

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1252

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La Costa Rickford
Operator's Signature

10/3/03
Date

2003 HOUSE JUDICIARY

HB 1252

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10/3/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1252

House Judiciary Committee

☐ Conference Committee

Hearing Date 1-29-03

Tape Number	Side A	Side B	Meter #
2	x		30-47
Committee Clerk Signature <i>Al Penrose</i>			

Minutes: 12 members present, 1 member absent (Rep. Onstad)

Chairman DeKrey: We will open the hearing on HB 1252.

Rep. Delmore: Introduced HB 1252.

Rep. Klemin: "Unescorted physical access"; you mean if they have a security guard with them that they wouldn't need to have these background checks.

Rep. Delmore: I think by "unescorted physical access" they mean they have access to secured areas without supervision or surveillance cameras, etc.

Chairman DeKrey: Thank you. Any further testimony in support.

Curt Wolfe, CIO, State of ND: Support. We do have a couple of suggested amendments or changes in language. Specifically on line 9 reference to individuals, we would like to see that changed to employees or contractors. On line 12, identify should be identity. (Addressed the fiscal note).

Chairman DeKrey: Thank you.

Page 2
House Judiciary Committee
Bill/Resolution Number HB 1252
Hearing Date 1-29-03

Rep. Klemin: Not all employees are subject to background checks? Are you doing this to have discretion as to who does or doesn't need a background check.

Mr. Wolfe: On line 2, certain employees of ITD, then you are referencing line 8 as a condition of employment with the department. We want the employees to know that at the time of offer they are subject to a background check. We do that today. They know by signing the application, we will, at our discretion, do a background check.

Rep. Klemin: What employees would you have that would have access to the "facilities of the department".

Mr. Wolfe: For example where our computer room is, it has a keypad and you have to have a card to get access to that facility. Not every employee has that access.

Rep. Klemin: Is the term "facilities" defined someplace else so we know what is meant.

Mr. Wolfe: I guess it's not clear what facilities are, we have a reception area and we have somebody walk in there and they are not an employee or contractor, we certainly don't want to have to do a background check before we allow them access to some areas where security is not an issue for us.

Rep. Klemin: Maybe we need to be a little more specific, seems like the word facilities is pretty broad.

Mr. Wolfe: I think with the authority to do background checks, I don't know if it is important whether the word facilities is a key word in the bill itself. Because regardless of physical location, we will do background checks on appropriate employees.

Chairman DeKrey: Thank you. Any further testimony in support.

Page 3

House Judiciary Committee
Bill/Resolution Number HB 1252
Hearing Date 1-29-03

Bob Helten, Manager of the Information Services Section of BCI: (see attached testimony of Jerry Kemmet, Director of BCI, who wasn't able to be at the hearing. Bob read Jerry's testimony). Neutral.

Rep. Delmore: It would seem to me to lump all the bills together (House and Senate) when none have been passed at this time, is not a very accurate fiscal note, particularly if you look at criminal record checks on city and county employees. There is going to be a much larger number of those than one department.

Mr. Helten: The numbers you see for this fiscal note, apply only to record checks that would be done as a result of this bill.

Rep. Delmore: Mr. Wolfe said he will have money in his ITD budget, I believe that is noted on the fiscal note as well.

Chairman DeKrey: Thank you. Any further testimony in support, opposition? We will close the hearing.

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1252

House Judiciary Committee

☐ Conference Committee

Hearing Date 2-3-03

Tape Number	Side A	Side B	Meter #
2		X	38-44
Committee Clerk Signature <i>APenrose</i>			

Minutes: 12 members present, 1 member absent (Rep. Bernstein)

Chairman DeKrey: What are the committee's wishes in regard to HB 1254.

Rep. Maragos: I move to amend, line 9 with employees or contractors, and line 12 to identity.

Rep. Klemin: Seconded.

Voice vote: Carries.

Rep. Klemin: I move to amend, change shall to may in line 8 and line 9.

Chairman DeKrey: Bring the amendments in written form, we will close for now.

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1252

House Judiciary Committee

☐ Conference Committee

Hearing Date 2-4-03

Tape Number	Side A	Side B	Meter #
3	x		37-45
Committee Clerk Signature <i>Al Penrose</i>			

Minutes: 11 members present, 2 members absent (Rep. Bernstein & Rep. Wrangham)

Chairman DeKrey: We will take a look at HB 1252. What are the committee's wishes.

Rep. Klemin: I move the Klemin amendments of 2/4/03.

Rep. Maragos: Seconded.

Voice vote: Carried.

Rep. Maragos: Move a Do Pass as amended.

Rep. Kretschmar: Seconded.

11 YES 0 NO 2 ABSENT DO PASS AS AMENDED CARRIER: Rep. Onstad

P

FISCAL NOTE
Requested by Legislative Council
01/20/2003

REVISION

Bill/Resolution No.: HB 1252

1A. 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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues			\$5,500	\$8,393	\$500	\$763
Expenditures			\$8,393	\$8,393	\$763	\$763
Appropriations				\$8,393		\$763

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

The Attorney General's office has estimated that ITD will be charged \$30.52 for each criminal record check. For the 2003-2005 biennium, ITD will conduct this procedure on all existing employees and on all new employees (approximately 275). For the 2005-2007 biennium, this procedure will be done on the new employees only (estimated 25). These amounts are reflected in the Other Funds above.

The Attorney General will charge ITD for this service and their portion is reflected in the General Fund above. They have included the following narrative: State statute assesses a \$20 fee for a state record check. The state receives no remuneration for processing federal records checks, but the estimated cost in staff time and operating expenses for the BCI to process records checks is approximately \$18.34 for state only, and \$30.52 for the state and federal (the average for all records checks is estimated at \$20.12). The \$20 fee charged by the state goes to the General Fund, so any increases in workload caused by the requirement to conduct criminal record checks for specified groups or organizations are not necessarily covered by the Attorney General's appropriation for BCI staff. This bill, taken by itself, does not require an additional FTE, but this and other similar bills, taken as a whole, would require an additional FTE if enacted. Attention is directed to SB 2223 and SB 2253, which allow for criminal records checks on city and county employees, and by the North Dakota Board of Medical Examiners respectively.

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.

ITD will recover this cost in the rates we charge agencies for our services - Other Funds.

Attorney General: Revenues at the \$20 fee would amount to \$5,500 in 2003-05 and be deposited in the General Fund.

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.

La Costa Rickford
Operator's Signature

10/3/03
Date

See narrative for ITD.

Attorney General: It is estimated that, given personnel and operating costs for BCI personnel directly involved in conducting criminal records checks, the current cost of processing a state and federal record check is approximately \$30.52. There are five positions directly involved in this activity. The cost of processing the criminal records checks anticipated by this bill, based on the estimate per record, is \$8,393. The following biennium, ITD would only be requesting approximately 25 records checks on new hires.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

See narrative for ITD.

Attorney General: No additional appropriation has been made to cover the costs anticipated by this bill.

Name:	Mike J. Ressler	Agency:	Information Technology Department
Phone Number:	328-1001	Date Prepared:	01/24/2003

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Lu Costa Rickford

Date

10/3/03

FISCAL NOTE
Requested by Legislative Council
01/14/2003

Bill/Resolution No.: HB 1252

1A. 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.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$11,000		\$1,000
Expenditures				\$11,000		\$1,000
Appropriations				\$11,000		\$1,000

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

ITD estimates the cost of obtaining the fingerprints and performing background checks will be \$40 per employee. For the 2003-2005 biennium, ITD will conduct this procedure on all existing employees and on all new employees. For the 2005-2007 biennium, this procedure will be done on the new employees only.

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.*

ITD will recover this cost in the rates we charge agencies for our services.

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.*

See narrative.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

See narrative.

Name:	Mike J. Ressler	Agency:	Information Technology Department
Phone Number:	328-1001	Date Prepared:	01/15/2003

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Date

30471.0101
Title.0200

Adopted by the Judiciary Committee
February 4, 2003

VR
2/5/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1252 JUD 2/6/03

Page 1, line 9, remove "of the department"

Page 1, line 10, after "areas" insert "of the department"

Renumber accordingly

Page No. 1

30471.0101

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10/3/03
Date

Date: 2/4/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1252

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30471.0101 . 0200

Action Taken Do Pass As Amended

Motion Made By Rep. Maragos Seconded By Rep. Kretschmar

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	AB		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	AB				

Total (Yes) 11 No 0

Absent 2

Floor Assignment Rep. Onstad

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

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10/2/03
Date

REPORT OF STANDING COMMITTEE (410)
February 6, 2003 8:22 a.m.

Module No: HR-23-1778
Carrier: Onstad
Insert LC: 30471.0101 Title: .0200

REPORT OF STANDING COMMITTEE
HB 1252: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1252 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "of the department"

Page 1, line 10, after "areas" insert "of the department"

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

HR-23-1778

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Y. Costa Rickford
Operator's Signature

10/3/03
Date

2003 SENATE JUDICIARY

HB 1252

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10/3/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1252

Senate Judiciary Committee

☐ Conference Committee

Hearing Date 03/05/03

Tape Number	Side A	Side B	Meter #
1		X	54.0 - End
2	X		0.0 -14.8
Committee Clerk Signature <i>Maria L. Solberg</i>			

Minutes: Senator John T. Traynor, Chairman, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with testimony on the bill:

Testimony in Support of HB 1252

Curt Wolfe - Chief Information Officer, State of ND (meter 54.5) Introduced bill and discussed amendments.

Senator Carolyn Nelson discussed at what degree is a person considered a "prospected" employee. Discussed amendment (meter 3) Who would need to be fingerprinted and have FBI access for fingerprint record check out side of the state of ND. (meter 4)

Rep Delmore - District 43 Grand Forks, Introduced Bill. (meter 6.1) Times have changed since 911. This bill is already in 16 states. Discussion of what other states do.

Sen. Dever discussed if we fingerprint and do a background check at what internal policy or at what point do you deny an application.? In ITD any kind of criminal conviction would be

Page 2

Senate Judiciary Committee

Bill/Resolution Number HB 1252

Hearing Date 03/05/03

grounds for not hire. It does not have to be fiscal related. We do not have an actual policy. It would depend on the department and the crime. We also do civil checks. These items are better put in the rules/policy of a department.

Jerry Kemmet - Director Bureau of Criminal Investigation (meter 13.4) Read Testimony -

Attachment #1

Discussed if this needs to be forwarded to appropriation not unless all the bill pass then we will do this in a conference committee.

Testimony in Opposition of HB 1252

None

Testimony Neutral to HB 1252

None

Senator John T. Traynor, Chairman closed the hearing

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1252

Senate Judiciary Committee

☐ Conference Committee

Hearing Date 03/12/03

Tape Number	Side A	Side B	Meter #
1	X		13.1 - 19.5
Committee Clerk Signature <i>Moin Lobley</i>			

Minutes: Senator John T. Traynor, Chairman, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with testimony on the bill:

Discussion on Amendments-Attachment #1. Contractors who hire individual people who work for them. Discussion of the Contractors Agreement-subcontractors. The original intent of bill was to address its employees. If we consider contractors who pays for this? While you need statutory authority to fingerprint it's employees, you do not need it with respect on who they allow on there premises. This would fall under a policy. Discussed of what part of the amendment they would use.

Motion Made to DO PASS Amendment to IIB 1252 Senator Carolyn Nelson and seconded by Senator Thomas L. Trenbeath

Roll Call Vote: 6 Yes. 0 No. 0 Absent

Motion Passed

Page 2

Senate Judiciary Committee

Bill/Resolution Number HB 1252

Hearing Date 03/12/03

**Motion Made to DO PASS Engrossed HB 1252 As amended by Senator Carolyn Nelson
and seconded by Senator Thomas L. Trenbeath**

Roll Call Vote: 6 Yes. 0 No. 0 Absent

Motion Passed

Floor Assignment: Senator Thomas L. Trenbeath

Senator John T. Traynor, Chairman closed the hearing.

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10/3/03
Date

30471.0201
Title.

Prepared by the Legislative Council staff for
Senator Traynor

March 11, 2003

ATT #1 3/12

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1252

Page 1, line 2, replace "certain" with "prospective" and after "employees" insert "and contractors"

Page 1, line 7, after "Employees" insert "and contractors"

Page 1, line 8, replace "as a condition of employment with the department that" with "a prospective employee of the department, any individual who contracts with the department, and any individual employed by such a contractor to"

Page 1, remove line 9

Page 1, line 10, remove "areas of the department designated by the chief information officer"

Page 1, line 12, replace "Identify" with "Identity"

Renumber accordingly

30471.0202
Title.0300

Adopted by the Judiciary Committee
March 12, 2003

93
3-12-03

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1252

Page 1, line 12, replace "identify" with "identity"

Renumber accordingly

Page No. 1

30471.0202

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La Costa Rickford
Operator's Signature

10/3/03
Date

Date: March 12, 2003
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1252

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30471.0201

Action Taken DO PASS AMENDMENT page 1, line 12

Motion Made By Senator Carolyn Nelson Seconded By Sen. Trenbeath

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	X	
Sen. Stanley Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) SIX (6) No ZERO (0)

Absent ZERO (0)

Floor Assignment _____

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

Date: March 12, 2003
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1252

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30471.0201

Action Taken DO PASS AS AMENDED Engrossed Bill

Motion Made By Senator Carolyn Nelson Seconded By Sen. Trenbeath

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	X	
Sen. Stanley Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) SIX (6) No ZERO (0)

Absent ZERO (0)

Floor Assignment Sen Trenbeath

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

La Costa Rickford
Operator's Signature

10/3/03
Date

REPORT OF STANDING COMMITTEE (410)
March 13, 2003 8:06 a.m.

Module No: SR-45-4630
Carrier: Trenbeath
Insert LC: 30471.0202 Title: .0300

REPORT OF STANDING COMMITTEE

HB 1252, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends
AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1252 was placed
on the Sixth order on the calendar.

Page 1, line 12, replace "identify" with "identity"

Renumber accordingly

2003 TESTIMONY

HB 1252

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10/3/03
Date

Rep. Klemin
February 4, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1252

Page 1, line 9, remove "of the department"

Page 1, line 10, after "areas" insert "of the department"

Renumber accordingly

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10/3/03
Date

House Bill 1252
Before the House Judiciary Committee
Jerry Kemmet, Director
Bureau of Criminal Investigation
January 29, 2003

Mr. Chairman and Members of the Committee:

I would like to comment with regard to the fiscal note on HB 1252. It is the responsibility of the BCI to collect and maintain records of criminal arrests and prosecutions and to assemble criminal history records for offenders in the state. It is also our responsibility to release that information for whatever reasons the legislature deems appropriate. We take that responsibility very seriously, and the only thing we request is adequate staff to do that job as accurately and completely as we possibly can.

This bill, by itself, does not put an unmanageable burden on the BCI criminal records staff, but, along with several other bills, it will create the need for an additional FTE in the criminal records unit. Other bills include SB 2223, which would allow cities and counties to conduct criminal records checks on designated applicants for employment, and SB 2253, which would allow the Board of Medical Examiners to conduct state and federal criminal records checks on applicants for licensure or licensees who are the subject of a disciplinary investigation. An amendment to SB 2041 would allow nonprofit charitable organizations providing services to minors to conduct state criminal background checks on all employees, agents, and volunteers at a reduced fee.

La Costa Rickford
Operator's Signature

10/3/03
Date

Each of these bills, taken by itself, is not anticipated to have a significant impact at present, but if each one of them is enacted, the combined effect will require that we have an additional Identification Technician in the BCI criminal records unit.

We request that you consider the fiscal impact of this bill in conjunction with the others mentioned.

c:\ip\Legislature\03\Testimony\HBI253.doc

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10/3/03
Date

AP #1

House Bill 1252
Before the Senate Judiciary Committee
Jerry Kemmet, Director
Bureau of Criminal Investigation
March 5, 2003

Mr. Chairman and Members of the Committee:

I would like to comment with regard to the fiscal note on HB 1252. It is the responsibility of the BCI to collect and maintain records of criminal arrests and prosecutions and to assemble criminal history records for offenders in the state. It is also our responsibility to release that information for whatever reasons the legislature deems appropriate. We take that responsibility very seriously, and the only thing we request is adequate staff to do that job as accurately and completely as we possibly can.

This bill, by itself, does not put an unmanageable burden on the BCI criminal records staff, but, along with several other bills, it will create the need for additional FTE's in the criminal records unit. Other bills include SB 2223, which would allow cities and counties to request federal criminal records checks on designated applicants for employment, and SB 2253, which would allow the Board of Medical Examiners to conduct state and federal records checks on applicants for licensure or licensees who are the subject of a disciplinary investigation. An amendment to SB 2041 seeks to allow nonprofit charitable organizations providing services to minors to request federal criminal background checks on all employees, agents, and volunteers. Each of the federal records checks would also be accompanied by a state records check, which would further increase BCI workload.

Each of these bills, with the exception of SB 2041, taken by itself, is not anticipated to have a significant impact at present, but if each one of them is enacted, the combined effect will require that we have two additional Identification Technicians in the BCI criminal records unit.

We request that you consider the fiscal impact of this bill in conjunction with the others mentioned.

e:\ip-legislature\03\testimony hb 1252.doc

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