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Operator's Signature

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10/17/03

2003 SENATE HUMAN SERVICES

SB 2156

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Deanna Hallwick
Operator's Signature

10/17/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2156

Senate Human Services Committee

☐ Conference Committee

Hearing Date January 14, 2003

Tape Number	Side A	Side B	Meter #
1		X	5998 - end
2	X		0 - 2113
Committee Clerk Signature <i>Donna Kramer</i>			

Minutes:

SENATOR JUDY LEE: Opened the Public Hearing for SB 2156 . This relates to the licensure of social workers. A revised Fiscal Note is attached.

TOM TUPA, Lobbyist, testified explaining all the changes and indicated the bill did housekeeping kinds of issues. (No written testimony) (See Tape 2, Side A, Meter # 0 - 1542)

SENATOR FISCHER: As far as the fees are concerned, you took out the maximums and you're comfortable with the fees that you have now. Do you have administrative and continuing education fees in place? In a rope?

TOM TUPA: (Meter # 1568 - 1642) Yes, we do have administrative fees in there. If passed, we do need go in and clean that up. We do not have continuing education fees.

SENATOR FISCHER: The reason I bring that up is because administrative roles has had a lot of discussion about fees and how they're being used and what level is appropriate for any of the 41 boards the state has. So, that's the reason for the question.

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10/17/03
Date

Page 2

Senate Human Services Committee

Bill/Resolution Number SB 2156

Hearing Date January 14, 2003

TOM TUPA: (Meter #1677 - 1743) The board has some intention of going in and asking for a fee increase if this happens.

SENATOR POLOVITZ: On page 1, Line 11, college university ... is that in state only or in state and out of state?

TOM TUPA: This would be in and/or out of state.

SENATOR LEE: Question on jurisdiction portion. (Meter #1799) Questioned reciprocal licensing?

TOM TUPA: Yes, have to meet North Dakota standards. (Meter # 1827 - 1920)

CONNIE HILDEBRAND, representing North Dakota Association of Social Workers, and we did want you to know that our board did review this particular bill. They took a vote of support.

Public Hearing closed for SB 2156. (Meter #2113)

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2156

Senate Human Services Committee

☐ Conference Committee

Hearing Date January 15, 2003

Tape Number	Side A	Side B	Meter #
1	X		2423 - 2673
Committee Clerk Signature			

Minutes:

SENATOR JUDY LEE reopened the discussion for the SB 2156 regarding licensing social workers. Housekeeping bill - updating. Fiscal note indicating no impact.

SENATOR BROWN made a motion to "do pass."

SENATOR ERBELE seconded the motion.

Roll Call was read. There were 5 yes and 0 no. One senator absent.

Carrier will be Senator Brown.

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10/17/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2156

Senate Human Services Committee

☐ Conference Committee

Hearing Date March 12, 2003

Tape Number	Side A	Side B	Meter #
2		X	3157 - 3360
Committee Clerk Signature <i>Donna Heimer, Clerk</i>			

Minutes:

SENATOR JUDY LEE opened the committee discussion on SB 2156 which had been returned from the House regarding licensing social workers.

SENATOR BROWN: They added within four years. ... They took out the late fee.

SENATOR LEE: Questioned the committee if they had any "heartburn" about the changes.

Being none, she stated the committee would concur on SB 2156.

SENATOR BROWN will be carrying the bill.

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Donna Heimer
Operator's Signature

10/17/03
Date

FISCAL NOTE
Requested by Legislative Council
01/13/2003

REVISION

Bill/Resolution No.: SB 2156

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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 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.

Senate Bill No. 2156 is considered to be a housekeeping bill and is not expected to have any fiscal impact to the Board of Social Work Examiners.

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.

N/A

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.

N/A

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.

The North Dakota Board of Social Work Examiners operates totally on application and renewal fees.

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Operator's Signature

01/17/03
Date

Name:	Tom Tupa	Agency:	ND Board of Social Work Examiners
Phone Number:	222-0255	Date Prepared:	01/09/2003

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Deanne Hall
Operator's Signature

01/17/03
Date

FISCAL NOTE
Requested by Legislative Council
01/03/2003

Bill/Resolution No.: SB 2156

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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$153,400	\$0	\$156,000	\$0	\$159,900
Expenditures	\$0	\$153,330	\$0	\$160,990	\$0	\$169,050
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 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.

Senate Bill No. 2156 is considered to be a housekeeping bill and is not expected to have any fiscal impact to the Board of Social Work Examiners.

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.

N/A

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.

N/A

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.

The North Dakota Board of Social Work Examiners operates totally on application and renewal fees.

Name:	Tom Tupa	Agency:	ND Board of Social Work Examiners
Phone Number:	222-0255	Date Prepared:	01/09/2003

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Operator's Signature

01/17/03
Date

Date: 01-15-03
Roll Call Vote #:

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2156

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen Brown Seconded By Sen Erbele

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) 5 No _____

Absent 1

Floor Assignment Sen. Rick Brown

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

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Deanne Hall
Operator's Signature

01/17/03
Date

REPORT OF STANDING COMMITTEE (410)
January 15, 2003 2:03 p.m.

Module No: SR-07-0613
Carrier: Brown
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2156: Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2156 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-07-0613

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10/17/03
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2003 HOUSE HUMAN SERVICES

SB 2156

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Deanne Halliwell
Operator's Signature

10/17/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2156

House Human Services Committee

☐ Conference Committee

Hearing Date February 26, 2003

Tape Number	Side A	Side B	Meter #
1		x	21.1 - 61.4
Committee Clerk Signature <i>Sharon Rengrow</i>			

Minutes:

Tom Tupa, Executive Director of the ND Board of Social Workers Examiners (ND BSWE)

appeared in support with written testimony and proposed amendments.

The original bill stated the make-up of the board is 2 LSW's (those with bachelor degree) 2 LCSW's (master degree) and 2 lay people.

Rep. Price: P 2, Sec 2, #4, any reason that we should or should not consider adding basic care or maybe even assisted living facilities.

Answer: You could consider. The question is whether or not the skilled facilities or the basic care facilities handle or employ a lot of social workers.

Rep. Porter asked what the Board charges to access the List mentioned on Page 5, Section 9, Line 28. Answer: We don't charge, we put in on a web site. Also on Page 6, taking out the language on probationary licenses and if someone has taken the test but has not received the license, how can they work? Answer: They do not work until licensed.

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Operator's Signature

10/17/03
Date

Page 2
House Human Services Committee
Bill/Resolution Number SB 2156
Hearing Date February 26, 2003

Rep. Amerman: P 7, Sec 5, the language deleting and with the new language you don't have to offer the licensee an opportunity to meet and the Board can meet at any time.

Answer: Formal resolution by our legal counsel's standards really doesn't have any boundaries, whatever would be agreeable to the Board and the Licensee is what they could end up with.

Clarification of committee on licensed certified social workers and licensed clinical social workers, certified mail and servicing by regular mail. Also on page 7, imposing a fee before the actual dead line.

Connie Hildebrand, Chair ND NESW appeared in support of the bill stating the Board feels it will strengthen social work standards.

No opposition. Closed hearing.

Afternoon Committee Work.

Rep. Porter moves the amendments, second by Rep. Kreidt.

12 - 0 - 1 Amendment passed.

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

Rep. Weisz: Has a problem with charging a late fee before license is due.

Rep. Wieland: Has a problem with penalty.

Rep. Niemeier: Wanted to know how allowable or legal is this, should have a good case for appeal.

Rep. Kreidt and Rep. Uglem withdrew their motion and second.

Rep. Niemeier made a motion to amend and add basic care on page 2, line 21, in the place where intermediate is over struck, second by Rep. Potter.

12 - 0 - 1 Amendment passed.

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10/17/03
Date

Page 3
House Human Services Committee
Bill/Resolution Number SB 2156
Hearing Date February 26, 2003

Rep. Welsz made a motion to further amend page 6, line 27, we remove the overstrike by
certified mail, second by Rep. Porter.

12 - 0 - 1 Amendment passed.

Rep. Pietsch made a motion to further amend on page 8, to delete lines 4 and 5, second by Rep.
Niemeler.

Rep. Porter: Understands the need to provide for a late fee and will vote against this motion.

Feels it would be more proper for us to change the date around so that it would be after Dec. 31st
of the odd number year so that it truly is a late fee or reinstatement fee, rather than a penalty

Mr. Tupa: Has concerns is incentive to get people to renew early is that employers, particularly
hospital and nursing homes is that if they are not licensed on January 1st, they cannot practice in
their facility. If they haven't renewed, they have to go on suspended status and this puts the
facility in a bad position.

9 - 3 - 1 Amendment passed.

Rep. Porter made a motion for DO PASS as Amended, second by Rep. Weisz.

10 - 2 - 1 Rep. Potter will carry the bill.

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10/17/03
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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2156

House Human Services Committee

☐ Conference Committee

Hearing Date March 4, 2003

Tape Number	Side A	Side B	Meter #
2	x		33.4 - 41.6
Committee Clerk Signature <i>Sharon Kengrow</i>			

Minutes: Committee Work

Rep. Weisz made a motion to reconsider the action, second by Rep. Porter.

Rep. Weisz explained that after further review and discussion with legal counsel, it does appear that section 28-32 on administrative fees which includes _____ does set up the process of civil procedure for giving due notice.

Vote: 13 - 0 - 0 Passed

Rep. Weisz moves the amendment on page 6, line 27 to overstrike by certified mail, (removing the amendments on page 6, line 27) the rest of the amendments will stand. Second by Rep.

Porter. Vote: 13 - 0 - 0 Passed.

Rep. Porter made a motion for Do Pass as Amended and re-refer to appropriations, second by Rep. Kreidt.

Vote: 13 - 0 - 0 Rep. Porter to carry the bill.

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10/17/03
Date

38055.0101
Title.0200

Adopted by the Human Services Committee
February 26, 2003

VR.
2/27/03

HOUSE AMENDMENTS TO SENATE BILL NO. 2156 HS 2-27-03

Page 2, line 21, remove the overstrike over the first overstruck comma, after "intermediate" insert "basic", and remove the overstrike over "~~care facilities~~,"

HOUSE AMENDMENTS TO SB 2156 HS 2-27-03

Page 3, line 30, after "completed" insert "within", remove the overstrike over "~~four~~", and remove "two"

Page 3, line 31, after "years" insert ", three thousand hours"

HOUSE AMENDMENTS TO SB 2156 HS 2-27-03

Page 6, line 27, remove the overstrike over "~~by certified mail~~,"

HOUSE AMENDMENTS TO SB 2156 HS 2-17-03

Page 8, line 4, remove "The board may impose a late fee after November fifteenth of the odd-numbered"

Page 8, remove line 5

Page 8, line 6, remove "Z."

Page 8, line 15, replace "8." with "Z."

Renumber accordingly

Date: February ²⁶, 2003
Roll Call Vote #: |

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2156

House _____ HUMAN SERVICES _____ Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP As Amended

Motion Made By Rep. ~~Porter~~ Porter Seconded By Rep. ~~Weisz~~ Weisz

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. Vonnice Pietsch	✓		Rep. Louise Potter	✓	
Rep. Gerald Uglem	✓				
Rep. Chet Pollert	✓				
Rep. Todd Porter	✓				
Rep. Gary Kreidt		✓			
Rep. Alon Wieland	✓				

Total (Yes) 10 No 2

Absent 1

Floor Assignment Rep Potter

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

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10/17/03
Date

REPORT OF STANDING COMMITTEE (410)
February 27, 2003 11:43 a.m.

Module No: HR-35-3567
Carrier: Potter
Insert LC: 38055.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2156: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2156 was placed on the Sixth order on the calendar.

Page 2, line 21, remove the overstrike over the first overstruck comma, after "intermediate" insert "basic", and remove the overstrike over "~~care facilities~~,"

Page 3, line 30, after "completed" insert "within", remove the overstrike over "~~four~~", and remove "two"

Page 3, line 31, after "years" insert "three thousand hours"

Page 6, line 27, remove the overstrike over "~~by certified mail~~,"

Page 8, line 4, remove "The board may impose a late fee after November fifteenth of the odd-numbered"

Page 8, remove line 5

Page 8, line 6, remove "7."

Page 8, line 15, replace "8." with "7."

Renumber accordingly

Date: ~~February~~, 2003
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB ~~2003~~ 2156

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Motion Made By

Seconded By

[illegible]

Total (Yes) 13 No 0

Absent (C)

Floor Assignment Rep. Potter

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

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Note

REPORT OF STANDING COMMITTEE (410)
March 5, 2003 12:17 p.m.

Module No: HR-39-3948
Carrier: Potter
Insert LC: 38055.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2156: Human Services Committee (Rep. Price, Chairman) recommends
AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS**
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2156 was placed on the Sixth
order on the calendar.

Page 2, line 21, remove the overstrike over the first overstruck comma, after "intermediate"
insert "basic", and remove the overstrike over "~~care facilities~~,"

Page 3, line 30, after "completed" insert "within", remove the overstrike over "~~four~~", and
remove "two"

Page 3, line 31, after "years" insert ", three thousand hours"

Page 8, line 4, remove "The board may impose a late fee after November fifteenth of the
odd-numbered"

Page 8, remove line 5

Page 8, line 6, remove "7."

Page 8, line 15, replace "8." with "7."

Renumber accordingly

2003 TESTIMONY

SB 2156

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Deanne Hall
Operator's Signature

10/17/03
Date

TESTIMONY ON SB 2156

FEBRUARY 26, 2003

Madame Chair and members of the Committee, my name is Tom Tupa and I am here as the Executive Director of the ND BSWE and in support of SB 2156.

This bill was introduced by the Board to clean up some of the outdated language, to bring other parts of the law in compliance with current trends or practices, and to clear up some areas of confusion.

I would first like to take you through the bill and then come back to a couple of sections to give further explanation and to offer an amendment.

Upon completion of the testimony, I ask the Committee to adopt the Board offered amendments and to then give SB 2156 a "do pass" recommendation.

Thank you for allowing me to appear before the Committee and I will try to respond to any question the Committee members may have.

ATTACHMENTS:

Board amendments
Copy of the AG's letter

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Deanne Hall
Operator's Signature

6/17/03
Date

PROPOSED AMENDMENTS TO SB 2156

Page 3, line 30, after the word "completed" insert "within"

delete the overstrike on the word "four"

delete "two"

Page 3, line 31, after the word "years" insert " 3,000 hours"

Lines 30 and 31 on page 3 would then read:

"c. Has satisfied the board that the applicant has successfully completed within four years, 3,000 hours of ~~full-time~~ post-master's clinical social work experience under the"

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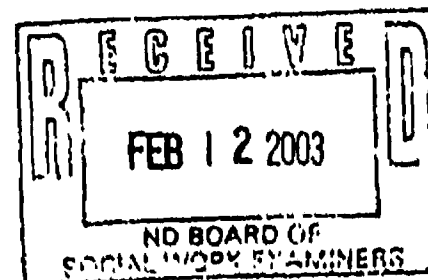
Deanne G. Bell
Operator's Signature

10/17/03
Date

COPY

OFFICE OF ATTORNEY GENERAL
STATE OF NORTH DAKOTA

February 11, 2003



Wayne Stenehjem
ATTORNEY GENERAL

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Dept. 125
Bismarck, ND 58505-0040
701-328-2210
800-366-6888 (TTY)
FAX 701-328-2226

Consumer Protection
and Antitrust Division
701-328-3404
Toll Free in North Dakota
800-472-2600
FAX 701-328-3535

Gaming Division
701-328-4848
FAX 701-328-3535

Licensing Section
701-328-3535

SOUTH OFFICE BUILDING
500 N. 9th St.
Bismarck, ND 58501-4509
FAX 701-328-4300

Civil Litigation
701-328-3640

Natural Resources
701-328-3640

Racing Commission
701-328-4290

Bureau of Criminal
Investigation
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Thomasine Heltkamp, MSW
Associate Professor - Coordinator of Distance Learning
Department of Social Work
University of North Dakota
P.O. Box 7135
Grand Forks, ND 58202-7135

Re: SB 2156

Dear Ms. Heltkamp:

The Board of Social Work Examiners requested that I write you to explain the reason for the Board's proposed amendments in SB 2156 concerning accreditation of social work programs. The Board has proposed that references in the law to "accredited by the council on social work education" be removed. SB 2156 at section 1, 4. The Board proposes instead that accreditation be "by an accrediting body approved by the board". SB 2156 at section 1.

"Except as otherwise provided in the North Dakota Constitution, our legislature may not delegate legislative powers to others." MCI Telecommunications v. Heltkamp, 523 N.W.2d 548, 554 (N.D. 1994); see also Montana-Dakota Utilities Co. v. Johanneson, 153 N.W.2d 414, 421-22 (N.D. 1967) (holding law constituted unlawful delegation of legislative authority to a private entity). It is a well established rule of law that legislatures may not delegate their authority to private citizens or private entities. See e.g. Cary v. City of Rapid City, 559 N.W.2d 891, 895-96 (SD 1997); Garces v. Department of Registration and Education, 254 N.E.2d 622 (Ill. App. 1969).

The Council on Social Work Education is a private entity. The Legislature cannot constitutionally give the Council unfettered authority to determine which social work program provide acceptable educations for social workers licensed in North Dakota.

Under the proposed legislation, the Board will determine the acceptable standards for accreditation of social work programs by administrative rule. As a practical matter, however, it is my understanding that there is currently no reputable accrediting body other than the Council on Social

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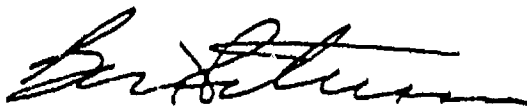
10/17/03
Date

Thomasine Heltkamp, MSW
February 11, 2003
Page 2

Work Education. As a result, I expect the Council will be "an accrediting body approved by the board".

I hope I have been helpful in assisting you in understanding the Board's motivation for the proposed amendments in SB 2156. If you have any questions, please contact me.

Sincerely,



Bill Peterson
Assistant Attorney General
Office of Attorney General
500 North 9th Street
Bismarck, ND 58501-4509
Telephone (701) 328-3640
Facsimile (701) 328-4300

jjs
cc: Board of Social Work Examiners

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