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Sixty-eighth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2184

Introduced by

Senators Lee, Burckhard, K. Roers

Representatives Mitskog, Weisz

A BILL for an Act to create and enact a new section to chapter 43-51 of the North Dakota Century Code, relating to uniform regulation of occupations and professions; and to amend and reenact section 54-10-27 of the North Dakota Century Code, relating to the duties of the state auditor.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Uniform administration of boards.

1. As used in this section, the term "board" includes the state board of accountancy, state electrical board, North Dakota real estate appraiser qualifications and ethics board, state real estate commission, secretary of state with respect to contractor licensing, North Dakota board of medicine, and state board of dental examiners.
2. A board shall regulate the board's occupation or profession in the least restrictive manner appropriate to protect public health and safety. At the first regularly scheduled meeting of each calendar year, a board shall discuss this requirement and related plans to remove unnecessary restrictions and regulatory burdens. The board shall include the plan in the board's minutes.
3. A board shall develop a mission statement consistent with the board's obligation of protecting public health and safety. The board shall recite the mission statement at the beginning of each regularly scheduled board meeting.
4. A board shall follow processes to allow for efficient and accurate processing of licensing applications, including timely communication to an applicant to address issues or deficiencies.

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

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

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

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

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

8. A board may contract for administrative and support services to assist in the operation of the board.

9. A board may contract with the information technology department and may obtain and purchase services through the information technology department, including electronic mail systems, website services, and cybersecurity services.

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

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

SECTION 2. AMENDMENT. Section 54-10-27 of the North Dakota Century Code is amended and reenacted as follows:

54-10-27. Occupational and professional boards - Audits and reports.

1. The governing board of any occupational or professional board shall provide for an audit once every two years by a certified public accountant or licensed public accountant. The accountant conducting the audit shall submit the audit report to the state auditor's office. If the report is in the form and style prescribed by the state auditor, the state auditor may not audit that board. An occupational or professional board may request the state auditor to conduct its audit, and if the state auditor agrees to conduct the audit, the state auditor shall deposit the fees charged to the occupational or professional board into the state auditor operating account. The state auditor may charge an occupational or professional board a fee not to exceed ninety dollars an hour for the costs of reviewing the audit report.
2. Instead of providing for an audit every two years, an occupational or professional board that has less than two ~~hundred thousand~~million dollars of annual receipts may submit an annual report to the state auditor. The report must contain the information required by the state auditor. The state auditor also may make any additional examination or audit determined necessary in addition to the annual report. ~~When a report is not filed, the~~The state auditor may charge the occupational or professional board an amount equal to the fair value of the additional examination or audit and any other services rendered. The state auditor may charge an occupational or professional board a fee not to exceed ~~eighty-six~~ninety dollars an hour for the costs of reviewing the annual report.
3. If an audit report or annual report shows the amount of the unobligated and undesignated balance of a board's operating fund exceeds two hundred fifty thousand dollars, the report must include a statement from the board regarding the board's plans for handling this excess amount.