

2013 HOUSE JUDICIARY

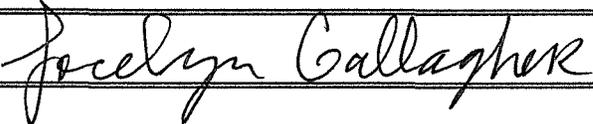
HB 1043

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1043
January 14, 2013
17165

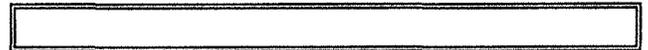
Conference Committee



Explanation or reason for introduction of bill/resolution:

Relating to technical corrections and improper, inaccurate, redundant, missing or obsolete references and to repeal code relating to obsolete provisions.

Minutes:



Chairman Koppelman: Opened the hearing for HB 1043.

John Walstad, Code Revisor of Legislative Council: Mr. Chairman, committee members. The technical corrections bill is the only one I get to appear in favor of because it is intended only to correct errors in the code and never to make any substituent change. Amendments were handed to committee by Mr. Walstad. He went through each amendment on the bill.

Chairman Koppelman: Since there are freshmen committee members he asked Mr. Walstad to explain what happens when something is identical in two bills or deals with the same session.

John Walstad, Code Revisor of Legislative Council: He made the explanation and addressed each section of the bill and why it was to be amended or repealed. He passed out the copies of the proposed amendments. He went over the significant amendments

section by section explaining the changes and what it is related to. If there are any questions, I can address them.

Representative Klemin: Mr. Walstad, on the original bill, page 4 line 2, I'm not sure if you talked about the change in section 5

John Walstad, Code Revisor of Legislative Council: The one about the decision review office?

Representative Klemin: No, dealing with the weights and measures. My question is on page 4, line 2, you struck out the meters, metric. There is no metric at all for the surveyors chain and should there be a metric for that? There is a metric for everything else.

John Walstad, Code Revisor of Legislative Council: Mr. Chairman and Representative Klemin, this thing drove me nuts, this section was brought to life by one of the surveyors at Department. of Transportation pointing out that feet are not always feet, there are two kinds of feet, a survey definition and an international definition.

Representative Klemin: Didn't you have this a little bit different in the interim, seems to me there was some little difference. Is this exactly as the bill in the interim judiciary committee?

John Walstad, Code Revisor of Legislative Council: Mr. Chairman and Representative Klemin, I think I made a tweak there because at the interim judiciary committee you were raising some questions and I made a change as a result of some concern you had about the language, but I don't have the two copies in front of me.

Chairman Koppelman: Further questions from the committee, Representative Paur

Representative Paur: Can you tell me what the protocol is for capitalization? You use in your amendment about the nutrition academy that is all lower case, normally proper nouns/names are put into caps.

John Walstad, Code Revisor of Legislative Council: Mr. Chairman, Representative Paur, in ND statutory provisions we don't follow the normal rules of capitalization. We don't capitalize names of officers, like Governor, Attorney General, etc. We don't capitalize names of agencies, federal agencies. The part we would capitalize is American, cause it's a proper name of a country. United States, ND, etc.

Representative Paur: Some proper nouns you capitalize and some you don't?

John Walstad, Code Revisor of Legislative Council: Some we would capitalize if your name was in a statute we would capitalize that.

Representative Paur: But not the name of an organization?

John Walstad, Code Revisor of Legislative Council: Not the organization name unless it has a proper noun in it like the name of a state, the US or American.

Chairman Koppelman: Other questions for Mr. Walstad? John, I had one on the amendment you presented with regards to the successor organizations. Does this relieve you of the duty to have to do this again if any entity keeps changing its name if we start inserting that kind of language will it save us this step or not?

John Walstad, Code Revisor of Legislative Council: Mr. Chairman, I think this is a placeholder, we refer to the successor organization so we're maybe covered during the time it takes for somebody to realize they changed their name again and we get it into a bill like this again.

Chairman Koppelman: Thank you, other questions for Mr. Walstad? Any further testimony in support of HB 1043? Any opposition? Any neutral/informational testimony? Hearing none, we will close the hearing on HB 1043. Correct me, do we have to do roll call on amendments? All those in favor of approving the amendments on HB 1043, signify by saying I, those opposed? Seeing none, amendments are adopted.

Representative Delmore: Mr. Chairman, I would move a do pass on HB 1043 as amended.

Chairman Koppelman: Is there a second?

Representative Maragos: Second

Chairman Koppelman: It has been moved and seconded for a do pass recommendation on HB 1043 as amended. Discussion from the committee? Seeing none, clerk will take the roll on a do pass recommendation, HB 1043.

Total 14 yes, 0 no, 0 absent.

Rep Hogan will carry the bill.

January 7, 2013

VR2
1/14/13
1084

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1043

Page 1, line 1, replace the first "section" with "sections 11-11-02 and"

Page 1, line 1, after the first comma insert "subsection 7 of section 12-60-26, section 15.1-20-04, subsection 2 of section 15.1-23-02,"

Page 1, line 2, after the first comma insert "subsection 1 of section 43-44-07, sections 43-44-08 and 43-44-09, subsection 4 of section 43-44-10, subsection 1 of section 43-44-15,"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 11-11-02 of the North Dakota Century Code is amended and reenacted as follows:

11-11-02. Commissioner must be resident of district - Exceptions.

Each county commissioner shall be chosen by the qualified electors of the district of which the commissioner is a resident, except as otherwise provided in section 11-07-03 or 11-07-06."

Page 2, after line 8, insert:

"SECTION 3. AMENDMENT. Subsection 7 of section 12-60-26 of the North Dakota Century Code is amended and reenacted as follows:

7. For purposes of this section:

- a. "Flag the records" means marking the division of vital records, school, day care, or home education records in such a manner that any personnel viewing that record will be automatically alerted that the child or individual has been reported as lost, missing, or runaway.
- b. "Home education" means a program of education supervised by a child's parent, ~~in the child's home,~~ in accordance with the requirements of chapter 15.1-23.
- c. "Proof of identity" means a certified copy of a birth certificate, a certified transcript, or similar student records from the previous school, or any other documentary evidence the school, licensed day care facility, or school superintendent considers appropriate proof of identity.
- d. "School" or "licensed day care facility" means all elementary and secondary schools, licensed day care centers, licensed child care facilities, headstart programs, and nursery schools whether public or nonpublic.

SECTION 4. AMENDMENT. Section 15.1-20-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-20-04. Home education - Definition.

For purposes of this chapter, "home education" means ~~an educational program for a child provided~~ a program of education supervised by a child's parent in accordance with chapter 15.1-23 by the child's parent in the child's home.

SECTION 5. AMENDMENT. Subsection 2 of section 15.1-23-02 of the North Dakota Century Code is amended and reenacted as follows:

- 2. The statement must be accompanied by a copy of the child's immunization record and proof of the child's identity as required by section ~~54-23-2-04.212-60-26.~~"

Page 3, after line 6, insert:

"SECTION 8. AMENDMENT. Subsection 1 of section 43-44-07 of the North Dakota Century Code is amended and reenacted as follows:

- 1. An applicant for licensure as a licensed nutritionist must file a written application with the board and:
 - a. Have satisfactorily completed academic requirements required by the board, and have received a baccalaureate degree in the field of dietetics or food and nutrition, as approved by the board, from an accredited college or university;
 - b. Have received a master's or doctorate degree in human nutrition, nutrition education, foods and nutrition, or public health nutrition from an accredited college or university, or have received a master's or doctorate degree in a related field that meets eligibility requirements of the commission on dietetic registration of the ~~American dietetic association~~ academy of nutrition and dietetics or its predecessor or successor organization;
 - c. Maintain membership in one of the following organizations: American institute of nutrition, American society for clinical nutrition, or the American board of nutrition; or
 - d. Present evidence to the board regarding employment and competence as a nutritionist before July 1, 1985, and the inability to meet the criteria of subdivision a, b, or c.

SECTION 9. AMENDMENT. Section 43-44-08 of the North Dakota Century Code is amended and reenacted as follows:

43-44-08. Requirements for licensure - Licensed registered dietitian.

- 1. Applicants for licensure as a licensed registered dietitian must:
 - a. Comply with subsection 1 of section 43-44-07.
 - b. Have satisfactorily completed the education and experience requirements for dietitians approved by the commission on dietetic registration of the ~~American dietetic association~~ academy of nutrition and dietetics or its predecessor or successor organization.

- c. Have satisfactorily completed the examination approved and administered by the commission on dietetic registration of the American dietetic association academy of nutrition and dietetics or its predecessor or successor organization.
2. Applicants for renewal of licensure as a licensed registered dietitian must:
 - a. Comply with subsection 1.
 - b. Have satisfactorily completed continuing education requirements specified by the commission on dietetic registration of the American dietetic association academy of nutrition and dietetics or its predecessor or successor organization.

SECTION 10. AMENDMENT. Section 43-44-09 of the North Dakota Century Code is amended and reenacted as follows:

43-44-09. Waiver of requirements for licensure of dietitians.

Upon application, the board shall grant a license to any person certified prior to July 1, 1985, as a registered dietitian by the commission on dietetic registration of the American dietetic association academy of nutrition and dietetics or its predecessor or successor organization. Upon application of any person certified by the commission on dietetic registration of the American dietetic association academy of nutrition and dietetics or its predecessor or successor organization after July 1, 1985, the board may waive the examination, education, and experience requirements and grant the applicant a license if the board determines that the requirements for certification are equivalent to the related requirements for licensure in this chapter.

SECTION 11. AMENDMENT. Subsection 4 of section 43-44-10 of the North Dakota Century Code is amended and reenacted as follows:

4. Any person who does not meet the requirements of subdivision a, b, or c of subsection 1 of section 43-44-07, and who provides nutrition care services, including weight control programs, under the supervision of a licensed registered dietitian, a dietitian licensed in another state that has licensure requirements considered by the board to be at least as stringent as the requirements for licensure under this chapter, or a dietitian registered by the commission on dietetic registration of the American dietetic association academy of nutrition and dietetics or its predecessor or successor organization.

SECTION 12. AMENDMENT. Subsection 1 of section 43-44-15 of the North Dakota Century Code is amended and reenacted as follows:

1. The board may deny a license, refuse to renew a license, suspend a license, or revoke a license, or may impose probationary conditions on a licensee if the licensee or applicant has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Unprofessional conduct includes:
 - a. Obtaining a license by means of fraud, misrepresentation, or concealment of material facts.
 - b. Being guilty of unprofessional conduct as defined by rules adopted by the board, or violating any code of ethics adopted by the ~~American~~

dietic association academy of nutrition and dietetics or its predecessor or successor organization.

- c. Being convicted of an offense, as defined by section 12.1-01-04, that the board determines has a direct bearing upon a person's ability to serve the public as a licensed registered dietitian or a licensed nutritionist or, following conviction of any offense, if the board determines that the person is not sufficiently rehabilitated under section 12.1-33-02.1.
- d. Violating any lawful order or rule of the board.
- e. Violating this chapter."

Renumber accordingly

Date: 1-14-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1043

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Delmore Seconded By Rep. Hogan

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman			Rep. Lois Delmore		
Vice Chairman Lawrence Klemin			Rep. Ben Hanson		
Rep. Randy Boehning			Rep. Kathy Hogan		
Rep. Roger Brabandt					
Rep. Karen Karls					
Rep. William Kretschmar					
Rep. Diane Larson					
Rep. Andrew Maragos					
Rep. Gary Paur					
Rep. Vicky Steiner					
Rep. Nathan Toman					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Voice Vote Carried

Date: 1-14-13
Roll Call Vote #: 1043

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1043

House Judiciary Committee

Check here for Conference Committee

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Motion Made By Rep. Delmore Seconded By Rep Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman	✓		Rep. Lois Delmore	✓	
Vice Chairman Lawrence Klemin	✓		Rep. Ben Hanson	✓	✓
Rep. William Kretschmar	✓		Rep. Kathy Hogan	✓	
Rep. Andrew Maragos	✓				
Rep. Diane Larson	✓				
Rep. Gary Paur	✓				
Rep. Randy Boehning	✓				
Rep. Karen Karls	✓				
Rep. Roger Brabandt	✓				
Rep. Vicky Steiner	✓				
Rep. Nathan Toman	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep Hogan

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

REPORT OF STANDING COMMITTEE

HB 1043: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1043 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the first "section" with "sections 11-11-02 and"

Page 1, line 1, after the first comma insert "subsection 7 of section 12-60-26, section 15.1-20-04, subsection 2 of section 15.1-23-02,"

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 - a. Obtaining a license by means of fraud, misrepresentation, or concealment of material facts.
 - b. Being guilty of unprofessional conduct as defined by rules adopted by the board, or violating any code of ethics adopted by the ~~American dietetic association~~ academy of nutrition and dietetics or its predecessor or successor organization.
 - c. Being convicted of an offense, as defined by section 12.1-01-04, that the board determines has a direct bearing upon a person's ability to serve the public as a licensed registered dietitian or a licensed nutritionist or, following conviction of any offense, if the board

determines that the person is not sufficiently rehabilitated under section 12.1-33-02.1.

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- e. Violating this chapter."

Renumber accordingly

2013 SENATE JUDICIARY

HB 1043

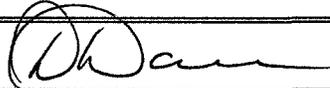
2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

HB1043
2/20/2013
Job #19259

Conference Committee

Committee Clerk Signature



Minutes:

Relating to technical corrections and improper, inaccurate, redundant, missing or obsolete references

Senator David Hogue - Chairman

John Walstad - In support - He explains that this is a technical corrections act that cleans up errors in the code. Mr. Walstad goes on to explain each correction made in the bill. He adds that when laws conflict the last one passed is the true law of the land.

Opposition - none

Neutral - none

Close the hearing

Senator Nelson moves a do pass

Senator Armstrong seconded

Vote 7 yes, 0 no

Motion passes

Senator Nelson will carry

Date: 2/20
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1043

Senate JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By S. Debra Seconded By S. Armstrong

Senators	Yes	No	Senator	Yes	No
Chariman David Hogue	X		Senator Carolyn Nelson	X	
Vice Chairman Margaret Sitte	X		Senator John Grabinger	X	
Senator Stanley Lyson	X				
Senator Spencer Berry	X				
Senator Kelly Armstrong	X				

Total (Yes) 7 No 0

Absent _____

Floor Assignment S. Nelson

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

REPORT OF STANDING COMMITTEE

HB 1043, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1043 was placed on the Fourteenth order on the calendar.