

Introduced by

Senators Lee, Burckhard, K. Roers

Representatives Mitskog, Weisz

1 A BILL ~~for an Act to create and enact a new chapter to title 43 of the North Dakota Century~~
2 ~~Code, relating to uniform regulation of occupations and professions; to amend and reenact~~
3 ~~subsection 2 of section 54-10-01 and section 54-10-27 of the North Dakota Century Code,~~
4 ~~relating to the duties of the state auditor; to provide a penalty; to provide for a legislative~~
5 ~~management study; and to provide an effective date.~~for an Act to create and enact a new
6 section to chapter 43-51 of the North Dakota Century Code, relating to uniform administration of
7 occupational and professional boards.

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

9 ~~— **SECTION 1.** A new chapter to title 43 of the North Dakota Century Code is created and~~
10 ~~enacted as follows:~~

11 ~~— **Definitions.**~~

12 ~~— As used in this chapter:~~

13 ~~— 1. "Board" means a board, commission, or other agency of state government created or~~
14 ~~identified in this title to regulate an occupation or profession.~~

15 ~~— 2. "Foreign license" means a license, certificate, permit, or similar authorization to~~
16 ~~practice an occupation or profession which is issued by a government agency in~~
17 ~~another state or jurisdiction that imposes requirements for obtaining and maintaining a~~
18 ~~license to practice the same occupation or profession.~~

19 ~~— 3. "Foreign practitioner" means an individual who holds and maintains a foreign license~~
20 ~~in good standing to engage in an occupation or profession in a state or jurisdiction~~
21 ~~other than this state and who is not the subject of a pending disciplinary action in any~~
22 ~~state or jurisdiction.~~

1 ~~4. "Good standing" means a foreign practitioner holds a foreign license that is not issued~~
2 ~~on a temporary or restricted basis, is not encumbered or on probation, and is not~~
3 ~~suspended or revoked.~~

4 ~~5. "Occupation or profession" means activity for which a license is required from a board~~
5 ~~or similar activity for which a foreign license is required in another state or jurisdiction.~~

6 ~~**Boards - Duties - Powers.**~~

7 ~~Notwithstanding law to the contrary:~~

8 ~~1. A board shall:~~

9 ~~a. Adopt rules to implement this chapter.~~

10 ~~b. Establish a fee schedule designed to fund the activities of the board.~~

11 ~~2. A board may:~~

12 ~~a. Establish continuing education requirements, which may include board-approval~~
13 ~~requirements.~~

14 ~~b. Provide education for licensees or individuals who may be interested in pursuing~~
15 ~~the regulated occupation or profession.~~

16 ~~**Board membership - Appointment - Terms.**~~

17 ~~Notwithstanding law to the contrary:~~

18 ~~1. The governor shall appoint the members of a board.~~

19 ~~a. The regular term of a board member is three years and begins on August first~~
20 ~~following the appointment. An individual may not serve more than two~~
21 ~~consecutive full terms as a member on a board, after which an individual may not~~
22 ~~be reappointed until the expiration of three years.~~

23 ~~b. A board member serves at the pleasure of the governor. Upon the expiration of a~~
24 ~~term, a board member shall continue to serve until the governor makes an~~
25 ~~appointment to fill that position.~~

26 ~~c. In addition to any practitioner requirements, a board member must be at least~~
27 ~~eighteen years old and must be a resident of this state.~~

28 ~~d. Each board must have at least five and no more than thirteen voting members, at~~
29 ~~least two of whom shall serve as lay members.~~

30 ~~2. Each member of a board, except for a state employee serving as an ex officio~~
31 ~~member, is entitled to receive from the board compensation of one hundred~~

~~seventy-seven dollars per day spent in actual attendance at board meetings and reimbursement for mileage and travel expenses at the same rate as provided for state employees and officials.~~

~~3. Each member of a board shall maintain the qualifications for appointment for the duration of the appointment.~~

~~**Regulation - Terms of licensure - Renewal.**~~

~~Notwithstanding law to the contrary:~~

~~1. Other than an initial license, which may be valid for a shorter period, a license issued by the board is valid for one year from the date of issuance.~~

~~2. Annually, a licensee may renew a license upon submitting:~~

~~a. Fees for licensure renewal in an amount established by the board.~~

~~b. Proof of completion of continuing education as required by the board.~~

~~3. A licensee who does not renew a license timely may not practice in this state until the license is renewed or reissued. Within three months following the date of licensure renewal, a practitioner may renew a license without incurring additional renewal expenses. After three months following the date of licensure renewal, a board may charge a late fee for licensure renewal. If a practitioner fails to renew a license before the end of the year of licensure, the board may require the practitioner to reapply for future licensure.~~

~~**Licensure of foreign practitioners - Compacts.**~~

~~1. Notwithstanding law to the contrary, a board shall issue a license to an applicant who is a foreign practitioner, unless the board determines the issuance of the license would jeopardize the health and safety of the residents of this state. If the board determines licensure under this section would jeopardize the health and safety of the residents of this state, the board may deny the application or may issue a provisional license, issue a restricted license, or otherwise authorize limited practice to protect the health and safety of the residents of this state.~~

~~2. Notwithstanding contrary law under this chapter, a board may issue a license to an applicant through an adopted compact.~~

~~**Discipline - Penalty.**~~

~~Notwithstanding law to the contrary:~~

1 ~~1. A board shall conduct a disciplinary proceeding in accordance with chapter 28-32.~~

2 ~~2. A board may deny, limit, revoke, encumber, or suspend a license; may reprimand,~~
3 ~~place on probation, or otherwise discipline a licensee; may deny admission to~~
4 ~~licensure or examination; require evidence of evaluation or treatment; or issue a~~
5 ~~nondisciplinary letter of concern to a licensee if the person:~~

6 ~~a. Has been arrested for, charged with, convicted by a court of, or has entered a~~
7 ~~plea of nolo contendere to a crime in any jurisdiction which relates adversely to~~
8 ~~the practice of the occupation or profession and has not demonstrated sufficient~~
9 ~~rehabilitation.~~

10 ~~b. Has been the subject of a disciplinary action in a foreign jurisdiction relating to~~
11 ~~the practice of the occupation or profession.~~

12 ~~c. Has violated this chapter or rules adopted under this chapter.~~

13 ~~d. Has engaged in a practice inconsistent with the person's occupational or~~
14 ~~professional standards.~~

15 ~~3. It is a class B misdemeanor for a person to willfully practice an occupation or~~
16 ~~profession in violation of this chapter or to willfully employ a person to practice an~~
17 ~~occupation or profession in violation of this chapter.~~

18 ~~**SECTION 2. AMENDMENT.** Subsection 2 of section 54-10-01 of the North Dakota Century~~
19 ~~Code is amended and reenacted as follows: _____~~

20 ~~2. The state auditor may:~~

21 ~~a. Conduct any work required by the federal government.~~

22 ~~b. Within the resources available to the state auditor, perform or provide for~~
23 ~~performance audits of state agencies, including occupational and professional~~
24 ~~boards, as determined necessary by the state auditor.~~

25 ~~c. Audit the International Peace Garden at the request of the board of directors of~~
26 ~~the International Peace Garden.~~

27 ~~d. Contract with a private certified public accountant or other qualified professional~~
28 ~~to conduct or assist with an audit, review, or other work the state auditor is~~
29 ~~authorized to perform or provide for under this section or section 54-10-27.~~

30 ~~Before entering any contract, the state auditor shall present information to the~~
31 ~~legislative audit and fiscal review committee on the need for the contract and its~~

1 ~~estimated cost and duration. Except for performance audits conducted under~~
2 ~~subdivision d of subsection 1 or subdivision b of this subsection and except for~~
3 ~~audits of occupational or professional boards, the state auditor shall execute the~~
4 ~~contract and any executive branch agency, including higher education~~
5 ~~institutions, shall pay the fees of the contractor. For performance audits~~
6 ~~conducted under subdivision d of subsection 1 or subdivision b of this subsection,~~
7 ~~the state auditor may charge a state agency or board for the cost of a contract~~
8 ~~relating to an audit, subject to approval by the legislative assembly or the~~
9 ~~legislative audit and fiscal review committee if the legislative assembly is not in~~
10 ~~session. When considering a request, the legislative audit and fiscal review~~
11 ~~committee shall consider the effect of the audit cost on the agency or board being~~
12 ~~audited, the necessity of the contract, and the potential benefit to the state~~
13 ~~resulting from the contract. The state auditor shall notify the affected agency or~~
14 ~~board of the potential cost before requesting approval from the legislative~~
15 ~~assembly or the legislative audit and fiscal review committee.~~

16 ~~— **SECTION 3. AMENDMENT.** Section 54-10-27 of the North Dakota Century Code is~~
17 ~~amended and reenacted as follows:~~

18 ~~— **54-10-27. Occupational and professional boards -- Audits and reports.**~~

19 ~~— The governing board of any~~

20 ~~— 1. Biennially, the state auditor shall conduct annual audits of occupational or professional~~
21 ~~board shall provide for an audit once every two years by a certified public accountant~~
22 ~~or licensed public accountant. The accountant conducting the audit shall submit the~~
23 ~~audit report to the state auditor's office. If the report is in the form and style prescribed~~
24 ~~by the state auditor, the state auditor may not audit that board. An occupational or~~
25 ~~professional board may request the state auditor to conduct its audit, and if the state~~
26 ~~auditor agrees to conduct the audit, the boards. The state auditor shall deposit the fees~~
27 ~~charged to the occupational or professional board into the state auditor operating~~
28 ~~account.~~

29 ~~— 2. Instead of providing for an audit every two years, an occupational or professional~~
30 ~~board that has less than two hundred thousand dollars of annual receipts may submit~~
31 ~~an annual report to the state auditor. The report must contain the information required~~

1 by the state auditor. The state auditor also may make any additional examination or
2 audit determined necessary in addition to the annual report. When a report is not filed,
3 the state auditor may charge the occupational or professional board an amount equal
4 to the fair value of the additional examination or audit and any other services
5 rendered. The state auditor may charge an occupational or professional board a fee
6 not to exceed eighty-six dollars an hour for the costs of reviewing the annual report.

7 ~~3. If an audit report or annual report shows the amount of the unobligated and~~
8 ~~undesigned balance of a board's operating fund exceeds two hundred fifty thousand~~
9 ~~dollars, the report must include a statement from the board regarding the board's~~
10 ~~plans for handling this excess amount.~~

11 ~~SECTION 4. LEGISLATIVE MANAGEMENT STUDY – OCCUPATIONAL AND~~

12 ~~PROFESSIONAL REGULATION.~~ During the 2023-24 interim, the legislative management shall
13 consider studying the state's system for regulating occupations and professions, including
14 consideration of the powers, duties, and membership of occupational and professional boards;
15 licensure requirements; and disciplinary actions. The study must include consultation with
16 occupational and professional boards. The study may include consideration of apprenticeships,
17 internships, and board collaboration with primary and secondary education. The legislative
18 management shall report its findings and recommendations, together with any legislation
19 required to implement the recommendations, to the sixty-ninth legislative assembly.

20 ~~SECTION 5. EFFECTIVE DATE.~~ Sections 1, 2, and 3 of this Act become effective
21 January 1, 2026.

22 **SECTION 1.** A new section to chapter 43-51 of the North Dakota Century Code is created
23 and enacted as follows:

24 **Uniform administration of boards.**

25 1. As used in this section, the term "board" includes the state board of accountancy, state
26 electrical board, North Dakota real estate appraiser qualifications and ethics board,
27 state real estate commission, secretary of state with respect to contractor licensing,
28 North Dakota board of medicine, and state board of dental examiners.

29 2. A board shall regulate the board's occupation or profession in the least restrictive
30 manner appropriate to protect public health and safety. At the first regularly scheduled
31 meeting of each calendar year, a board shall discuss this requirement and related

1 plans to remove unnecessary restrictions and regulatory burdens. The board shall
2 include the plan in the board's minutes.

3 3. A board shall develop a mission statement consistent with the board's obligation of
4 protecting public health and safety. The board shall recite the mission statement at the
5 beginning of each regularly scheduled board meeting.

6 4. A board shall follow processes to allow for efficient and accurate processing of
7 licensing applications, including timely communication to an applicant to address
8 issues or deficiencies.

9 a. A board may adopt rules to provide for issuance of a provisional or temporary
10 license between board meetings for a routine application as determined by the
11 board.

12 b. If a board does not defer routine application approval to staff or selected board
13 members, the board shall convene at least monthly to ensure timely issuance of
14 licenses. A board may adopt rules defining what is considered a routine
15 application that may be approved by staff or selected board members.

16 5. A board may assist in providing education for a licensee or an individual interested in
17 pursuing the regulated occupation or profession.

18 6. The governor shall appoint the members of a board as provided by law and may
19 remove a member for cause, misconduct, incapacity, or neglect of duty. After
20 expiration of a board member's term, the board member may continue to serve until
21 the governor makes an appointment to fill the position.

22 7. A board shall set and maintain an annual budget and financial statements accounting
23 for fees collected. The board shall maintain an appropriate reserve as determined by
24 the board.

25 8. A board may contract with an entity, another board, or an individual to obtain
26 administrative and support services to assist in the operation of the board.

27 9. A board is exempt from procurement requirements of chapter 54-44 except for
28 one-time purchasing in excess of one hundred thousand dollars. The board shall make
29 purchases according to the financial position of the board.

30 10. A board may obtain and purchase services through the information technology
31 department, including electronic mail systems, website services, and cybersecurity.

1 services. A board may choose a vendor other than the information technology
2 department which financially and functionally is best suited for the needs of the board.

3 11. Unless otherwise specifically provided by law, a board member who has a direct and
4 substantial personal or pecuniary interest in a matter before the board, shall disclose
5 the fact and may not participate in or vote on that particular matter without the consent
6 of a majority of the board.

7 12. Annually, the attorney general shall conduct online or in-person training for new board
8 members. The training must include information regarding open meetings and open
9 records, lobbying, and conflicts of interests. During the first year of a board member's
10 initial term, the board member shall attend the training and after the first year, the
11 board member may attend the training. A board may offer additional orientation
12 training to a new board member.