

March 23, 2017

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2327

Page 1, line 8, remove "subsection 1 of section 19-01-01,"

Page 1, line 14, replace "subsection 6 of section" with "sections 43-62-01 and"

Page 1, line 14, after the first comma insert "subsection 1 of section 43-62-15,"

Page 1, line 18, remove "sections 61-28-03 and 61-28-05,"

Page 1, line 21, after "quality" insert "and the regulation of x-ray operators"

Page 1, line 23, replace "and" with a comma

Page 1, line 24, after "39-26" insert ", and sections 61-28-03 and 61-28-05"

Page 2, after line 30, insert:

"All orders, determinations, permits, grants, contracts, agreements, certificates, licenses, waivers, bonds, authorizations, and privileges relating to the functions transferred which have been lawfully issued or made before the date of the transition of functions, continue to be effective until revised, amended, repealed, or rescinded. The transition of functions does not abate any suit, action, or other proceeding lawfully commenced by, against, or before an entity affected by the transition of functions. A suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of an entity affected by the transition of functions."

Page 4, line 26, replace "23.1-04-03" with "23.1-04-04"

Page 8, remove lines 28 through 31

Page 9, line 8, replace "environmental review advisory council" with "department of environmental quality"

Page 13, line 24, after the underscored period insert "The director must have a bachelor of science degree or higher from an accredited college in a natural or physical science area of study or be a registered professional engineer. The governor shall seek to appoint a director with at least seven years of environmental health or relevant engineering work experience. Three years of the work experience must include administrative and management responsibilities. Direct work experience in North Dakota is preferred. The director may not engage in any other occupation or business that may conflict with the statutory duties of the director."

Page 13, line 29, replace "eleven" with "the state engineer, state geologist, and director of the game and fish department, who serve as ex officio members, and ten"

Page 13, line 30, replace ", and the" with ". The"

Page 14, line 2, after "The" insert "appointed"

Page 14, line 4, replace "and" with "or agricultural"

Page 14, line 7, after "of" insert "crop"

Page 14, line 8, remove "solid"

Page 14, line 8, after "waste" insert "management"

Page 14, line 9, replace "of the hazardous waste industry" with "with an agronomy or soil sciences degree"

Page 14, line 11, after the underscored semicolon insert "and"

Page 14, line 12, remove "The state engineer; and"

Page 14, line 13, replace "k. The state geologist" with "A representative of the livestock industry"

Page 14, line 15, replace "a" with "an appointed"

Page 14, line 27, after "title" insert "and chapters 61-28, 61-28.1, and 61-28.2"

Page 14, line 29, after "title" insert "and chapters 61-28, 61-28.1, and 61-28.2"

Page 15, line 14, after "title" insert "and chapters 61-28, 61-28.1, and 61-28.2"

Page 17, line 3, after "sections" insert "23.1-08-19 and"

Page 17, line 4, remove "and 23.1-08-21"

Page 18, line 28, replace "23.1-01-02" with "23.1-01-12"

Page 18, after line 31, insert:

**"23.1-01-13. Contracts for inspections.**

The department may contract with public health units and other appropriate entities to conduct inspections on behalf of the department or provide other services."

Page 22, line 6, replace "rule" with "rules"

Page 25, line 21, replace "subdivision c" with "this subsection"

Page 26, overstrike lines 14 through 17

Page 26, line 18, replace "23.1-03-11." with "23.1-03-10."

Page 26, line 28, replace "23.1-03-12." with "23.1-03-11."

Page 27, line 9, replace "23.1-03-13." with "23.1-03-12."

Page 27, line 17, replace "23.1-03-14." with "23.1-03-13."

Page 27, line 21, replace "23.1-03-15." with "23.1-03-14."

Page 27, line 25, replace "23.1-03-16." with "23.1-03-15."

Page 29, line 6, after "the" insert "solid waste or hazardous"

Page 29, line 13, remove "producing hazardous waste or acting to cause"

Page 29, line 14, replace "a hazardous waste" with "through act or process produces hazardous waste or first causes a hazardous waste"

Page 30, line 1, remove ", any person that owns or"

Page 30, replace lines 2 and 3 with ":

- a. In use after November 7, 1984, any person that owns or operates an underground storage tank used for the storage, use, or dispensing of regulated substances.
- b. In use before November 8, 1984, but no longer in use after that date, any person that owned or operated such a tank immediately before the discontinuation of the tank's use."

Page 30, line 10, after "at" insert "standard conditions of temperature and pressure ("

Page 30, line 12, after "absolute" insert an underscored closing parenthesis

Page 37, line 24, replace "23.1-09" with "23.1-12"

Page 40, line 26, after "of" insert "new"

Page 140, replace lines 22 through 26 with:

**"SECTION 51. AMENDMENT.** Section 43-62-01 of the North Dakota Century Code is amended and reenacted as follows:

**43-62-01. Definitions.**

1. "Board" means the North Dakota medical imaging and radiation therapy board ~~of examiners~~.
2. "Certification organization" means a national certification organization that specializes in the certification and registration of ~~certification of~~ medical imaging and radiation therapy technical personnel and which has programs accredited by the national commission for certifying agencies, American national standards institute or the international organization for standardization, or other accreditation organization recognized by the board.
3. "Licensed practitioner" means a licensed physician, advanced practice registered nurse, surgeon, chiropractor, dentist, or podiatrist.
4. "Licensee" means an individual licensed by the board to perform medical imaging or radiation therapy procedures and operate medical imaging or radiation therapy equipment, including a nuclear medicine technologist, radiation therapist, radiographer, radiologist assistant, x-ray operator, or sonographer.
5. "Medical imaging" means the performance of any diagnostic or interventional procedure or operation of medical imaging equipment intended for use in the diagnosis or visualization of disease or other medical conditions in human beings, including fluoroscopy, nuclear medicine, sonography, or x-rays.
6. "Medical physicist" means an individual who is certified by the American board of radiology, American board of medical physics, American board of science in nuclear medicine, or Canadian college of physics in medicine in radiological physics or one of the subspecialties of radiological physics.
7. "Radiation therapy" means the performance of any procedure or operation of radiation therapy equipment intended for use in the treatment of disease or other medical conditions in human beings.

8. "Radiation therapist" means a nonphysician licensed by the board to perform radiation therapy procedures and operate radiation therapy equipment.

**SECTION 52. AMENDMENT.** Section 43-62-03 of the North Dakota Century Code is amended and reenacted as follows:

**43-62-03. Exemptions.**

This chapter does not apply to the following:

1. A licensed practitioner performing medical imaging or radiation therapy.
2. A dental assistant or dental hygienist licensed under chapter 43-20.
3. A student enrolled in and attending a school or college of medicine, medical imaging, or radiation therapy who performs medical imaging or radiation therapy procedures on humans while under the supervision of a licensed practitioner or a radiographer, radiation therapist, nuclear medicine technologist, radiologist assistant, or sonographer holding a license in the medical imaging or radiation therapy modality which the student is enrolled or attending under this chapter.
4. An individual administering medical imaging or radiation procedures and who is employed by the United States government when performing duties associated with that employment.
5. A nurse licensed under chapter 43-12.1 who performs sonography on a focused imaging target to assess specific and limited information about a patient's immediate medical condition or to provide real-time visual guidance for another procedure.
6. ~~A limited x-ray machine operator who meets the requirements of rules adopted by the state department of health under section 23-20.1-04.~~
7. Medical imaging performed as a part of a post-mortem examination or on other nonliving remains.
- 8-7. Medical imaging performed by emergency medical services personnel certified or licensed under section 23-27-04.3.

**SECTION 53. AMENDMENT.** Subsection 1 of section 43-62-15 of the North Dakota Century Code is amended and reenacted as follows:

1. The board shall establish licensure standards for the following medical imaging and radiation therapy modalities:
  - a. Nuclear medicine technologist.
  - b. Radiation therapist.
  - c. Radiographer.
  - d. Radiologist assistant.
  - e. Sonographer.

f. X-ray operator."

Page 141, line 23, after the second comma insert "and"

Page 141, line 23, overstrike ", and 61-28-03"

Page 148, remove lines 17 through 31

Page 149, overstrike lines 1 through 28

Page 150, overstrike lines 1 through 4

Page 153, line 1, after "39-26" insert "and sections 61-28-03 and 61-28-05"

Page 153, line 3, replace "75" with "74"

Renumber accordingly