

## JOURNAL OF THE SENATE - SPECIAL SESSION

## Sixty-seventh Legislative Assembly

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Bismarck, November 9, 2021

The Senate convened at 1:00 p.m., with President Sanford presiding.

The prayer was offered by Pastor Kai Hardee, Gateway Community Fellowship, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

## REPORT OF STANDING COMMITTEE

**SB 2346: Joint Technical Corrections Committee (Sen. Lee, Co-Chairman)** recommends **DO PASS** (15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2346 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

**SB 2347: Joint Technical Corrections Committee (Sen. Lee, Co-Chairman)** recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2347 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

**SB 2348: Joint Technical Corrections Committee (Sen. Lee, Co-Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2348 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact section 23-27-06 of the North Dakota Century Code, relating to criminal history record checks; to"

Page 1, line 1, replace "section" with "sections 12-60-24 and"

Page 1, line 2, after the first "to" insert "criminal history records checks and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 12-60-24 of the North Dakota Century Code is amended and reenacted as follows:

**12-60-24. Criminal history record checks. (Effective through August 31, 2022)**

1. a. Each applicant, employee, or petitioner for adoption or name change who is subject to a criminal history record check under subsection 2 shall consent to a statewide and nationwide criminal history record check for the purpose of determining suitability or fitness for a permit, license, registration, employment, or adoption.
- b. Each applicant, employee, registrant, or petitioner for adoption or name change subject to a criminal history record check shall provide to the requesting agency or entity written consent to conduct the check and to release or disclose the information in accordance with state and federal law, two sets of fingerprints from a law enforcement agency or other local agency authorized to take fingerprints, any other identifying information requested, and a statement indicating whether the applicant or employee has ever been convicted of a crime.
- c. The agency, official, or entity shall submit these fingerprints to the bureau of criminal investigation for nationwide criminal history record

information that includes resubmission of the fingerprints by the bureau of criminal investigation to the federal bureau of investigation. Except if otherwise provided by law, federal bureau of investigation criminal history record information obtained by an agency or entity is confidential. For a request for nationwide criminal history record information made under this section, the bureau of criminal investigation is the sole source to receive the fingerprint submissions and responses from the federal bureau of investigation. A person who takes fingerprints under this section may charge a reasonable fee to offset the cost of fingerprinting. Unless otherwise provided by law, the bureau of criminal investigation may charge appropriate fees for criminal history information.

- d. Fingerprints and any other identifying information the bureau has obtained under this section may be retained by the bureau and the federal bureau of investigation at the request of the agency, official, or entity submitting the fingerprints and any other identifying information for a statewide and nationwide criminal history record check. The subject of the records must be provided notice of the retention of the fingerprints and any other identifying information. The bureau may provide to each agency, official, or entity listed in subsection 2 of this section the response of the bureau and the federal bureau of investigation any statewide criminal history record information that may lawfully be made available under this chapter.
  - e. The bureau may provide the results of a criminal history background check made under subsection 2 of this section to another state's identification bureau or central repository for the collection, maintenance, and dissemination of criminal history record information when the other state's identification bureau or central repository has requested the results of the criminal history background check and the agency, official, or entity of the other state has equivalent authority to subsection 2 of this section to request a statewide and nationwide criminal history check.
2. The bureau of criminal investigation shall provide to each agency, official, or entity listed in this subsection who has requested a statewide and nationwide criminal history record check, the response of the federal bureau of investigation and any statewide criminal history record information that may lawfully be made available under this chapter:
- a. The governing body of a city or a county, by ordinance or resolution, for a final applicant for a specified occupation with the city or county.
  - b. The agriculture commissioner for each applicant for a license to grow or process hemp under section 4.1-18.1-02.
  - c. The education standards and practices board for initial, re-entry, and reciprocal teacher licenses under sections 15.1-13-14 and 15.1-13-20 and school guidance and counseling services under section 15.1-13-23.
  - d. The North Dakota board of medicine for licenses or disciplinary investigations under section 43-17-07.1, except that criminal history record checks need not be made unless required by the board.
  - e. The private investigative and security board for licenses or registrations under section 43-30-06.
  - f. The department of human services for foster care licenses, approvals, and identified relatives under chapter 50-11, appointments of legal guardians under chapter 50-11.3, and petitions for adoptions under chapter 50-12, except that the criminal history record investigation must be conducted in accordance with those chapters. A criminal history record investigation completed under

chapter 50-11, 50-11.3, or 50-12 may be used to satisfy the requirements of a criminal history record investigation under either of the other two chapters.

- g. The department of human services for criminal history record checks authorized under section 50-06-01.9.
- h. The chief information officer of the information technology department for certain individuals under section 54-59-20.
- i. A public peace officer training school that has been approved by the peace officer standards and training board for enrollees in the school. The school may only disclose the criminal history record information as authorized by law. The school shall pay the costs for securing the fingerprints, any criminal history record information made available under this chapter, and for the nationwide criminal history record check. This subdivision does not apply to the highway patrol law enforcement training center and enrollees who have a limited license under section 12-63-09.
- j. The North Dakota public employees retirement board for individuals first employed by the public employees retirement board after July 31, 2005, who have unescorted physical access to the office or any security-sensitive area of the office as designated by the executive director.
- k. The executive director of the retirement and investment office for individuals first employed by the retirement and investment office after July 31, 2005, who have unescorted physical access to the office or any security-sensitive area of the office as designated by the executive director.
- l. The Bank of North Dakota for a final applicant for a specified occupation with the Bank as designated by the president.
- m. Job service North Dakota for all employees, final applicants for employment with job service, and contractors with access to federal tax information.
- n. The state department of health for a final applicant for a job opening or a current employee with the department as designated by the state health officer; an individual being investigated by the department; or, when requested by the department, an applicant for registration as a designated caregiver or a compassion center agent under chapter 19-24.1.
- o. The state board of nursing for applicants, licensees, registrants, or disciplinary investigations under chapter 43-12.1, except that criminal history record checks need not be made unless required by the board.
- p. The state board of pharmacy for applicants or disciplinary investigations under chapter 43-15 and registrations, or revocation or suspension of registrations, under chapter 19-03.1, except that criminal history record checks need not be made unless required by the board.
- q. The state real estate commission for applicants, licensees, or investigations under chapter 43-23, except that criminal history record checks need not be made unless required by the commission.
- r. The North Dakota board of social work examiners for applicants for initial licensure or licensees under chapter 43-41, except that criminal history record checks for licensees need not be made unless required by the board.

- s. All agencies, departments, bureaus, boards, commissions, or institutions of the state, including the North Dakota university system, for all employees or final applicants for employment as a security guard or to otherwise provide security.
- t. The office of management and budget for each individual who has access to personal information as designated by the director.
- u. The department of corrections and rehabilitation for all agents and employees and a final applicant for employment designated by the director and for each agent, employee, or a final applicant for employment of a privately operated entity providing contract correctional services for the department who exercises direct authority over juveniles, inmates, probationers, or parolees.
- v. A city, county, or combination of cities or counties that operates a correctional facility subject to chapter 12-44.1, for each agent and employee and a final applicant for employment of the correctional facility who has direct contact with or exercises direct authority over any juvenile or inmate of the correctional facility, and for each agent, employee, or a final applicant for employment of a privately operated entity providing contract correctional services for the correctional facility who exercises direct authority over juveniles, inmates, probationers, or parolees.
- w. The North Dakota university system for a final applicant for or employee in a specified position in the university system or a university system institution or for each student applying for or admitted to a specified program of study, as designated by the chancellor.
- x.
  - (1) The board of a school district, for employees designated by the board, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
  - (2) The board of a multidistrict special education unit, for employees designated by the board, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
  - (3) The board of an area career and technology center, for employees designated by the board, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
  - (4) The board of a regional education association, for employees designated by the board, provided the board is responsible for paying the costs associated with obtaining a criminal history record check; and
  - (5) The superintendent of public instruction in the case of a nonpublic school or a state school with a superintendent appointed by or reporting to the superintendent of public instruction, for employees designated by the nonpublic or state school, provided the nonpublic or state school is responsible for paying the costs associated with obtaining a criminal history record check.
- y.
  - (1) The board of a school district, for a final applicant seeking employment with the district or otherwise providing services to the district, if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;

- (2) The board of a multidistrict special education unit, for a final applicant seeking employment with the unit or otherwise providing services to the unit, if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
  - (3) The board of an area career and technology center, for a final applicant seeking employment with the center or otherwise providing services to the center, if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
  - (4) The board of a regional education association, for a final applicant seeking employment with the association or otherwise providing services to the association if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check; and
  - (5) The superintendent of public instruction in the case of a nonpublic school or a state school with a superintendent appointed by or reporting to the superintendent of public instruction, for a final applicant seeking employment with the school or otherwise providing services to the school, if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check.
  - (6) For purposes of this subdivision, "unsupervised contact" with students means being in proximity to one or more students, on school grounds or at school functions, outside the presence of an individual who has been subject to a criminal history record check.
- z. The racing commission for applicants for licenses under chapter 53-06.2, except that criminal history record checks need not be made unless required by the commission.
  - aa. A district court for a petition to change a name under chapter 32-28.
  - bb. The state board of pharmacy for a wholesale drug distributor seeking licensure under chapter 43-15.3.
  - cc. The board of dental examiners for investigations of applicants or dentists under section 43-28-11.2, except that criminal history record checks need not be made unless required by the board.
  - dd. The department of financial institutions for each applicant for a specified occupation with the department as specified by the commissioner and principal owners and managing officers of applicants for a license from the department of financial institutions.
  - ee. The office of tax commissioner for all employees, final applicants for employment with the tax commissioner, and contractors with access to federal tax information.
  - ff. The state board of examiners for nursing home administrators for applicants for licensure or licensees under chapter 43-34, except that criminal history record checks for licensees need not be made unless required by the board.
  - gg. The marriage and family therapy licensure board for applicants, licensees, or investigations under chapter 43-53, except that criminal

history record checks need not be made unless required by the board.

- hh. The state board of chiropractic examiners for applicants, licensees, certificates, or investigations under chapter 43-06, except that criminal history record checks need not be made unless required by the board.
- ii. Workforce safety and insurance for a final applicant for a specified occupation with workforce safety and insurance as designated by the director, or for contractors who may have access to confidential information as designated by the director.
- jj. The board of counselor examiners for applicants for licensure or licensees under chapter 43-47, except that criminal history record checks for licensees need not be made unless required by the board.
- kk. The state board of respiratory care for applicants, licensees, or investigations under chapter 43-42, except that criminal history record checks need not be made unless required by the board.
- ll. The North Dakota real estate appraiser qualifications and ethics board for applicants for permits or registration or permittees, registrants, owners, or controlling persons under chapters 43-23.3 and 43-23.5, except that criminal history record checks for permittees, registrants, owners, or controlling persons need not be made unless required by the board.
- mm. The insurance department for criminal history record checks authorized under chapters 26.1-26 and 26.1-26.8.
- nn. The office of the adjutant general for employees and volunteers working with the recruiting and retention, sexual assault, and youth programs.
- oo. The parks and recreation department for volunteers and final applicants for employment, as determined by the director of the parks and recreation department.
- pp. The North Dakota medical imaging and radiation therapy board of examiners for licensure and licensees under chapter 43-62, except that criminal history record checks for licensees need not be made unless required by the board.
- qq. The game and fish department for volunteers and final applicants for employment, as determined by the director of the game and fish department.
- rr. The North Dakota board of massage for applicants, licensees, or investigations under chapter 43-25.
- ss. The North Dakota board of physical therapy for physical therapist and physical therapist assistant applicants and for licensees under investigation, except that criminal history record checks need not be made unless required by the board.
- tt. The department of commerce for volunteers and employees providing services through eligible organizations, as determined by the commissioner of commerce.
- uu. The state court administrator for a guardian ad litem who provides direct services to youth.

- vv. The department of environmental quality for a final applicant for a job opening or a current employee with the department; an individual being investigated by the department; or, when requested by the department, an applicant for a radioactive materials license under chapter 23.1-03 or a solid waste permit under chapter 23.1-08.
  - ww. The housing finance agency for criminal history record checks authorized under section 54-17-07.13.
  - xx. The office of state treasurer for each individual who has access to federal tax information.
  - yy. The public service commission for initial applicant licenses under chapter 51-05.1, except that criminal history record checks need not be made unless required by the public service commission.
  - zz. The department of human services for a criminal history record check for a children's advocacy center as authorized under section 50-25.1-11.1.
  - aaa. The state historical society for volunteers and final applicants for employment, except that criminal history record checks need not be made unless requested by the society.
  - bbb. The department of transportation for volunteers and final applicants for employment, as determined by the director of the department of transportation.
  - ccc. The commission on legal counsel for indigents for a volunteer or final applicant for employment, as determined by the director of the commission on legal counsel for indigents.
  - ddd. The board of dietetic practice for applications for licensure or renewal under chapter 43-44, except that criminal history record checks need not be made unless required by the board.
  - eee. The secretary of state for employees with access to personally identifying information of residents or businesses of the state or with access to elections systems that are critical infrastructure under section 44-04-24.
  - fff. The state department of health for applicants for initial licensure for emergency medical services personnel, such as emergency medical technicians, advanced emergency medical technicians, and paramedics, as required by subdivision d of subsection 3 of section 23-27.1-03.
3. a. The bureau of criminal investigation shall conduct a statewide and nationwide criminal history record check for the purpose of determining eligibility for a concealed weapons license for each applicant for an initial license or the renewal of a concealed weapons license under chapter 62.1-04. The nationwide criminal history record check must include an inquiry of the national instant criminal background check system, and if the applicant is not a United States citizen, an immigration alien query.
- b. Each applicant for a concealed weapons license shall provide to the bureau of criminal investigation written consent to conduct the criminal history record check, to maintain, release, and disclose the information in accordance with state and federal law, and to make a determination on the application; two sets of fingerprints from a law enforcement agency or other individual authorized to take fingerprints; and any other information required under chapter 62.1-04. The person who takes fingerprints under this subsection may charge a reasonable fee for fingerprinting.

- c. The bureau of criminal investigation shall resubmit the fingerprints to the federal bureau of investigation. Except as otherwise provided by law, federal bureau of investigation criminal history record information is confidential.

**Criminal history record checks. (Effective after August 31, 2022)**

1.
  - a. Each applicant, employee, or petitioner for adoption or name change who is subject to a criminal history record check under subsection 2 shall consent to a statewide and nationwide criminal history record check for the purpose of determining suitability or fitness for a permit, license, registration, employment, or adoption.
  - b. Each applicant, employee, registrant, or petitioner for adoption or name change subject to a criminal history record check shall provide to the requesting agency or entity written consent to conduct the check and to release or disclose the information in accordance with state and federal law, two sets of fingerprints from a law enforcement agency or other local agency authorized to take fingerprints, any other identifying information requested, and a statement indicating whether the applicant or employee has ever been convicted of a crime.
  - c. The agency, official, or entity shall submit these fingerprints to the bureau of criminal investigation for nationwide criminal history record information that includes resubmission of the fingerprints by the bureau of criminal investigation to the federal bureau of investigation. Except if otherwise provided by law, federal bureau of investigation criminal history record information obtained by an agency or entity is confidential. For a request for nationwide criminal history record information made under this section, the bureau of criminal investigation is the sole source to receive the fingerprint submissions and responses from the federal bureau of investigation. A person who takes fingerprints under this section may charge a reasonable fee to offset the cost of fingerprinting. Unless otherwise provided by law, the bureau of criminal investigation may charge appropriate fees for criminal history information.
  - d. Fingerprints and any other identifying information the bureau has obtained under this section may be retained by the bureau and the federal bureau of investigation at the request of the agency, official, or entity submitting the fingerprints and any other identifying information for a statewide and nationwide criminal history record check. The subject of the records must be provided notice of the retention of the fingerprints and any other identifying information. The bureau may provide to each agency, official, or entity listed in subsection 2 of this section the response of the bureau and the federal bureau of investigation any statewide criminal history record information that may lawfully be made available under this chapter.
  - e. The bureau may provide the results of a criminal history background check made under subsection 2 of this section to another state's identification bureau or central repository for the collection, maintenance, and dissemination of criminal history record information when the other state's identification bureau or central repository has requested the results of the criminal history background check and the agency, official, or entity of the other state has equivalent authority to subsection 2 of this section to request a statewide and nationwide criminal history check.
2. The bureau of criminal investigation shall provide to each agency, official, or entity listed in this subsection who has requested a statewide and nationwide criminal history record check, the response of the federal bureau of investigation and any statewide criminal history record information that may lawfully be made available under this chapter:



- a. The governing body of a city or a county, by ordinance or resolution, for a final applicant for a specified occupation with the city or county.
- b. The agriculture commissioner for each applicant for a license to grow or process hemp under section 4.1-18.1-02.
- c. The education standards and practices board for initial, re-entry, and reciprocal teacher licenses under sections 15.1-13-14 and 15.1-13-20 and school guidance and counseling services under section 15.1-13-23.
- d. The North Dakota board of medicine for licenses or disciplinary investigations under section 43-17-07.1, except that criminal history record checks need not be made unless required by the board.
- e. The private investigative and security board for licenses or registrations under section 43-30-06.
- f. The department of health and human services for foster care licenses, approvals, and identified relatives under chapter 50-11, appointments of legal guardians under chapter 50-11.3, and petitions for adoptions under chapter 50-12, except that the criminal history record investigation must be conducted in accordance with those chapters. A criminal history record investigation completed under chapter 50-11, 50-11.3, or 50-12 may be used to satisfy the requirements of a criminal history record investigation under either of the other two chapters.
- g. The department of health and human services for criminal history record checks authorized under section 50-06-01.9.
- h. The chief information officer of the information technology department for certain individuals under section 54-59-20.
- i. A public peace officer training school that has been approved by the peace officer standards and training board for enrollees in the school. The school may only disclose the criminal history record information as authorized by law. The school shall pay the costs for securing the fingerprints, any criminal history record information made available under this chapter, and for the nationwide criminal history record check. This subdivision does not apply to the highway patrol law enforcement training center and enrollees who have a limited license under section 12-63-09.
- j. The North Dakota public employees retirement board for individuals first employed by the public employees retirement board after July 31, 2005, who have unescorted physical access to the office or any security-sensitive area of the office as designated by the executive director.
- k. The executive director of the retirement and investment office for individuals first employed by the retirement and investment office after July 31, 2005, who have unescorted physical access to the office or any security-sensitive area of the office as designated by the executive director.
- l. The Bank of North Dakota for a final applicant for a specified occupation with the Bank as designated by the president.
- m. Job service North Dakota for all employees, final applicants for employment with job service, and contractors with access to federal tax information.
- n. The department of health and human services for a final applicant for a job opening or a current employee with the department as

designated by the state health officer; an individual being investigated by the department; or, when requested by the department, an applicant for registration as a designated caregiver or a compassion center agent under chapter 19-24.1.

- o. The state board of nursing for applicants, licensees, registrants, or disciplinary investigations under chapter 43-12.1, except that criminal history record checks need not be made unless required by the board.
- p. The state board of pharmacy for applicants or disciplinary investigations under chapter 43-15 and registrations, or revocation or suspension of registrations, under chapter 19-03.1, except that criminal history record checks need not be made unless required by the board.
- q. The state real estate commission for applicants, licensees, or investigations under chapter 43-23, except that criminal history record checks need not be made unless required by the commission.
- r. The North Dakota board of social work examiners for applicants for initial licensure or licensees under chapter 43-41, except that criminal history record checks for licensees need not be made unless required by the board.
- s. All agencies, departments, bureaus, boards, commissions, or institutions of the state, including the North Dakota university system, for all employees or final applicants for employment as a security guard or to otherwise provide security.
- t. The office of management and budget for each individual who has access to personal information as designated by the director.
- u. The department of corrections and rehabilitation for all agents and employees and a final applicant for employment designated by the director and for each agent, employee, or a final applicant for employment of a privately operated entity providing contract correctional services for the department who exercises direct authority over juveniles, inmates, probationers, or parolees.
- v. A city, county, or combination of cities or counties that operates a correctional facility subject to chapter 12-44.1, for each agent and employee and a final applicant for employment of the correctional facility who has direct contact with or exercises direct authority over any juvenile or inmate of the correctional facility, and for each agent, employee, or a final applicant for employment of a privately operated entity providing contract correctional services for the correctional facility who exercises direct authority over juveniles, inmates, probationers, or parolees.
- w. The North Dakota university system for a final applicant for or employee in a specified position in the university system or a university system institution or for each student applying for or admitted to a specified program of study, as designated by the chancellor.
- x.
  - (1) The board of a school district, for employees designated by the board, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
  - (2) The board of a multidistrict special education unit, for employees designated by the board, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;

- (3) The board of an area career and technology center, for employees designated by the board, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
  - (4) The board of a regional education association, for employees designated by the board, provided the board is responsible for paying the costs associated with obtaining a criminal history record check; and
  - (5) The superintendent of public instruction in the case of a nonpublic school or a state school with a superintendent appointed by or reporting to the superintendent of public instruction, for employees designated by the nonpublic or state school, provided the nonpublic or state school is responsible for paying the costs associated with obtaining a criminal history record check.
- y. (1) The board of a school district, for a final applicant seeking employment with the district or otherwise providing services to the district, if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
- (2) The board of a multidistrict special education unit, for a final applicant seeking employment with the unit or otherwise providing services to the unit, if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
- (3) The board of an area career and technology center, for a final applicant seeking employment with the center or otherwise providing services to the center, if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
- (4) The board of a regional education association, for a final applicant seeking employment with the association or otherwise providing services to the association if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check; and
- (5) The superintendent of public instruction in the case of a nonpublic school or a state school with a superintendent appointed by or reporting to the superintendent of public instruction, for a final applicant seeking employment with the school or otherwise providing services to the school, if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check.
- (6) For purposes of this subdivision, "unsupervised contact" with students means being in proximity to one or more students, on school grounds or at school functions, outside the presence of an individual who has been subject to a criminal history record check.
- z. The racing commission for applicants for licenses under chapter 53-06.2, except that criminal history record checks need not be made unless required by the commission.
- aa. A district court for a petition to change a name under chapter 32-28.

- bb. The state board of pharmacy for a wholesale drug distributor seeking licensure under chapter 43-15.3.
- cc. The board of dental examiners for investigations of applicants or dentists under section 43-28-11.2, except that criminal history record checks need not be made unless required by the board.
- dd. The department of financial institutions for each applicant for a specified occupation with the department as specified by the commissioner and principal owners and managing officers of applicants for a license from the department of financial institutions.
- ee. The office of tax commissioner for all employees, final applicants for employment with the tax commissioner, and contractors with access to federal tax information.
- ff. The state board of examiners for nursing home administrators for applicants for licensure or licensees under chapter 43-34, except that criminal history record checks for licensees need not be made unless required by the board.
- gg. The marriage and family therapy licensure board for applicants, licensees, or investigations under chapter 43-53, except that criminal history record checks need not be made unless required by the board.
- hh. The state board of chiropractic examiners for applicants, licensees, certificates, or investigations under chapter 43-06, except that criminal history record checks need not be made unless required by the board.
- ii. Workforce safety and insurance for a final applicant for a specified occupation with workforce safety and insurance as designated by the director, or for contractors who may have access to confidential information as designated by the director.
- jj. The board of counselor examiners for applicants for licensure or licensees under chapter 43-47, except that criminal history record checks for licensees need not be made unless required by the board.
- kk. The state board of respiratory care for applicants, licensees, or investigations under chapter 43-42, except that criminal history record checks need not be made unless required by the board.
- ll. The North Dakota real estate appraiser qualifications and ethics board for applicants for permits or registration or permittees, registrants, owners, or controlling persons under chapters 43-23.3 and 43-23.5, except that criminal history record checks for permittees, registrants, owners, or controlling persons need not be made unless required by the board.
- mm. The insurance department for criminal history record checks authorized under chapters 26.1-26 and 26.1-26.8.
- nn. The office of the adjutant general for employees and volunteers working with the recruiting and retention, sexual assault, and youth programs.
- oo. The parks and recreation department for volunteers and final applicants for employment, as determined by the director of the parks and recreation department.
- pp. The North Dakota medical imaging and radiation therapy board of examiners for licensure and licensees under chapter 43-62, except

that criminal history record checks for licensees need not be made unless required by the board.

- qq. The game and fish department for volunteers and final applicants for employment, as determined by the director of the game and fish department.
- rr. The North Dakota board of massage for applicants, licensees, or investigations under chapter 43-25.
- ss. The North Dakota board of physical therapy for physical therapist and physical therapist assistant applicants and for licensees under investigation, except that criminal history record checks need not be made unless required by the board.
- tt. The department of commerce for volunteers and employees providing services through eligible organizations, as determined by the commissioner of commerce.
- uu. The state court administrator for a guardian ad litem who provides direct services to youth.
- vv. The department of environmental quality for a final applicant for a job opening or a current employee with the department; an individual being investigated by the department; or, when requested by the department, an applicant for a radioactive materials license under chapter 23.1-03 or a solid waste permit under chapter 23.1-08.
- ww. The housing finance agency for criminal history record checks authorized under section 54-17-07.13.
- xx. The office of state treasurer for each individual who has access to federal tax information.
- yy. The public service commission for initial applicant licenses under chapter 51-05.1, except that criminal history record checks need not be made unless required by the public service commission.
- zz. The department of health and human services for a criminal history record check for a children's advocacy center as authorized under section 50-25.1-11.1.
- aaa. The state historical society for volunteers and final applicants for employment, except that criminal history record checks need not be made unless requested by the society.
- bbb. The department of transportation for volunteers and final applicants for employment, as determined by the director of the department of transportation.
- ccc. The commission on legal counsel for indigents for a volunteer or final applicant for employment, as determined by the director of the commission on legal counsel for indigents.
- ddd. The board of dietetic practice for applications for licensure or renewal under chapter 43-44, except that criminal history record checks need not be made unless required by the board.
- eee. The secretary of state for employees with access to personally identifying information of residents or businesses of the state or with access to elections systems that are critical infrastructure under section 44-04-24.
- fff. The department of health and human services for applicants for initial licensure for emergency medical services personnel, such as

emergency medical technicians, advanced emergency medical technicians, and paramedics, as required by subdivision d of subsection 3 of section 23-27.1-03.

3. a. The bureau of criminal investigation shall conduct a statewide and nationwide criminal history record check for the purpose of determining eligibility for a concealed weapons license for each applicant for an initial license or the renewal of a concealed weapons license under chapter 62.1-04. The nationwide criminal history record check must include an inquiry of the national instant criminal background check system, and if the applicant is not a United States citizen, an immigration alien query.
- b. Each applicant for a concealed weapons license shall provide to the bureau of criminal investigation written consent to conduct the criminal history record check, to maintain, release, and disclose the information in accordance with state and federal law, and to make a determination on the application; two sets of fingerprints from a law enforcement agency or other individual authorized to take fingerprints; and any other information required under chapter 62.1-04. The person who takes fingerprints under this subsection may charge a reasonable fee for fingerprinting.
- c. The bureau of criminal investigation shall resubmit the fingerprints to the federal bureau of investigation. Except as otherwise provided by law, federal bureau of investigation criminal history record information is confidential.

**SECTION 2.** Section 23-27-06 of the North Dakota Century Code is created and enacted as follows:

**23-27-06. Criminal history record check.**

The department may require an applicant for emergency medical services personnel licensure to submit to a statewide and nationwide criminal history record check. The nationwide criminal history record check must be conducted in the manner provided by section 12-60-24. All costs associated with the criminal history record check are the responsibility of the applicant."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2349: Joint Technical Corrections Committee (Sen. Lee, Co-Chairman)** recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2349 was placed on the Eleventh order on the calendar.

**MOTION**

**SEN. HOGUE MOVED** that the Senate permit the introduction of A BILL for an Act to amend and reenact subsection 4 of section 57-38-01.28 and subdivision t of subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to the marriage penalty credit and an income tax exclusion for social security benefits; and to provide an effective date, which motion prevailed.

**REQUEST**

**SEN. WOBBERMA REQUESTED** a recorded roll call vote on the motion of Senator Hogue to permit the introduction of A BILL for an Act to amend and reenact subsection 4 of section 57-38-01.28 and subdivision t of subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to the marriage penalty credit and an income tax exclusion for social security benefits; and to provide an effective date, which request was granted.

**ROLL CALL**

The question being on the introduction of the delayed bill, the roll was called and there were 35 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer;

Elkin; Erbele; Fors; Heitkamp; Hogue; Holmberg; Kannianen; Kreun; Larsen, D.; Larsen, O.; Larson; Lemm; Luick; Meyer; Myrdal; Oehlke; Patten; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Weber; Wobbema

**NAYS:** Bakke; Heckaman; Hogan; Klein; Krebsbach; Lee; Marcellais; Mathern; Oban; Piepkorn; Poolman; Wardner

The motion prevailed & the delayed bill will be referred to the Technical Corrections Committee.

The bill will be SB 2351.

#### **CONSIDERATION OF AMENDMENTS**

**SB 2348: SEN. VEDAA (Joint Technical Corrections Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### **SECOND READING OF SENATE BILL**

**SB 2348:** A BILL for an Act to create and enact section 23-27-06 of the North Dakota Century Code, relating to criminal history record checks; to amend and reenact sections 12-60-24 and 50-06-41.3 of the North Dakota Century Code, relating to criminal history records checks and the behavioral health bed management system; and to provide an effective date.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed SB 2348 passed.

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#### **SECOND READING OF SENATE BILL**

**SB 2347:** A BILL for an Act to amend and reenact sections 46-02-05, 46-02-06, 46-02-10, 46-02-20, 46-03-18, and 46-03-19 of the North Dakota Century Code, relating to printing legislative materials; and to provide an effective date.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

SB 2347 passed.

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#### **SECOND READING OF SENATE BILL**

**SB 2346:** A BILL for an Act to authorize the department of public instruction to withhold state school aid for information technology project upgrades to the state automated reporting system and the statewide longitudinal data system; to provide a statement

of legislative intent; and to provide an effective date.

#### MOTION

**SEN. BAKKE MOVED** that SB 2346 be amended as follows, which motion failed on a voice vote.

Page 1, line 1, remove "authorize the department of public instruction to withhold state school aid"

Page 1, remove line 2

Page 1, line 3, replace "statewide longitudinal data system; to provide a statement of legislative intent;" with "provide an appropriation to the department of public instruction for information technology project upgrades to the state automated reporting system and the statewide longitudinal data system"

Page 1, replace lines 6 through 22 with:

**"SECTION 1. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - STATE FISCAL RECOVERY FUND - ONE-TIME FUNDING.** There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of information technology project upgrades to the state automated reporting system and the statewide longitudinal data system, for the period beginning with the effective date of this Act and ending June 30, 2023. The funding provided in this section is a one-time funding item."

Renumber accordingly

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson; Lee; Lemm; Luick; Marcellais; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Bakke; Heckaman; Mathern

SB 2346 passed.

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#### SECOND READING OF SENATE BILL

**SB 2349:** A BILL for an Act to amend and reenact section 48-08-04 of the North Dakota Century Code, relating to the use of legislative assembly rooms; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

SB 2349 passed.



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**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2346, SB 2347, SB 2348, SB 2349.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1504, HB 1505, HB 1506, HB 1513.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 10:00 a.m., Wednesday, November 10, 2021, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1504: Joint Redistricting Committee (Sen. Holmberg, Co-Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1504 was placed on the Sixth order on the calendar.

Page 4, line 13, after "of" insert "fourth avenue northwest, then east on fourth avenue northwest until it becomes"

Page 20, line 13, remove "eighth street southwest, then east on eighth street southwest until its"

Page 20, remove line 14

Page 20, line 15, remove "twenty-third avenue southwest until its intersection with"

Page 22, line 29, after the underscored semicolon insert "that part of East Morton Township in Morton County bound by a line commencing at the point where the centerline of county road 84 intersects with the centerline of interstate highway 94, then east on interstate highway 94 until its intersection with the centerline of Sweet Briar Creek, then south on Sweet Briar Creek until its intersection with the centerline of old highway 10, then east on old highway 10 until its intersection with an extended line from the centerline of thirty-eighth avenue, then south on a straight line extended from thirty-eighth avenue, on thirty-eighth avenue, and on a straight line extended from thirty-eighth avenue until its intersection with an extended line from the centerline of forty-first street, then west on a straight line extended from forty-first street and on forty-first street until its intersection with the centerline of county road 84, then north on county road 84 to the point of beginning."

Page 26, line 24, after "of" insert "third avenue northwest until it becomes"

Page 26, line 24, remove "also"

Page 26, line 25, remove "identified as third avenue northwest."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1513: Joint Redistricting Committee (Sen. Holmberg, Co-Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1513 was placed on the Sixth order on the calendar.

Page 1, line 10, after "district" insert "or a district"

Page 2, line 3, replace "ideal district population" with "district's population as determined in the 2020 federal decennial census"

Renumber accordingly

**FIRST READING OF SENATE BILL**

Sens. Hogue, Dever, Schaible and Reps. Louser, Nathe, Steiner introduced:  
(Approved by the Delayed Bills Committee)

**SB 2351:** A BILL for an Act to amend and reenact subsection 4 of section 57-38-01.28 and subdivision t of subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to the marriage penalty credit and an income tax exclusion for social security benefits; and to provide an effective date.

Was read the first time and referred to the **Joint Technical Corrections Committee**.

**FIRST READING OF HOUSE BILLS**

**HB 1504:** A BILL for an Act to authorize the secretary of state to modify election deadlines and procedures; to create and enact two new sections to chapter 54-03 of the North Dakota Century Code, relating to legislative redistricting and staggering of terms of members of the legislative assembly; to repeal sections 54-03-01.12 and 54-03-01.13 of the North Dakota Century Code, relating to legislative districts and staggering of terms of members of the legislative assembly; to provide a statement of legislative intent; and to provide an effective date.

Was read the first time and referred to the **Joint Redistricting Committee**.

**HB 1505:** A BILL for an Act to amend section 6 of chapter 15, section 5 of chapter 18, sections 6, 7, and 8 of chapter 19, and section 1 of chapter 55 of the 2021 Session Laws, relating to the federal coronavirus capital projects fund and federal state fiscal recovery fund; to identify department of transportation funding sources; to provide an appropriation; to provide for a transfer; to provide for a report; and to provide an effective date.

Was read the first time and referred to the **Appropriations Committee**.

**HB 1506:** A BILL for an Act to provide an appropriation; to provide for a transfer; to authorize full-time equivalent positions; to provide an exemption; to provide for a report; and to provide an effective date.

Was read the first time and referred to the **Appropriations Committee**.

**HB 1513:** A BILL for an Act to create and enact subsection 5 of section 16.1-03-07 of the North Dakota Century Code, relating to district party organization; to amend and reenact section 16.1-03-17 of the North Dakota Century Code, relating to political party reorganization after redistricting; and to provide an effective date.

Was read the first time and referred to the **Joint Redistricting Committee**.

The Senate stood adjourned pursuant to Senator Klein's motion.

**Shanda Morgan, Secretary**