

June 10, 2010

Administrative Rules Committee Members:

My name is Francine Johnson and I am the Executive Director of the North Dakota Private Investigation and Security Board. With respect to the rules published in the July 2010 supplement the following is a summation of the matters you may be concerned with:

1. Only the change to N.D.A.C. section 93-02-03-03 (1) on page 441 was the result of statutory changes made by an agency bill during the 2009 legislative session, H. B. 1102. The other changes do not relate to statutory changes.
2. These rules do not relate to any federal statutes or regulations
3. The Board followed the procedures for adopting rules found in the Administrative Agencies Practice Act, N.D.C.C. chapter 28-32. Additionally, the Board consulted with industry members when developing these rules.
4. No written or oral comments were received during the promulgation process
5. The approximate cost of giving public notice, holding hearings, and legal advice was \$2531.00.
6. A regulatory analysis was not required under N.D.C.C. section 28-32-08 because these rules do not affect the regulated community in excess of \$50,000. The Board did not receive a request for such analysis from the Governor or a member of the Legislature.
7. The Board is a professional licensing board, therefore the Board is exempt from the small entity regulatory analysis and economic impact statement under N.D.C.C. 28-32-08.1 (5), and did not prepare this statement.
8. A constitutional takings assessment regarding real property was not required to be prepared under N.D.C.C. section 28-32-09 because these rules do not limit the use of private real property.
9. These rules were not emergency rules
10. The changes to the rules as related on page 439 deal with the number of hours required for training of apprentice level security personnel. Industry members felt that 12 hours was sufficient rather than the previous 16 hour requirement.

This also affords security agencies the opportunity to place employees on the job more rapidly. On page 440, the addition uniform and prominent identification was added. This was to insure that the general public could readily identify security personnel as well as the agency they are employed. On page 441, the licensing year was changed from every two years to every year. The reason for this change was strictly due to financial constraints the board was facing. The board had undergone some legal matters with an unprofessional license-holder. As a result, the board found it necessary to change the license and registration due dates. The fee language was changed from shall to must on page 441 and 442. There was also some complacency with license holders when it came to renewals, so a late fee was attached in #2 of 93-02-03-06 to generate prompt renewals. On page 442, # 8, the fees were changed to \$25.00 rather than \$18.00 for purposes of conformity. This was also an attempt to alleviate confusion about the fee structure among industry members when making application or renewing registrations.