove lines 12-17?

Vice Chairman Karls: Yes

Chairman K. Koppelman: The simplest way to do it is where it says page 1 after line 11 remove the word insert and just say replace lines 12-17 with. It then replaces the rest of the bill with section 2 amended language.

Representative Magrum: If we remove section 2 it tells who is paying for the back ground checks.

Vice Chairman Karls: That is the responsibility of the agency making the request that pays for it.

Representative Jones: Where it says after department we have a period there, page 1, line 5 (mike not on)

Chairman K. Koppelman: (3:24-5:30)) Went over the Fiscal note.

Representative Magrum: You are saying this \$4000 isn't an additional expense?

Chairman K. Koppelman: No they are saying the fees are paid by the agencies requesting the checks. They are estimating that is going to be \$4000 so they paid them \$4000 and it cost them \$4000 so it is a wash.

Representative Klemin: Looking at the fiscal note it does say \$4000 in appropriations. The Dept. of Commerce would have to be appropriated the \$4000 to pay to the Dept. of Human Services so it can pay BCI.

Representative Magrum: The money where is it coming from?

Chairman K. Koppelman: The fiscal note is just an appropriation and it is showing spending money and we are given the authorization to spend that money.

Representative Paur: I still uncomfortable with it.

Representative Magrum: Do you think this will add an extra burden on BCI?

Chairman K. Koppelman: No. Explained how the fiscal note works. Referred to the fiscal note 2 b.

Vice Chairman Karls: AmeriCorp is a federal grant program. So the money is funneled through the DOC and these people are paid a small living wage. It helps them pay off their college loan. These people are volunteers basically so they fall under that federal program. Youthworks is another program and they work side by side in the DOC. They are called grantees.

Representative Simons: Background checks. What are they looking for?

Chairman K. Koppelman: This is a federal program so there are probably rules set up for people working in the AmeriCorp program. We are eliminating old section 2 and putting in a whole new section 2.

Motion made by Rep. Roers Jones to move the amendment; Seconded by Rep. Vetter

Discussion:

Representative Magrum: I would feel better if section 2 was still in there.

Chairman K. Koppelman: we don't have that anywhere else in law and Legislative Counsel is saying we don't need to clutter the code with saying that every time a background check is required those requiring it has to pay the fee.

Voice vote carried.

Do Pass As Amended Motion Made by Rep. Maragos; Seconded by Rep. Satrom

Representative Paur: I am concerned about using outside state agencies. UND uses Sterling Direct and the students have to use them. They have a shopping list and you check

what background checks you want. I don't know why we should be considering loading the state system.

Chairman K. Koppelman: If we do not give them authority to use BCI it is the only authorization to get the FBI information.

Representative Vetter: Timeframe was an issue.

Discussion:

Do pass as amendment made by Representative Maragos: Seconded by Representative Satrom:

Representative Vetter: In his testimony they can do it right now. He wants to go through this other process because it is faster.

Representative Klemin: It was costing \$100, but if you went through BCI it was \$40.

Representative Vetter: They also get put to the front of the line through BCI.

Representative Paur: They apply directly to the FBI and that takes 4 months.

Chairman K. Koppelman: Rep. Meier's original testimony in the third line the reason for placing this requirement under the DOC is it will be a cost savings and the turnaround time will be faster, Both of you are right.

Roll Call Vote: 13 Yes 1 No 1 Absent Carrier: Rep., Simons

January 16, 2017

1/16/17 DJH

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1060

Page 1, line 1, replace "a" with "two"

Page 1, line 1, replace "subdivision" with "subdivisions"

Page 1, line 2, remove "and a new subsection to section 50-12-03.2"

Page 1, line 5, after "department" insert "and by the state court administrator for guardians ad litem"

Page 1, replace lines 12 through 17 with:

"SECTION 2. A new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code is created and enacted as follows:

The state court administrator for a guardian ad litem who provides direct services to youth."

Renumber accordingly

Date: 1-12-17
Roll Call Vote: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1060

House Judiciary

Committee

☐ Subcommittee

Amendment LC# or Description: 17.0470.01001

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 Rep. Roers Jones Seconded By Rep. Vetter

Representatives	Yes	No	Representatives	Yes	No
Chairman K. Koppelman			Rep. Hanson		
Vice Chairman Karls			Rep. Nelson		
Rep. Blum					
Rep. Johnston					
Rep. Jones					
Rep. Klemin					
Rep. Magrum					
Rep. Maragos					
Rep. Paur					
Rep. Roers-Jones					
Rep. Satrom					
Rep. Simons					
Rep. Vetter					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Doier Vote Carried

Date: 1-16-17
Roll Call Vote : 2

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1060

House Judiciary

Committee

☐ Subcommittee

Amendment LC# or Description: 17.0470.01002

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 Rep Maragos Seconded By Rep Satrom

Representatives	Yes	No	Representatives	Yes	No
Chairman K. Koppelman	✓		Rep. Hanson	✓	
Vice Chairman Karls	✓		Rep. Nelson	✓	
Rep. Blum	✓				
Rep. Johnston	✓				
Rep. Jones	✓				
Rep. Klemin	✓				
Rep. Magrum	✓				
Rep. Maragos	✓				
Rep. Paur	✓	✓			
Rep. Roers-Jones	✓				
Rep. Satrom	✓				
Rep. Simons	✓				
Rep. Vetter	✓				

Total (Yes) 13 No 1

Absent 1

Floor Assignment : Rep. Simons

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

REPORT OF STANDING COMMITTEE

HB 1060: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1060 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "two"

Page 1, line 1, replace "subdivision" with "subdivisions"

Page 1, line 2, remove "and a new subsection to section 50-12-03.2"

Page 1, line 5, after "department" insert "and by the state court administrator for guardians ad litem"

Page 1, replace lines 12 through 17 with:

"SECTION 2. A new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code is created and enacted as follows:

The state court administrator for a guardian ad litem who provides direct services to youth."

Renumber accordingly

2017 SENATE JUDICIARY

HB 1060

2017 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

HB 1060
3/7/2017
28805

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

My work for the future

Explanation or reason for introduction of bill/resolution:

Relating to criminal history record checks requested by the department of commerce for volunteers providing mentoring and youth engagement services to at-risk youth and homeless young adults through the department and by the state court administrator for guardian's ad litem.

Minutes:

Testimony attached #

1,2,3

Chairman Armstrong called the committee to order on HB 1060. All committee members were present.

Rep. Lisa Meier, North Dakota State Representative District 32, introduced and testified in support of the bill. (see attachment 1)(:51-2:02)

Senator Luick: "Is there a fiscal note to this?"

Representative Meier: "No." Because the payment is paid through the court system.

Senator Nelson: "Why would it be quicker through the Department of Commerce and why would turnaround be faster?"

Representative Meier: "Quicker because it's a larger department. They are able to obtain the background checks quicker and it would be less time for Youthworks.

Sen. Tim Mathern: North Dakota State Senator District 11, briefly testified in support of the bill. No written testimony. (3:20-4:00) 1060 is really an attempt for government and non-profit organizations in North Dakota, to work together as efficiently as possible to get background checks done. So I hope you support the bill. It is a partnership effort to be efficient.

Wayde Sick: Director of the Workforce Development Division, testified in support of the bill. (see attachment 2) (4:20-7:56)

Senator Larson: 8: Since the AmeriCorps program has already been under the Department of Commerce, why haven't you done the background checks before sending them out

anyway? Has that just been an oversight? Have you had authorization to do the background checks or what?

Mr. Wayde Sick: The checks have always been done by a third party vendor or directly thorough the FBI. This legislation would allow these projects to utilize the BCI which would stream light and expedite the process. So the background checks have always been done. It just takes a long time to get the results.

Senator Larson: But why haven't you as the home agency been doing them? Is that with following up with Senator Nelson's question is it a funding problem that has happened or what?

Mr. Wayde Sick: No. The projects are built into their budget funds to do the background checks. It does have to go through either the FBI or North Dakota BCI to do those checks.

Lauren Bosch: Youthworks Program Manager, testified in support of the bill. (see attachment 3) (10:10-15:19)

Senator Osland: Can you explain what Youthworks does? What kind of people are these grantees, AmeriCorps grantees?

Mr. Lauren Bosch: Youth works is a grantee of the Department of Commerce. It's federal money which comes to the Department of Commerce. It's granted out to agencies like Youth Works.

Senator Osland: I still don't know what you do.

Mr. Lauren Bosch: Youthworks is a private non-profit organization that works with at risk youth and young adults. Across the state of ND, we have about 150 employees across the state. We provide a whole mess of services that I would just as soon not confuse the committee with, but it's all services designed to assist youth and families. Primarily to keep youth and families in their homes if at all possible. Keep them out of the foster care system. That is our over-arching goal. We have employees all across the state that do lots of different things; over 40 different funding sources doing all different kinds of programs. We've been in existence since 1986.

Chairman Armstrong: You wouldn't be opposed to any language in here saying that the fee may be assessed to, I think they are like \$40.

Mr. Lauren Bosch: "I'm more than happy to pay it. It's something already in the statute." Any reasonable fee is something we would be more than happy to pay.

Chairman Armstrong: Okay. Do you know the dollar amount in the statute or does it say just a reasonable fee?

Mr. Lauren Bosch: It does say \$15 dollars. But it depends on your status as a non-profit organization.

Chairman Armstrong: We don't like specific dollar amounts due to it devaluing every day. A term of a more reasonable fee sounds better.

Mr. Lauren Bosch: Senator Armstrong I understand the fiscal state that the state of ND is in and I am not certain what it cost the BCI to accomplish some of the records check, but whatever that amount would be we would be more than happy to pay it.

Chairman Armstrong: In the fiscal note, it actually says that the Department of Human Services processes these background checks, so is that accurate?

Mr. Lauren Bosch: No it isn't. This was in regards to my initial bill, and it's really complicated. I really can appreciate that Senator Osland was saying because the reason that it's that bill is that it really pertained to Youth Works as an entity and one of its licenses that is licensed by the Department of Human Services. So, once the Dept. of Human Services found out that this had something to do with Youth Works in this license, they assumed that they would have to accomplish all these records checks, and we are not requesting any of these records checks be accomplished by DHS. We would prefer they be accomplished by BCI that is the easiest and most direct path to getting this accomplished.

Chairman Armstrong: The fiscal note actually went up in payment. It didn't go away.

Mr. Lauren Bosch: The easiest way to understand this, if you look at this section of Century Code, there are a whole bunch of entities that can access these records checks.

Senator Larson: (20:50-22:07) I'd like to explain something real briefly. I've worked with Youth works in the past. What Youth works does historically is they look for gaps in services for youth, that the community doesn't provide. They step in and establish that attendant care program, or they help with the tutoring. I think Youth works has a great reputation of doing what best fits the community.

Senator Osland: Can you tell me about how many employees you have in North Dakota?

Mr. Lauren Bosch: 150.

Senator Osland: What kind of employees are they? Are they young and old, and volunteers?

Mr. Lauren Bosch: Most are licensed professional social workers, teachers, counselors, that work on a full time basis. There are a number of para-professional staff, 50 college age folks of those 150 that provide 24hr a day care to kids. So it's a real mix between professionals that are social workers, counselors, teachers and college students that are trying to figure out how to get into social work and education fields.

Senator Osland: (23:40): Do you utilize a lot of retired teachers or no?

Mr. Lauren Bosch: That's a demographic that could provide some value for us, but at this point that's not a huge component of who's working for us or volunteering for us.

Senator Myrdal: (24:30) Representative Meier, are you in support of these amendments?

Representative Meier came back up to podium.

Rep. Lisa Meier: Yes, I would be in support of these amendments.

Senator Myrdal: It seems to remove old references to youth, is that correct? I find that interesting. Can commerce explain that?

Mr. Wayde Sick: Came back to podium. The purpose for the amendments is to allow any AmeriCorps project access to the BCI background checks. We don't want the only specific projects to have access. So for those that are working with as the legislation currently states, "at risk youth and homeless young adults", we have projects that are helping in schools with 2nd and 3rd graders on reading. It is evidence based practices.

Chairman Armstrong: (26:25) This amendment makes it based on who the employee and the volunteer is and not who the end user. Isn't that what this amendment does? Who is the employer and the volunteer, that is getting the background check as opposed to who is getting the ultimate service.

Mr. Wayde Sick: Correct. It is the project or the non-profit that is doing services the government has access to the background checks. So as the legislation is written, only agency like Youth Works would have access. The amendment would open it up to any agency or organization that applies and is granted funds through the Department of Commerce. We are not trying to specifically remove the youth we just want to allow any of our projects access to BCI background checks.

Lindsey Neusma: Staff attorney for Supreme Court, briefly testified in support of the bill. Just want to say the Supreme Court is in support of the bill. We would appreciate streamlining the process.

Chairman Armstrong closed the hearing on HB 1060.

No motions were made.

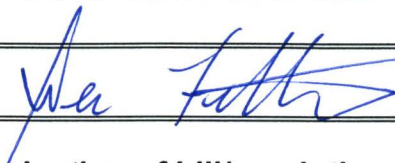
2017 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

HB 1060 Committee Work
3/7/2017
28810

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to criminal history record checks requested by the department of commerce for volunteers providing mentoring and youth engagement services to at-risk youth and homeless young adults through the department and by the state court administrator for guardians ad litem.

Minutes:

Testimony attached #

1

Chairman Armstrong began the discussion on HB 1060. All committee members were present.

Senator Larson motioned to Adopt the Amendment. **Senator Nelson** seconded.

Discussion followed:

Chairman Armstrong: "Senator Myrdal pointed out that it takes out the word youth but leaves adults in."

The committee went over the Amendment. (see attachment 1) They concluded that the Amendment was wrong and went over how to fix it/

Another motion was made to readopt the Amendment after some changes were made.

Senator Larson motioned to Adopt the Amendment. **Senator Nelson** seconded.

A Roll Call Vote was taken. Yea: 6 Nay: 0 Absent: 0.
The motion carried.

Senator Larson motioned for Do Pass as Amended. **Senator Myrdal** seconded.

A Roll Call Vote was taken. Yea: 6 Nay: 0 Absent: 0.
The motion carried.

Senator Osland carried the bill.

March 7, 2017

CM
3/7/17

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1060

Page 1, line 3, after "volunteers" insert "and employees"

Page 1, line 3, remove "mentoring and youth engagement"

Page 1, line 3, remove "to"

Page 1, line 4, remove "at-risk youth and homeless young adults"

Page 1, line 9, after "volunteers" insert "and employees"

Page 1, line 9, remove "mentoring and youth"

Page 1, line 10, remove "engagement"

Page 1, line 10, remove "to at-risk youth and homeless young adults"

Page 1, line 11, replace "nonprofit" with "eligible"

Page 1, line 11, replace "under chapter 50-12" with ", as determined by the commissioner of commerce"

Renumber accordingly

**2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1060**

Senate Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: 17.0470.02001

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 Senator Larson Seconded By Senator Nelson

Senators	Yes	No	Senators	Yes	No
Chairman Armstrong	X		Senator Nelson	X	
Vice-Chair Larson	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Osland	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

**2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1060**

Senate Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: 17.0470.02001

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 Senator Larson Seconded By Senator Myrdal

Senators	Yes	No	Senators	Yes	No
Chairman Armstrong	X		Senator Nelson	X	
Vice-Chair Larson	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Osland	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Osland

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

REPORT OF STANDING COMMITTEE

HB 1060, as engrossed: Judiciary Committee (Sen. Armstrong, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1060
was placed on the Sixth order on the calendar.

Page 1, line 3, after "volunteers" insert "and employees"

Page 1, line 3, remove "mentoring and youth engagement"

Page 1, line 3, remove "to"

Page 1, line 4, remove "at-risk youth and homeless young adults"

Page 1, line 9, after "volunteers" insert "and employees"

Page 1, line 9, remove "mentoring and youth"

Page 1, line 10, remove "engagement"

Page 1, line 10, remove "to at-risk youth and homeless young adults"

Page 1, line 11, replace "nonprofit" with "eligible"

Page 1, line 11, replace "under chapter 50-12" with ", as determined by the commissioner of commerce"

Renumber accordingly

2017 TESTIMONY

HB 1060

1060

#1
1-4-17

HB 1060

Good Morning Mr. Chairman and members of the House Judiciary Committee. For the record I am Rep. Lisa Meier of District 32.

HB 1060 is a simple bill that will allow the Department of Commerce to forward background checks for volunteers that provide mentoring and youth services to homeless young adults.

The reason for placing this requirement under the Department of Commerce is it will be cost savings and the turnaround time will be faster.

Sen. Matthern and I serve together on a Governor appointed Board that is directly related to Amer-Corps volunteers and community service.

We were notified by Youth Works Director Lauren Bosch that background checks that used to be done by the ND Supreme Court for Guardian Adlitems are no longer being done since 2015, because they are not employees of the ND Supreme Court.

The responsibility is now Youth Works responsibility.

Obtaining thorough criminal record checks, including FBI finger-print based checks for these employees has been a struggle for Youth Works.

By placing this responsibility under the Department of Commerce it would be a better process for this requirement.

Thank you for your time and consideration of this bill.

Rep. Lisa Meier

#2
1-4-17

DEPARTMENT OF COMMERCE TESTIMONY ON HB 1060

JANUARY 3, 2017, 9:50AM

HOUSE JUDICIARY COMMITTEE

PRAIRIE ROOM

REPRESENTATIVE KIM KOPPELMAN, CHAIRMAN

WAYDE SICK – DIRECTOR OF THE WORKFORCE DEVELOPMENT DIVISION

Chairman Koppelman and members of the committee, my name is Wayde Sick and I am the Director of the Workforce Development Division of the North Dakota Department of Commerce.

I am here to testify in support of HB 1060, which would allow sub-grantees of the North Dakota State Commission on National and Community Service to utilize the North Dakota Bureau of Criminal Investigation to conduct Criminal History Background (CHB) checks on their prospective AmeriCorps volunteers and employees.

The AmeriCorps program is a federal funded program which is administered by the North Dakota Department of Commerce, Workforce Development Division, with oversight from the North Dakota State Commission on National and Community Service. Representative Meier and Senator Mathern are both Commissioners. AmeriCorps funding is granted out to public and private nonprofit organizations to provide assistance to recruit, train and supervise AmeriCorps volunteers meeting critical community needs in the areas of education, disaster services, health, environmental stewardship, economic opportunity and service to veterans and military families. Historically, most North Dakota projects have focused on education. AmeriCorps volunteers earn a small living allowance while serving and upon completion receive an educational award which can be used to pay tuition or pay off current student loans.

In order for AmeriCorps employees and volunteers to serve, they must first pass a CHB check. Using the approved processes, background check results can take between two weeks and four months to be processed. While a project is waiting for CHB check results, according to Corporation of National and Community Services (CNCS) guidelines, AmeriCorps employees and volunteers can serve, but must be constantly accompanied by a cleared employee. This is a hardship for the project as neither the AmeriCorps volunteer or the employee can be utilized to their full potential. Secondly, consistency is an issue when utilizing non-state methods. A CHB check may not go back far enough historically or review histories in all places the individual may have resided. The top audit finding that requires AmeriCorps funded projects to return funds to CNCS is discrepancies in the CHB check process.

The Department of Commerce does have recommendations for amendments to HB 1060. Please refer to the attached document.

These amendments would allow all AmeriCorps projects, current and future, funded by the North Dakota State Commission on National and Community Service to utilize the North Dakota Bureau of Criminal Investigation for their CHB checks, in turn expediting the process and providing more accurate results.

This concludes my testimony and I would be happy to answer any questions at this time.

/

3
1-4-17

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1060

Page 1, line 2, remove "and a new subsection to section 50-12-03.2"

Page 1, line 3, after "volunteers" add "and employees"

Page 1, line 4, remove "mentoring and youth engagement"

Page 1, line 4, replace "to at-risk youth and homeless young" with "under the americorps program"

Page 1, line 5, remove "adults"

Page 1, line 9, after "volunteers" add "and employees"

Page 1, line 9, replace "mentoring and youth" with "services under the americorps program"

Page 1, line 10, remove "engagement services to at-risk youth and homeless young adults"

Page 1, line 11, replace "nonprofit" with "eligible"

Page 1, line 11, replace "under chapter 50-12" with ", as determined by the commissioner of commerce"

Page 1, remove lines 12 through 17

Renumber accordingly

17.0470.01000

Sixty-fifth
Legislative Assembly
of North Dakota
Introduced by

HOUSE BILL NO. 1060

Representative Meier

Senator Mathern

174
1-4-17

A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 ~~and a new subsection to section 50-12-03.2~~ of the North Dakota Century Code, relating to criminal history record checks requested by the department of commerce for volunteers and employees providing ~~mentoring and youth engagement~~ services ~~to at-risk youth and homeless young adults~~ under the americorps program through the department.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code is created and enacted as follows:

The department of commerce for volunteers and employees providing ~~mentoring and youth services under the americorps program~~ ~~engagement services to at-risk youth and homeless young adults~~ through ~~nonprofit eligible~~ organizations ~~under chapter 50-12.~~

~~**SECTION 2.** A new subsection to section 50-12-03.2 of the North Dakota Century Code is created and enacted as follows:~~

~~The child placing agency is responsible for all fees associated with a criminal history record investigation requested under section 1 of this Act for a volunteer providing mentoring and youth engagement services to at-risk youth and homeless young adults.~~

#5
1-4-17

Testimony Regarding
HOUSE BILL NUMBER 1060

House Judiciary Committee
January 4, 2017
Lauren Bosch, Youthworks Program Manager

Chairman Koppelman and members of the Committee, my name is Lauren Bosch and I am a Program Manager at Youthworks. I am primarily responsible for both the AmeriCorps and Guardian ad Litem programs at the agency. I am here at the request of Representative Meier to provide information regarding the amended version of House bill 1060. Furthermore, I am seeking support from the committee regarding the potential expansion of this bill to allow for criminal history records checks for Guardians ad Litem.

Youthworks is a private, non-profit agency that provides services to at-risk youth and homeless young adults and their families. The agency began providing services in the Bismarck area in 1986 and expanded services to Fargo in 1992. I have been an employee of the agency since 1994 and a member of the management team for the last several years. Youthworks employs approximately 150 full and part-time employees that provide services across the state. Youthworks maintains grants and contracts with several state agencies to provide necessary services to its clients, including; the ND Department of Commerce, Department of Public Instruction, Supreme Court and Attorney General's office. Many of these state agencies require a criminal history records check for employees and volunteers hired with grant/contract funds. However, Youthworks cannot access a thorough criminal history records check through either the ND Bureau of Investigation (ND BCI) or ND Department of Human Services (ND DHS) for some of its employees because the services provided through the state grant/contract are not listed in NDCC 12-60-24.2.

Youthworks has been an AmeriCorps grantee since 2002. Federal AmeriCorps fund are awarded to the ND Department of Commerce and then granted to private entities across the state. These entities enter into a 12-month agreement with the Department of Commerce to provide specific services. Approximately 10-15 AmeriCorps volunteers serve clients at the agency's Bismarck and Fargo offices.

1060
1-4-17

AmeriCorps grantees, per federal guidelines, are required to conduct both a statewide (ND BCI) and nationwide (FBI) background check for all AmeriCorps volunteers.

Youthworks is able to access a thorough criminal records check through ND DHS for its AmeriCorps volunteers. This is because AmeriCorps volunteers have access to youth sheltered at the agency's Short-Term Care and Assessment Centers in Bismarck and Fargo. ND DHS licenses these Centers in accordance with NDCC 50-12 (Child Placing Agency) and requires the criminal records checks. Youthworks supports the amended version of HB 1060, as it would provide the agency a means to access a criminal history records check for its AmeriCorps volunteers if its Child-Placing Agency license with ND DHS would end.

The most urgent need for Youthworks pertains to its contract with the ND Supreme Court to provide Guardian ad Litem (GAL) services. Youthworks maintains a roster of between 40-50 full and part-time GALs that live across the state. GALs represent the best interests of deprived children involved in juvenile court proceedings. These children have often been removed from the custody of their parents due to allegations of abuse or neglect. Referrals for GAL services are made by the juvenile courts across the state. Once assigned to a child through a court order, the GAL gathers facts from interested parties, including: the child, the child's parents, relatives, foster parents, school personnel and treatment providers. A report is then written by the GAL and submitted to the court to aid the judge or referee with dispositional decisions. GALs are assigned to represent approximately 1000 deprived children annually. Youthworks hires between 10-15 new GALs each year.

North Dakota Rule 17 requires a criminal records check for all GALs. However, Youthworks currently has no statutory authority to access a timely FBI check for GALs through ND DHS or ND BCI. Instead, the agency is forced to interface directly with the FBI and receives criminal record results in approximately 12-16 weeks. Historically, criminal records checks for GALs were completed by ND BCI, with assistance from the ND Court Administrator's Office (CAO) of the ND Supreme Court, and results were returned to Youthworks in as little as two weeks. In early 2015, the CAO informed Youthworks that it was no longer comfortable managing the background checks because the GALs were employees of Youthworks and not of the "judiciary". Following

1060
1-4-17

this decision, Youthworks staff reached out to ND DHS, ND BCI and the ND Supreme Court in an effort to develop a timely option for completing FBI checks for GALs. All of these agencies were sympathetic to the problem, but could not provide access to an established criminal records check process because they did not have the statutory authority to do so. The current "last in line" arrangement with the FBI has resulted in an extensive time lag that jeopardizes Youthworks ability to assign GALs as required by Rule 17.

In summary, Youthworks supports the amended language to HB 1060 as it pertains to criminal history records checks for AmeriCorps volunteers. The agency also requests that language be added to Section 1, allowing any agency that contracts with the ND Supreme Court to provide GAL services the ability to access a criminal history records check through ND BCI for all prospective GALs. Sample language that could be included into Section is as follows:

"The supreme court, for the employees of a contract organization that are providing Guardian ad Litem Services to the supreme court."

Youthworks further supports the insertion of language into the bill regarding a reasonable fee to be charged for any requested criminal history records check.

17.0470.01001
Title.

Prepared by the Legislative Council staff for
Representative Karls
January 16, 2017

#1
1060
1-16-17

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1060

Page 1, line 1, replace "a" with "two"

Page 1, line 1, replace "subdivision" with "subdivisions"

Page 1, line 5, after "department" insert "and the state court administrator for guardian ad litem"

Page 1, after line 11, insert: *replace lines 12-17 with:*

"**SECTION 2.** A new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code is created and enacted as follows:

The state court administrator for a guardian ad litem who provides direct services to youth."

Renumber accordingly

①

3/7/17

HB 1060

Good Morning Mr. Chairman and members of the Senate Judiciary Committee. For the record I am Rep. Lisa Meier of District 32.

HB 1060 is a simple bill that will allow the Department of Commerce to forward background checks for volunteers that provide mentoring and youth services to homeless young adults.

The reason for placing this requirement under the Department of Commerce is it will be cost savings and the turnaround time will be faster.

Sen. Mathern and I serve together on a Governor appointed Board that is directly related to Amer-Corps volunteers and community service.

We were notified by Youth Works Director Lauren Bosch that background checks that used to be done by the ND Supreme Court for Guardian Adlitems are no longer being done since 2015, because they are not employees of the ND Supreme Court.

The responsibility is now Youth Works responsibility.

Obtaining thorough criminal record checks, including FBI finger-print based checks for these employees has been a struggle for Youth Works.

By placing this responsibility under the Department of Commerce it would be a better process for this requirement.

Thank you for your time and consideration of this bill.

Rep. Lisa Meier

2

DEPARTMENT OF COMMERCE TESTIMONY ON HB 1060

MARCH 7, 2017, 9:00AM

SENATE JUDICIARY COMMITTEE

FORT LINCOLN ROOM

SENATOR KELLY ARMSTRONG, CHAIRMAN

WAYDE SICK – DIRECTOR OF THE WORKFORCE DEVELOPMENT DIVISION

Chairman Armstrong and members of the committee, my name is Wayde Sick and I am the Director of the Workforce Development Division of the North Dakota Department of Commerce.

I am here to testify in support of HB 1060, which would allow sub-grantees of the North Dakota State Commission on National and Community Service to utilize the North Dakota Bureau of Criminal Investigation to conduct Criminal History Background (CHB) checks on their prospective AmeriCorps volunteers and employees.

The AmeriCorps program is a federal funded program which is administered by the North Dakota Department of Commerce, Workforce Development Division, with oversight from the North Dakota State Commission on National and Community Service. Representative Meier and Senator Mathern are both Commissioners. AmeriCorps funding is granted out to public and private nonprofit organizations to provide assistance to recruit, train and supervise AmeriCorps volunteers who meet critical community needs in the areas of education, disaster services, health, environmental stewardship, economic opportunity and service to veterans and military families. Historically, most North Dakota projects have focused on education. AmeriCorps volunteers earn a small living allowance while serving and upon completion, receive an educational award which can be used to pay tuition or pay off current student loans.

In order for AmeriCorps employees and volunteers to serve, they must first pass a CHB check. Using the approved processes, background check results can take up to four months to be processed. Currently projects work through a third party vendor or directly with the Federal Bureau of Investigation for CHB checks, which delays the process. Utilizing the North Dakota BCI would expedite the process as the BCI has higher priority. While a project is waiting for CHB check results, according to Corporation of National and Community Services (CNCS) guidelines, AmeriCorps employees and volunteers can serve, but must be constantly accompanied by a cleared employee. This is a hardship for the project as neither the AmeriCorps volunteer or the employee can be utilized to their full potential. The top audit finding that requires AmeriCorps funded projects to return funds to CNCS is discrepancies in the CHB check process.

The Department of Commerce does have recommendations for amendments to HB 1060. Please refer to the attached document.

These amendments would allow all AmeriCorps projects, current and future, funded by the North Dakota State Commission on National and Community Service to utilize the North Dakota Bureau of Criminal Investigation for their CHB checks, in turn expediting the process and providing more accurate results. As the legislation is currently written, only projects

providing mentoring and youth engagement to at risk youth and homeless young adults would be able to utilize the North Dakota BCI.

This concludes my testimony and I would be happy to answer any questions at this time.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1060

Page 1, line 3, after "volunteers" add "and employees"

Page 1, line 3, remove "mentoring and youth engagement"

Page 1, line 3, remove "to at-risk youth and homeless young"

Page 1, line 9, after "volunteers" add "and employees"

Page 1, line 9, remove "mentoring and youth engagement"

Page 1, line 10 remove "to at-risk youth and homeless young adults"

Page 1, line 11, replace "nonprofit" with "eligible"

Page 1, line 11, replace "under chapter 50-12" with ", as determined by the commissioner of commerce"

Renumber accordingly

Cooperstown Community Activities, Cooperstown, North Dakota

The Cooperstown Community Activities Authority (CCAA) offers youth alternative programs focusing on health and education. 14 AmeriCorps members serve in 4 after school programs, 1 child care and 3 parks and recreation programs. Additionally, the AmeriCorps members will leverage 40 additional volunteers. The goals of the program include guiding children to academic improvement through healthy behavior and effective study habits. Strengthening early childhood developmental areas such as social, emotional, physical, and cognitive and language development. For more information, contact Michelle Zaun at 701-789-0921 or at rccooperathletics@gmail.com



North Dakota Read Program—Fargo, North Dakota www.ndseec.com/readingcorps

North Dakota Reading Corps is a multi-region initiative to help every child become a successful reader by the end of third grade. The program places AmeriCorps members as literacy tutors in Fargo, Jamestown, West Fargo, Mandan, and Bismarck schools plus three child care centers to implement researched-based early literacy efforts to help struggling readers. Tutors work one-on-one with students who are below proficiency in reading. Reading Corps tutors serve 15 or 20 hours per month August through May. Tutors receive training on program's curriculum and receive multiple layers of coaching support to help them in their service to students. Contact: Jolene Garty gartyj@ndseec.com, 701-446-3173

Grand Forks Housing Authority—Grand Forks, North Dakota

CSI: Grand Forks is a program that aims to provide educational support to elementary-aged students in Grand Forks, North Dakota. Two types of AmeriCorps members provide direct service with youths in two different settings. Tutors actually go into a public school, working with children one-on-one for thirty minute periods. The other members provide homework help, mentorship, and positive supports to children in an after school program setting, which runs from 3:00 pm to 5:30 pm. The location of the after school program is at LaGrave Learning Center. Through lesson-planning, assessments, motivational surveys, and with the help of many volunteers, the members are able to provide an opportunity for growth for the children served, making a difference in their own lives, those of the children/families served, and the community as a whole. The program coordinator for CSI: Grand Forks is Makenzi Smith, Resident Service Coordinator and AmeriCorps Program Coordinator at LaGrave Learning Center, 832 4th Ave. S., Grand Forks, ND, 58201. Email: msmith@thegfha.org or familysc@lagrave.com Phone: 701-795-6300 (LaGrave Learning Center).

YMCA of Cass & Clay Counties—Fargo, North Dakota www.ymcacassclay.org

The YMCA of Cass and Clay Counties is the largest child care provider in the Fargo-Moorhead metro area and was voted the top child care provider in the FM Metro area in 2014. Our AmeriCorps members are an integral part of this success. The majority of our members are placed in our School Age Programs as mentors to work with children in small groups or on an individual basis to promote improved behaviors and skills that translate into academic success. A smaller number of our members are placed as Healthy Living Coaches who give health and nutrition coaching to small groups and individuals. These coaches show our youth that being active and making healthy nutrition choices is fun! A great way to see our AmeriCorps members in action and hear directly from them is to watch our 2014 recruitment video which may be found here: <http://youtu.be/gpyfp6RQyfs> We are actively recruiting individuals with a desire to give back AND make a difference in a child's life. Contact: Amanda Nordick, AmeriCorps Coordinator 701.356.1467 or amanda.nordick@ymcacassclay.org

Youthworks—Bismarck and Fargo, North Dakota www.youthworksND.org

Youthworks utilizes approximately 25 AmeriCorps Members annually to provide direct services to at-risk youth and homeless young adults at its offices in Bismarck and Fargo, North Dakota. Members provide one-to-one mentoring, small group mentoring, homework assistance and supervision to clients served by the agency. Youthworks offers excellent training, flexible scheduling and a supportive work environment. If interested in being a Member at Youthworks, please contact Joan Neilan in Fargo at 701-232-8558 or Lauren Bosch in Bismarck at 701-202-9889 to schedule a time to visit the office and talk about what AmeriCorps has to offer.

AmeriCorps Works



Corporation for
**NATIONAL &
COMMUNITY
SERVICE**



③

3/7/17

Testimony Regarding
HOUSE BILL NUMBER 1060

Senate Judiciary Committee
March 6, 2017
Lauren Bosch, Youthworks Program Manager

Chairman Armstrong and members of the Committee, my name is Lauren Bosch and I am a Program Manager at Youthworks. I currently serve as the Director of the Guardian ad Litem and AmeriCorps programs for the agency. I am here at the request of Representative Meier to provide information regarding the amended version of House bill 1060.

Youthworks is a private, non-profit agency that provides services to at-risk youth and homeless young adults and their families. The agency began providing services in 1986. I have been an employee of the agency since 1994 and a member of the management team for the last several years. Youthworks employs approximately 150 full and part-time employees that provide services across the state. Youthworks maintains grants and contracts with several state agencies to provide necessary services to its clients, including; the ND Department of Commerce, Department of Public Instruction, Supreme Court and Attorney General's office. Many of these state agencies require a criminal history records check for employees and volunteers hired with grant/contract funds. However, Youthworks cannot access a thorough criminal history records check through the ND Bureau of Investigation (ND BCI) for some of its employees because the services provided through the state grant/contract are not listed in NDCC 12-60-24.2.

Testimony Regarding Section 2

The most urgent need for Youthworks pertains to Section 2 of this bill as it relates to its contract with the ND Supreme Court to provide statewide Guardian ad Litem (GAL) services. The language in this section will allow GALs employed at Youthworks access to a timely FBI criminal records check through ND BCI.

Youthworks maintains a roster of between 35-40 full and part-time GALs that represent the best interests of deprived children involved in juvenile court proceedings. These children have often been removed from the custody of their parents due to allegations of abuse or neglect. Once assigned to a child through a court order, the GAL gathers facts from all interested parties. A report is then written by the GAL and submitted

to the court to aid the judge or referee with dispositional decisions. GALs are assigned to represent approximately 1000 deprived children annually. Youthworks hires between 10-15 new GALs each year.

North Dakota Rule 17 requires a criminal records check for all GALs. However, Youthworks currently has no statutory authority to access a timely FBI check for GALs through ND BCI. Instead, the agency is forced to interface directly with the FBI and receives criminal record results in approximately 12-16 weeks. Historically, criminal records checks for GALs were completed by ND BCI, with assistance from the ND Court Administrator's Office (CAO) of the ND Supreme Court, and results were returned to Youthworks in as little as two weeks. In early 2015, the CAO informed Youthworks that it was no longer comfortable managing the background checks because the GALs were employees of Youthworks and not of the "judiciary". Following this decision, Youthworks staff reached out to ND DHS, ND BCI and the ND Supreme Court in an effort to develop a timely option for completing FBI checks for GALs. All of these agencies were sympathetic to the problem, but could not provide access to an established criminal records check process because they did not have the statutory authority to do so. The current "last in line" arrangement with the FBI has resulted in an extensive time lag that jeopardizes Youthworks ability to assign GALs as required by Rule 17.

Testimony Regarding Section 1

Youthworks has been an AmeriCorps grantee since 2002. Federal AmeriCorps fund are awarded to the ND Department of Commerce and then sub-granted to private entities across the state. These entities enter into a 12-month agreement with the Department of Commerce to provide specific services. Youthworks supports Section 1 of the amended version of HB 1060, as it would provide a direct path to access a criminal history records check for its AmeriCorps volunteers.

In summary, Youthworks supports the amended language being proposed by the ND Department of Commerce for Section 1 and the current language in Section 2 of HB 1060. Youthworks further supports existing language in NDCC 12-60-16.9 regarding a fee to be charged for any requested criminal history records check. The fiscal note attached to this bill by ND DHS resulted from language that has since been removed from the bill.

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Adopted by the Judiciary Committee

March 7, 2017

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1060

Page 1, line 3, after "volunteers" insert "and employees"

Page 1, line 3, remove "mentoring and youth engagement"

Page 1, line 3, remove "to"

Page 1, line 4, remove "at-risk youth and homeless young adults"

Page 1, line 9, after "volunteers" insert "and employees"

Page 1, line 9, remove "mentoring and youth"

Page 1, line 10, remove "engagement"

Page 1, line 10, remove "to at-risk youth and homeless young adults"

Page 1, line 11, replace "nonprofit" with "eligible"

Page 1, line 11, replace "under chapter 50-12" with ", as determined by the commissioner of commerce"

Renumber accordingly