

STATE OF NORTH DAKOTA

PRIVATE INVESTIGATIVE AND SECURITY BOARD

Proposed Rule

May 19, 2020

NDPISB

CHAPTER 93-02-01.1

93-02-01.1-13. Licensure of Military Spouses.

Upon application, the board shall grant exceptions to the board's licensure of an individual providing private investigative services for military spouses on a case-by-case basis under the following conditions:

1. The military spouse has provided satisfactory proof of being a military spouse;
2. The military spouse shall demonstrate competency in providing private investigative services equivalent to the standards set for licensed private investigative service providers through licensure from a foreign jurisdiction with substantially equivalent standards;
3. The military spouse shall have engaged in the practice of providing private investigative services in at least two of the last four years preceding the date of application;
4. The military spouse is required to submit to a statewide and national criminal history check;
5. The board determines the issuance of a license to the military spouse will not substantially increase the risk of harm to the public.

After the preceding conditions have been substantially met, the board shall issue a temporary provisional license to the military spouse for a period of one year. The board will not assess a fee for any temporary provisional license issued under this section.

History: Effective October 1, 2020.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-51-11.1, 43-51-11.2

93-02-02.1-17. Licensure of Military Spouses.

Upon application, the board shall grant exceptions to the board's licensure of an individual providing private security services for military spouses on a case-by-case basis under the following conditions:

1. The military spouse has provided satisfactory proof of being a military spouse;
2. The military spouse shall demonstrate competency in providing private security services equivalent to the standards set for licensed private security service providers through licensure from a foreign jurisdiction with substantially equivalent standards;
3. The military spouse shall have engaged in the practice of providing private security services in at least two of the last four years preceding the date of application;
4. The military spouse is required to submit to a statewide and national criminal history check;
5. The board determines the issuance of a license to the military spouse will not substantially increase the risk of harm to the public.

After the preceding conditions have been substantially met, the board shall issue a temporary provisional license to the military spouse for a period of one year. The board will not assess a fee for any temporary provisional license issued under this section.

History: Effective October 1, 2020.

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Statements on Regulatory Analysis, Small Entity Analysis, and Takings Assessment

07/28/2020

NDPISB

The proposed rule consists of promulgation of Sections 93-02-01.1-13 and 93-02-02.1-17 to the North Dakota Private Investigative and Security Board's rules concerning the licensure of military spouses performing private investigative and private security services respectively.

These changes should not have any negative impact, financial or otherwise, on regulated industry, consumers, other stakeholders, the Board, or the public.

Licensure of Military Spouses – N.D. Admin. Code Section 93-02-01.1-13

Permits board licensure to provide private investigative services for military spouses on a case-by-case basis and established criteria for approval including proof of status as a military spouse, demonstration of competency in providing private investigative services in a foreign jurisdiction, active practice in the profession, submission to a state and federal criminal history check, and finding the military spouse will not pose a substantial risk to the public.

Licensure of Military Spouses – N.D. Admin. Code Section 93-02-02.1-17

Permits board licensure to provide private security services for military spouses on a case-by-case basis and established criteria for approval including proof of status as a military spouse, demonstration of competency in providing private security services in a foreign jurisdiction, active practice in the profession, submission to a state and federal criminal history check, and finding the military spouse will not pose a substantial risk to the public.

Statement on Small Entity Analysis and Economic Impact

The proposed rule is not expected to impact small entities as defined under Section 28-32-08.1(1), specifically small businesses, as no fee is assessed in the application process for a military spouse. No alternatives were considered.

Statement on Regulatory Analysis and Takings Assessment

Since the proposal will not impact the regulated community by more than \$50,000, and no one has requested a regulatory analysis, none is being prepared at this time for the proposed rule change.

Since the proposed rule does not constitute a taking of private real property, no Takings Assessment is being prepared.

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FISCAL NOTE

07/28/2020

NDPISB

Adoption of the proposed rule is not expected to have any impact on state expenditures or revenues.