

March 25, 2015

PROPOSED AMENDMENTS TO SENATE BILL NO. 2085

Page 1, line 3, after the first comma insert "43-25-05.1, 43-25-06,"

Page 1, line 10, remove ", except that criminal history checks need not be made"

Page 1, line 11, remove "unless required by the board"

Page 1, after line 14 insert:

"1."

Page 1, line 15, after the period insert:

"a."

Page 1, line 15, overstrike "of the"

Page 1, line 16, replace "actively" with "annually work at least five hundred hours"

Page 1, line 17, overstrike "The" and insert immediately thereafter "These"

Page 1, line 18, after "for" insert "terms of"

Page 1, line 18, overstrike "Two"

Page 1, overstrike line 19

Page 1, line 20, overstrike "massage therapist,"

Page 1, line 20, replace "nor have a direct and substantial financial interest in massage therapy." with

"b. One member of the board"

Page 1, line 21, overstrike "appointed as" and insert immediately thereafter "a"

Page 1, line 21, overstrike "members" and insert immediately thereafter "member. To qualify as a consumer member an individual may not be or have been a massage therapist, may not have an immediate family member who is a massage therapist, may not be an owner of or have an affiliation with a massage school, may not be a current or past member of any other health care licensing entity, may not have a fiduciary obligation to a facility rendering health care services, and may not have a direct and substantial financial interest in massage therapy. This member must be appointed"

Page 1, line 21, after "for" insert "a"

Page 1, line 21, overstrike "terms" and insert immediately thereafter "term"

Page 1, line 21, overstrike "of one"

Page 1, line 22, overstrike "member expires each year" and insert immediately thereafter "expires with a licensed board member but not with the instructor board member"

Page 1, line 22, after the period insert:

"c. One member of the board must be an instructor at a school of massage that meets the standards set by the board. This member must be appointed for a term of two years staggered so it expires with a licensed board member but not with the consumer board member.

d."

Page 2, after line 2 insert:

"2."

Page 2, after line 6, insert:

**"SECTION 3. AMENDMENT.** Section 43-25-05.1 of the North Dakota Century Code is amended and reenacted as follows:

**43-25-05.1. Powers and duties of the board.**

The board has the following powers and duties:

1. The board may adopt and enforce rules as necessary to implement this chapter.
2. The board ~~may~~ periodically shall inspect or cause to be inspected all massage establishments. The board and ~~its~~the board's agents are ~~authorized to~~may enter and inspect any massage establishment at any time during which the establishment is open for the transaction of business.
3. The secretary-treasurer ~~may~~shall prepare and submit to the governor a biennial report detailing income and expenses and a list of licensed massage therapists.
4. The board may hire office personnel deemed necessary by ~~it~~the board for carrying on ~~its~~the board's official duties and shall set the compensation to be paid to the personnel.

**SECTION 4. AMENDMENT.** Section 43-25-06 of the North Dakota Century Code is amended and reenacted as follows:

**43-25-06. Removal of members of board of massage - Officers of the board.**

The governor may remove from office ~~members~~a member of the board for failure to maintain the qualifications for appointment, for neglect of duties as required by this chapter ~~or,~~ for malfeasance in office and incompetency, or for unprofessional conduct. The governor may fill any vacancy caused by removal of any member of the board, on the member's resignation or death."

Page 2, line 10, replace "may" with "shall"

Page 2, line 10, replace "any" with "an"

Page 2, line 10, remove "or licensee"

Page 2, line 11, after the underscored period insert "The board may require a licensee under this chapter to submit to a statewide and nationwide criminal history record check."

Page 2, line 22, remove "including at least three hours of ethics."

Page 2, line 23, after the period insert "For the first renewal after becoming licensed in this state, a minimum of three hours of the required twenty-four hours must be ethics education."

Page 2, line 27, after "individuals" insert "shall"

Page 2, line 27, overstrike "their"

Page 2, line 28, after "individuals" insert "shall"

Page 2, line 28, overstrike "their"

Page 5, line 2, overstrike "shall" and insert immediately thereafter "are entitled to"

Page 5, line 2, remove "for an in-person meeting"

Page 5, line 9, overstrike "person" and insert immediately thereafter "individual"

Page 5, line 15, overstrike "a person"

Re-number accordingly