

North Dakota Private Investigation and Security Board
513 East Bismarck Expressway, Suite 5
Bismarck, ND 58504

March 3, 2022

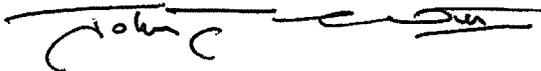
Ms. Vonette Richter
Assistant Code Revisor
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Ms. Richter:

Please see the enclosed Notice of Intent to Enact & Amend Administrative Rules related to the North Dakota Private Investigation and Security Board. The modifications and additions are, in part, to effectuate 2021 HB 1463, 2021 SB 2126, 2021 SB 2095, and 2021 SB 2096. The new and amended rules articulate functions of the executive director, clarify the ability to conduct some training via live remote or online methods, establish standards related to issuance of instructor and course certifications of the Armed First Responder in School or Ambulance or Firefighter Crew Training Program, and modify fees for licenses, registrations, armed certifications, private security training certificates, duplicate license or registration, and renewals.

A copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Shorey III". The signature is written in a cursive style with a horizontal line above it.

John J. Shorey III
Executive Director

encl: Proposed Administrative Rules

FULL NOTICE OF INTENT TO ENACT &
AMEND ADMINISTRATIVE RULES

TAKE NOTICE that the North Dakota Private Investigation and Security Board (NDPISB) will hold a public hearing to address proposed additions of N.D. Admin. Code Sections 93-01-01-02, 93-02-02.1-17, 93-02-04-01, 93-02-04-02, 93-02-04-03, 93-02-04-04, 93-02-04-05; and to amend N.D. Admin Code Sections 93-01-01-01, 93-02-02.1-05, 93-02-02.1-06, 93-02-02.1-07, 93-02-02.1-09, and 93-02-03-06. The purpose of the new and amended rules is to articulate functions of the executive director, clarify the ability to conduct some training via live remote or online methods, establish standards related to issuance of instructor and course certifications of the Armed First Responder in School or Ambulance or Firefighter Crew Training Program, and modify fees for licenses, registrations, armed certifications, private security training certificates, duplicate license or registration, and renewals.

93-01-01-01. Organization of private investigative and security board

The purpose of the amendment to this rule is to add geographic considerations to the governor's appointment in alignment with the statute.

93-01-01-02. Executive Director

The purpose of the addition of this rule is to specify the duties and responsibilities of the executive director.

93-02-02.1-05. Qualifications for apprentice security officers.

The purpose of the amendment to this rule is to specify the mode of instruction as in-person, live remote, or online.

93-02-02.1-06. Qualifications for security officers.

The purpose of the amendment to this rule is to specify the mode of instruction as in-person or live remote.

93-02-02.1-07. Qualifications for commissioned security officers.

The purpose of the amendment to this rule is to specify the mode of instruction as in-person or live remote.

93-02-02.1-09. Qualifications for security officers.

The purpose of the amendment to this rule is to specify the mode of instruction as in-person or live remote.

93-02-02.1-17. Online training certification.

The purpose of this rule is to set conditions for board certification of security trainers to conduct non-live remote or on-line classroom instruction for apprentice security officers.

93-02-03-06. Fees - Amount - Late fees.

The purpose of the amendment to this rule is to update the fees charged by the board.

Chapter 93-02-04, Armed First Responder in School or Ambulance or Firefighter Crew Training Program

The purpose of this new chapter is to create and set the requirements for the armed first responder in school or ambulance or firefighter crew training program.

The proposed rules and amendments are not expected to have an impact on the regulated community in excess of \$50,000.

The amendments and additions effectuate:

2021 SB 2126, which amends and reenacts section 43-30-03 of the North Dakota Century Code, relating to the membership of the private investigative and security board;

2021 SB 2095, which amends and reenacts sections 43-30-01 and 43-30-10, subsection 6 of section 43-30-10.1, and section 43-30-16 of the North Dakota Century Code, relating to the private investigative security board's executive director and the board's authority to impose penalties and injunctions for unlicensed activity, issue citations for unauthorized practice, and impose administrative fees;

2021 HB 1463, which creates and enacts a new subsection to section 43-30-16 and a new subdivision to subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to application and renewal fees for armed first responder course instructor certification and possession of a concealed firearm or dangerous weapon; and to amend and reenact subsection 7 of section 62.1-02-14 of the North Dakota Century Code, relating to licensing of instructors of armed first responders in schools; and,

2021 SB 2096, which creates and enacts a new subsection to section 43-30-16 of the North Dakota Century Code, relating to application and renewal fees for armed first responder course instructor certification; and to amend and reenact subsection 7 of section 62.1-02-14 of the North Dakota Century Code, relating to licensing of instructors of armed first responders in schools.

The hearing will be at 9:00 am on April 8, 2022, at the Sanford Officers Training Center, 201 14th St N.W. Mandan, ND 58554.

The proposed rules may be reviewed at the office of the NDPI SB. A copy of the proposed rules and/or a regulatory analysis may be requested by writing addressed to 513 East Bismarck Expressway, Suite 5, Bismarck, ND 58504 or calling (701) 222-3063. Written or oral comments on the proposed rules sent to the above address or telephone number and received by April 20, 2022, will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the NDPI SB at the above telephone number or address at least five days prior to the public hearing.

Dated this 4th day of March, 2022.

John J. Shorey III
Executive Director

STATE OF NORTH DAKOTA
PRIVATE INVESTIGATIVE AND SECURITY BOARD

Proposed Rule

February 28, 2022

NDPISB

CHAPTER 93-01-01
ORGANIZATION OF THE BOARD

93-01-01-01. Organization of private investigative and security board

The governor shall appoint a private investigative and security board. The board must consist of not less than five, nor more than eleven members appointed for staggered four-year terms. When making appointments, the governor shall consider whether there is member representation from the western, central, and eastern geographic regions of the state. Appointees to the board must be knowledgeable in private investigative or private security matters. A majority of the members of the board must be actively engaged in the private investigative or security profession. It is the practice of said board that at least one member be representative of the law enforcement community to better facilitate cooperative effectiveness within the industry.

Members of the board may not receive any compensation for their service on the board, but they are entitled to be reimbursed for their expenses incurred in performing their duties in the amounts provided by law for state employees.

History: Effective April 1, 1994; amended effective July 1, 2022.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-03

CHAPTER 93-01-02
EXECUTIVE DIRECTOR

93-01-02-01. Executive Director

The private investigative and security board shall appoint an executive director who shall keep a record of all proceedings, transactions, communications, and official acts of the board, be a custodian for all moneys received for licenses, certifications, and training, which must be deposited for safekeeping in depositories designated by the board. The executive director must be a custodian of all records of the board and perform such other duties and administrative functions as the board may require. The executive director shall be employed on either a full-time or part-time basis as directed by the board, and the board is authorized to fix the salary of the executive director.

History: Effective July 1, 2022.