

HOUSE TRANSPORTATION COMMITTEE
March 5, 2021 - 10:00 a.m. – Judicial Wing 327E

North Dakota Department of Transportation
Terra Miller Bowley, Deputy Director for Administration

SB 2110

Good morning Chairman and members of the committee. My name is Terra Miller-Bowley and I am the Deputy Director for Administration for the North Dakota Department of Transportation (DOT). I'm here to provide testimony in support of Senate Bill 2110 and request an amendment.

Senate Bill 2110 proposes to provide state authority to the DOT to allow the agency to conduct criminal record history checks for volunteers and final applicants for certain positions.

Currently, the department has limited authority under 49 CFR and the REAL ID Final Rule to conduct nationwide criminal background checks on all individuals who are certified to administer CDL skills tests and on individuals who are involved in the production of REAL ID driver's licenses and identification cards. The department also has limited authority under OMB Fiscal Policy 112 which requires an FBI criminal history background check for everyone who has access to payroll, vendor, and employee information in PeopleSoft.

The department has several positions which have access to Personal Identifiable Information (PII) and/or protected information under the Drivers Privacy Protection Act (DPPA) that are not currently covered under the limited authority the DOT has to conduct criminal record history checks. Authority under Senate Bill 2110 would allow us to expand and conduct criminal background checks on volunteers and final applicants as determined by the Director.

The North Dakota Bureau of Criminal Investigation in conjunction with the Federal Bureau of Investigation requested a minor change to the language included in the bill to clearly indicate that national record checks will be conducted pursuant to NDCC §12-60-24. Therefore, we are submitting today for your consideration amended language.

Your approval of the amended proposed legislation would provide DOT with an added security measure in our hiring process and further safeguard citizen information entrusted to the department. This concludes my testimony. Thank You.