

2019 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1172

2019 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Peace Garden Room, State Capitol

HB 1172
1/14/2019
30759

- Subcommittee
 Conference Committee

Committee Clerk: Ellen LeTang

Explanation or reason for introduction of bill/resolution:

Reporting requirements of the board of massage therapy.

Minutes:

Attachment 1

Chairman Keiser: Opens the hearing on HB 1172.

Al Jaeger~Secretary of State: Attachment 1.

3:10

Rep Laning: Why was the governor's office eliminated in the bill. Do most of these reports go to the governor's office?

Al Jaeger: The governor was eliminated because it's already covered.

Chairman Keiser: It converted from may submit to shall submit. The board, somewhat thought, they were on may & were not doing the report by law. Is that correct?

Al Jaeger: Yes. Our guidelines are specific.

Chairman Keiser: Anyone else here to testify in support, opposition, neutral on HB 1172? What are the wishes of the committee?

Rep Laning: Moves a Do Pass.

Rep D Ruby: Second.

Chairman Keiser: Further questions.

Roll call was taken for a Do Pass on HB 1172 with 12 yes, 0 no, 2 absent & Rep O'Brien is the carrier.

Date: Jan 14, 2019

Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. H72

House _____ Industry, Business and Labor _____ Committee

Subcommittee

Amendment LC# or
Description: _____

Recommendation

- Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions

- Reconsider _____

Motion Made by Rep Laning Seconded By Rep Ruby

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Rep O'Brien	X	
Vice Chairman Lefor	Ab		Rep Richter	Ab	
Rep Bosch	X		Rep Ruby	X	
Rep C Johnson	X		Rep Schauer	X	
Rep Kasper	X		Rep Adams	X	
Rep Laning	X		Rep P Anderson	X	
Rep Louser	X		Rep M Nelson	X	

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep O'Brien

REPORT OF STANDING COMMITTEE

HB 1172: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).
HB 1172 was placed on the Eleventh order on the calendar.

2019 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1172

2019 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Roosevelt Park Room, State Capitol

HB 1172
3/11/2019
Job #33469

- Subcommittee
 Conference Committee

Committee Clerk: Amy Crane

Explanation or reason for introduction of bill/resolution:

Relating to reporting requirements of the board of massage therapy.

Minutes:

Att. #1-2

Chairman Klein: Opened the hearing on HB 1172. All members were present.

Representative Keiser, District 47: introduced the bill. Massage therapy wasn't listed in this section that mandates when boards have to give reports. They weren't sure when they needed to file, so this bill clarifies that.

2:45AI Jaegar, Secretary of State: see attachment #1 for testimony in support of the bill.

Gail Hovden, North Dakota Board of Massage Therapy: see attachment #2 for testimony in support of the bill.

Chairman Klein: So what I'm hearing you say is you're not in opposition, but why do we shall instead of may?

Gail: Correct. We have about 750 massage therapists and we just thought it would be an expense to have to get these certain papers and binders and certain folders and all other expenses with that for such a small report.

Chairman Klein: So, what I'm hearing is it would be an extra expense if you had to put this together and what you're doing now is?

Gail: Correct. I believe we have submitted in the past something but I don't know what it was exactly.

Chairman Klein: Closed the hearing on HB 1172.

2019 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

HB 1172
3/12/2019
Job #33552, 33578

- Subcommittee
 Conference Committee

Committee Clerk: Amy Crane

Explanation or reason for introduction of bill/resolution:

relating to reporting requirements of the board of massage therapy.

Minutes:

None.

Chairman Klein: Opened the committee work session on HB 1172.

Chairman Klein: So the lady on the massage board requested may instead of shall but the secretary of state didn't support it really. The main concern that the AG has is that they meet the guidelines, and just put a little report together which really isn't that big of a deal. All they need to do is submit a report which they haven't been doing because they thought they didn't have to.

Senator Roers: So what this means is they have to fill out a report annually and if it were may then they wouldn't have to? So the bill would be pointless at that point?

Chairman Klein: Correct.

Senator Piepkorn: If its meaningless for the massage therapists than its meaningless for those other groups mentioned in Gail's testimony. Are there any other boards that are required to report versus shall report?

Chairman Klein: The board of massage does stand out a bit on the shall report. In my chat with Representative Keiser he reminded me that why do we have the massage therapists every session with an issue. Whether its financial or policy making. He felt it was important at this point that we should do a shall and they can come back in a session or two and say we complied we're looking good. Because you are absolutely right, if it says may then there is no point in even having a report.

Vice Chairman Vedaa: The way I look at it, if they want to have a board and be recognized as such, they should have to carry through with those requirements.

Senator Kreun: It says in the 64th legislative assembly they adopted SB 2085 which was related to the board of massage therapy and section 3 the text in North Dakota century code

43-25.05.1 was amended saying the board shall submit a biennial report however the amendment made no reference to 54-06.01 which is references through the century code that all agencies and boards that either shall or may submit a biennial report. So it's conflicting already from what we did before. So whatever we do now we should do it so its definitive.

Chairman Klein: You are correct cause the way it was explained to me, we put shall in there but we didn't put the guidelines statute in so they didn't know what the guidelines were and every agency has to follow the same guidelines. It's an easy to follow list of the details of how the report should be prepared. I am of the opinion that we should leave the word shall in there and follow what we believe was the intent of last session's bill.

Vice Chairman Vedaa: Moved a Do Pass.

Senator Kreun: Seconded.

Senator Piepkorn: Clarification, it seems like I am confused. When you say we are acting on the intent of that legislation two sessions ago, shall is in it?

Chairman Klein: Yes.

Senator Piepkorn: And that is what happened two sessions ago? So why didn't they do it?

Chairman Klein: We didn't give them guidelines so they just didn't do it.

Senator Roers: You mentioned the technical things but what about the content?

Chairman Klein: They have suggested content guidelines, history of the agency, organizational chart, summary of responsibilities, summary of their major programs, summary of the legislation passed during the biennium, summary of responsibilities added or deleted during the biennium, summary of expenditure and revenues.

Senator Roers: Well that's the same as a corporation. So it's basically just confirming it's the same as what it was proposed to be the year before.

Senator Piepkorn: Why are the massage therapists being singled out? If indeed the other ones that are these shalls are agencies, are not required but they are in the may category.

Chairman Klein: Well I have all of the communication between the AG which represents the board of massage and the secretary of state that I can share with you if you want. And went back and forth about it.

Senator Kreun: Well it says right in there what the requirements would be. I can't understand why they thought they didn't need to submit one?

Chairman Klein: Well I think they did but they didn't do it within those guidelines.

Senator Kreun: Well then they should've asked.

Chairman Klein: Well there are always conflicts with the message board and I don't know why.

Senator Piepkorn: If they did want to be transferred from the shall to may they will just come back in two years?

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent.

(Senator Burckhard's vote is recorded on Job #33578)

Motion Carried.

Senator Kreun will carry the bill.

REPORT OF STANDING COMMITTEE

HB 1172: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1172 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

HB 1172

ALVIN A. JAEGER
SECRETARY OF STATE

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January 14, 2019

TO: Chairman George Keiser and Members of the House Industry, Business and Labor Committee

FR: Secretary of State Al Jaeger

RE: HB 1172 – Biennial Report for the North Dakota Board of Massage Therapy

According to N.D.C.C. § 54-06-04(2), the Secretary of State chairs a three-person committee that sets the requirements of form, style, materials and content of biennial reports. Under current law, there are 32 agencies and boards that “shall” submit a biennial report and 22 agencies and boards that “may” submit a biennial report according to the requirements in N.D.C.C. § 54-06-04. After the requirements are established, a letter is sent to all agencies and boards informing them of the guidelines and reminding them of the December 1 submission deadline.

In 2015, the 64th Legislative Assembly adopted SB 2085, which was related to the Board of Massage Therapy. In Section 3, the text in N.D.C.C. § 43-25-05.1(3) was amended stating that the Board “shall” submit a biennial report. However, the amendment made no reference to N.D.C.C. § 54-06-04, which is referenced throughout the Century Code for all agencies and boards that either “shall” or “may” submit a biennial report.

This bill adds the missing reference to N.D.C.C. § 54-06-04 by amending N.D.C.C. § 43-25-05.1(3). In doing so, the Board of Massage Therapy will have the same requirements for its biennial report that are referenced in the Century Code for all other agencies and boards.

HB 1172 3/11/19 Att#1

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STATE OF NORTH DAKOTA
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March 11, 2019

TO: Chairman Klein and Members of the Senate Industry, Business and Labor Committee

FR: Secretary of State Al Jaeger

RE: HB 1172 – Biennial Report for the North Dakota Board of Massage Therapy

According to N.D.C.C. § 54-06-04(2), the Secretary of State chairs a three-person committee that sets the requirements of form, style, materials and content of biennial reports. Under current law, there are 32 agencies and boards that “shall” submit a biennial report and 22 agencies and boards that “may” submit a biennial report according to the requirements in N.D.C.C. § 54-06-04. After the requirements are established, a letter is sent to all agencies and boards informing them of the guidelines and reminding them of the December 1 submission deadline.

In 2015, the 64th Legislative Assembly adopted SB 2085, which was related to the Board of Massage Therapy. In Section 3, the text in N.D.C.C. § 43-25-05.1(3) was amended stating that the Board “shall” submit a biennial report. However, the amendment made no reference to N.D.C.C. § 54-06-04, which is referenced throughout the Century Code for all agencies and boards that either “shall” or “may” submit a biennial report.

This bill adds the missing reference to N.D.C.C. § 54-06-04 by amending N.D.C.C. § 43-25-05.1(3). In doing so, the Board of Massage Therapy will have the same requirements and submission deadline for its biennial report that are referenced in the Century Code for all other agencies and boards.

Line 13 – adds the reference to the applicable law

Line 14 – removes the reference to the Governor because 54-06-04 already includes that reference

H.B. 1172

INDUSTRY, BUSINESS AND LABOR COMMITTEE

TESTIMONY OF NORTH DAKOTA BOARD OF MASSAGE THERAPY

Mr. Chairman, members of the Committee, I am Gail Hovden and I am appearing on behalf of the North Dakota Board of Massage Therapy. The Board does not oppose this bill, but does request consideration for the attach amendment, in order to be treated equally as all other licensing and regulatory boards under Chapter 43.

There are ten occupational and professional boards that report pursuant to 54-06-04, and include: Abstractors (43-01-06); Barbers (43-04-19); Electricians (43-09-05); Funeral Service Practitioners (43-10-08); Optometrists (43-13-09); Pharmacists (43-15-12); Medicine (43-17-12); Real Estate Commission (43-23-02); Dentists (43-28-09); and Medical Imaging and Radiation (43-62-12). These boards have similar language for reporting: "The board **may** submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04."

The other agencies that are required to report are state agencies, such as the State Auditor's Office, the Office of Attorney General, the Public Service Commission, etc.

The Board of Massage Therapy is a small board with minimal funds and therefore would like to have the same requirements as the other licensing and regulatory boards.

This concludes my testimony on our requested amendment to H.B. 1172. I will be happy to answer any questions.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1172

Page 1, line 14, overstrike "shall" and insert immediately thereafter "may"

Renumber accordingly