

2017 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2329

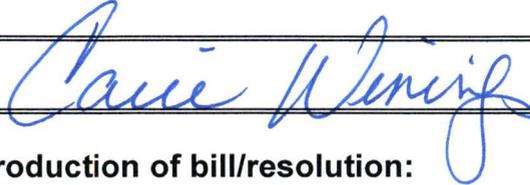
2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

SB 2329
2/3/2017
Job Number 27866

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 43-30-04 of the North Dakota Century Code, relating to private investigative services by armed personnel.

Minutes:

Attachments: 1-4

Chairman Poolman: Opened the hearing on SB 2329.

Senator D. Larson, District 30: Testified to introduce the bill and in support of the bill. There are others in the room that are able to explain the bill.

Bill Kalanek, 10-Code Security LLC: See Attachment #1 for testimony in support of the bill.

(3:05) Senator Bekkedahl: In looking at the back page of your testimony, to qualify as a security office, it requires 1000 hours of private security service as a registered apprentice security officer, does this bill, if you have prior qualifying service, negate the time requirement? Or, does just the hours of qualifying service in the military apply to that?

Bill Kalanek: The purpose of the bill is to give equivalency to military service to meet those hours. At this point, simply to meet the 1000 hour requirement, you can work as an unarmed security guard at the mall. Whereas, military service, which is at a much higher level of intensity, does not qualify you to fill that qualification.

Senator Bekkedahl: I have served overseas as well and I have had weapons training but there are different variations of weapons training in the military. Is that something I should ask later? The weapons training that I got as an officer carrying an M-9 may not be adequate.

Bill Kalanek: Steve will address that.

(5:05) Steve Kilde, License Holder, 10-Code Security: See Attachment #2 for testimony in support of the bill. Attachment is only supportive and not verbal testimony. One of the things that we did when we started this company is to make sure that we hired as many off duty and prior law enforcement as well as soldiers as we could. The board does recognize military police training as police training but they do not recognize the training received during

basic combat training. (7:24-9:15 Goes over Attachment #2) The difference between an unarmed security guard and an armed security guard is simple; one carries a weapon and one does not. As an industry, we should be looking solely at who capable and who is training to carry a fire arm. It should have nothing to do with the amount of hours you have worked unarmed. There is nothing that you do unarmed that really prepares you to be an armed security officer in my opinion. When you look at what gives you not only the training to carry a weapon but when you can and cannot use a weapon, then the police academy amazingly enough only has one hour of use of force training. They teach you how to fire a weapon, weapons safety, but they don't really teach you when you can and can't fire a weapon. In the military you are given 64.4 hours of rules of engagement training which is the same thing. Prior to coming to this board, we did address the issues of military training with the private investigation and security board. They were provided copies of the training manual and after the testimony in front of the board the executive director agreed to give us 3.5 hours of credit of training for basic training. One of the comments that was made was that she did not believe that soldiers should get credit for going away in the summer to get into shape. That is a bit frustrating for me because I think there is a lot more to basic training than that. There was also an argument made that some of our soldiers returning from combat may have PTSD and there was a feeling by the board that they should not be armed. I have served both as a police officer and in the military and to me that was absolutely ridiculous. I would like the board to take notice of the training manuals and understand there is way more to this training than going away in the summer to get into shape.

(12:20) Senator Vedaa: I would imagine with you being in this security business that you would take precautions in doing background checks on everyone that works for you, is that correct? Is that an industry standard? Is that required or how do you go about that?

Steve Kilde: That is correct. Every person that applies for a license, regardless of what status, has to undergo a background check conducted by the bureau of criminal investigation. That was our philosophy as a business owner. Most boards tell you who and who does not meet the training requirements to become licensed, but it is still my responsibility to determine who would be a good armed security officer or not. We do additional screening that the board does not do. We do justice in making sure that the people we are hiring are good people.

Senator Bekkedahl: Thank you for your service and for being here. As a comment on the PTSD concern, in living up at the Bakken region and seeing what I have seen with our law enforcement personnel; they have seen plenty of things there that could lead to that as well. It would make me very passionate too. I knew the training was adequate. The only question that I had was that the training that I got in basic is not as intense as the basic combat training you are discussing, and obviously that would be taken into consideration by you as the employer.

(15:25) Francine Johnson, Executive Director, North Dakota Private Investigation & Security Board: See Attachment #3 for testimony in opposition to the bill. See Attachment #4 for additional testimony provided.

(25:10) Senator Vedaa: Do you right now have a system of fast tracking a person to a spot or is that 1000 hours always required?

Francine Johnson: We do. The key is the documentation. If you have third party documentation that were a police officer because we recognize that you have had more than 1000 hours of security service. We have a higher level of commission status which is 4000 hours of security experience. We recognize as well that they have the weapons training. But, just by their say so we are not going to do that. They have to have the documentation. The same holds true for out of state police officers.

Senator Veda: If you are previous military and you were to do all the requirements that you all require except the 1000 hours; would you still have to do those 1000 hours?

Francine Johnson: If you are military police you can skip those 1000 hours. If your DD214 say you are a mechanic or a cook, the board has indicated that is not going to translate to security hours. We have had this issue on many occasions and we have had those in the military indicating as well that the job duties may have been to secure their area but the actual job with the military was not security forces or military police, but if they can provide documentation that they had security detail and prove the time they are accepted

Senator Bekkedahl: We have deployed over 4000 army soldiers in combat out of North Dakota in the last decade, so I can tell you that it is not just to get in shape over the summer. I hope that is not the boards attitude.

Francine Johnson: I can assure you that it is not. I do not recall my saying that.

Senator Bekkedahl: I served in Iraq in 2005 and 2006 and I had a side arm with me 24/7 and I handled it every day. If you took the hours that I had with that side arm just in combat related service it would be well over 1000 hours, but it was not MOSQ'd as military police. I was a dentist and a trauma surgeon. So none of that counts in your categories? I would tell you the mechanics and cooks do the same thing. We are all armed in combat situations.

Francine Johnson: It does if you provide us the documentation. We need proof that is what it was. That was our recommendation at the time. We agree 100% but you need the verification of the hours. Our point is how do we know that?

Senator Bekkedahl: Procedurally I was attached to a Georgia National Guard unit when I was there. There were 170,000 soldiers in Iraq when I was there and 105,000 were National Guard or Reserve. I don't even have contact with my superior officers anymore so that would be an issue in terms of bringing forward documentation. I want to make you aware that procedurally what you are asking would difficult sometimes to obtain. The key point, the qualification for military police, I get that. My point is that I had to go through weapons qualification 3 days every year and we all had to do that. I wish that would qualify to some degree to what you are saying. Is there any concern with your board about the mental status of current officers that are carrying a license? And if so, how is it handled within your board?

Francine Johnson: Our renewal for registrations has the mental and criminal aspect of it. That relates back to the license holder and if they are going to arms certify those individuals. They are the boots on the ground in the sense of whether or not that employee of theirs may be experiencing some difficulties. We do not micromanage the license holders in terms of what they do at their agencies and their personnel. They still have to go through a yearly

qualification that is through a certified weapons instructor with the state of North Dakota. We are hoping that litmus test is done at the level of the agency and the weapons instructor.

Chairman Poolman: You mentioned that you don't need this in law because you have the discretion to waive these but in speaking to a number of people who have encountered your board over the interim, they say you are not using that discretion. That there really isn't an ability to wave that. I would like you to respond to that.

Francine Johnson: We do not have the waiver in terms of applying it if they do not supply us the documentation proving they have the experience. The waivers are in place provided you follow the protocols. In terms of military police, there are several that have come across our desk, that they are given the waiver to come in at that upper level. As far as certifying them as carrying a side arm, they go through the same process as a police office that comes across, the only difference being that they are required to take the written exam that is administered by a weapons instructor to ensure that they are familiar with use of force, North Dakota laws, and rules of engagement.

Chairman Poolman: When someone is opening a private investigation firm, and they have employees, who carries the insurance on those employees if something goes awry?

Francine Johnson: It is the agency itself that has to provide liability insurance.

Chairman Poolman: Why would an agency hire someone that they believe to have PTSD. Why would they hire someone that they believe has never been armed before and put themselves at such great risk as far a liability is concerned?

Francine Johnson: I don't know. We have several that do that in my opinion. We see some of the criminal background searches that come back and some of the types of employees that they want to put to work. Some have felonies, domestic abuse, sexual predators – they haven't asked the questions on the front end coming in the door. That they want a provisional issued because a North Dakota record has turned up clean, but they are from out of state. We see previous violations they have had. They are not necessarily doing it on the front end and we are finding it with the required criminal background searches that we are conducting.

Chairman Poolman: This bill is not asking them to be able to hire people who have criminal records and arm them, right?

Francine Johnson: It is asking them to blanket anyone who served in the military.

Chairman Poolman: So you have no other policies that cover the criminal record portion in administrative rule?

Francine Johnson: We have that in place but that is not what the bill says.

Chairman Poolman: (Reads from the bill.) So, in your view this negates every other administrative rule you have?

Francine Johnson: It says that we have to arm those people based on their military service regardless of everything else that we have set aside. That is our interpretation of this. We had an emergency meeting this past Monday and our interpretation as a board is that it grants the waiver across the board.

Chairman Poolman: For police training they have 25 hours of basic fire arms. So, if I have 25 hours of basic fire arms training in the police academy and then decide not to be a police officer or I do not get hired out of the gate, and I go decide to be an unarmed mall cop for 1000 hours, then I would meet all of your requirements? But someone who has done two tours in Iraq cannot handle a gun under your current rules?

Francine Johnson: That is correct.

Senator Bekkedahl: (Asked for Steve Kilde to come back up to the podium.) My question is the testimony that we just had indicating that the boards opinion is that this is a waiver of all requirements to get licensed; was that the intent of the bill? Are there ways the bill can be made more amenable. I don't believe that was your intent.

Steve Kilde: That was not our intent. It was specifically to do with training. We feel that soldiers that serve in the United States military in whatever capacity are absolutely qualified to be an armed security guard in the state of North Dakota. It had nothing to do with any of the other waivers. We cannot get even an apprentice security license if that person has a criminal record. The background check that was referred to – that is what we are required to provide them is a North Dakota background check. If they have backgrounds outside of that capacity, they can't get a license anyway. We have had police officers that have applied with us that have criminal records that could not get a license. The criminal backgrounds that are being referred to by military personnel – it happened with police officers too. The problem that we have with the waivers that if it does not say military police or if it their specific duty title does not have security in it, they will not take notice of it. She can say that they look at it on an individual basis, but they don't. We have had Navy Seals, Marine Recon, Special Forces, Green Berets, and they too are not qualified to be an armed security guard. These people are in charge of our nation's security when they deploy. If that is not enough to qualify for 1000 hours, I don't know what is!

Chairman Poolman: Closed the hearing on SB 2329.

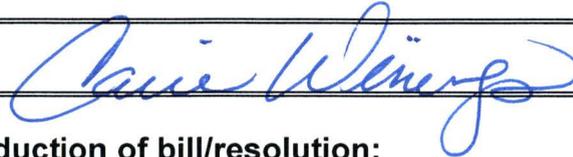
2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

SB 2329
2/3/2017
Job Number 27896

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 43-30-04 of the North Dakota Century Code, relating to private investigative services by armed personnel.

Minutes:

Attachments: 1

Chairman Poolman: Opened SB 2329 for committee discussion. See Attachment #1 for the Section of Code that the bill pertains to. The committee reviewed the section. Shouldn't this language be placed as one of the qualifications under this chapter rather than putting it in the board language?

Senator Vedaa: I wish that I would have asked the question; how many licensed private security agencies are in the state? The one being represented had very high standards. I know they do their due diligence, but how many are out there that don't do their due diligence and do hire that one guy that slips through the cracks. Maybe someone can slip through the cracks. I am assuming they still have to pass that state background check, correct?

Chairman Poolman: Correct.

Senator Vedaa: I was in the National Guard but I was never over in Iraq, but I cannot imagine looking at someone who has been over there for years and tell them they cannot be a security guard until they are a mall cop for 1000 hours. That would be quite a slap in the face.

Senator Bekkedahl: I did not interpret it the way the testimony did. To address that concern, what I would suggest as a possible amendment is on Page 1, Line 11, after the word "qualified" at the front of the sentence, to insert a comma and add "by waving the 1000 hours of private security service as required in section 93-02-02.1-06". The waiver would be specific to that language.

Chairman Poolman: I think that is what they are trying to do.

Senator Bekkedahl: I don't know if that is the way to do it in here. I would be happy to work with Senator Larsen to try and find amendments to do that.

Chairman Poolman: I think we do have to find the right way to say this correctly so that it doesn't leave anything open to interpretation. If the board is interpreting it a certain way, I do not want to pass the bill and cause unintended consequences. I would appreciate if you are willing to do that. I think this was drafted in a hurry and if we point out that the requirements are in a different section of code. I think there is a fix for us. Closed the discussion on SB 2329.

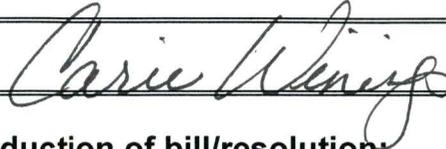
2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

SB 2329
2/9/2017
Job Number 28101

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 43-30-04 of the North Dakota Century Code, relating to private investigative services by armed personnel.

Minutes:

Attachments: 1

Chairman Poolman: Opened SB 2329 for committee discussion.

Senator Bekkedahl: See Attachment #1 for amendment proposed to the committee. We are dealing with the issue of prior military having to do 1000 hours of security guard experience before they could become an armed security guard. The discussion in committee indicated that a waiver was only being given to those with an MOSQ, which is your military training, of military police. The biggest issue provided by the licensing board representative was that they read the bill as saying the waiver would waive all requirements, which would be the background checks, any medical history issues etc. This amendment effectively only adds language that would waive the requirement for the 1000 hours for anyone with prior military experience. It protects the board in knowing they can have all the other requirements in place. I talked to the prime sponsor and everyone he had been working with on this bill were in agreement with these changes.

Chairman Poolman: Asked for any further discussion and there was none.

Senator Bekkedahl: Moved amendments 17.1006.01001.

Senator Marcellais: Seconded.

Chairman Poolman: I appreciate the work on these amendments and getting in contact with the sponsors involved.

A Roll Call Vote Was Taken: 5 yeas, 0 nays, 1 absent.

Motion Carried.

Senator Bekkedahl: Moved a Do Pass As Amended.

Senator Meyer: Seconded.

A Roll Call Vote Was Taken: 5 yeas, 0 nays, 1 absent.

Motion Carried.

Senator Bekkedahl will carry the bill.

CK
2/9/17

PROPOSED AMENDMENTS TO SENATE BILL NO. 2329

Page 1, line 10, remove "as"

Page 1, line 11, remove "qualified."

Page 1, line 12, after "States" insert "as having met any related experience requirements"

Renumber accordingly

2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2329

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: 17.1006.01001

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Bekkedahl Seconded By Marcellais

Senators	Yes	No	Senators	Yes	No
Chairman Poolman	✓		Senator Marcellais	✓	
Vice Chairman Davison	Ab				
Senator Bekkedahl	✓				
Senator Meyer	✓				
Senator Vedaa	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment _____

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

2/9
2

Date:
Roll Call Vote #:

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2329

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Bekkedahl Seconded By Meyer

Senators	Yes	No	Senators	Yes	No
Chairman Poolman	✓		Senator Marcellais	✓	
Vice Chairman Davison	Ab				
Senator Bekkedahl	✓				
Senator Meyer	✓				
Senator Vedaa	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Bekkedahl

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

REPORT OF STANDING COMMITTEE

SB 2329: Government and Veterans Affairs Committee (Sen. Poolman, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2329 was placed
on the Sixth order on the calendar.

Page 1, line 10, remove "as"

Page 1, line 11, remove "qualified."

Page 1, line 12, after "States" insert "as having met any related experience requirements"

Renumber accordingly

2017 HOUSE JUDICIARY

SB 2329

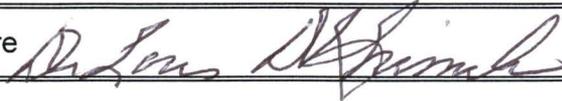
2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2329
3/21/2017
29508

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to private investigative services by armed personnel.

Minutes:

1,2,3,4

Chairman K. Koppelman: Opened the hearing on SB 2329.

Senator D. Larson: Introduce the bill. (#1) (:31-2:46) Introduced proposed amendments.

Chairman K. Koppelman: What is the difference between armed security personnel and security officers?

Senator Larson: Bill Kalanek assisted with these amendments and he can answer this.

Bill Kalanek, 10-Code Security LLC: (#2) Went through testimony. (3:41-5:30)

The reason for the bill is to make it consistent with the term security officer; which is what we are looking to achieve moving from an apprentice security to a security officer in the administrative code and removing the armed language. The armed language might be construed into directing the board to write an exception for the qualifying class, the firearm course, that security officers must take. We are just going after the 1,000 experience requirement so that former military personnel wouldn't have to spend time setting in a car for bismar security for 1000 just to fulfill that time requirement. That is why armed was removed from the bill.

Chairman K. Koppelman: Security personnel is in the previous sentence and in the current law so by removing it here you are removing the recognition that you are seeking for these people.

Bill Kalanek: The rationale behind that is would become armed security guard upon completion of the shooting course; that is why armed is removed. They would move from apprentice status automatically to security officer status. Once they have gotten that then they would have to take the other courses etc.

Chairman K. Koppelman: As I read the original bill directs that they recognize that experience as having met any related experience requirements. It doesn't say it excludes testing.

Bill Kalanek: The contention from the board was by leaving armed in there it might create a situation where it blanketly offer an exemption for these military personnel for the armed portion and exempt them from that testing.,

Chairman K. Koppelman: If there was a different amendment that specified that this does not exempt someone from taking a shooting test as prescribed by the board; would that resolve that concern?

Bill Kalanek: I was taking Legislative Counsel's lead. We could look at that.

Representative Nelson: In the rules they say that military security may count for security experience and military investigation may count for investigation experience. But with this now investigators and security are all lumped. Do you think military security training should count for investigation? Here it says must recognize having met any related experience. So it looks like once you are in the military you will be qualified for both a private investigator and as security.

Bill Kalanek: You are the first one to point that out. That is not the intent. We are aiming strictly at the security. In the past the board was apprehensive to grant any sort of experience exceptions for military personnel of any substance and now recognize the training that military personnel receive. The goal was the security personnel; not the investigators.

Representative Klemin: The example you use the two tour veteran in Afghanistan is one thing, but there are a lot of one tour veterans that did basic training and then became a clerk at Ft. Leonard wood, Missouri and spent the rest of their time as a clerk. Should they be on the same footing as veterans that were actually engaged in using weapons etc.

Bill Kalanek: The board already grants exceptions for individual who have completed police academy training who have not served as law enforcement for the 1000 hours. Basic training is very similar so that police academy training so that is the rationale there. If you were honorably discharged; which means you have completed basic training and have served honorably that you would have exceeded in most instances what a student direct out of the police academy would have under taken.

Representative Klemin: On the honorably discharged part; I was an army veteran and served 3 years on active duty; then three years on inactive reserve after that before I became honorably discharged. So I wasn't honorably discharged until I had my whole 6 years in. what this is saying is your two tour veteran is going to have to wait his whole six years even though he might have spent two years in Afghanistan and he has completed his active duty requirement with a total of three years; but now he is on inactive reserve for the next three years before he gets honorably discharged. He would not be eligible under this until he become honorably discharged.

Bill Kalanek: The intent was to incorporate some of this into the bill for guard and reserve that might be at home and wanting to work security as their regular job. That was the intent of one of the changes legislative counsel put into the amendment.

Representative Klemin: On line 12 we are talking about armed forces of the US; who were honorably discharged. The way it reads to me if you are still on inactive reserve and haven't been honorably discharged you can't fall under this exception for military service until that three years of working in civil life is satisfied until you do become honorably discharged after your six-year tour of duty or obligation is over.

Bill Kalanek: There is reason for an additional amendment.

Steve Kilde, Retired Bismarck Police Lieutenant: I am currently a license holder for 10-Code Security, which is a private security and investigation company in Bismarck. As a license holder in the company I get intimately involved in the licensing process of the guards that we are trying to license. In the past we have had a lot of issues with the board. Right now there isn't a provision in the administrative rules for the PISB to allow training hours or giving credit for training hours as they see fit. We made two attempts to go to the board itself to specifically ask for additional training be granted for our servicemen and women. Right now if you were not a military police officer or a security police officer they do not get credit for military training. The difference between a security officer an apprentice security officer is 1000 hours required before they can be armed. Once you are a licensed security officer in the state you can take a written test and a weapons test and there is not additional 1000 hours. We don't have a training program where we could work with people for the required 1000 hours. You can go through the police academy in Bismarck. You can fail out of the field training officer program, but you are still completely qualified to be licensed as a security officer and forgo those 1,000 hours; whereas a soldier; getting back to the dishonorable discharge. The wording they wanted put in there; the Private Investigation and Security Board, they just wanted to protect themselves from somebody who may have been dishonorably discharged. So the honorably discharged is not so important as taking the dishonorably discharged for unsatisfactory service. We were hoping to obtain from this bill is the only difference in the state of ND on an armed and unarmed security guard truly is that one carries a weapon and one does not. It is hard to argue that our servicemen not matter what capacity they are serving in you don't have to be a military police officer to have weapons training. I did take a copy of the basic training and law enforcement training academy and I went through item by item and highlighted the training that was similar on both sides and the military has almost twice as much training in firearms and unarmed self-defense than people actually get at the police academy so they are probably more qualified.

Representative Klemin: After I got off active duty it took three years before I was discharged. Is that the same way it works now?

Steve Kilde: it is the same. I do not think that was the intention. It was to capture those solders that were dishonorably discharged.

Chairman K. Koppelman: So if the language were changed simply to say who were not dishonorably discharged it would probably accomplish the same thing.

Representative Paur: It sounds like you tried to get this exemption through the board a couple of times and now you bring it here to circumvent them, but we also have a letter of support for this bill?

Steve Kilde: I think we are both on common ground now.

Rep. Satrom: You mentioned something about the training and you guys do are there areas where there is not overlapping?

Steve Kilde: We didn't include those hours in asking for the 1000 exemption. We looked at areas where both sides did training in. We compared it to police academy offered the training and there was training similar in the military we gave credit for both. Law enforcement service; when they had use of force training; when you can and when you cannot utilize force to affect an arrest. The military has rules of engagement training which in a combat situation; when can you and when can't you engage the enemy. They have hand to hand combat training which is similar to unarmed self-defense in the law enforcement profession.

Representative Hanson: In the new language in this bill with the amendments we must recognize active members of the national guard; former members of the national guard, reserve or regular armed forces of the US who have been honorably discharged. Would reserve mean active and inactive?

Steve Kilde: The reserve is a federal national guard. All soldiers have to sign up for; 4 active and 4 inactive statuses. There isn't a stipulation for the inactive ready reserve built in there because you are not continuing your training base. It is the training you initially receive when you go into the military is what is important.

Chairman K. Koppelman: Regarding the proposed change from armed personnel to security officers. The intent was simply to insure that the test still had to be taken. I am assuming security officers are not armed based on the distension and terms. It is your understanding with the amended version they could accept those persons as security officers, but not give them any benefit in regard to becoming armed personnel?

Steve Kilde: The argument was that the board had was they didn't want to give them the armed status right away. They wanted to make for sure people had the proficiency to carry a weapon is where we needed to be as a business. They still have to take the test and their proficiency firearm test.

Chairman K. Koppelman: Is there other study that is required for folks coming in off the street to become armed.

Steve Kilde: You have to successfully complete a BCI and FBI background check and you have to show proof that you have the training requirements necessary to fulfill the requirements to be either an apprentice, or a security or an armed security guard.

Chairman K. Koppelman: All this would do is under this language they wouldn't have to fill out the application?

Steve Kilde: They would not have to show proof of doing 1000 hours of armed security in the state. That is the big hang up for us. We don't have the ability to do that.

Representative Klemin: Where it says regular armed forces of the US? What does regular mean?

Steve Kilde: I don't know.

Chairman K. Koppelman: Thank you for your involvement in this. It is the legislatures job to make laws. We try to make sure the laws are right.

Representative Paur: If this fails now that you have come into agreement with the board are they going to implement the rules to that affect?

Steve Kilde: The administrative rule is technically already there, but they won't gives us any credit for military unless you are a military police officer. We want to insure all our service men and women are given credit for service that they have given to this country. We would like to see a do pass on the floor and then it is mandated.

Monte Rogneby, Special Assistant Attorney General: (#3) We are trying to fix how does the legislature change something that has been created by rule it is not a simple process. The board still has concerns if the intent is to go further than that; that you qualify for a weapon if they are an elderly veteran. I believe the legislature should mandate that the board adopt a rule that recognizes that anybody who is active military and how has not been honorably discharged from the military will meet the 1000 hour's requirement. How do we now do this? There is no disagreement that the board is willing to recognize this. The solution here is for the legislature to mandate that the board adopt the rule on equivalence. We can live with the language is here.

Chairman K. Koppelman: Would you mind getting me a copy of your attempt with legislative counsel?

Monte Rogneby: I will forward that to you. It was an honest disagreement over whether basic training was equivalent to that 1000 hours of experience.

Chairman K. Koppelman: Is it possible to go through basic training without weapons training?

Monte Rogneby: I think that is unintended consequences. They are not going to give somebody a weapon that is not qualified. We have to have a statute that applies to all these circumstances.

Chairman K. Koppelman: We tried several years ago to deal with this issue.

Representative Nelson: Does the board treat private investigators and security personnel differently?

Monte Rogneby: Yes they do. There are different requirements on both sides of that. I don't read this proposed amendment as affecting the private investigator side; only the private security side.

Representative Nelson: What is the idea there?

Monte Rogneby: I think on the private investigative side the probation of having law enforcement also be private security is that they have access to confidential information that they should probably have on the private side. That only affects private investigative powers and the rules for licensing and registering individuals on the private investigative side is different.

Representative Nelson: The rules don't distinguish between security services and investigative services. Your rules do not seem to distinguish between the two types of positions.

Monte Rogneby: There might be some other rules changes that are necessary. We need to clean up some of that.

Bill Kalanek: (#4) Gave copies of those other amendments.

Opposition: None

Neutral: None

Hearing closed.

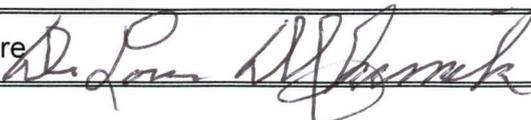
2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2329
3/28/2017
29745

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to private investigative services by armed personnel.

Minutes:

1

Chairman K. Koppelman: Opened the meeting on SB 2329. (#1) Went over proposed amendment.

Representative Maragos: The term regular armed forces include all of them. I think that term is appropriate. (mike not on)

Representative Klemin: How did I change from regular to non-regular?

Representative Maragos: As a commissioned officer (mike not on)

Representative Paur: I heard the regular army being referenced often.

Chairman K. Koppelman: I have heard the term.

Motion made to move the amendment 17.1006.02001 with the change who were not dishonorably discharged by Representative Vetter: Seconded by Representative Klemin:

Discussion:

Voice Vote Carried.

Chairman K. Koppelman: Everything they do is in their administrative rule rather than in the Century Code so I added Section 2. Do a Legislative Study.

Representative Jones: If you consider a study what cost comes with that?

Chairman K. Koppelman: There is no additional cost.

Motion Made to Move the amendment 17.1006.02002 by Rep. Satrom; Seconded by Rep. Maragos.

Discussion:

Representative Nelson: I am in favor of doing the study. The Century Code is a real mess and needs looked at.

Chairman K. Koppelman: We are to blame for that so it is time to take a look at it. It is appropriate to take another look.

Representative Jones: It is probably a pretty good thing if they have been doing this and we have not had problems. That is a complement to them and what they are doing and not abusing it.

Representative Maragos: I assume the Attorney General has a special assistant that attends all these meetings. (mike not on)

Voice Vote Carried.

Do Pass as Amended by Rep. Roers Jones; Seconded by Rep. Jones

Roll Call Vote: 14 Yes 0 No 1 Absent Carrier: Rep. Johnston

Closed.

17.1006.02001
Title.

Prepared by the Legislative Council staff for
Senator Bekkedahl
March 16, 2017

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2329

Page 1, line 2, replace "armed personnel" with "security officers"

Page 1, line 10, replace "armed security personnel" with "security officers"

Page 1, line 10, after "recognize" insert "active members of the national guard and"

Page 1, line 12, after "States" insert ", who were honorably discharged."

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2329

Page 1, line 2, after "personnel" insert "; and to provide for a legislative management study"

Page 1, after line 15, insert:

"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - PRIVATE INVESTIGATIVE AND SECURITY SERVICES. During the 2017-18 interim, the legislative management shall consider studying the feasibility and desirability of updating North Dakota Century Code chapter 43-30, the law relating to the regulation of private investigative and security services. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

3/28/17 DP

17.1006.02003
Title.03000

Adopted by the House Judiciary Committee

March 28, 2017

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2329

Page 1, line 2, replace "armed personnel" with "security officers; and to provide for a legislative management study"

Page 1, line 10, replace "armed security personnel" with "security officers"

Page 1, line 10, after "recognize" insert "active members of the national guard and"

Page 1, line 12, after "States" insert ", who were not dishonorably discharged,"

Page 1, after line 15, insert:

"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - PRIVATE INVESTIGATIVE AND SECURITY SERVICES. During the 2017-18 interim, the legislative management shall consider studying the feasibility and desirability of updating North Dakota Century Code chapter 43-30, the law relating to the regulation of private investigative and security services. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

**2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2329**

House **Judiciary** Committee

Subcommittee

Amendment LC# or Description: 17.1006.02001 with the change who were not dishonorably discharged.

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep. Vetter Seconded By Rep. Klemin

Representatives	Yes	No	Representatives	Yes	No
Chairman K. Koppelman			Rep. Hanson		
Vice Chairman Karls			Rep. Nelson		
Rep. Blum					
Rep. Johnston					
Rep. Jones					
Rep. Klemin					
Rep. Magrum					
Rep. Maragos					
Rep. Paur					
Rep. Roers-Jones					
Rep. Satrom					
Rep. Simons					
Rep. Vetter					

0
Total (Yes) _____ No _____

Absent _____

Floor Assignment Rep.

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

Voice vote carried.

**2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2329**

House **Judiciary** Committee

Subcommittee

Amendment LC# or Description: 17.1006.02002

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep. *Satrom* Seconded By Rep. *Maragos*

Representatives	Yes	No	Representatives	Yes	No
Chairman K. Koppelman			Rep. Hanson		
Vice Chairman Karls			Rep. Nelson		
Rep. Blum					
Rep. Johnston					
Rep. Jones					
Rep. Klemin					
Rep. Magrum					
Rep. Maragos					
Rep. Paur					
Rep. Roers-Jones					
Rep. Satrom					
Rep. Simons					
Rep. Vetter					

0
Total (Yes) _____ No _____

Absent _____

Floor Assignment Rep. _____

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

Voice vote carried.

REPORT OF STANDING COMMITTEE

SB 2329, as engrossed: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2329 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "armed personnel" with "security officers; and to provide for a legislative management study"

Page 1, line 10, replace "armed security personnel" with "security officers"

Page 1, line 10, after "recognize" insert "active members of the national guard and"

Page 1, line 12, after "States" insert ", who were not dishonorably discharged,"

Page 1, after line 15, insert:

"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - PRIVATE INVESTIGATIVE AND SECURITY SERVICES. During the 2017-18 interim, the legislative management shall consider studying the feasibility and desirability of updating North Dakota Century Code chapter 43-30, the law relating to the regulation of private investigative and security services. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

2017 TESTIMONY

SB 2329

Testimony
Senate Bill 2329
Bill Kalanek, 10-Code Security LLC.
Senate Government & Veterans Affairs Committee
Friday, February 3, 2017

Good morning Madam Chair and members of the committee. My name is Bill Kalanek, and I am here today on behalf of 10-Code Security LLC to ask your support for Senate bill 2329.

The bill you have before you today is a simple bill. The language directs the Private Investigative and Security board to draft rules recognizing our United States military personnel as qualified to work as armed security personnel for licensed security companies in the state of North Dakota.

Although the board has discretion when licensing armed personnel the board has been unwilling to do so for former military personnel that have training which meets and in many instances far exceeds that of law enforcement. The result prevents former soldiers from working in this capacity without meeting the criteria from administrative code I've attached to this testimony.

To think that a two-tour veteran that served in Afghanistan is somehow less qualified to work as an armed security guard than the 6 month mall-cop that passes a shooting test should at a bare minimum seem unfair to the committee and reason to pass this bill.

For specifics with regard to the training that law enforcement and military personnel receive I would prefer to defer those questions to the speaker to follow, as he is both a veteran and a former Bismarck Police Officer.

This is a simple bill and my client just seeks to see fair treatment from the Private Investigative and Security board for our veterans returning to civilian life and returning to the work force.

I urge you to give a "Do Pass" recommendation to the bill and would stand for any questions.

Thank you.

93-02-02.1-08.

Armed personnel - Possession and use of firearms in the course of providing private security services.

It is unlawful for any individual, including agency personnel, to carry a firearm while providing private security services unless the individual carrying the firearm:

1. Is in compliance with all existing state and federal laws governing weapons or firearms, including certification and licensing when necessary;
2. Has completed the same requirements for firearms training as is required for North Dakota peace officers. However, if the individual fails the written examination or shooting course twice, the individual must wait at least thirty days to retake the failed portion, and if the individual fails the written examination or shooting course a third time, the individual must wait a full year before retaking the written examination or shooting course; and
3. Achieved at least the rank of security officer as defined in section 93-02-02.1-06 and been issued an armed private security certificate.

93-02-02.1-06.

Qualifications for security officers.

To qualify for registration as a security officer, an individual must provide a minimum of one thousand hours of private security service as a registered apprentice security officer and complete an additional thirty-two hours of classroom instruction as required by the board.

Security Officer - A person hired by a private organization to guard a physical plant and maintain order.

Armed Security Officer (ASO) – A member of a facility security force and an element of a security post who is issued a firearm and has the training, equipment, and appropriate certifications to perform security functions.

93-02-01.1-05. Armed personnel - possession and use of firearms in the course of providing private investigative services. It is unlawful for any individual, including agency personnel, to carry a firearm while providing private investigative services unless the individual carrying the firearm:

1. Is in compliance with all existing state and federal laws governing weapons or firearms, including certification and licensing when necessary;
2. Has completed the same requirements for firearms training as is required for North Dakota peace officers. However, if the individual fails the written examination or shooting course twice, the individual must wait at least thirty days to retake the failed portion, and if the individual fails the written examination or shooting course a third time, the individual must wait a full year before retaking the written examination or shooting course; and

Has provided at least one thousand hours of private investigative or private security services

93-02-02.1-05. Qualifications for apprentice security officers. To qualify for registration as an apprentice private security officer, an individual:

1. Must complete, within thirty days after being registered with the board, a minimum of twelve hours of classroom instruction relating to the provision of private security services or twelve hours of field training. The field training must be supervised either by a security officer who has a minimum of two thousand hours of active service in that grade or equivalent combination of training and experience as defined in section 93-02-02.1-10 or by a commissioned security officer. The training must be at a ratio of no more than four trainees to one officer.
2. Until the apprentice private security officer has fulfilled the requirements in this section, the apprentice may only provide private security services under the direct, onsite supervision of a security officer or commissioned security officer employed by the private security agency.

A registration under this section will not be issued after the expiration of a temporary registration issued under North Dakota Century Code section 43-30-05.1 unless the apprentice security officer provides sufficient proof to the board of the completion of the instruction and field training requirements in this section.

93-02-02.1-06. Qualifications for security officers. To qualify for registration as a security officer, an individual must provide a minimum of one thousand hours of private security service as a registered apprentice security officer and complete an additional thirty-two hours of classroom instruction as required by the board.

93-02-02.1-07. Qualifications for commissioned security officers. To qualify for registration as a commissioned security officer, an individual must provide three thousand hours of private security service as a registered security officer, in addition to at least one thousand hours as an apprentice security officer, and complete an additional eighty hours of classroom instruction as required by the board.

93-02-02.1-08. Armed personnel - Possession and use of firearms in the course of providing private security services. It is unlawful for any individual, including agency personnel, to carry a firearm while providing private security services unless the individual carrying the firearm:

1. Is in compliance with all existing state and federal laws governing weapons or firearms, including certification and licensing when necessary;
2. Has completed the same requirements for firearms training as is required for North Dakota peace officers. However, if the individual fails the written examination or shooting course twice, the individual must wait at least thirty days to retake the failed portion, and if the individual fails the written examination or shooting course a third time, the individual must wait a full year before retaking the written examination or shooting course; and

Achieved at least the rank of security officer as defined in section 93-02-02.1-06 and been issued an armed private security certificate.

125th NORTH DAKOTA BASIC TRAINING PROGRAM

June 6 - August 26, 2016

489 Hours

Course Content

I. ADMINISTRATION

Orientation and Academy Protocol	Lieutenant Daniel Haugen Sergeant Pedro Armendariz Sergeant Derek Arndt	1 Hour
Room Inspections – Flag Detail	Trooper Johnathan Stanley	1 Hour
Learning Skills	Sergeant Chris Messer	1 Hour
POST Test Review	Lieutenant Daniel Haugen	2 Hours
POST Test	Special Agent Duane Stanley	3 Hours
POST Board Rules and Regulations	Special Agent Duane Stanley	1 Hour
Weekly Tests	Sergeant Pedro Armendariz	9 Hours
Practical Scenario Tests	Sergeant Pedro Armendariz Sergeant Derek Arndt Special Agent Travis Holding Eagle Sergeant Mitch Wardzinski	19 Hours
Graduation Practice/Class Photo	Lieutenant Daniel Haugen	2 Hours
Course Closing	Lieutenant Daniel Haugen	1 Hour
Graduation	Lieutenant Daniel Haugen	1 Hour

II. INTRODUCTION TO LAW ENFORCEMENT IN NORTH DAKOTA

North Dakota Law Enforcement Agencies	Sergeant Chris Messer	1 Hours
History and Principles of Law Enforcement	Sergeant Chris Messer	2 Hour
History of North Dakota	Sergeant Chris Messer	1 Hour
Police Discretion	Lieutenant Richard Schaaf	1 Hour
Law Enforcement and The Public and Community Oriented Policing	Detective Dan Dery	4 Hours
Ethics and Moral Issues	Mr. Steve Engen	1 Hour
North Dakota Criminal Justice System	Mr. Mike Mahoney	2 Hours
Criminal/Civil Liability–Standards of Performance	Ms. Laura Balliet Ms. Jan Murtha	2 Hours

III. PHYSICAL AND EMOTIONAL READINESS

Physical Fitness Orientation	Sergeant Pedro Armendariz	1 Hour
Physical Fitness & Testing	Sergeant Pedro Armendariz Sergeant Derek Arndt	31 Hours
Emotional Health and Stress Management	Mr. Bill Brown	4 Hours

IV. LAWS AND PROCEDURES

Authority and Jurisdiction	Lieutenant Richard Schaaf	1 Hour
Constitutional Law	Ms. Laura Balliet Ms. Jan Murtha	2 Hours
Criminal Law	Ms. Dawn Deitz	16 Hours
Criminal Procedures and Laws of Arrest	Mr. Johnathan Maritato	2 Hours
Search and Seizure	Mr. Aaron Birst	6 Hours
Admissions and Confessions	Mr. Aaron Birst	2 Hours
Civil Law	Ms. Laura Balliet Ms. Jan Murtha	2 Hours

Liquor Laws
Game & Fish Laws

Patrolman Brett Anderson 1 Hour
Game Warden Jackie Lundstrom 1 Hour

V. HUMAN RELATIONS

Perceptions of Human Behavior
Communication
Cultural Diversity
Dealing With Autism

Mr. Joe Ellefson 2 Hours
Mr. Joe Ellefson 2 Hours
Ms. Maren Arbach 2 Hours
Mr. Brown 2 Hours

VI. REPORT WRITING

Note Taking and Report Writing
Incident Based Reporting

Trooper Chris Pulver 4 Hours
Ms. Becky Hooker 4 Hours

VII. MOTOR VEHICLE CRASH INVESTIGATION AND RELATED ISSUES

Crash Investigation

Traffic Direction and Control
Hazardous Materials

Trooper Matt Brown 20 Hours
Trooper Travis Nelson
Trooper Grant Lonski 1 Hour
Trooper Dan Krueger 4 Hours

VIII. PATROL PROCEDURES AND OPERATIONS

Patrol Procedures
Vehicle Stop Techniques
Felony Stop Techniques
Roadblocks and Barricades
Crimes in Progress
Tactical Communication
Crowd Control and Civil Disorder
Crime Prevention and Fear Reduction
Special Problems—Gangs and Terrorism
Radar (Classroom) & Test
Weather Spotting
SLIC
Weapons of Mass Destruction
Introduction to Police K-9 Procedures
AMBER Alert
Active Threat Response

Human Trafficking
Sex Offenders

Sergeant Mike MacDonald 8 Hours
Sergeant Derek Arndt 8 Hours
Sergeant Derek Arndt 2 Hours
Trooper Grant Lonski 2 Hours
Sergeant Mitch Wardzinski 3 Hours
Sergeant Derek Arndt 4 Hours
Trooper Troy Roth 1 Hours
Senior Officer Aaron Moss 2 Hours
Patrolman Brett Anderson 2 Hours
Trooper Erik Klein 5 Hours
Mr. John Martin 2 Hours
Sergeant Pat Hudson 3 Hours
Mr. Bill Brown 4 Hours
Patrolman Tim Sass 3 Hours
Lieutenant Tom Iverson 1 Hour
Sergeant Steve Johnson 8 Hours
Sergeant Ben Kennelly
Trooper Erik Klein
Special Agent Scott Betz 2 Hours
Deputy Marshal Randall Mittleider 1 Hour

IX. PRINCIPLES OF CRIMINAL INVESTIGATION

Systematic Search of the Crime-In-Progress Scene
The Officer As First Responder
Security The Crime Scene
Identifying, Collecting and Processing Evidence
Identification of Suspects
Interview and Interrogation Techniques and Skills
Photography
Computer Crimes
Sex Crimes
Injury and Death Cases

Detective Dustin Miller 7 Hours
Special Agent Arnie Rummel 2 Hours
Special Agent Arnie Rummel 1 Hour
Special Agent Arnie Rummel 2 Hours
Special Agent Arnie Rummel 1 Hour
Special Agent Rob Fontenot 6 Hours
Special Agent Steve Harstad 2 Hours
Special Agent Steve Harstad 2 Hours
Mr. Jon Byers 4 Hours
Dr. William Massello 2 Hours

Controlled Substances	Special Agent Casey Miller	3 Hours
Surveillance	Special Agent Casey Miller	2 Hours
Informants and Intelligence	Special Agent Casey Miller	2 Hours
Radio Procedures	Mr. Bill Haas	2 Hours
Packaging of Evidence	Mr. LaMonte Jacobson	1 Hour
Child Sexual Abuse-Minimal Facts Interviewing	Ms. Shannon Hilfer	2 Hours
NCIC	Ms. Jenny Curtis	2 Hours
Fingerprints	NDBCI	4 Hours
Fingerprint Evidence	Ms. Tracey Stastny	4 Hours
Crime Scene Sketching and Diagramming	Special Agent Scott Kraft	2 Hours

X. MOTOR VEHICLE LAW ENFORCEMENT AND COLLISION INVESTIGATION

Traffic Law	Sergeant Chris Messer Trooper Adam Malafa	18 Hours
Motorized Recreation Laws	Park Ranger Erik Dietrich	2 Hours
Occupant Safety	Ms. Dawn Mayer	4 Hours
Traffic Enforcement Strategies and Role of Patrol In Policing The Community	Sergeant Pedro Armendariz	2 Hours
Standardized Field Sobriety Testing	Trooper Wes Maley Sergeant Ryan Panasuk Trooper Jed Dahnke	24 Hours
North Dakota Vehicle Dealer and Registration Law	Mr. Curt Malafa	1 Hours

XI. FIRST AID AND CPR

First Aid and CPR	Sanford Health	8 Hours
Sanford AirMed	Ms. Ashley Kann	4 Hours

XII. DOMESTIC ISSUES

Juvenile Law and Justice	Mr. Mike Mahoney	2 Hours
Juvenile Justice System and Law Enforcement Handling Of Youth	Ms. Rhonda Althoff	1 Hour
Domestic Violence and Police Response And Scenarios	Ms. Erica Davidson Detective Greg Johnson Sergeant Mark Gaddis	16 Hours

XIII. CRISIS MANAGEMENT

Handling the Mentally Ill and Other Special Problems	Trooper Matt Johnson	2 Hours
Crisis Management	Chief Dan Donlin Corporal Thomas Grosz	8 Hours
Police and the Family Impacting Relationships	Chaplain Les Wolfgram Lieutenant Rick Richard	3 Hours

XIV. DEFENSIVE TACTICS

Use of Force Legal Issues	Mr. Mike Mahoney	4 Hours
Use of Force Continuum/Judgment Issues	Sergeant Pedro Armendariz	1 Hour
Tactical Self-Defense	Sergeant Pedro Armendariz Sergeant Derek Arndt	38 Hours
Use of OC Spray (Classroom & Practical)	Lieutenant Daniel Haugen Sergeant Pedro Armendariz Sergeant Derek Arndt	4 Hours
Ground Fighting	Sergeant Derek Arndt	4 Hours

TASER

Sergeant Derek Arndt
Trooper Josh Rode

8 Hours

HANDLING ARRESTED PERSONS

Mechanics of Arrest, Restraint and Control
Handcuffing

Mr. Steve Engen
Sergeant Pedro Armendariz
Sergeant Derek Arndt

1 Hour
3 Hours

Transporting Prisoners
Booking, Lock-Up and Identification
Special Problems

Mr. Steve Engen
Mr. Steve Engen
Mr. Steve Engen

1 Hour
1 Hour
1 Hour

XVI. CASE PRESENTATION

Courtroom Testimony and Demeanor
Rules of Evidence

Ms. Julie Lawyer
Mr. Mike Mahoney

4 Hours
8 Hours

XVII. BASIC FIREARMS COURSE

Basic Firearms (Classroom & Practical)

Trooper Kyle Mlynar
Special Agent Jeramie Quam
Special Agent Casey Miller

16 Hours

Police Shotgun

Game Warden Tim Larson
Special Agent Travis Holding Eagle
Trooper Chris Pulver

8 Hours

Laser Shot

1 Hour

XVIII. OPERATION OF PATROL VEHICLE

Emergency Vehicle Operations
(Classroom & Practical)

Trooper Scott Guenthner
Trooper Tony DeJean
Trooper Craig Tuhy

12 Hours

APPENDIX C

BASIC COMBAT TRAINING
 COURSE LESSON SEQUENCE SUMMARY
(Updated: 1 April 2015)

MODULE A – Administrative Support Time

LESSON #	HRS	TITLE	DATE
805-BT805087		Administrative Support Time	March 15
		CIF Issue:	4.0
		Commandant's Time	1.5
		Graduation	13.0
		Out-Processing	2.0
		Other	131.0
		AIT Orientation	1.5
		Cadre After Action Reviews	3.0
		Drill Sergeant Contact Time/Counseling	24.0
		Installation Detail Unit	8.0
		Maintenance	10.0
		Global Assessment Tool	4.0
		Movement	50.0
		National Holiday	8.0
		Sensing Sessions	3.0
		Uniform Fitting	15.5
		Equipment Turn-In	4.0
Total	151.5		

MODULE B – Basic Tactical Training

LESSON #	HRS	TITLE	DATE
071-BT071001	4.0	Individual Tactical Training	Feb 15
071-BT071002	7.6	Team Development Course (TDC)	Feb 15
071 BT071002	14.0	Buddy Team Live Fire Exercise (LFX)	Feb 15
Total	25.6		

MODULE C – Drill and Ceremonies

LESSON #	HRS	TITLE	DATE
805-BT805003	0.8	Drill and Ceremonies 1 (Drill Orientation)	Apr 14
805-BT805004	1.6	Drill and Ceremonies 2 (Individual Drill – Stationary Movement)	Apr 14
805-BT805005	2.7	Drill and Ceremonies 3 (Individual Drill - Marching)	Mar 15

805-BT805006	4.6	Drill and Ceremonies 4 (Individual Drill with Weapons)	Mar 15
805-BT805007	4.7	Drill and Ceremonies 5 (Squad Drill)	Mar 15
805-BT805008	2.8	Drill and Ceremonies 6 (Platoon Drill)	Mar 15
805-BT805009	0.8	Drill and Ceremonies 7 (Company Drill)	Mar 15
805-BT805009	1.0	Platoon Drill Evaluation	Mar 15
Total	19.0		

MODULE D – Field Training Exercises

LESSON #	HRS	TITLE	DATE
071-BT071010	13.4	Field Training Exercise 1	Feb 15
071-BT071011	26.0	Field Training Exercise 2	Feb 15
071-BT071012	96.0	Field Training Exercise 3	Feb 15
Total	135.4		

MODULE E – First Aid

LESSON #	HRS	TITLE	DATE
081-BT081013	6.0	First Aid 1 TC3 (Care Under Fire)	Apr 14
081-BT081014	9.0	First Aid 2 Intro to TC3 (Tactical Field Care)	Apr 14
081-BT081015	1.0	First Aid 3 Initiate a TC3 Card	Apr 14
0810BT081016	2.0	First Aid 4 Request Medical Evacuation	Apr 14
081-BT081017	4.0	First Aid 5 Tactical Casualty Care	Apr 14
081-BT081018	3.0	First Aid 6 Preventive Medicine	Apr 14
Total	25.0		

MODULE F – Guard Duty

LESSON #	HRS	TITLE	DATE
071-BT071021	0.8	Guard Duty 1 (Purpose, Type, Composition)	Feb 15
Total	0.8		

MODULE G – Land Navigation

LESSON #	HRS	TITLE	DATE
071-BT071022	6.0	Land Navigation (Basic Map Reading)	Feb 15
071-BT071023	9.0	Land Navigation (Practice & Written Eval)	Feb 15
071-BT071024	4.0	Land Navigation Certification	Feb 15
Total	19.0		

MODULE H – Mine, Countermine, and IED Defeat Operations

LESSON #	HRS	TITLE	DATE
051-BT052026	2.9	Landmine Defense Counter Improvised Explosive Device Defeat (CIED)	Mar 15
Total	2.9		

MODULE I – Military Communications

LESSON #	HRS	TITLE	DATE
113-BT113027	1.8	Perform Voice Communications	Mar 15
Total	1.8		

MODULE J – Move Under Direct Fire

LESSON #	HRS	TITLE	DATE
BT071028	2.7	Move Under Direct Fire (Night Infiltration Course)	Feb 15
Total	2.7		

MODULE K – Chemical, Biological, Radiological, Nuclear (CBRN) Defense

LESSON #	HRS	TITLE	DATE
031-031029	2.2	Chemical, Biological, Radiological, Nuclear Defense 1	Apr 14
031-031030	7.5	Chemical, Biological, Radiological, Nuclear Defense 2	Apr 14
Total	9.7		

MODULE L – Physical and Mental Readiness

LESSON #	HRS	TITLE	DATE
805-BT805031	2.9	Conditioning Obstacle Course	Apr 14
805-BT805032	5.0	Confidence Obstacle Course	Apr 14
805-BT805033	8.0	Confidence Tower	Apr 14
805P-BT805341	1.0	PRT Philosophy	Apr 14
805P-BT805342	1.0	Execution of Training	Apr 14
805P-BT805343	1.0	Posture and Body Mechanics	Apr 14
805P-BT805344	6.0	Army Physical Fitness Training (APFT)	Apr 14
805P-BT805345	4.0	Preparation Drill Instruction & PE	Apr 14
805P-BT805346	5.0	1-Mile Run Assessment & Recovery Drill Instr & PE	Apr 14
805P-BT805347	3.0	Four for the Core (4C) Instruction & PE	Apr 14
805P-BT805348	3.0	Hip Stability Drill (HSD) Instruction & PE	Apr 14
805P-BT805349	3.0	Push-up & Sit-up (PSD) Instruction & PE	Apr 14
805P-BT805350	3.0	Strength Training Circuit (STC) Instruction & PE	Apr 14
805P-BT805351	3.0	Ability Group Run (AGR) Release Run (RR) PE	Apr 14

805P-BT805352	4.0	Conditioning Drill 1 (CD1) Instruction & PE	Apr 14	805P-BT805353	4.0	Conditioning Drill 2 (CD2) Instruction & PE	Apr 14	805P-BT805354	3.0
Military Movement Drill 1 (MMD) Instruction & PE		Apr 14	805P-BT805355	4.0	Climbing Drill 1 (CL1) Instruction & PE		Apr 14	805P-BT805356	2.8
Instruction		Apr 14			30:60s: 120s				
805P-BT805357	3.0	300-Yard Shuttle Run (SR) Instruction	Apr 14						
805P-BT805358	1.0	Recovery Drill 1 (RD) Instruction & PE	Apr 14						
805-BT805359	1.0	Performance Nutrition	Mar 15						
805D-BT805035	1.0	Spiritual Readiness	Apr 14	081-RTO01001	2.0	Resilience Training for BCT (BCT/OSUT)	Nov 14	071-BT071037	8.0
16K Foot March			Feb 15						
071-BT071038	9.0	4K, 8K, 12K Foot Marches	Feb 15						
081-BT081088	1.0	Suicide Prevention for Basic Combat Training (BCT/OSUT)	Nov 14						

Total 91.2

MODULE M – Combatives

LESSON #	HRS	TITLE	DATE
071-BT071039	11.0	Rifle Fighting Techniques	Feb 15
071-BT071040	11.0	Hand to Hand Fighting Techniques	Feb 15
Total	22.0		

MODULE N – Basic Rifle Marksmanship

LESSON #	HRS	TITLE	DATE
071-BT071041	8.0	RM PD-I Introduction to Rifle Marksmanship	Feb 15
071-BT071042	8.0	RM-2 Range Procedures & Marksmanship Fundamentals I (Initial EST) (CCO)	Feb 15
071-BT071043	8.0	RM-3 Range Procedures & Marksmanship Fundamentals II (EST) (CCO)	Feb 15
071-BT071044	8.0	RM-4 Group & Zero (CCO)	Feb 15
071-BT071045	8.0	RM-5 Confirm Zero (BUIS & CCO)	Feb 15
071-BT071046	8.0	RM-6 Field Fire I (BUIS ONLY)	Feb 15
071-BT071047	8.0	RM-7 Simulated Field Fire (EST/CCO/COMBAT EQUIP)	Feb 15
071-BT071048	8.0	RM-8 Field Fire II (CCO & COMBAT EQUIP)	Feb 15
071-BT071049	8.0	RM-9 Practice Record Fire I & II (CCO & COMBAT EQUIP)	Feb 15
071-BT071050	5.0	RM-10 Record Fire (CCO & COMBAT EQUIP)	Feb 15
071-BT07051	6.0	RM-11 Day Barrier Shoot	Feb 15
Total	83.0		

MODULE O – Soldierization

LESSON #	HR	TITLE	DATE
805-BT805058	S	Army Heritage, Traditions, and Organization	Apr 14
BT153059	1.0	Composite Risk Management	Apr 14
BT181060	3.6	Overview of Legal Issues for Soldiers	Apr 14
191-BT191061	1.0	Anti-Terrorism Level I	Apr 14

BT301062	1.0	What is Culture	Apr 14
805C-CZAEOS01	1.3	EO	Apr 14
805-BT805064	3.0	SHARP	Apr 14
805-BT805065	1.0	ID and Wear of the Army Uniform	Apr 14
805-BT805066	10.0	Inspections	Apr 14
BT181067	2.0	Overview of Operational Law for BCT (3.7Hrs)	Apr 14
805A-BT805068	2.0	Manage Personal Finances	Apr 14
805-BT805069	1.6	Military Customs and Courtesies	Apr 14
159-BT159070	1.0	Identify Combatant & Non-Combatant Personnel & Hybrid Threats	Apr 14
301-BT301071	1.9	Threat Awareness & Reporting Program (TARP)	Apr 14
BT805072	10.1	Values	Apr 14
701-BT805073	1.5	Warrior Ethos	Apr 14
301-BT301074	1.0	Maintain Situational Awareness/Every Soldier as Sensor	Apr 14
805-BT805089	18.0	Phase Testing	Feb 15
Total	64.4		

MODULE P – Tactics

LESSON #	HRS	TITLE	DATE
150-206A/5	1.0	Army Personnel Recovery	Mar 10
150-206B/5	0.6	Code of Conduct/ Army Civilian Corps Creed	Mar 10
150-206C/5	0.5	Isolated Personnel Report (ISOPREP)	Mar 10
150-206D/5	0.7	SARDOT/SARNEG	Mar 10
BT071076	3.8	Judgment Based Skills Training (Escalation of Force)	Apr 14
BT191078	3.8	Perform Detainee OPS at Point of Capture	Apr 14
BT224079	1.0	Interact with News Media	Apr 14
071-BT071080	4.0	Urban Operations	Feb 15
Total	12.6 (15.4)		

MODULE Q – U.S. Weapons Training

LESSON #	HRS	TITLE	DATE
071-BT071081	7.6	Hand Grenade	Feb 15
071-BT071083	4.0	M320 Grenade Launcher	Feb 15
071-BT071085	5.0	M249 Machine Gun-SAW	Feb 15
Total	16.6		

MODULE R – ENHANCEMENT TRAINING

LESSON #	HRS	TITLE	DATE
805-BT805086	40.0	Enhancement Training	Mar 15
Total	40.0		

Testimony of Francine Johnson, Executive Director of the North Dakota Private Investigation & Security Board

February 3, 2017.

I am here today speaking on behalf of the North Dakota Private Investigation & Security Board regarding Senate Bill NO. 2329. The board is in opposition of this bill due to the following reasons. First of all, we already have equivalency standards and waivers in place regarding training and experience as it relates to the military. Our administrative rules, specifically, **93-02-01.1-06** and **93-02-02.1-10** outline equivalency standards. These sections read as follows:

The board may waive part of or all of any training or experience requirements for individual licensed or registered by the board based upon equivalent training or experience in any combination of the following: private security or private investigation in another state with equal or similar requirements; law enforcement in any jurisdiction with equal or similar requirements; military security, proprietary security, military investigation; proprietary investigation, provided that equal or similar requirements for training as required by this chapter were met; or equivalent training in any educational institution in relevant subject matters.

We have and do take these equivalency standards into consideration when registering or licensing potential applicants.

Additionally, Title **93-02-02.1-08**, outlines the compliance standards as it relates to the carrying of a firearm while providing security services. This section reads:

"It is unlawful for any individual, including agency personnel, to carry a firearm while providing private security services unless the individual carrying the firearm:

- 1. Is in compliance with all existing state and federal laws governing weapons or firearms, including certification and licensing when necessary;**
- 2. Has completed the same requirements for firearms training as is required for North Dakota peace officers.**

Since we already have measures in place, this bill/waiver is unnecessary. Further background on this topic is that this same type of bill was put before the legislature in February of 2013 asking the legislature for a waiver for all military personnel to gain licensure regardless of their skill set or abilities while in the military. The only qualification being the fact that they served in the military.

Then, as now, the industry and the regulating board for the industry feels that this is an over-reaching and unwise legislative proposal. We fully recognize and appreciate all of our service men and women for the incredible sacrifices they make for all of us as well as their continued and past service. However, granting a blanket waiver of qualifications, particularly that of carrying a weapon without proper training on the use of force, rules of engagement, North Dakota laws, and skill set within the private security industry, would be a gross disservice to the people of North Dakota and the security industry. We do not doubt the fact that those within the military have the abilities to enter into this industry, we simply want to ensure that they meet the **same** equivalency standards as is required of all those who intend to carry a weapon within this industry. The language of this bill would allow anyone in the military, past or present, regardless of duty or rank, to carry a weapon. This waiver exceeds even the standards allowed within the law enforcement community. Law enforcement does not grant military personnel the ability to carry a sidearm without meeting the ND peace officer standards, so why would we allow this in the private sector? Additionally, even former military personnel have advised our Board that even while in the military, their years of training never had them touch a handgun. Their training was that of rifle training, not a sidearm. The type of weapons training occurring in the military does not necessarily translate into the private sector. Again, we don't dispute those of the military police status may indeed have the skill set and experience but they too, like law enforcement must provide proof or documentation of their proficiency and skill set. Additional concerns with this bill is the fact that it does not take into account honorable or dishonorable discharges, mental capacities, and criminal backgrounds. The bill allows a blanket endorsement for all in the military, past or present.

As outlined earlier, we do have equivalencies in place which have been utilized provided the applicant and agency provides sufficient documentation to prove the applicant's proficiency. This proposed legislation is trying to fix something that is not broken.

Further background for the committees' information is that the NDPIBS discussed this same proposal at a board meeting in February of 2016 with the industry member that has interest in this bill. At that meeting, the Board informed the license holder that the equivalency standards were in place. It was explained in detail that these equivalency standards are taken on a case by case basis and that the proper steps and protocols are in place. He was informed that he would need to bring forth the equivalency standards for the board's review. The burden of proof for the standard to be applied would be upon him or his applicant. At that time, he indicated he would work with military leaders to gain the standard in order to utilize this equivalency or waiver. He has not yet done so and apparently resorted to this legislative method rather than following the already established rules and protocol.

The NDPIBS cannot endorse this bill to provide a blanket waiver for military personnel, particularly the standards that must be met with regard to carrying a weapon. The harm and liability is simply too great. The board's job is to protect the public and ensure that licenses and certifications are granted to qualified and professional individuals. The language in this bill does not promote that standard. We urge the committee to vote "do not pass" on this bill.

Senate Bill 2329

Before the Senate Government and Veterans Affairs Committee
John Shorey, Chairman, North Dakota Private Investigation and Security Board

Chairman and member of the committee, I am John Shorey, chairman of the North Dakota Private Investigation & Security Board. I apologize for not being able to testify in person; however what follows is my written testimony on Senate Bill 2329.

I am currently an armed licensed private investigator and armed licensed security provider in the State of North Dakota. I am a certified security trainer and weapons instructor. I have been employed in the private security and investigations industry my entire adult life and, at one time or another, have held every license and registration offered by the board.

I have had a concurrent thirteen (13) year career as a full-time licensed law enforcement officer in both North Dakota and Minnesota. During my career as a police officer, I was a department firearms and use of force instructor. I continue to maintain my peace officer license in both states on an inactive basis. I am also a North Dakota Concealed Weapons Test Administrator, certified by the North Dakota Bureau of Criminal Investigation. I have experience instructing civilians, law enforcement personnel, and private security and investigative personnel in the use of firearms.

The North Dakota Private Security & Investigation Board was first made aware of this senate bill this past weekend. The board convened a special meeting on January 31, 2017 to discuss this bill. The board was unanimous in its decision to oppose this bill. The opposition to this bill is multifaceted, the reasons the board opposes it is as follows:

- We currently have administrative rules covering equivalency to include certain types of military experience.

- Currently, to become an armed security officer or private investigator, in addition to 1000 hours of field experience as a private security officer or private investigator (or equivalency), a person has to meet the same training requirements as is required by North Dakota Peace Officers. This standard has been in place 20+ years. His high standard should remain.
- Currently our licensing system is based upon service of hours in private security, private investigation or related equivalency. This bill would create a logistical nightmare for our licensing system as an unintended, but real consequence.
- While the military receives excellent training with weapons, it does not translate over to the private sector. A board member at the meeting commented that they were in the military and never touched a handgun during their military service. Handguns are primarily carried by private security personnel, not rifles or other weapons.
- The military's rules of engagement and escalation of force differ from those that are required within the by private security sector. It should be noted that military experience doesn't exempt somebody from the testing requirements for a civilian North Dakota Concealed Weapons License. Why would we waive the requirements for an armed professional license if the state does not waive this requirement for the armed civilian license with individuals with military experience?

The board's number one concern is public safety. I believe the lowering of the standards for the carrying of firearms by private security personnel in the course of providing security services is contrary to public safety.

For the reasons put forth I would ask for a "do not pass" on this bill. Thank you for your time and consideration of my written testimony on this bill.

**CHAPTER 93-02-02.1
PRIVATE SECURITY SERVICES**

Section

- 93-02-02.1-01 Qualifications for Individuals Providing Private Security Services
- 93-02-02.1-02 Licensing of Individuals Providing Private Security Services
- 93-02-02.1-03 Licensing of Private Security Agencies
- 93-02-02.1-04 Registration of Employees and Independent Contractors of Private Security Agencies
- 93-02-02.1-05 Qualifications for Apprentice Security Officers
- 93-02-02.1-06 Qualifications for Security Officers
- 93-02-02.1-07 Qualifications for Commissioned Security Officers
- 93-02-02.1-08 Armed Personnel - Possession and Use of Firearms in the Course of Providing Private Security Services
- 93-02-02.1-09 Qualifications for Trainers
- 93-02-02.1-09.1 Qualifications for Armed Instructors
- 93-02-02.1-10 Equivalency
- 93-02-02.1-11 Prohibitions
- 93-02-02.1-12 Surety Requirements
- 93-02-02.1-13 License - Posting
- 93-02-02.1-14 Issuance of Pocket Cards
- 93-02-02.1-15 Change in Ownership or Other Application Information
- 93-02-02.1-16 Examination Restrictions

93-02-02.1-01. Qualifications for individuals providing private security services.

To receive and maintain any license or registration from the board to provide private security services, an individual first must:

1. Be at least eighteen years of age.
2. Be a high school graduate or hold the equivalent of a high school diploma.
3. Have not been convicted or adjudged guilty in any jurisdiction of one of the following offenses or its equivalent in another jurisdiction, including juvenile adjudications that the individual has engaged in similar conduct: any felony; any class A or B misdemeanor involving an act of violence or intimidation as defined in North Dakota Century Code chapters 12.1-16 through 12.1-25 and chapter 12.1-31.2, or involving controlled substances as defined in North Dakota Century Code chapter 19-03.1; any offense involving theft as defined in North Dakota Century Code chapter 12.1-23, including shoplifting; or any other offense that must be reported to the North Dakota bureau of criminal investigation under North Dakota Century Code section 12.1-32-15. This subsection does not prohibit the board from issuing a license or registration to an individual if the board determines the offense does not have a direct bearing upon the individual's ability to provide private security services to the public and the individual has been sufficiently rehabilitated pursuant to the provisions of North Dakota Century Code section 12.1-33-02.1, or a full pardon has been granted.
4. Be free of mental condition or defect that would interfere with the individual's ability to provide services in a professional and competent manner.
5. Have not committed an act that the board determines is indicative of bad moral character and which has a direct bearing on the applicant's ability to serve the public, including offenses other than those listed in subsection 3.

The requirements in this section are in addition to any other qualifications established in this chapter. Each individual who is required to meet the qualifications of this section has a continuing duty to notify the board of any conviction or adjudication of guilt of an offense described in subsection 3 within

fourteen days of the conviction or adjudication. For individuals who are licensed or registered by the board on May 1, 2000, or who are officers or owners of at least a ten percent interest in a licensed agency on May 1, 2000, this section applies only to convictions or adjudications of guilt which occur after May 1, 2000.

History: Effective May 1, 2000.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04, 43-30-05, 43-30-06

93-02-02.1-02. Licensing of individuals providing private security services.

1. An individual providing private security services must obtain a license from the board to provide those services unless the individual is registered as an employee or independent contractor of an agency that is licensed under this chapter and is providing those services within the scope of the individual's relationship with the agency. An agency is responsible for registering its employees and independent contractors under section 93-02-02.2-04. This section does not apply to individuals who are exempt from the board's jurisdiction under North Dakota Century Code section 43-30-02.
2. An individual is qualified to be licensed to provide private security services if the individual is currently a commissioned security officer and has passed an examination conducted by or under the supervision of the board within the twelve months preceding the date of the individual's application for the license.

History: Effective May 1, 2000; amended effective May 1, 2005.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04, 43-30-05, 43-30-06

93-02-02.1-03. Licensing of private security agencies.

Any individual or entity hiring another person to perform private security services must obtain a private security agency license. An individual who applies for a private security agency license must be currently licensed in this state to provide private security services. An entity that applies for a private security agency license must have at least one individual who serves as the qualifying agent for that entity, and who will be responsible for all agency personnel providing those services. The qualifying agent must be an individual who is an officer, director, partner, proprietor, or manager of the agency who exercises material authority in the conduct of the agency's business by making substantive technical and administrative decisions relating to the work performed for which a license is required and who is not involved in any other employment or activity which conflicts with these duties and responsibilities to ensure the agency's performance of work regulated under this chapter complies with applicable laws and does not jeopardize the public health, safety, and welfare. The qualifying agent and all nonlicensed officers and owners of at least a ten percent interest in the entity must be listed on the application and meet the qualifications in section 93-02-02.1-01.

History: Effective May 1, 2000; amended effective April 1, 2013.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

93-02-02.1-04. Registration of employees and independent contractors of private security agencies.

1. For the purposes of this chapter, the terms "employee" and "employment" refer to an employer-employee relationship in which the employee is working for compensation, the employer directly or indirectly controls the employee's conduct, and the employer pays taxes or makes other payments because of the employment.

2. An individual providing private security services as an employee or independent contractor of a private security agency who is not licensed to provide those services must have a registration from the board as an apprentice security officer, security officer, or commissioned security officer. The agency is responsible for obtaining registration for all of its employees and independent contractors.
3. A private security agency may not employ or contract with an unregistered or unlicensed person to provide private security services on behalf of the agency. A person employed or contracted by a private security agency who does not provide any private security services need not be registered or licensed.
4. A private security agency is responsible for any activities of its licensed or registered employees and independent contractors and may be subject to administrative action by the board for the activities of its licensed or registered employees and independent contractors.
5. A registered employee or independent contractor may not provide private security services unless the employee or independent contractor is under the supervision of an individual who is licensed to provide private security services.

History: Effective May 1, 2000; amended effective May 1, 2005.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04, 43-30-05, 43-30-16

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

To qualify for registration as an apprentice private security officer, an individual:

1. Must complete, within thirty days after being registered with the board, a minimum of twelve hours of classroom instruction relating to the provision of private security services or twelve hours of field training. The field training must be supervised either by a security officer who has a minimum of two thousand hours of active service in that grade or equivalent combination of training and experience as defined in section 93-02-02.1-10 or by a commissioned security officer. The training must be at a ratio of no more than four trainees to one officer.
2. Until the apprentice private security officer has fulfilled the requirements in this section, the apprentice may only provide private security services under the direct, onsite supervision of a security officer or commissioned security officer employed by the private security agency.
3. A registration under this section will not be issued after the expiration of a temporary registration issued under North Dakota Century Code section 43-30-05.1 unless the apprentice security officer provides sufficient proof to the board of the completion of the instruction and field training requirements in this section.

History: Effective May 1, 2000; amended effective July 1, 2010.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

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

To qualify for registration as a security officer, an individual must provide a minimum of one thousand hours of private security service as a registered apprentice security officer and complete an additional thirty-two hours of classroom instruction as required by the board.

History: Effective May 1, 2000.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

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

To qualify for registration as a commissioned security officer, an individual must provide three thousand hours of private security service as a registered security officer, in addition to at least one thousand hours as an apprentice security officer, and complete an additional eighty hours of classroom instruction as required by the board.

History: Effective May 1, 2000.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-04

93-02-02.1-08. Armed personnel - Possession and use of firearms in the course of providing private security services.

It is unlawful for any individual, including agency personnel, to carry a firearm while providing private security services unless the individual carrying the firearm:

1. Is in compliance with all existing state and federal laws governing weapons or firearms, including certification and licensing when necessary;
2. Has completed the same requirements for firearms training as is required for North Dakota peace officers. However, if the individual fails the written examination or shooting course twice, the individual must wait at least thirty days to retake the failed portion, and if the individual fails the written examination or shooting course a third time, the individual must wait a full year before retaking the written examination or shooting course; and
3. Achieved at least the rank of security officer as defined in section 93-02-02.1-06 and been issued an armed private security certificate.

History: Effective May 1, 2000; amended effective May 1, 2005.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-04

93-02-02.1-09. Qualifications for trainers.

Classroom instruction required of apprentice security officers, security officers, or commissioned security officers must be conducted by trainers certified by the board. To be certified as a trainer, an individual must meet at least one of the following requirements:

1. Two thousand hours of active service as a security officer;
2. Equivalent combination of training and experience as defined in section 93-02-02.1-10;
3. One year of experience as an instructor in a relevant discipline at an educational institution or educational agency;
4. A degree from any educational institution in a nonrelevant discipline plus at least a minor in a relevant discipline; or
5. Certification from an accredited vocational education provider.

History: Effective May 1, 2000.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-04

17.1006.01001
Title.

Prepared by the Legislative Council staff for
Senator Bekkedahl
February 6, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2329

Page 1, line 10, remove "as"

Page 1, line 11, remove "qualified."

Page 1, line 12, after "States" insert "as having met any related experience requirements"

Renumber accordingly

17.1006.02001
Title.

Prepared by the Legislative Council staff for
Senator Bekkedahl

March 16, 2017

#1
2329
3-21-17

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2329

Page 1, line 2, replace "armed personnel" with "security officers"

Page 1, line 10, replace "armed security personnel" with "security officers"

Page 1, line 10, after "recognize" insert "active members of the national guard and"

Page 1, line 12, after "States" insert ", who were honorably discharged."

Renumber accordingly

#2
2329
3-25-17

Testimony
Senate Bill 2329
Bill Kalanek, 10-Code Security LLC.
House Judiciary Committee
Friday, February 3, 2017

Good morning Chairman Koppelman and members of the committee. My name is Bill Kalanek, and I am here today on behalf of 10-Code Security LLC to ask your support for Senate bill 2329.

The bill you have before you today is intended to be a simple bill. The language directs the Private Investigative and Security board to draft rules recognizing our United States military personnel as meeting the experience requirement to work as security officers for licensed security companies in the state of North Dakota.

Although the board has discretion when licensing, the board has been unwilling to do so for guardsmen and former military personnel that have training which meets and in many instances far exceeds that of law enforcement. The result prevents former soldiers from working in this capacity without meeting the criteria from the administrative code on the backside of my testimony.

To think that a two-tour veteran that served in Afghanistan is somehow less qualified to work as a security guard than the 6 month mall-cop that passes a shooting test should at a bare minimum seem unfair to the committee and reason to pass this bill.

For specifics with regard to the training that law enforcement and military personnel receive I would prefer to defer those questions to the speaker to follow, as he is both a veteran and a former Bismarck Police Officer.

This is a simple bill and my client just seeks to see fair treatment from the Private Investigative and Security board for our veterans returning to civilian life and returning to the work force.

I urge you to give a "Do Pass" recommendation to the bill and would stand for any questions.

Thank you.

93-02-02.1-08.

Armed personnel - Possession and use of firearms in the course of providing private security services.

It is unlawful for any individual, including agency personnel, to carry a firearm while providing private security services unless the individual carrying the firearm:

1. Is in compliance with all existing state and federal laws governing weapons or firearms, including certification and licensing when necessary;
2. Has completed the same requirements for firearms training as is required for North Dakota peace officers. However, if the individual fails the written examination or shooting course twice, the individual must wait at least thirty days to retake the failed portion, and if the individual fails the written examination or shooting course a third time, the individual must wait a full year before retaking the written examination or shooting course; and
3. Achieved at least the rank of security officer as defined in section 93-02-02.1-06 and been issued an armed private security certificate.

93-02-02.1-06.

Qualifications for security officers.

To qualify for registration as a security officer, an individual must provide a minimum of one thousand hours of private security service as a registered apprentice security officer and complete an additional thirty-two hours of classroom instruction as required by the board.

#3
2329
Monte L. Rogneby

3-21-17
mrogneby@vogellaw.com

March 21, 2017

North Dakota House Judiciary Committee
State Capitol
600 East Boulevard
Bismarck, ND 58505

Re: SB 2329 – N.D. Private Investigation and Security Board Testimony.

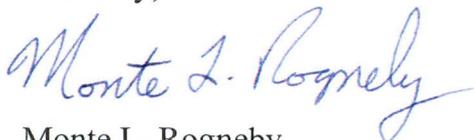
Dear Chairman Koppelman and Members of the Committee:

As Special Assistant Attorney General acting on behalf of the N.D. Private Investigation and Security Board, I have been authorized to provide testimony to the N.D. House Judiciary Committee on SB 2329. The North Dakota Private Investigation and Security Board has reviewed the proposed amendment and revision to SB 2329. The Board approves and supports the revisions as proposed with the understanding from public statements that the intent of SB 2329 is to create experience equivalency standards for military veterans who have been honorably discharged applicable to the qualifications of “security officers” as the term is defined in N.D.A.C. Section 93-02-02.1-06. Prior to the proposed amendment, SB 2329, as previously written, did not narrowly amend requirements for security officers and could be construed as waiving all requirements for the position and mandating that the Board allow veterans to automatically be “armed personnel” under N.D.A.C. Section 93-02-02.1-08.

Currently, any person seeking to become registered as a “security officer” must certify having one thousand (1,000) hours of experience as an “apprentice security officer.” Based on this bill, it is the intent of the Board to create equivalency rules for this one thousand (1,000) hours requirement for military experience. The Board also agrees that SB 2329 should not in any way alter the education requirements for “security officers” or alter the training and experience requirements for “armed personnel.”

The Board support SB 2329 as amended, and will adopt clear regulations granting military members equivalent experience credit.

Sincerely,



Monte L. Rogneby
Special Assistant Attorney General

VOGEL
Law Firm

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#4
2329
3-21-17

Sixty-fifth
Legislative Assembly
of North Dakota

Introduced by

Senators D. Larson, Dever

Representative Dockter

1 A BILL for an Act to amend and reenact section 43-30-04 of the North Dakota Century Code,
2 relating to private investigative services by ~~armed personnel~~ security officers.

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

4 **SECTION 1. AMENDMENT.** Section 43-30-04 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **43-30-04. Powers of the board.**

7 1. The board shall establish by rule the qualifications and procedures for classifying,
8 qualifying, licensing, bonding, and regulating persons providing private investigative
9 and security services, including armed security personnel. The rules adopted under
10 this section addressing qualifications of ~~armed security personnel~~ security officers must
11 recognize active members of the national guard and former members of the national
12 guard, reserve, or regular armed forces of the United States, who were honorably
13 discharged, as having met any related experience requirements. All rules adopted by
14 the board and appeals therefrom must be in accordance with chapter 28-32.

15 2. The board may hire office personnel deemed necessary by it for carrying on its official
16 duties and shall set the compensation to be paid to the personnel.

17.1006.02002
Title.

Prepared by the Legislative Council staff for
Representative K. Koppelman
March 27, 2017

1
2329
3-28-17

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2329

Page 1, line 2, after "personnel" insert "; and to provide for a legislative management study"

Page 1, after line 15, insert:

"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - PRIVATE INVESTIGATIVE AND SECURITY SERVICES. During the 2017-18 interim, the legislative management shall consider studying the feasibility and desirability of updating North Dakota Century Code chapter 43-30, the law relating to the regulation of private investigative and security services. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly