

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2260

2007 SENATE JUDICIARY

SB 2260

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2260**

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: January 23, 2007

Recorder Job Number: 1671

Committee Clerk Signature

Mona L. Solby

Minutes: Relating to criminal history record checks.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

Testimony In Support of Bill:

Sen. Larry Robinson, Dist. #24 Introduced bill (meter :50) Gave testimony –Att. #1

Rep. Kim Koppelman, Dist. #13 (meter 3:58) This is a very somber issue and I am personally interested in the because it is the most basic function of the government is to protect the people. Most places do a background check but it is not the law. Some bills are reactive some are proactive. The Representative referred to Federal regulation was used as our directive and we also included other industries, who requested to be included. The fiscal note will be offset by the fees collected.

Rep. Mueller, Dist #24 (meter 7:35) Spoke in support of the bill, commended the A.G.'s office, the House and the Senate. I live a short distance from a temporary memorial for a young college girl. Stated how this bill could have helped her.

Wayne Stenehjem, ND Attorney General (meter 9:42) Thanked the Legislators and Governor Hoeven. This bill will more then double the authorization of background checks that can be done when they apply for employment and licensing in the future. This is only allowed under

statute requirement. Stated who will be authorized to do the background checks (meter 11:00)

Discussed the Federal "Adam Walsh" act that passed in October and what industries will be required to have criminal background checks. Spoke of the fiscal impact the 8,350 more background checks this bill will have increased. Stated other bills in session that will impact the department financially.

Judy Volk, Information Services Manager, BCI (meter 15:20) Gave Testimony – Att. #2a reviewed records check flow chart – Att. #2b.

Ryan Bernstein, Legal Counsel for the Governor (meter 26:34) Att. #3

Constance B. Kalanek, PhD., RN Executive Director ND Board of Nursing (meter 28:40) Gave Testimony – Att. #4

Dale Patrick, Asst. Dir. Dept. of Public Instructions (meter 32:00) Gave Testimony - Att. #5

Jo Zschomler, Dir. OMB Risk Management Div. (meter 34:24) Gave Testimony - Att. #6

Howard Anderson –Ex Dir. Of Board of Pharmacy, (meter 36:07) Spoke in support of the bill and how he approached the A.G.'s office with a bill that they combined into this one. Gave a story of an out of state applicant and the problem they had with the existing licensing process.

Pat Jergenson, Secretary Treasurer ND Real Estate Commission (meter 38:52) Gave his testimony – Att. #7

Robert J. Entringer, Asst. Comm. Dept. of Financial Institutions (meter 40:00) Gave Testimony – Att. #8

Tom Tupa, ND Board of Social Work Examiners (meter 41:49) Gave Testimony – Att. #9

Rita Sommers, Ex. Dir. Of ND State Board of Dental Examiners submitted testimony – Att. #10

Tara Lea Muhlhauser, Deputy Dir. Of Children and Family Services Div.(meter 44:40) Gave Testimony – Att. #11.

Sen. Fiebiger questioned (meter 48:10) on page 4, 2 F were they not duplicating efforts and what about time limits? Tara responded that they were waiting on further direction from Federal regulation generated from the "Adam Walsh" Act. We do not want to contradict it.

Leann Bertsch, Dir. Of the ND Dept. of Corrections and Rehabilitation (meter 50:47) Gave Testimony – Att. #12

Bonnie Random – Mother of the Son who's girl friend was murdered. (meter 52:00) My testimony is not a professional one but a personal one. Mindy was my son's girlfriend. She was so excited to move into her first apartment. She felt secure knowing that a police officer lived across the street and one lived in the building next door. Right below her was a man that worked at the jail and she was murdered! The biggest question my community has asked is how could this have happened! How could a man be hired into the law enforcement world with a background like his. Spoke of the "local" police check that is standard procedure-that told you no more then the neighbors new!. Spoke of the access, this man had with the terrible record he held.

Ken Seaworth, ND University Systems (meter 55:18) and State Board Association. Referred to Page 6, language added to state law authorizing FBI checks for Application or Employees in the University System as specified by the Chancellor. This language is at our request. Discussed current system and how this bill would change it. Spoke of current systems doing checks off of the computer-not very accurate. Stated how many checks he is doing and how many this legislation would increase it to.

Sen. Fiebiger questioned how many and would every student be checked. (meter 1:00:36)
Discussion of this.

Randy Blaseg, ND Racing Commission (meter 1:04:01) We are in support of this bill.

Testimony in Opposition of the Bill:

None

Testimony Neutral to the Bill:

None

Senator David Nething, Chairman closed the hearing.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2260**

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: January 24, 2007

Recorder Job Number: 1842

Committee Clerk Signature

Mona L. Solby

Minutes: Relating to criminal history record checks.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

The committee discussed passing the bill. **Sen. Fiebiger** and **Sen. Olafson** had concerns that the college language was too broad. He had concerns that they would mandate all college applicants to do a background check. Discussion of what they currently do and this bill would greatly broaden that. Discussion of Chancellors powers. **Sen. Fiebiger** request holding the bill so he may do more research on it.

Senator David Nething, Chairman closed the hearing.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2260**

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: January 31, 2007

Recorder Job Number: 2881

Committee Clerk Signature *Maria L Solby*

Minutes: Relating to criminal history record checks.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

Sen. Fiebiger stated that he was satisfied with the bill the way it was.

Sen. Nelson made the motion to Do Pass SB 2260 and **Sen. Marcellais** seconded the motion. All members were in favor and the motion passes.

Carrier: **Sen. Fiebiger**.

Senator David Nething, Chairman closed the hearing.

FISCAL NOTE
 Requested by Legislative Council
 04/25/2007

Amendment to: SB 2260

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$33,240	\$59,400	\$618,120	\$691,400	\$378,120	\$691,400
Expenditures	\$52,598	\$59,400	\$459,877	\$691,400	\$468,849	\$691,400
Appropriations	\$52,598	\$59,400	\$459,877	\$691,400	\$468,849	\$691,400

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **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 allows various entities the ability to request criminal background checks for certain individuals.

The amendments add post secondary students background checks.

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 will significantly increase the number of criminal background checks the Office of Attorney General processes. It is estimated to increase by about 24,000 the number of criminal background checks conducted by this office. Current staffing is unable to handle any additional criminal background checks based on current workload.

A section is pertaining to a construction manager for the Department of Corrections and Rehabilitation, which is not anticipated to have any fiscal impact.

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.*

Each criminal background check costs \$30 per person excluding the fingerprint fee charged by local law enforcement. The background fees are deposited in the general fund. Although the background check revenues do not cover the 2005-07 biennium costs, both the 2007-09 and 2009-11 biennium revenues are anticipated to exceed the costs associated with those biennia.

In addition, other fund revenues for FBI fees passed through to the FBI are included to allow entities requesting background checks to make one payment, rather than two, for the total cost of the background check. Currently, entities make two payments, one for the state's background check charge and one for the FBI's fee.

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.*

We estimate an additional five identification technician FTE's will be needed to handle the increased workload of this bill. The impact also reflects anticipated operating costs associated with these positions. We anticipate hiring 2 of the 5 FTE's in late fiscal year 2007.

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 is also included in the executive budget or relates to a continuing appropriation.

The appropriation was not included in the Executive Recommendation.

Name:	Kathy Roll	Agency:	Office of Attorney General
Phone Number:	328-3622	Date Prepared:	04/25/2007

FISCAL NOTE

Requested by Legislative Council
03/28/2007

Amendment to: SB 2260

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$33,240	\$59,400	\$378,120	\$691,400	\$378,120	\$691,400
Expenditures	\$52,598	\$59,400	\$459,877	\$691,400	\$468,849	\$691,400
Appropriations	\$52,598	\$59,400	\$459,877	\$691,400	\$468,849	\$691,400

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **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 allows various entities the ability to request criminal background checks for certain individuals.

The amendments remove the appropriation which was added to the Attorney General's appropriation bill. Background checks for students entering certain higher education programs are removed.

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 will significantly increase the number of criminal background checks the Office of Attorney General processes. It is estimated to increase by about 16,000 the number of criminal background checks conducted by this office. Current staffing is unable to handle any additional criminal background checks based on current workload.

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.*

Each criminal background check costs \$30 per person excluding the fingerprint fee charged by local law enforcement. The background fees are deposited in the general fund. Although the background check revenues do not cover the 2005-07 biennium costs, both the 2007-09 and 2009-11 biennium revenues are anticipated to exceed the costs associated with those biennia.

In addition, other fund revenues for FBI fees passed through to the FBI are included to allow entities requesting background checks to make one payment, rather than two, for the total cost of the background check. Currently, entities make two payments, one for the state's background check charge and one for the FBI's fee.

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.*

We estimate an additional five identification technician FTE's will be needed to handle the increased workload of this bill. The impact also reflects anticipated operating costs associated with these positions. We anticipate hiring 2 of the 5 FTE's in late fiscal year 2007.

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 is also included in the executive budget or relates to a*

continuing appropriation.

The appropriation was not included in the Executive Recommendation.

Name:	Kathy Roll	Agency:	Office of Attorney General
Phone Number:	328-3622	Date Prepared:	03/29/2007

FISCAL NOTE
 Requested by Legislative Council
 03/14/2007

Amendment to: SB 2260

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$33,240	\$59,400	\$618,120	\$691,400	\$618,120	\$691,400
Expenditures	\$52,598	\$59,400	\$459,877	\$691,400	\$468,849	\$691,400
Appropriations	\$52,598	\$59,400	\$459,877	\$691,400	\$468,849	\$691,400

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **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 allows a number of entities the ability to request criminal background checks for certain individuals.

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 will significantly increase the number of criminal background checks the Office of Attorney General processes. It is estimated to increase by about 24,000 the number of criminal background checks conducted by this office. Current staffing is unable to handle any additional criminal background checks based on current workload.

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.*

Each criminal background check costs \$30 per person - this does not include the fingerprint fee charged by local law enforcement. These fees are deposited in the general fund. Although the background check revenues do not cover the 2005-07 biennium costs, both the 2007-09 and 2009-11 biennium revenues are anticipated to exceed the costs associated with those biennia.

In addition, other fund revenues for FBI fees passed through to the FBI are included to allow entities requesting background checks to make one payment, rather than two, for the total cost of the background check. Currently, entities make two payments, one for the state's background check charge and one for the FBI's fee.

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.*

We estimate an additional five identification technician FTE's will be needed to handle the increased workload of this bill. The impact also reflects anticipated operating costs associated with these positions. We anticipate hiring 2 of the 5 FTE's in late fiscal year 2007.

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 is also included in the executive budget or relates to a continuing appropriation.*

The appropriation was not included in the Executive Recommendation.

Name:	Kathy Roll	Agency:	Office of Attorney General
Phone Number:	328-3622	Date Prepared:	03/16/2007

FISCAL NOTE
 Requested by Legislative Council
 01/17/2007

Bill/Resolution No.: SB 2260

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$33,240	\$59,400	\$492,120	\$572,000	\$492,120	\$572,000
Expenditures	\$50,886	\$59,400	\$354,820	\$572,000	\$376,010	\$572,000
Appropriations	\$50,886	\$59,400	\$354,820	\$572,000	\$376,010	\$572,000

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. 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 allows a number of entities the ability to request criminal background checks for certain individuals.

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 will significantly increase the number of criminal background checks the Office of Attorney General processes. It is estimated to increase by about 20,000 the number of criminal background checks conducted by this office. Current staffing is unable to handle any additional criminal background checks based on current workload.

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.*

Each criminal background check costs \$30 per person - this does not include the fingerprint fee charged by local law enforcement. These fees are deposited in the general fund. Although the background checks revenues do not cover the 2005-07 biennium costs, both the 2007-09 and 2009-11 biennium revenues are anticipated to more than cover the costs associated with those biennia.

In addition, other fund revenues for FBI fees passed through to the FBI are included to allow entities requesting background checks to make one payment, rather than two, for the total cost of the background check. Currently, entities make two payments, one for the state's charge for background checks, and one for the FBI's fee.

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.*

We estimate an additional four FTE's - identification technicians will be needed to handle the increased workload of this bill. The impact also reflects anticipated operating costs associated with these positions. We anticipate hiring 2 of the 4 FTE's in late fiscal year 2007.

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 is also included in the executive budget or relates to a continuing appropriation.*

The amount to be appropriated was not included in the Executive Recommendation.

Name:	Kathy Roll	Agency:	Office of Attorney General
Phone Number:	328-3622	Date Prepared:	01/22/2007

REPORT OF STANDING COMMITTEE (410)
January 31, 2007 1:25 p.m.

Module No: SR-21-1647
Carrier: Fiebiger
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2260: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2260 was placed on the
Eleventh order on the calendar.

2007 SENATE APPROPRIATIONS

SB 2260

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2260

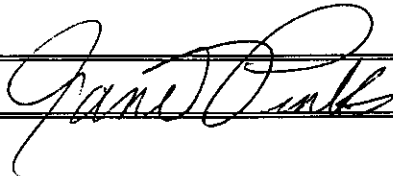
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 2/08/07

Recorder Job Number: 3102

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2260.

Senator Larry Robinson, District 24, Valley City, testified in support of SB 2060 which was brought about because of the recent tragedy and death of Mindy Morgenstern at Valley City.

He discussed the importance of background checks, and the scope of background checks across the state as it is clearly a matter of safety. He distributed a proposed amendment to SB 2260 on behalf of the Department of Public Instruction.

Dale Patrick, Department of Public Instruction, presented written testimony (3a) testified in support of SB 2260 identifying the background checks that are done through the schools as well as the costs to the school districts.

Questions were asked if the costs would stay the same or if they would go down as time goes on.

Wayne Stenejhem, Attorney General, State Capitol, Bismarck, introduced Judy Volk

Judy Volk, Information Services Manager, Bureau of Criminal Investigation, presented written testimony (2) and flow chart of the various criminal checks (3), and testified in support of SB 2260.

Bonnie Ranum, Valley City, presented written testimony (4) and testified in support of SB 2260.

Page 2

Senate Appropriations Committee

Bill/Resolution No. 2260

Hearing Date: 02-08-07

Senator Robinson moved a DO PASS on the proposed amendment. Senator Krauter seconded. There was no discussion. An oral vote was taken resulting in a unanimous vote for the amendment.

Senator Robinson moved a DO PASS as amended on SB 2260. Seconded by Senator Krauter. There was no discussion. A roll call vote was taken resulting in 11 yes 0 no and 3 absent. The motion carried and Senator Robinson will carry the bill.

Chairman Holmberg closed the hearing on SB 2260.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2260

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-08-07

Recorder Job Number: 3228

Committee Clerk Signature

Minutes:

Chairman Holmberg Reopened the hearing on SB 2260 on 02-08-07.

Senator Robinson requested taking the amendment off the bill to allow the bill to pass quickly. **There was a motion to take amendment off the bill by Senator Robinson,**

seconded by Senator Mathern. The amendment was removed from the bill.

Senator Robinson moved a DO PASS WITHOUT AMENDMENT, Senator Mathern seconded. A roll call vote was taken resulting in 11 yeas, 0 nays, 3 absent. The motion carried. Senator Robinson will carry the bill.

The hearing on SB 2260 closed.

Date: 2/8/09
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2260

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amend

Motion Made By Robinson

Seconded By Krauter

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter	✓	
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas	✓	
Senator Tony Grindberg, V Chrm			Senator Tim Mathern	✓	
Senator Randel Christmann			Senator Larry J. Robinson	✓	
Senator Tom Fischer	✓		Senator Tom Seymour	✓	
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson		
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes) 11 No 0

Absent 3

Floor Assignment Robinson

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

Date: 2/8/07
 Roll Call Vote #: 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2260

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken depos w/o Amendment

Motion Made By Robinson Seconded By Matherne

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter	✓	
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas	✓	
Senator Tony Grindberg, V Chrm	✓		Senator Tim Mathern	✓	
Senator Randel Christmann	✓		Senator Larry J. Robinson	✓	
Senator Tom Fischer			Senator Tom Seymour	✓	
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson		
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes) 11 No 0

Absent 3

Floor Assignment Back to Gen Comm Robinson

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

REPORT OF STANDING COMMITTEE (410)
February 9, 2007 7:37 a.m.

Module No: SR-28-2632
Carrier: Robinson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2260: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO PASS
(11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2260 was placed on the
Eleventh order on the calendar.

2007 HOUSE JUDICIARY

HB 2260

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2260

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 3/5/07

Recorder Job Number: 4316

Committee Clerk Signature

A. Penrose

Minutes:

Chairman DeKrey: We will open the hearing on SB 2260.

Rep. Kim Koppelman: Sponsor, support.

Chairman DeKrey: Thank you. Further testimony in support.

Tom Trenbeath, AAG, AG's office: (see attached testimony). A number of groups approached Legislative Council, the AG's office, or individual legislators in order to be included in an effort requiring criminal background checks. There were actually several that were introduced and several remain. This is the major of those; it's the major criminal history check legislation of this session. As you are probably aware, this bill is an important tool for public safety. ND enjoys a reputation as the safest state in the Union, and this bill will help us maintain that position.

Rep. Griffin: I see a few of these are discretionary in case the Boards want to do them.

Tom Trenbeath: Correct.

Rep. Griffin: Are they not allowed to do them, do they have authority to order them.

Tom Trenbeath: No, there must be an authorization in statute in order for those groups to access the federal files. Anybody can call up or write in asking for a background check, but it's

only statewide, and that doesn't amount to a lot by comparison to what you can obtain by the federal check.

Rep. Koppelman: We heard in SB 2062 that it requires background checks on all security personnel, not only registered security firms, but also private security people, such as the Target store in Bismarck if they wanted to hire a security guard under that bill, would have to register. There is a line in the bill that says the employer, I assume we are talking about the private employer, must obtain a copy of the results of the state or national criminal history background check and file a copy with the board within 90 days. If I heard you correctly, you said you can't do that.

Tom Trenbeath: At first blush, that might be a problem.

Rep. Koppelman: Could you talk to the AG's office and find out for sure.

Chairman DeKrey: Thank you. Further testimony in support.

Sen. Larry Robinson: Sponsor (see attached testimony). This is an important issue.

Chairman DeKrey: Thank you. Further testimony in support.

Judy Volk, Information Services Manager, BCI: (see attached testimony and handout).

Rep. Koppelman: You talked about release of records and how information was then redacted. How does that work, when the FBI says the records can't be released to the public?

Judy Volk: You are talking specifically about the security officers, correct.

Rep. Koppelman: I am looking for the general answer in terms of how a federal criminal background is processed. I think what was indicated, was that those records have to be released to a public entity cannot be released to a private entity, or I assume the general public, but you were talking about redacting information before it is released to the public or private entity.

Judy Volk: We do the redacting for the state of ND records, not the FBI.

