

11/17/20 DRAFT

Senate President

Speaker of the House

Senate Majority Leader

House Majority Leader

Senate Minority Leader

House Minority Leader

Dear Leaders,

The Legislative-Citizen Commission on Minnesota Resources (LCCMR) respectfully requests the Legislature take action on an issue related to background checks for staff of organizations receiving Environment and Natural Resources Trust Fund (ENRTF) dollars to conduct work with children.

As you may know, the LCCMR typically publishes an annual request for proposals for funding (RFP) from the ENRTF. After a competitive, multi-step process, LCCMR selects projects to recommend to the Legislature. If passed into law, the funds are provided to state agencies as direct appropriations or to non-state entities as pass-through grants, typically with the Department of Natural Resources. All projects have work plans that require reporting through the life of the project.

Several of our members have expressed a desire to develop provisions to ensure the safety of children and young adults in any ENRTF-funded projects that may include work with these populations. Through a poll of funded projects, we have found a majority of organizations funded by ENRTF funds do already conduct background checks. However, there are ENRTF-funded organizations conducting this type of work with children and young adults that **do not** perform criminal background checks of staff and/or volunteers. Some of the funded organizations solicit volunteers to assist paid staff with programming involving children and young adults. Some educational activities funded may include outdoor overnight experiences, which could expose young people to more vulnerable situations.

Suggested provisions have ranged from adding to our RFP a question about background checks that could be used by members in proposal evaluation to creating a new statute that requires criminal background checks be performed by the related organizations or programs similar to those required of teachers and others who work with youth. After healthy debate by the commission, questions remain on what the appropriate provisions would be and how they would be implemented in order to adequately address child safety concerns while not creating unintended consequences or liabilities.

Given the nature and legal complexities of the topic, as well as the fact that any new requirements for ENRTF recipients would likely necessitate a statutory change of some sort, **the LCCMR requests that both bodies of the Legislature take action on this background check issue on the LCCMR's behalf through the Legislature's open committee hearing process.**

We have preliminary ideas for background check requirements we would be happy to share if appropriate. Some of our commission members and funded organizations would be willing to testify. LCCMR staff is also available to provide any additional information regarding the LCCMR's current processes, procedures, and governing laws.

Sincerely,