2021 JOINT TECHNICAL CORRECTIONS

SB 2348

2021 JOINT STANDING COMMITTEE MINUTES

Technical Corrections Committee
Pioneer Room, State Capitol

SB 2348
11/8/2021

A BILL for an Act to amend and reenact section 50-06-41.3 of the North Dakota Century Code, relating to the behavioral health bed management system; and to provide an effective date.

Co-Chair J. Lee called the hearing to order, Vice Chair Patten, Senators H. Anderson, Schaible, Dwyer, Kannianen, Vedaa, Bakke, Co-Chair Weisz, Representative Dockter, Richter, Louser, O'Brian, Roers Jones, Hanson present, Vice Chair Porter absent [5:12]

Discussion Topics:

- Bed management system reporting

Pam Sagness, Department of Human Services introduces the bill in favor #11855 [5:12]

Co-Chair J. Lee adjourned the meeting. [5:14]

Sheldon Wolf, Committee Clerk

Testimony
Senate Bill No. 2348 – Department of Human Services
Joint Technical Corrections Committee
November 8, 2021

Chairman and members of the Joint Technical Corrections Committee, I am Pamela Sagness, with the Department of Human Services (Department). I appear before you in support of Senate Bill 2348.

A well implemented bed management system can improve access to inpatient and residential beds for those needing these vital services across the state. Having a line of sight into program capacity also provides information to inform decisions surrounding state hospital capacity, residential addiction need, identification of services gaps, and more efficient coordination. The Department was authorized to develop a behavioral health bed management system during the 2021 session.

As programs were being identified, by definition, that would be required to report the new system it was recognized the Department of Corrections & Rehabilitation (DOCR) operates programs that align to the definition but should be excluded from reporting to the bed management system. DOCR leadership was consulted and agrees with this exclusion.

This concludes my testimony. I would be happy to answer any questions. Thank you.

2021 JOINT STANDING COMMITTEE MINUTES

Technical Corrections Committee
Pioneer Room, State Capitol

SB 2348
11/9/2021
AM

A BILL for an Act to amend and reenact section 50-06-41.3 of the North Dakota Century Code, relating to the behavioral health bed management system; and to provide an effective date.

Co-Chair Weisz called the hearing to order, Vice Chair Porter, Representative Dockter, Richter, Louser, O'Brian, Roers Jones, Hanson Co-Chair J. Lee, Vice Chair, Patten, Senators H. Anderson, Schaible, Dwyer, Kannianen, Vedaa, Bakke, present [9:11]

Discussion Topics:

- Background checks

Representative Porter, provided an amendment 21.1127.02001 #12256. [9:12]

Representative Porter made a motion to adopt the amendment.

Representative Roers-Jones seconded the motion.

Voice vote-motion carried.

Representative Porter made a motion for a Do Pass as Amended.

Representative Dockter seconded the motion.

Roll call vote-16-0-0 motion carried.

Senators	**Vote**
Chair Judy Lee	Y
Vice Chair Dale Patten	Y
Senator Howard Anderson	Y
Senator Donald Schaible	Y
Senator Michael Dwyer	Y
Senator Jordon Kannianen	Y
Senator Shawn Vedaa	Y
Senator JoNell Bakke	Y
Representatives	
Chair Robin Weisz	Y

Vice Chair Todd Porter	Y
Representative Jason Dockter	Y
Representative David Richter	Y
Representative Scott Louser	Y
Representative Emily O'Brien	Y
Representative Shannon Roers Jones	Y
Representative Karla Rose Hanson	Y

Representative Porter-bill carrier for the House

Senator Vedaa-bill carrier for the Senate

Co-Chair Weisz adjourned the meeting at 9:16am.

Sheldon Wolf, Committee Clerk

Prepared by the Legislative Council staff for
Representative Porter
November 9, 2021

DA 11/9/21 1 of 16

PROPOSED AMENDMENTS TO SENATE BILL NO. 2348

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 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.

<u>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.</u>

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.

<u>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.</u>

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 2348: Joint Technical Corrections Committee (Rep. Weisz, 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.

<u>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.</u>

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.

<u>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.</u>

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

21.1127.02001
Title.03000

Prepared by the Legislative Council staff for
Representative Porter
November 9, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2348

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