

2021 SENATE TRANSPORTATION

SB 2110

2021 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

SB 2110
1/8/2021

A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 and a new section to chapter 39-01 of the North Dakota Century Code, relating to criminal history background checks by the department of transportation.

Chair Clemens calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [9:00]

Discussion Topics:

- Department of Transportation criminal background checks
- Sensitive information

Terra Miller-Bowley [9:01], Deputy Director for Administration for the North Dakota Department of Transportation, presents the bill and submits testimony #229.

Additional written testimony: N/A

Senator Dwyer moved DO Pass [9:08]
Senator D. Larson seconded the motion [9:08]

Senators	Vote
Senator David Clemens	Y
Senator Robert Fors	Y
Senator Cole Conley	Y
Senator Michael Dwyer	Y
Senator Doug Larsen	Y
Senator JoNell Bakke	Y

The motion passed 6-0-0. [9:09]
Senator Fors will carry [9:09]

Chair Clemens adjourns the meeting. [9:10]

Sheldon Wolf, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2110: Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2110 was placed on the
Eleventh order on the calendar.

SENATE TRANSPORTATION COMMITTEE
January 8, 2021 - 9:00 a.m. - Fort Totten Room

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

SB 2110

Good morning Chairman Clemens 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.

This bill is a DOT agency bill.

Thank you for allowing me to explain this bill and answer any questions. 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, a federal regulation, which requires nationwide criminal background checks be conducted on all individuals who are certified to administer CDL skills tests and under the REAL ID Final Rule, which requires individuals who are involved in the production of REAL ID driver's licenses and identification cards. The DOT department also has limited authority under OMB Fiscal Policy 112 which requires a FBI criminal history background check for each individual who has access to payroll, vendor, and employee information in PeopleSoft.

The department has several positions which have access to Personal Identifiable Information (PII) or protected information under the Drivers Privacy Protection Act (DPPA) that are not currently covered under the limited authority the DOT currently 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. Your approval of the 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.

2021 HOUSE TRANSPORTATION

SB 2110

2021 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

SB 2110
3/5/2021

A bill relating to criminal history background checks by the department of transportation.
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10:00 AM **Representative Kading** opened the hearing.

Attendance

Representatives	
Representative Dan Ruby	P
Representative Tom Kading	P
Representative Rick Becker	A
Representative Cole Christensen	P
Representative LaurieBeth Hager	P
Representative Jared C. Hagert	P
Representative Karla Rose Hanson	P
Representative Terry B. Jones	P
Representative Emily O'Brien	P
Representative Mark S. Owens	P
Representative Bob Paulson	P
Representative Gary Paur	P
Representative Robin Weisz	P
Representative Greg Westlind	P

Discussion Topics:

- Background checks of employees moving forward

Terra Miller Bowley, Deputy Director for Administration for ND Department of Transportation, introduction and amendment #7406 and # 7405.

10:07 **Representative Kading** closed the hearing.

Recess.

10:47 Brought back to committee.

Representative Hagert moved the amendment. (21.8108.01001)

Representative Hager seconded.

Voice vote carried.

Representative O'Brien moved a Do Pass as amended.

Representative Owens seconded.

Representatives	Vote
Representative Dan Ruby	Y
Representative Tom Kading	Y
Representative Rick Becker	A
Representative Cole Christensen	Y
Representative LaurieBeth Hager	Y
Representative Jared C. Hagert	Y
Representative Karla Rose Hanson	Y
Representative Terry B. Jones	Y
Representative Emily O'Brien	Y
Representative Mark S. Owens	Y
Representative Bob Paulson	Y
Representative Gary Paur	Y
Representative Robin Weisz	Y
Representative Greg Westlind	Y

Motion Carried. 13-0-1 Representative Kading carrier.

10:52 AM **Chairman Ruby** adjourned.

Jeanette Cook, Committee Clerk

March 5, 2021

DA 3/5/2
Lofl

PROPOSED AMENDMENTS TO SENATE BILL NO. 2110

Page 1, line 2, remove "a new"

Page 1, line 2, replace "to chapter 39-01" with "24-02-50"

Page 1, replace lines 9 through 13 with:

"**SECTION 2.** Section 24-02-50 of the North Dakota Century Code is created and enacted as follows:

24-02-50. Criminal record history checks.

The director of the department of transportation may require volunteers and final applicants for employment 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."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2110: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2110 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "a new"

Page 1, line 2, replace "to chapter 39-01" with "24-02-50"

Page 1, replace lines 9 through 13 with:

"SECTION 2. Section 24-02-50 of the North Dakota Century Code is created and enacted as follows:

24-02-50. Criminal record history checks.

The director of the department of transportation may require volunteers and final applicants for employment 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."

Renumber accordingly

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.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2110

Page 1, line 2, replace “a new section to chapter 39-01” with “create and enact section 24-02-49”

Page 1, line 9, replace “A new section to chapter 39-01” with “Section 24-02-49”

Page 1, after line 10 insert:

“24-02-49.”

Page 1, line 13, replace “national” with “nationwide”

Page 1, line 13, after “check.” insert “The nationwide criminal history record check must be conducted in the manner provided by section 12-60-24.”

Renumber accordingly.