

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1174

2001 HOUSE TRANSPORTATION

HB 1174

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1174

House Transportation Committee

Conference Committee

Hearing Date January 18, 2001

Tape Number	Side A	Side B	Meter #
1		x	1,788
2	x		92 --- end 610
Committee Clerk Signature <i>Lauren B. Price</i>			

Minutes: Rep. Weisz - Chairman opened the hearing on HB 1174; A BILL to amend and reenact sections 39-33-01, 39-33-02, and 39-33-05 of the North Dakota Century Code, relating to privacy of driver and motor vehicle records; and to declare an emergency.

Keith Magnusson, Office of Driver and Vehicle Services, North Dakota Department of Transportation appeared to explain and support HBO 1147 a DOT sponsored bill. A copy of his written testimony is attached.

Rep. Carlson: (2829) I am assuming that over the years you have sold lists. What do you charge for a list?

Keith Magnusson: It really depends on what kind of a list it is; but a normal list --say a political candidate wants a list -- a minimum price plus so much per thousand names. I think we charge about \$45 per thousand names. We pay for the computer time and the printing -- and we can get you labels for about anything you might want -- and it pays for that and the handling. So we are not making a lot of profit. Now, the companies that want our entire date base it costs them a lot

Page 2

House Transportation Committee

Bill/Resolution Number HB 1174

Hearing Date January 18, 2001

more. We don't do like some states. It was reported in the Fargo Forum that Minnesota makes several million dollars--we don't do that. They mark it up based on value and we do it on costs.

Rep. Carlson: Please go over one more time, the penalties if we don't comply with this.

Keith Magnusson: No loss of federal funds. There are penalties of \$15,000 per day for releasing information and there is the possibility where the justice department can sue the state or an individual for release of information contrary to federal law.

Rep. Carlson: But in North Dakota under our open records law, it is legal for us to do what we are doing under state law. How can we be sued for doing something legal.

Keith Magnusson: The whole act we have now is an exception to our open record law. Again the federal government has mandated this as part of federal law.

Rep. Mahoney: Do you know has this come up in other states? And, has the Justice Department followed up on it?

Keith Magnusson: We haven't been faced with this before --- we have complied with federal law in 1997. The justice Department seems to be serious about it as the Congress has gotten after them. In other areas, the Justice Department has gone after states.

Rep. Carlson: How do they know we issued a list to anybody so they can find us?

Keith Magnusson: The Justice Department does have the authority to come in and audit. People also know about this law and if their name appears on a list, they will report it.

Rep. Weisz - Chairman (3428) What information are we now releasing, that is now out of bounds?

Keith Magnusson: This has just come out and we not sure because there are so many questions about medical records -- there is a lot of stuff in state law and lots of stuff federal law which is covered piece meal. What will really help us is the change from the opt-out to the opt-in.

Rep. Weisz - Chairman so, basically, it is section 12 and section 13 is why we need this bill?

Keith Magnusson: Yes, that is correct.

Rep. Weisz - Chairman (3622) There being no one further to testify for the bill, is there anyone opposed to HB1174?

Jack McDonald, representing the North Dakota Broadcaster Association and the R. L. Polk, Inc. company appeared in opposition the HB1174. A copy of his written testimony is attached.

There is one correction in my testimony after hearing Mr. Magnusson's testimony, I am happy to learn that the state won't loose a zillion dollars-- so strike that from my testimony and just ignore it.

Rep. Weisz - Chairman (4060) Can you tell us what is happening in the other 49 states, how are they responding to this mandate?

Jack McDonald: They are passing these bills too. Minnesota passed theirs this past summer. The state of Nebraska passed their several weeks ago. I wish it were the other way but we have these federal mandates.

Rep. Mahoney: Are you suggesting we ignore the federal mandates?

Jack McDonald: (Jokingly) We would prefer that Mr. Magnusson would stand up a strike a blow for states rights.

Rep. Weisz - Chairman (4250) There being no one wishing to appear either for or against HBO 1174 -- we will close the hearing on testimony for HB 1174.

Page 4
House Transportation Committee
Bill/Resolution Number HB 1174
Hearing Date January 18, 2001

TAPE 2 SIDE 1 (92)

Rep. Weisz - Chairman (92) opened the discussion for action on HB 1174.

Rep. Thoreson; (497) I move a 'Do Pass' for HB 1174.

Rep. Thorpe; I second the motion.

On a roll call vote the motion carried: 12 yeas 1 nay 1 absent

Rep. Thoreson was designated to carry HB 1174 on the floor.

END (610)

Date:
Roll Call Vote #: **1174**

**2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.**

House Transportation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO Pass

Motion Made By Rep. Thoreson Seconded By Rep. Thorpe

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Howard Grumbo	✓	
Chet Pollert - Vice Chairman	✓		John Mahoney	✓	
Al Carlson		✓	Arlo E. Schmidt	✓	
Mark A. Dosch	✓		Elwood Thorpe	✓	
Kathy Hawken	✓				
Roxanne Jensen	✓				
RaeAnn G. Kelsch	✓				
Clara Sue Price	A				
Dan Ruby	✓				
Laurel Thoreson	✓				

Total (Yes) 12 No 1

Absent 1

Floor Assignment Rep. Thoreson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 18, 2001 11:55 a.m.

Module No: HR-08-1201
Carrier: L. Thoreson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1174: Transportation Committee (Rep. Welsz, Chairman) recommends DO PASS
(12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1174 was placed on the
Eleventh order on the calendar.

2001 SENATE TRANSPORTATION

HB 1174

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1174

Senate Transportation Committee

Conference Committee

Hearing Date 3-15

Tape Number	Side A	Side B	Meter #
1		x	6.7-18.6
2	x		12.2-15.5
Committee Clerk Signature <i>Suzette Schaf</i>			

Minutes: **HB 1174** relates to privacy of driver and motor vehicle records; and to declare an emergency.

Kelth Magnusson: (Office of Driver and Vehicle Services; Supports) See attached testimony.

Senator Trenbeath: I want to be absolutely clear. Are you saying that "highly restricted personal information" would not be able to be re-disclosed by insurance support organizations?

Kelth Magnusson: The insurance support organizations would be able to disclose information to insurance companies, but only if they represent , and only for insurance purposes.

Senator Trenbeath: I want to be sure that you are telling me that if you are disclosing this to insurers, insurance agents, employees and contractors- that you are reading this as a restriction on the reuse of this information for insurance purposes.

Kelth Magnusson: Yes, if they do then they are under the same penalties as this act.

Senator Espgaard: What are your provisions for making sure that the vendors do not share the information?

Page 2
Senate Transportation Committee
Bill/Resolution Number HB 1174
Hearing Date 3-15

Keith Magnusson: That gets to be a problem. We do have the right in the contract that we have with them to go in and audit. Some vendors in certain states have been barred from doing business because of that.

Senator Espegard: That is the problem. That is the information that gets out. It is not the motor vehicle department, it's the businesses that do business with them. If there is no agreement, it becomes their information and can share with whomever.

Keith Magnusson: When the Driver's Protection Right passed, we specifically had vendors sign contracts. Not many people enforce this, but it is there.

Jack McDonald: (ND Newspaper Association; Lobbyist # 238; Opposes) We realize that this is a federal law passed down but still want to go on record as opposing this. I recognize the realities of the situation though.

Hearing closed.

Committee reopened on 3-15-01.

Senator Trenbeath motions to Do Pass. Seconded by Senator Bercier. Roll call taken. 6-0-0.

Floor carrier is Senator Trenbeath.

Committee closed.

REPORT OF STANDING COMMITTEE (410)
March 16, 2001 7:56 a.m.

Module No: SR-46-5782
Carrier: Trenbeath
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1174: Transportation Committee (Sen. Stenehjem, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1174 was placed on the
Fourteenth order on the calendar.

2001 TESTIMONY

HB 1174

