

FISCAL NOTE

Requested by Legislative Council
02/17/2005

Amendment to: Engrossed
 SB 2248

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	(\$27,446)	\$0	(\$350,856)	\$0	(\$373,440)	\$0
Expenditures	\$0	\$0	\$8,100	\$0	\$8,100	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

This bill changes the fee structure for criminal history record checks processed by the Bureau of Criminal Investigation (BCI) by changing the fees for a state criminal history record check and instituting a separate fee for processing fingerprint cards necessary for federal criminal history record checks. Under the current proposal, entities conducting both a state and federal criminal history record check would continue to pay a total of \$30, the amount that is currently charged for those services. However, a reduced fee of \$15 would be assessed when only a state record check is conducted. All fees charged by the state go to the general fund.

This bill also proposes to allow 6 additional entities (items 12-60-24 (2) (i, j, k, l, m, and n)) to conduct fingerprint based federal criminal history record checks amounting to an estimated 270 additional record checks for the 2005-2007 biennium. The same estimated number was used for the 2007-2009 biennium. Revenue increases for this activity would amount to \$8,100 per biennium. Because of the time necessary for the implementation process with the FBI for new entities requesting federal criminal history records checks, we do not expect additional revenue during the remainder of the 2003-2005 biennium for these 6 additional entities.

Because the bill proposes to decrease the fee for the majority of the state criminal history record checks conducted by BCI, we believe there may be an increased number of record checks requested. We do not have a way to estimate this possible impact and, therefore, could not factor it into the fiscal analysis.

The number of state criminal history record checks has been increasing each year. Conservative estimates were calculated for the number of record checks per biennium based on the increases each year for calendar years 2001 through 2004. These estimates were factored into the fiscal analysis.

This bill will also allow state record checks to be conducted at a reduced fee of \$5 for volunteers providing services for nonprofit organizations that are organized and operated in this state exclusively for charitable purposes for the exclusive benefit of vulnerable elderly adults. While we do not have a way to determine how many state record checks will be eligible for the reduced fee, at this time we believe that the language will only affect a limited number of nonprofit organizations.

Impacts to Counties, Cities, and School Districts: For counties and cities that have an ordinance or resolution in place allowing a fingerprint based federal criminal history check for applicants in specified occupations, under this bill the total fees paid remains \$30. There would be no fiscal impact.

For any counties, cities, or school districts that conduct state criminal history records checks only, the fee for each record check would be reduced from \$30 to \$15. Because we cannot estimate the number of state criminal history record checks conducted by these entities, we cannot calculate the fiscal impact except to indicate that they will be paying half as much as they do currently.

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.*

Increased revenue is estimated totaling \$8,100 per biennium based on a total of 270 additional state and federal criminal history record checks conducted for 6 new entities.

The vast majority of the record checks conducted are North Dakota criminal history record checks only. The fee for a state only record check is reduced from \$30 to \$15 dollars. This results in decreased general fund revenue of an estimated estimated \$13,723 per month (or a total of \$27,446) for the remainder of the 2003-2005 biennium, \$14,619 per month (or a total of \$350,856) for 2005-2007, and \$15,560 per month (or a total of \$373,440) for 2007-2009.

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.*

Estimated costs for processing a total of 270 additional state and federal criminal history record checks for 6 new entities is \$30 per check or a total of \$8,100 per biennium.

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.*

The workload of 270 additional state and federal criminal history record checks can be absorbed by existing staff. No additional appropriation is necessary.

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