

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1345
(Representatives Heinert, Jones, Klemin, Meier, Satrom, Vetter)
(Senators Larson, Luick, Myrdal)

AN ACT to amend and reenact sections 43-31-07, 43-31-09, 43-31-10, and 43-31-14 of the North Dakota Century Code, relating to the licensing of detection of deception examiners and to repeal sections 43-31-07.1 and 43-31-16 of the North Dakota Century Code, relating to internship licenses and exemptions from testing requirements of detection of deception examiners.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-31-07 of the North Dakota Century Code is amended and reenacted as follows:

43-31-07. Qualifications of applicant.

~~A person~~An individual is qualified to receive a license as an examiner ~~if the applicant:~~

1. ~~Who is~~s at least twenty-one years of age.
2. ~~Who establishes that the person is a person of honesty, truthfulness, integrity, and moral fitness~~Within the last five years has not pled guilty or nolo contendere to, been found guilty of, or been released from incarceration or probation for, violation of a law of the United States which is a felony offense or any state or local ordinance that is a felony offense.
3. ~~Who has not been convicted of an offense determined by the attorney general to have a direct bearing upon a person's ability to serve the public as an examiner, or who, following~~Following conviction of any offense~~or release from incarceration or probation~~, is determined, pursuant to section 12.1-33-02.1, to be rehabilitated,~~or who has not been released or discharged under other than honorable conditions from any of the armed services of the United States.~~
4. ~~Who has passed a test conducted by the attorney general,~~Has not been released or under the attorney general's supervision, to be discharged under other than honorable conditions from any of the applicant's competency to obtain a license to practice as an examiner~~armed services of the United States.~~
5. ~~Who has~~Has satisfactorily completed a polygraph examiners course certified by either the American polygraph association or the American association of police polygraphists, or approved by the attorney general and has.
6. Has satisfactorily completed not less than six months of internship training under the supervision of a licensed polygraph examiner.

SECTION 2. AMENDMENT. Section 43-31-09 of the North Dakota Century Code is amended and reenacted as follows:

43-31-09. Contents of license - Posting.

A license must be prominently displayed at the principal place of business of every examiner or may be in the possession of the examiner when conducting examinations in a location other than the examiner's principal place of business. Each license must be signed by the attorney general and must be issued under the seal of the attorney general's office.

SECTION 3. AMENDMENT. Section 43-31-10 of the North Dakota Century Code is amended and reenacted as follows:

43-31-10. Revocation or suspension.

The attorney general may refuse to issue or renew or may suspend or revoke a license for any one of the following grounds:

1. Material misstatement in the application for original license or in the application for any renewal license under this chapter.
2. Willful disregard or violation of this chapter or of any regulation or rule issued pursuant thereto.
3. Conviction of an offense determined by the attorney general to have a direct bearing upon a person's ability to serve the public as an examiner, or when the attorney general determines, following a person's conviction of any offense, that the person is not sufficiently rehabilitated under section 12.1-33-02.1.
4. Making any willful misrepresentation or false promises or causing to be printed any false or misleading advertisement for the purpose of directly or indirectly obtaining business or trainees.
5. ~~Having demonstrated incompetency to act as an examiner as defined under this chapter.~~
6. Allowing one's license under this chapter to be used by an unlicensed person in violation of the provisions of this chapter.
- ~~7.6.~~ Willfully aiding or abetting another in the violation of this chapter or of any rule issued by the attorney general pursuant thereto.
- ~~8.7.~~ The licenseholder has been adjudged mentally ill, mentally deficient, or in need of mental treatment.
- ~~9.8.~~ Failing, within a reasonable time, to provide information requested by the attorney general as the result of a formal or informal complaint to the attorney general, which would indicate a violation of this chapter.

SECTION 4. AMENDMENT. Section 43-31-14 of the North Dakota Century Code is amended and reenacted as follows:

43-31-14. ~~Examination and license~~License fees.

1. ~~The fee to be paid by an applicant for examination to determine the applicant's 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~~October first.
- ~~3.2.~~ The fee to be paid for the issuance of a duplicate license is five dollars.
- ~~4.3.~~ The fee to be paid for an internship license, and for the extension or renewal thereof, is twenty-five dollars.

SECTION 5. REPEAL. Sections 43-31-07.1 and 43-31-16 of the North Dakota Century Code are repealed.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1345.

House Vote: Yeas 91 Nays 2 Absent 1

Senate Vote: Yeas 46 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,
at _____ o'clock _____ M.

Secretary of State