

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



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| ROLL NUMBER |
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DESCRIPTION

1159

2001 HOUSE JUDICIARY

HB 1159

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1159

House Judiciary Committee

Conference Committee

Hearing Date 01-10-01

| Tape Number                                 | Side A | Side B | Meter #      |
|---|--------|--------|--------------|
| 1   | X      |        | 1637 to 2030 |
|   | X      |        | 2062 to 2963 |
| Committee Clerk Signature <i>Joan Deers</i> |        |        |              |

Minutes: Chairman DeKrey opened the hearing on HB 1159, relating to detection of deception examiner fees. Those present: Chr DeKrey, Vice Chr Kretschmar, Rep Brekke, Rep Delmore, Rep Disrud, Rep Eekre, Rep Fairfield, Rep Grande, Rep Kingsbury, Rep Klemin, Rep Mahoney, Rep Maragos, Rep Onstad, Rep Wrangham. Those absent Rep Gunter.

Chairman DeKrey: Is there anyone that represents HB 1159?

Laverne Reinhold: Licensing Administrator of the Office of Attorney General (see attached).

Chairman DeKrey: Are there any questions for Ms Reinhold? If not thank you for appearing before the committee. Is there anyone here in opposition to HB 1159?

Chairman DeKrey: we will move on to HB 1159. Is there any motions?

Vice Chr Kretschmar: I move a DO PASS on HB 1159.

Chairman DeKrey: A discussion was held. There is a motion on the floor for a DO PASS on HB 1159, is there a second?

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House Judiciary Committee

Bill/Resolution Number HB 1159

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Rep Maragos: I second the motion.

Chr DeKrey: It has been moved and seconded that we have a DO PASS on H 1159 is there any discussion? If not the clerk will call the roll on a DO PASS motion. The motion passes with 14 Yes, 0 No, 1 Absent. The floor assignment was given to Rep Maragos.

Discussion was held on the tour of the prison and youth facilities. Meeting adjourned.

**FISCAL NOTE**  
 Requested by Legislative Council  
 12/26/2000

Bill/Resolution No.: HB 1159

Amendment to:

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

|                       | 1999-2001 Biennium |             | 2001-2003 Biennium |             | 2003-2005 Biennium |             |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
|                       | General Fund       | Other Funds | General Fund       | Other Funds | General Fund       | Other Funds |
| <b>Revenues</b>       | \$0                | \$0         | \$0                | \$0         | \$0                | \$0         |
| <b>Expenditures</b>   | \$0                | \$0         | \$0                | \$0         | \$0                | \$0         |
| <b>Appropriations</b> | \$0                | \$0         | \$0                | \$0         | \$0                | \$0         |

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| 1999-2001 Biennium |        |                  | 2001-2003 Biennium |        |                  | 2003-2005 Biennium |        |                  |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties           | Cities | School Districts | Counties           | Cities | School Districts | Counties           | Cities | School Districts |
| \$0                | \$0    | \$0              | \$0                | \$0    | \$0              | \$0                | \$0    | \$0              |

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill would increase the license fee for a person who is a licensed polygraph examiner in another state and who applies for licensure in North Dakota. The license fee would increase from twenty-five dollars, to thirty-five dollars. However, the bill would have a negligible fiscal effect since licensed polygraph examiners in other states rarely apply for licensure in North Dakota.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Not applicable

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Not applicable

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Not applicable

|                      |                              |                       |                            |
|----------------------|------------------------------|-----------------------|----------------------------|
| <b>Name:</b>         | Charles W. Keller/Kathy Roll | <b>Agency:</b>        | Office of Attorney General |
| <b>Phone Number:</b> | 328-4482                     | <b>Date Prepared:</b> | 01/04/2001                 |

Date: 01 - 10 - 01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1159

House JUDICIARY Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Rep Kretschmar Seconded By Rep Maragos

| Representatives             | Yes | No | Representatives | Yes | No |
|-----------------------------|-----|----|-----------------|-----|----|
| CHR - Duane DeKrey          | ✓   |    |                 |     |    |
| VICE CHR -- Wm E Kretschmar | ✓   |    |                 |     |    |
| Rep Curtis E Brekke         | ✓   |    |                 |     |    |
| Rep Lois Delmore            | ✓   |    |                 |     |    |
| Rep Rachael Disrud          | ✓   |    |                 |     |    |
| Rep Bruce Eckre             | ✓   |    |                 |     |    |
| Rep April Fairfield         | ✓   |    |                 |     |    |
| Rep Belle Grande            | ✓   |    |                 |     |    |
| Rep G. Jane Gunter          |     |    |                 |     |    |
| Rep Joyce Kingsbury         | ✓   |    |                 |     |    |
| Rep Lawrence R. Klemin      | ✓   |    |                 |     |    |
| Rep John Mahoney            | ✓   |    |                 |     |    |
| Rep Andrew G Maragos        | ✓   |    |                 |     |    |
| Rep Kenton Onstad           | ✓   |    |                 |     |    |
| Rep Dwight Wrangham         | ✓   |    |                 |     |    |

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep Maragos

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

**REPORT OF STANDING COMMITTEE (410)**  
January 10, 2001 11:39 a.m.

**Module No: HR-02-0853**  
**Carrier: Maragos**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1159: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS**  
**(14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1159 was placed on the**  
**Eleventh order on the calendar.**



2001 SENATE JUDICIARY

HB 1159

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1159

Senate Judiciary Committee

Conference Committee

Hearing Date March 14th, 2001

| Tape Number               | Side A | Side B | Meter # |
|---------------------------|--------|--------|---------|
| 2                         | x      |        | 46-49,4 |
|                           |        |        |         |
| Committee Clerk Signature |        |        |         |

Minutes: **Senator Traynor**, opened the hearing on HB 1159.

**Bob Bennet**, from the office of the Attorney General appeared on behalf of Lavern Rienbold,  
(testimony attached).

**SENATOR TRAYNOR CLOSED THE HEARING ON HB 1159.**

**SENATOR TRENBEATH MOTIONED TO DO PASS, SECONDED BY SENATOR  
WATNE. VOTE INDICATED 7 YEAS, 0 NAYS AND 0 ABSENT AND NOT VOTING.**

Date: 3/14/01  
Roll Call Vote #: 1

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

Senate Judiciary \_\_\_\_\_ Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number HB 1159

Action Taken Do Pass

Motion Made By Trenbeath Seconded By Watne

| Senators                | Yes | No | Senators    | Yes | No |
|-------------------------|-----|----|-------------|-----|----|
| Traynor, J. Chairman    | ✓   |    | Bercier, D. | ✓   |    |
| Watne, D. Vice Chairman | ✓   |    | Nelson, C.  | ✓   |    |
| Dever, D.               | ✓   |    |             |     |    |
| Lyson, S.               | ✓   |    |             |     |    |
| Trenbeath, T.           | ✓   |    |             |     |    |
|                         |     |    |             |     |    |
|                         |     |    |             |     |    |
|                         |     |    |             |     |    |
|                         |     |    |             |     |    |
|                         |     |    |             |     |    |
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|                         |     |    |             |     |    |
|                         |     |    |             |     |    |
|                         |     |    |             |     |    |
|                         |     |    |             |     |    |

Total (Yes) 7 No 0

Absent 0

Floor Assignment Lyson

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

**REPORT OF STANDING COMMITTEE (410)**  
March 15, 2001 8:24 a.m.

**Module No: SR-45-5650**  
**Carrier: Lyson**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1159: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS**  
**(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1159 was placed on the**  
**Fourteenth order on the calendar.**

2001 TESTIMONY

HB 1159

TESTIMONY OF  
LAVERNE REINBOLD  
LICENSING ADMINISTRATOR  
OFFICE OF ATTORNEY GENERAL

CONCERNING HOUSE BILL NO. 1159  
BEFORE THE HOUSE JUDICIARY COMMITTEE  
JANUARY 10, 2001

In the 1991 Legislative Session, N.D.C.C. § 43-31-14 was amended to raise the Detection of Deception Examiners (Polygraph) license fee from \$25 to \$35. At that time, the fees required for licensure by reciprocity (N.D.C.C. § 43-31-16) were overlooked, and thus remained at \$25.

This bill, if passed, will make the license fees the same for all detection of deception licensure.

Reciprocity is established with another State if it is determined that State's detection of deception law is equal to or greater than North Dakota's law. At this time, North Dakota has established reciprocity with six states; they are: California, Illinois, Kentucky, South Dakota, Texas, and Utah.

For your review, I have attached copies of N.D.C.C. §§ 43-31-14 and 43-31-16 of the current law with this testimony.

Thank you.

§ 43-31-14. Examination and license fees

1. The fee to be paid by an applicant for examination to determine his fitness to receive an examiner's license is fifty dollars.
2. The annual license fee is thirty-five dollars, and is due and payable on or before October first of each year. A reinstatement fee of fifty dollars is required in addition to the annual license fee for each license renewal applied for after September thirtieth.
3. The fee to be paid for the issuance of a duplicate license is five dollars.
4. The fee to be paid for an internship license, and for the extension or renewal thereof, is twenty-five dollars.

§ 43-31-16. Examiner licensed in another state exempt from examination

An applicant who is an examiner, licensed under the laws of another state of the United States, may be issued a license without examination by the attorney general, in his discretion, upon payment of a fee of twenty-five dollars, and the production of satisfactory proof:

1. That the applicant is at least twenty-one years of age;
2. That the applicant is a citizen of the United States;
3. That he is of good moral character;
4. That the requirements for the licensing of examiners in such particular state of the United States were at the date of licensing, substantially equivalent to the requirements then in force in this state; and
5. That the applicant had lawfully engaged in the administration of polygraph examinations under the laws of such state for at least two years prior to his application for license hereunder.