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Operator's Signature

Yubereca d. Lee

Date

10-16-03

2003 SENATE HUMAN SERVICES

SB 2143

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10-16-03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2143

Senate Human Services Committee

☐ Conference Committee

Hearing Date January 14, 2003

Tape Number	Side A	Side B	Meter #
1		X	3471 - 4728
Committee Clerk Signature <i>Donna Kramer</i>			

Minutes:

SENATOR JUDY LEE opened the Public Hearing on SB 2143 relating to the licenser of addiction counselors.

TOM TUPA, representing the Board of Addiction Counselors. This bill is fairly straightforward.

It represents some issues that our legal counselors brought to the attention of the board. No written testimony except for the copy of amendments that was passed out. (Copy of proposed amendments to Senate Bill 2143 attached). These would have to be added by the committee.

(Meter # 3677 - 4020)

EDWARD ERICKSON, Assistant Attorney General, testified. (Written testimony provided)

(Meter #4156 - 4390) The attorney general is not taking a position on the substance of Senate Bill 2143. He stated they had a concern with the wording of this bill.

SENATOR LEE: Mr. Tupa. What is the intent of the association? (Meter #4430)

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Page 2
Senate Human Services Committee
Bill/Resolution Number SB 2143
Hearing Date January 14, 2003

TOM TUPA: I'm not sure specifically what the board's legal counsel had wanted with that first paragraph. He is out of town. We will visit with him and see what his original intent was and get back to the committee on that. (Meter #4503)

SENATOR LEE: Mr. Erickson, would you prefer that we continue to run by you as well or if when your colleague gets back, should we just direct out questions through him. Either way, will be fine.

TOM TUPA: We do have a conference call with him on Friday, I can raise this question with him.

SENATOR LEE: With the committee's consent, we'll hold off on moving forward until we find out what the board and the legal counsel really want to do. (Meter 4700)

No further testimony.

SENATOR LEE closed the Public Hearing on SB 2143.

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10-16-03
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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2143

Senate Human Services Committee

☐ Conference Committee

Hearing Date 01/21/03

Tape Number	Side A	Side B	Meter #
Tape 1	x		0-133
Committee Clerk Signature			

Minutes:

Senator Lee calls SB 2143 to order. All senators present.

Tom Tupa, North Dakota Board of Addiction Counselor Examiners, speaks on proposed amendment for SB 2143. There was some previous confusion on amendment. We know have it squared away. Amendment is attached. It takes out the number 6 on page 1 and puts an "or" between paragraph 5 and paragraph 6 and takes care of all concerns of parties involved.

We would asked for support on this bill with a Do Pass.

No questions and amendment is taken to be decided on later.

Tape 1 Side 2 Meter #2220

Further discussion on SB 2143

Two sets of amendments, the committee is going through them with discussion.

This is the bill that they came back and send this was strictly a policy change.

Going over Section on line 17, page 1.

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10-16-03
Date

Page 2
Senate Human Services Committee
Bill/Resolution Number SB 2143
Hearing Date 01/21/03

No further discussion on these amendments.

Senator Brown moves to amend with both amendments

Senator Fischer 2nd

6 Yes, 0 No, 0 Absent and not voting

Senator Brown moves a DO PASS on SB 2143

Senator Fischer 2nd

6 Yes, 0 No, 0 absent and not voting

Carrier: Senator Polovitz

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10-16-03
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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2143

Senate Human Services Committee

☐ Conference Committee

Hearing Date March 5, 2003

Tape Number	Side A	Side B	Meter #
1	X		25 - 137
Committee Clerk Signature <i>Donna Kramer, Clerk</i>			

Minutes:

SENATOR JUDY LEE opened the committee discussion on SB 2143 and said she had gotten a tip on the amendments from the House. SENATOR LEE passed out the amendments received from the Human Services Committee. She asked if the committee remembered talking about examination or examinations and we ended up having to hold the bill because we didn't think it was correct. ... The Legislative Council told us we didn't need to have a referral. ... Still having people raising some issues about that on the House side. So, to satisfy the people who want singular and plural, what they did was say "one or more." If it is acceptable to the group that we concur with the House amendments, I would be interested in a motion, she said.

SENATOR FISCHER made motion to accept the amendments.

SENATOR BROWN seconded the motion.

All in favor saying aye. None opposed.

SENATOR LEE stated that the committee did concur on SB 2143. (Meter # 25 - 137)

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Operator's Signature

10-16-03
Date

38054.0101
Title.0200

Adopted by the Human Services Committee
January 21, 2003

903
1-23-03

PROPOSED AMENDMENTS TO SENATE BILL NO. 2143

Page 1, line 17, replace the underscored period with "or being"

Page 1, line 18, remove "6. Being"

Renumber accordingly

Page No. 1

38054.0101

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Yvonne A. Lee
Operator's Signature

10-16-03
Date

Date: 01-21-03
Roll Call Vote #: (1)

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2143

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38054.0101

Action Taken Amendments approved

Motion Made By Sen Braun Seconded By Sen Fischer

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee - Chairman	✓				
Senator Richard Brown - V. Chair.	✓				
Senator Robert S. Erbele	✓				
Senator Tom Fischer	✓				
Senator April Fairfield	✓				
Senator Michael Polovitz	✓				

Total (Yes) 6 No 0

Absent _____

Floor Assignment _____

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

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Yvonne J. Lee
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10-16-03
Date

Date: 01-21-03
Roll Call Vote #: (2)

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2143

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended

Motion Made By Sen. Brown Seconded By Sen. Fischer

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee - Chairman	✓				
Senator Richard Brown - V. Chair.	✓				
Senator Robert S. Erbele	✓				
Senator Tom Fischer	✓				
Senator April Fairfield	✓				
Senator Michael Polovitz	✓				

Total (Yes) 6 No 0

Absent _____

Floor Assignment Sen. Polovitz

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

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Operator's Signature

10-16-03
Date

REPORT OF STANDING COMMITTEE (410)
January 24, 2003 9:44 a.m.

Module No: SR-14-1027
Carrier: Polovitz
Insert LC: 38054.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2143: Human Services Committee (Sen. J. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2143 was placed on the Sixth order on the calendar.

Page 1, line 17, replace the underscored period with "or being"

Page 1, line 18, remove "6. Being"

Renumber accordingly

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Y. Theresa J. Lee
Operator's Signature

10-16-03
Date

2003 HOUSE HUMAN SERVICES

SB 2143

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Yuberca J. Lee
Operator's Signature

10-16-03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2143

House Human Services Committee

☐ Conference Committee

Hearing Date February 26, 2003

Tape Number	Side A	Side B	Meter #
1		x	15.8 - 20.4
2	x		35.5 - 40.7
Committee Clerk Signature <i>Sharon Penzance</i>			

Minutes:

Tom Tupa, Board of Addiction Counselors appeared in support and proposes an amendment, stating that simply on line 15 changes and adds to the definition on professional conduct.

Rep. Weisz: What would fall under this new provision?

Answer: In the first part of the definition it says obtaining license by false means and violating the rules by the Board. In situations where a counselor has relapsed and started drinking, received a DUI or more than one, that sort of comes outside the jurisdiction of those other first 4 parts and then maybe entered a rehab facility and wasn't completely or sufficiently rehabilitated as the language states, that would be a scenario there. Since our legal counsel tries to work out arrangements and agreements with those kinds of people, he just felt it would be easier for him to state his case by adding those kinds of changes to the definition.

No opposition.

Closed the hearing.

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10-16-03
Date

Page 2

House Human Services Committee

Bill/Resolution Number SB 2143

Hearing Date February 26, 2003

Afternoon Committee work.

Rep. Porter made a motion to adopt Tom Tupa's amendments, second by Rep. Weiss.

12 - 0 - 1 Motion Passed.

Rep. Weiland made a motion for DO PASS as Amended, second by Rep. Uglem.

Rep. Devlin: Feels we are adding something that's already covered by Section 2 of the Code.

Rep. Devlin: Another section of the law says prior conviction of a crime is not a bar to state licensure, they may need this.

11 - 1 - 1 Rep. Kreidt will carry the bill.

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Yvonne J. Lee
Operator's Signature

10-16-03
Date

26
Date: February , 2003
Roll Call Vote #:

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2143**

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP As Amended

Motion Made By Rep. Wieland Seconded By Rep. Uglem

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price - Chair	✓		Rep. Sally Sandvig	✓	
Rep. Bill Devlin, Vice-Chair		✓	Rep. Bill Amerman	✓	
Rep. Robin Weisz	✓		Rep. Carol Niemeier	✓	
Rep. Vonnie Pietsch	✓		Rep. Louise Potter	✓	
Rep. Gerald Uglem	✓				
Rep. Chet Pollert A					
Rep. Todd Porter	✓				
Rep. Gary Kreidt	✓				
Rep. Alon Wieland	✓				

Total (Yes) 11 No 1

Absent 1

Floor Assignment Rep Kreidt

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

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10-16-03
Date

REPORT OF STANDING COMMITTEE (410)
February 27, 2003 11:47 a.m.

Module No: HR-35-3570
Carrier: Kreidt
Insert LC: 38054.0201 Title: .0300

REPORT OF STANDING COMMITTEE

SB 2143: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2143 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 1 of section 43-45-05.1 and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 43-45-05.1 of the North Dakota Century Code is amended and reenacted as follows:

1. The board shall issue an initial one-year license as an addiction counselor to an applicant who:
 - a. Has successfully completed coursework, approved by the board, at an accredited college or university;
 - b. Has successfully completed an examination one or more oral or written examinations approved by the board for this purpose;
 - c. Has successfully completed an addiction counselor training program approved by the board, a practicum, and a work experience or internship; and
 - d. Has satisfied the board that the applicant agrees to adhere to the code of professional conduct adopted by the board."

Renumber accordingly

Yvonnea J. Lee
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10-16-03
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2003 TESTIMONY

SB 2143

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Senate Bill 2143
Before the Senate Human Services Committee
Edward Erickson, Assistant Attorney General
January 14, 2003

Chairman Lee and members of the committee, good morning. I am Edward Erickson and I am an Assistant Attorney General. The Attorney General is not taking a position on the substance of S.B. 2143. I am here to discuss a concern we have with the wording of this bill.

S.B. 2143 adds two new categories of unprofessional conduct to the licensing chapter for addiction counselors. The first category is of those persons who are guilty of an offense determined to have a direct bearing on the person's ability to serve the public as an addiction counselor. The second category is of persons guilty of any offense and who are not sufficiently rehabilitated as required under N.D.C.C. § 12.1-33-02.1, which is generally known as the rehabilitation statute.

I believe that the intent of this bill is to prevent the rehabilitation statute from applying to the category of offenses determined to have a direct bearing on the person's ability to serve the public as an addiction counselor. However, the rehabilitation statute applies to all state professional licenses, and requires the licensing board or agency to consider evidence of rehabilitation following conviction if the license holder is being disqualified from practicing due to the conviction. The rehabilitation statute, by its own terms, will apply to any license holder who is disqualified even where the rehabilitation statute is not mentioned in the licensing law, including this bill.

This problem may be resolved in two ways. The bill may be amended to allow license holders found guilty of either category of crimes to come under the rehabilitation

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statute. The bill may also be amended to specifically prevent the rehabilitation statute from being applied to the category of persons who are guilty of an offense determined to have a direct bearing on the person's ability to serve the public as an addiction counselor.

Thank you for your time. I would be pleased to answer any questions you might have.

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PROPOSED AMENDMENTS TO SENATE BILL 2143

Page 1, line 1, after "reenact" insert "subsection 1 of section 43-45-05.1,"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 43-45-05.1 of the North Dakota Century Code is amended and reenacted as follows:

1. The board shall issue an initial one-year license as an addiction counselor to an applicant who:
 - a. Has successfully completed coursework, approved by the board, at an accredited college or university;
 - b. Has successfully completed an examination or examinations approved by the board for this purpose;
 - c. Has successfully completed an addiction counselor training program approved by the board, a practicum, and a work experience or internship; and
 - d. Has satisfied the board that the applicant agrees to adhere to the code of professional conduct adopted by the board.

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