

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2126

2001 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2126

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2126

Senate Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date January 30, 2001.

Tape Number	Side A	Side B	Meter #
1	x		52.2 to end
1		x	0 to 13.8
2	x		4.9 to 6.1
Committee Clerk Signature <i>Doris E. Perez</i>			

Minutes:

The meeting was called to order. All committee members present. Hearing was opened on SB 2126 relating to private investigative and security services.

MICHAEL KAUTZMAN, on his own behalf, he wishes to have persons whose sole investigative work is looking through public records exempted from the requirements of licensure as PI. Submitted copy of bill with penciled-in amendment and explanation of intent.

JACK MCDONALD, on behalf of Michael Kautzman. Written testimony attached including proposed amendment to clarify intent of board.

No opposing testimony. Hearing closed.

SENATOR D. MATHERN: Motion to adopt amendment. SENATOR KREBSBACH: Seconded.

Roll call vote: 7 yes; 0 no. Motion carried.

SENATOR D. MATHERN: Motion: do pass as amended. S KREBSBACH: Seconded.

Roll call vote: 7 yes; 0 no. Carrier: SENATOR D. MATHERN.

Date: 1/30/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2/26

Senate Industry, Business and Labor

Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Adopt amendment

Motion Made By Sen Mathern Seconded By Sen Krebsbach

Senators	Yes	No	Senators	Yes	No
Senator Mutch - Chairman	✓		Senator Every	✓	
Senator Klein - Vice Chairman	✓		Senator Mathern	✓	
Senator Espegard	✓				
Senator Krebsbach	✓				
Senator Tollefson	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

to clarify

Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2126

Senate Senate Industry, Business and Labor Committee

☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken DPA

Motion Made By Sen Mathern Seconded By Sen/Crabsbach

[illegible]

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sn. 112th

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

REPORT OF STANDING COMMITTEE

SB 2126: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2126 was placed on the Sixth order on the calendar.

Page 2, line 16, replace "solely engaged in the" with "whose sole investigative" and replace "of" with "is"

Renumber accordingly

2001 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2126

Date: 3-6-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB2126

House Industry, Business and Labor Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By M. Klein Seconded By Severson

Representatives	Yes	No	Representatives	Yes	No
Chairman- Rick Berg	✓		Rep. Jim Kasper	✓	
Vice-Chairman George Keiser	✓		Rep. Matthew M. Klein	✓	
Rep. Mary Ekstorm	✓		Rep. Myron Koppang	✓	
Rep. Rod Froelich		✓	Rep. Doug Lemieux		✓
Rep. Glen Froseth	✓		Rep. Bill Pietsch	✓	
Rep. Roxanne Jensen	✓		Rep. Dan Ruby		✓
Rep. Nancy Johnson	✓		Rep. Dale C. Severson	✓	
			Rep. Elwood Thorpe		✓

Total (Yes) 11 No 3

Absent 1

Floor Assignment Rep Kasper

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

REPORT OF STANDING COMMITTEE (410)
March 7, 2001 1:33 p.m.

Module No: HR-39-5026
Carrier: Kasper
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2126, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO PASS (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2126 was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

SB 2126

Fifty-seventh
Legislative Assembly
of North Dakota

SENATE BILL NO. 2126

4/4/01

MIKE —

For your info.

Jack

Introduced by

Industry, Business and Labor Committee

(At the request of the Private Investigative and Security Board)

1 A BILL for an Act to amend and reenact sections 43-30-01 and 43-30-02 of the North Dakota
2 Century Code, relating to private investigative and security services.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 43-30-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **43-30-01. Definitions.** As used in this chapter, unless the context or subject matter
7 otherwise requires:

8 1. "Board" means the private investigative and security board.

9 2. "License" includes a registration issued by the board.

10 3. "Licensee" includes an individual who is registered by the board.

11 4. "Private investigative service" means obtaining or furnishing information with
12 reference to any act or individual.

13 ~~3.~~ 5. "Private security service" means furnishing for hire security officers or other
14 persons to protect persons or property, or to prevent the theft or the unlawful taking
15 of goods, wares, and merchandise, or to prevent the misappropriation or
16 concealment of goods, wares, merchandise, money, bonds, stocks, choses in
17 action, notes, or other valuable documents or papers, or the business of
18 performing the service of such security officer or other person for any of these
19 purposes.

20 **SECTION 2. AMENDMENT.** Section 43-30-02 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **43-30-02. Exemptions.** This chapter does not apply to:

1. Any investigator or officer employed by or under any contract with the federal government, state, or any county or city thereof, appointed, elected, or contracted with, by due authority of law, while engaged in the performance of official duties.
2. Any state's attorney.
3. Any attorneys or counselors at law in the regular practice of their profession and any paralegal or legal assistant employed by an attorney or law firm when the attorney or law firm retains complete responsibility for the work product of the paralegal or legal assistant.
4. Any person whose sole investigative business is the furnishing of information as to the business and financial standing and credit of persons.
5. Any person making any investigation of any matter in which that person or the person by whom that person is solely employed is interested or involved.
6. Any person making any investigation for any person engaged in the business of transporting persons or property in interstate commerce.
7. Any adjuster or investigator representing an insurance company.
8. ~~A person solely~~ A person engaged in the business of obtaining or furnishing information about acts or individuals from public records.

remove the word "solely" please or at least replace it with "primarily" so that if you are spending more than 50% of your time in court record retrieval, you would be exempt from being a P.I. and you could still work part time in other occupations if you need to to make a living.

January 30, 2001

SENATE INDUSTRY, BUSINESS & LABOR COMMITTEE SB 2126
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SENATOR MUTCH AND COMMITTEE MEMBERS:

My name is Jack McDonald. I am appearing today on behalf of Michael Kautzman, a licensee of the Private Investigative and Security Board. Mr. Kautzman is a fireman for the City of Bismarck, but also conducts a business whereby he searches public records for various organizations and provides them with information from these records.

In addition, Mr. Kautzman works for an agency that is licensed by the board. There are many individuals, such as librarians and records custodians, who, like Mr. Kautzman, are hired by different businesses such as law firms and corporations, on a part-time basis, to search public records.

He supports the proposed amendment on page 2 of this bill, at line 8, that seeks to exempt this type of work from board licensure. However, he is concerned that the language used in that amendment would indicate that the person or persons doing that work would have to be doing it fulltime, which is not usually the case. The words "solely engaged in the business" could be interpreted to mean this is the only business that person is engaged in. We think what is intended is that this is the only type of search or investigative work the person does.

Therefore, we'd suggest the amendment below just to clarify the intent of the board.

We respectfully urge that you adopt the amendment and then give the bill a do pass. If you have any questions, I'd be glad to try to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.

PROPOSED AMENDMENTS TO SB 2126

On page 2, line 16, delete "solely engaged in the business of obtaining or furnishing" and insert "who obtains or furnishes"

Renumber accordingly

PROPOSED AMENDMENTS TO SENATE BILL 2126

Page 2, line 8, replace "solely engaged in the" with "whose sole investigative"
and replace "of" with "is"

Renumber accordingly