

**2015 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1125**

# 2015 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Fort Union, State Capitol

HB 1125  
1/16/2015  
22073

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Carmen Hart*

### Explanation or reason for introduction of bill/resolution:

Relating to criminal history record checks for Parks and Rec Dept volunteers and final applicants

### Minutes:

Attachment 1

**Chairman Kasper** opened the hearing on HB 1125.

**Brad Pozarnsky**, Field Manager for the ND Parks and Recreation Department, appeared in support and presented Attachment 1. (:38- 3:04)

**Rep. Karls** Who would absorb the cost?

**Brad Pozarnsky** Our department would absorb the cost.

**Rep. Karls** I don't suppose it would generate a fiscal note large enough. You just consider that the cost of recruiting volunteers and employees?

**Brad Pozarnsky** Cost of doing business.

**Vice Chair Rohr** Since these are volunteers and they are probably a one-time situation, how do you dispose of those records?

**Eric Dietrich**, Lead Instructor for ND Parks and Rec. Dept. appeared. Criminal history records and background checks on full time staff are kept in a locked personnel file. The volunteers' records are also kept in the same type of locked personnel files.

**Chairman Kasper** You do have a system in place for protection, for security, and the shred time?

**Eric Dietrich** Yes.

**Rep. Schneider** Thank you for putting this forward.

**Eric Dietrich** A lot of our applicants in years past have been in state applicants. Our law enforcement can do seizure checks and state ID checks. With the number of out of state applicants, it is very evident that it is necessary.

**Rep. Amerman** Is there something on the form that there will be a criminal background check?

**Eric Dietrich** Yes, there is. When they apply for a position or upon final approval, they do sign a form that they will be subject to a criminal history records check.

No opposition.

The hearing was closed.

**Rep. Seibel** made a motion for a DO PASS.

**Rep. Wallman** seconded the motion.

A roll call vote was taken. 12 Yeas, 0 Nays, 2 Absent.

**Rep. Schneider** will carry the bill.

Date: 1-16-15  
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1125**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

- Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Seibel      Seconded By Wallman

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

Total (Yes) 12 No 0

Absent 2

Floor Assignment Schneider

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

**REPORT OF STANDING COMMITTEE**

**HB 1125: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)**  
recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).  
HB 1125 was placed on the Eleventh order on the calendar.

**2015 SENATE POLITICAL SUBDIVISIONS**

**HB 1125**

# 2015 SENATE STANDING COMMITTEE MINUTES

Political Subdivisions Committee  
Red River Room, State Capitol

HB 1125  
3/5/2015  
Job Number 24345

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Relating to criminal history record checks for parks and recreation department volunteers and final applicants

## Minutes:

Written testimony #1 Erik Dietrich

**Chairman Burckhard** opened the hearing on HB 1125. All senators were present.

**Erik Dietrich** ND Parks and Recreation Written testimony #1, support of HB 1125.

**Senator Anderson** I noticed of course that the bill says it is at the discretion of the director so you could decide if you're going to do it or not.

**Erik Dietrich** That is correct.

**Senator Anderson** It takes some time to get these criminal history background checks so I can imagine that sometimes you're getting volunteers and you need somebody right away and you don't want to wait for the background checks, so then the director could set a time period or whatever and let you get those people to work and so forth. It is flexible enough I think so you can make it work.

**Erik Dietrich** Yes that is correct.

**Senator Grabinger** How much goes into a criminal history check putting it in? Is the BCI going to be able to or is it putting an undo burden on BCI to do these background checks? I know that is their job, but are they going to have to add additional staff or anything to do this? Is it quite intensive?

**Erik Dietrich** As far as my knowledge with talking with them it wouldn't be but, there is a representative here from BCI who could answer that question.

**Senator Judy Lee** I see that there is no fiscal note so I am assuming that the applicants would pay for their criminal background check, is that correct?

**Erik Dietrich** The cost would come out of our departments' budget. It would be wrapped into ours.

**Senator Dotzenrod** Did this bill come because of something that you're doing, sort to get ahead of anything that could happen, or did you have some experience in your agency, or find an experience with some other agency that you are in communication with that caused you to want to have this bill introduced? I am curious to know if it's related to some specific event.

**Eric Dietrich** We did confer with the Game and Fish Department but in looking at our campground hosts for a long period of time, most of them would come from within our state which our law enforcement would be able to do background checks and state wide and in state criminal history background checks. We are getting a large number of out of state applicants now for it especially for campground hosts and including our staff. We just don't have the capacity to be able to do those out of state ones as the current law says.

**Senator Bekkedahl** My question is two-fold. One, I see it says for about 100, as busy as the parks are I wonder if that is even enough, but even if it isn't you would have the flexibility to do more I am assuming in the bill? The second issue is, have you found any instances which we have found in my youth with USA hockey even in-state applicants sometimes have issues. Would you know that or is that a BCI question?

**Erik Dietrich** The in-state applicants, our law enforcement officers would be able to do the the criminal background checks, record checks as far as it is. It is mainly dealing with out of state records checks.

**Senator Bekkedahl** When we didn't go national on even some of the people here we found some issues. Do you go national with the ones with in-state residence now?

**Erik Dietrich** For all of our full time staff, yes we do. Our campground hosts we didn't have the ability to do that but with this bill being added in, now we will. Our long time seasonals' we do. As far as our shorter term seasonals' we mainly stuck to the local records checks because most of them are 17-18-19 years of age in state local records checks. Again with the bill there would be that flexibility too.

**Senator Grabinger** Does it put a undo burden on your office?

**Lonnie Grabowska**, Deputy Director of ND Bureau of Criminal Investigation To answer your question Senator, currently one of FTE's can do up to 20,000 record checks per year. So right now with this 100 per year or 200 per a biennium we would be comfortable with not having to increase any FTE's or ask for extra assistance. We can fill it in with the people that we currently have.

**Chairman Burckhard** closed the hearing on HB 1125.

**Senator John Grabinger** move to approve HB 1125.

2<sup>nd</sup>. **Senator Anderson**

### **Committee Discussion**

**Senator Dotzenrod** I am kind of curious. When they do a records check, is it just really a check of records or is there an interview process that goes as part of the work they do? Is it all just investigating what the records show nationwide, or is there actually personally interview these people?

**Erik Dietrich** Are you talking like our interviewing staff?

**Senator Dotzenrod** The bill requires a background check or a records check, criminal history check, and I am just wondering if there is an interview process when someone comes to work for the department. But as part of this background check, is it just a matter of going on line or doing whatever records check they need to do, or is there an interview that is part of the background check that is done by the agency, BCI?

**Erik Dietrich** As far as us submitting it like a criminal history record checks, they would then be finger printed and then that is sent in. Any information brought back to BCI and then sent to the departments as far as the findings of that investigation. As far as the physical interview from BCI to the applicant I am not aware of that happening no sir.

**Chairman Burckhard** asked for a roll call vote.

6 Yea, 0 No, 0 Absent

Carrier: Senator Anderson

Date: 3.5.15  
Roll Call Vote: 1

2015 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1125

Senate Political Subdivisions Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

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

Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Sen. Grabinger Seconded By Sen. Anderson

Senators	Yes	No	Senators	Yes	No
Chairman Burckhard	✓				
Senator Anderson	✓		Senator Dotzenrod	✓	
Senator Bekkedahl	✓		Senator Grabinger	✓	
Senator Judy Lee	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Anderson

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

**REPORT OF STANDING COMMITTEE**

**HB 1125: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1125 was placed on the Fourteenth order on the calendar.**

**2015 TESTIMONY**

**HB 1125**

#1

## **HB 1125: ND PARKS AND RECREATION DEPARTMENT**

House Government and Veterans Affairs Committee  
Fort Union Room, 9:00 A.M.  
Friday, January 16, 2015

Mr. Chairman, members of the House Government and Veterans Affairs Committee, my name is Brad Pozarnsky, Field Manager for the North Dakota Parks and Recreation Department. I appear today in support of House Bill 1125.

With our Department's increase in receiving applicants from out of state, the need to utilize nationwide criminal history record checks is becoming very important in the hiring process for employees. With staff members interacting with the recreating public including youth in our state parks and recreation areas along with having access to sensitive information, the need to allow our Department access to these record checks is essential. We are asking for our Department to be included to obtain the response of the federal bureau of investigation and any statewide criminal history record information from the Bureau of Criminal Investigation (BCI) under NDCC 12-60-24 as a condition of employment.

In addition to its regular staff, the Department relies heavily on volunteer Campground Hosts and support groups to assist in our state parks and recreation areas which includes assisting with multiple events, visitor centers duties, interpretive programs, and other public orientated services. These volunteers are expected to uphold the same values, standards, and safety policies as other Department staff. To ensure the well-being of the recreating public that these volunteers are interacting with, a criminal history record check will also be conducted on volunteers.

My understanding is that BCI currently charges \$42.75 per criminal history record check. Our Department would request approximately 100 criminal history record checks per biennium for staff and volunteers.

House Bill 1125 would add our Department to the list of allowable agencies to request criminal history record checks through BCI as determined by the Director of the North Dakota Parks and Recreation Department. I ask for a DO PASS on House Bill 1125.

Mr. Chairman this concludes my remarks; I would be pleased to answer any questions the committee may have.

H. B. 1125  
3.5.15  
#1

## **HB 1125: ND PARKS AND RECREATION DEPARTMENT**

Senate Political Subdivisions Committee  
Red River Room, 9:00 AM  
Thursday, March 4, 2015

Mr. Chairman, members of the Senate Political Subdivisions Committee, my name is Erik Dietrich, Motorized Recreation Coordinator for the North Dakota Parks and Recreation Department. I appear today in support of House Bill 1125.

With our Department's increase in receiving applicants from out of state, the need to utilize nationwide criminal history record checks is becoming very important in the hiring process for employees. With staff members interacting with the recreating public including youth in our state parks and recreation areas along with having access to sensitive information, the need to allow our Department access to these record checks is essential. We are asking for our Department to be included to obtain the response of the federal bureau of investigation and any statewide criminal history record information from the Bureau of Criminal Investigation (BCI) under NDCC 12-60-24 as a condition of employment.

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Mr. Chairman this concludes my remarks; I would be pleased to answer any questions the committee may have.