

FISCAL NOTE
Requested by Legislative Council
12/29/2014

Revised

Bill/Resolution No.: SB 2077

- 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.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues			\$22,800	\$9,680	\$22,800	\$9,680
Expenditures			\$133,129		\$133,099	
Appropriations			\$133,129		\$133,099	

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

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 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).*

This bill relates to conducting criminal history record checks specifically for individuals who are volunteers and applicants for the North Dakota Game and Fish Department.

- 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.*

Section 1 of the bill approves the addition of criminal record checks for volunteers and applicants for the North Dakota Game and Fish Department. This fiscal note is written in consideration of this bill, as well as 2015 House Bill No's. 1105 and 1125, and Senate Bill No. 2085, which provide for additional criminal history checks for the North Dakota Adjutant General, ND Parks and Recreation, and massage therapists.

This fiscal note also considers 1) increases in workload due to legislation in 2011 and 2013 which provided for 7 entities to request a combined total of 700 record checks each year, without adding staff resources; 2) significant increases of over 2,300 checks per year from a number of entities including DHS Early Childhood Services (from 1,200 per year in 2011 to about 2,000 in 2014, DHS employee record checks of about 350 in 2011, to about 550 in 2014, and Foster Care increases from 1,250 to 1,450 (200 per year); Education Standards and Practices Board from 1,200 per year in 2011 to 1,650 in 2014 (450 per year); and public schools from 1,600 in 2011 to 2,300 in 2014 (700 per year); and new FBI audit requirements requiring the office to conduct audits of each of the entities that receive FBI records under NDCC 12-60-24(2). The audits are to ensure that the individuals understand the confidentiality requirements, are conducting criminal record checks only upon those approved in statute, store records properly, etc. The office does not have existing resources to institute an audit procedure and begin auditing. The office must have this procedure in place and functioning before the FBI comes to North Dakota to audit in September, 2016.

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.*

North Dakota fees include \$15 for a ND record check and a \$15 processing fee to submit fingerprint card to FBI. FBI fees are \$12.75 for an FBI record check. The total of fees for a state and federal fingerprint-based criminal record check is \$42.75. Section 1 A of this fiscal note is specific to North Dakota Game & Fish.

- 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.*

Expenditures include 1 FTE for the Office of Attorney General to process the criminal record checks required by this bill, as well as by 2015 House Bill No's. 1105 and 1125, and Senate Bill No. 2085. Additionally, this fiscal note addresses increased workload due to entities required to conduct criminal record checks by 2011 and 2013 legislatures (no additional staff resources were requested in 2011 or 2013); increasing numbers of record checks from existing agencies (a 15% increase overall from 2012 to 2014, from 37,278 to 42,506 in 2014); and implementing new FBI requirements that the office audit all entities receiving FBI records under NDCC 12-60-24.

- 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.*

The appropriation needed for the expenditures provided above is estimated at \$133,129 for the 2015-17 biennium and \$133,099 for the 2017-19 biennium, which includes 1 FTE and associated expenses and the FBI fees this office pays to receive fingerprint-based record checks.

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