

**TESTIMONY OF
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NORTH DAKOTA DEPARTMENT OF EMERGENCY SERVICES
BEFORE THE 69TH LEGISLATIVE SESSION
SENATE AGRICULTURE AND VETERANS COMMITTEE
2/14/2025
IN SUPPORT OF HOUSE BILL 1075**

Chairman Luick, Vice Chairman Myrdal, and members of the Committee,

I am Darin Hanson, Director of Homeland Security within the Department of Emergency Services. Thank you for the opportunity to present testimony regarding the “DES Background Checks” bill (HB 1075), which seeks to grant the North Dakota Department of Emergency Services (NDDDES) the authority to conduct fingerprint-based background checks for all new hires and current employees. This legislation is critical to enhancing the security of sensitive law enforcement and homeland security information within NDDDES and the state. NDDDES has consulted with staff from the Attorney General’s Office, specifically the Bureau of Criminal Investigation, regarding criminal history record check best practices and believe this language is favorable for securing FBI approval to conduct fingerprint-based background checks.

Criminal background checks are a vital part of ensuring that individuals in positions involving public safety and trust are thoroughly vetted. In North Dakota, like many other states, such checks are crucial. Particularly in emergency services where employees may have access to sensitive law enforcement and homeland security data. ND Century Code already makes 58 authorizations for this authority to state agencies, boards, local political subdivisions and other organizations in section 12-60-24.

NDDDES currently has the capability to run fingerprint-based background checks in-house, but we do not currently have the authority to do so for *all* of our employees. This gap presents a potential risk, particularly as information sharing between agencies increases. To secure sensitive data and ensure that the department is prepared for future data integrations, it is crucial to conduct these fingerprint background checks.

In order to conduct these checks, NDDDES must be granted the ability to perform fingerprint-based checks through the FBI, a capability that is currently hindered by North Dakota Century Code. This bill proposes the creation and enactment of a new subdivision fff of subsection 2 of section 12-60-24, as well as a new section to Chapter 37-17.1 of the North Dakota Century Code. This would allow NDDDES to require final applicants for job openings or current employees to undergo both statewide and nationwide criminal history checks. We used permissive language in the bill – ‘may require’ in the event that we have a disaster or emergency and need to hire staff rapidly and may not have digital or proximal access to sensitive data.

Upon approval of this bill, our team would set internal policies of what background check returns would disqualify an individual from service within our division. We expect to model our policy on the policies from agencies with existing background check authority. We will also establish the single point of contact within our division who will be receiving the background check upon return. We expect this person to be within HR. They, following the thresholds agreed upon, would be able to clear or disqualify an individual without disclosing the information within the background check.

I urge the committee to support House Bill 1075, which will empower the North Dakota Department of Emergency Services to conduct fingerprint background checks for all new hires and current employees, resulting in increased information security, consistent vetting of employees across the agency, and the department's future ability to integrate homeland security and law enforcement data.

Thank you for your time and consideration. I am happy to answer any questions you may have.