



# North Dakota Legislative Council

STATE CAPITOL, 600 EAST BOULEVARD, BISMARCK, ND 58505-0360 (701) 328-2916 TTY: 1-800-366-6888

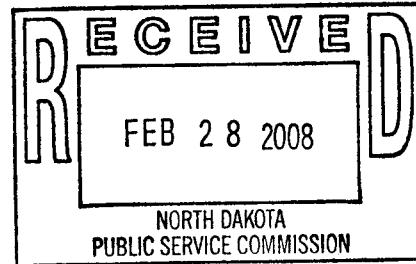
**AL CARLSON**  
State Representative  
Chairman

**JIM W. SMITH**  
Director

**JAY E. BURINGRUD**  
Assistant Director

**JOHN WALSTAD**  
Code Revisor

February 27, 2008



Ms. Illona A. Jeffcoat-Sacco  
Executive Secretary  
Public Service Commission  
State Capitol  
Bismarck, ND 58505-

## ADMINISTRATIVE RULES COMMITTEE MEETING

The Legislative Council's Administrative Rules Committee reviews all rules recently adopted by administrative agencies. The committee will hold its next meeting on Wednesday, March 12, 2008, in the Roughrider Room, State Capitol.

You are invited to appear before the committee and describe the procedure followed by the Public Service Commission in adopting the rules published in the April 2008 supplement to the North Dakota Administrative Code.

**You are tentatively scheduled to appear before the committee at 10:30 a.m.** Enclosed is a copy of the agenda for your reference. If you or a representative are unable to appear at that time, please notify me as soon as possible.

With respect to the rules published in the April 2008 supplement, the committee is interested in and would like you to testify before the committee concerning the following matters:

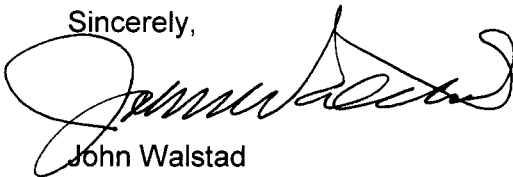
1. Whether the rules resulted from statutory changes made by the Legislative Assembly.
2. Whether the rules are related to any federal statute or regulation. If so, please indicate whether the rules are mandated by federal law or explain any options your agency had in adopting the rules.
3. A description of the rulemaking procedure followed in adopting the rules, e.g., the type of public notice given and the extent of public hearings held on the rules.
4. Whether any person has presented a written or oral concern, objection, or complaint for agency consideration with regard to these rules. If so, describe the concern, objection, or complaint and the response of the agency, including any change made in the rules to address the concern, objection, or complaint. Please summarize the comments of any person who offered comments at the public hearings on these rules.
5. The approximate cost of giving public notice and holding any hearing on the rules and the approximate cost (not including staff time) of developing and adopting the rules.

6. An explanation of the subject matter of the rules and the reasons for adopting those rules.
7. Whether a regulatory analysis was required by North Dakota Century Code (NDCC) Section 28-32-08 and whether that regulatory analysis was issued. Please provide a copy.
8. Whether a regulatory analysis or economic impact statement of impact on small entities was required by NDCC Section 28-32-08.1 and whether that regulatory analysis or impact statement was issued. Please provide copies.
9. Whether a constitutional takings assessment was prepared as required by NDCC Section 28-32-09. Please provide a copy if one was prepared.
10. If these rules were adopted as emergency (interim final) rules under NDCC Section 28-32-03, provide the statutory grounds from that section for declaring the rules to be an emergency and the facts that support that declaration and provide a copy of the Governor's approval of the emergency status of the rules.

Please provide the committee with **written** testimony.

Enclosed is a copy of the April 2008 rules of the Public Service Commission in the form they will be presented to the committee at the meeting. The page numbers should be used as references for the committee because committee members will have pages with the same numbering. Please contact this office if you have any questions.

Sincerely,



John Walstad  
Code Revisor

JW/AC  
Encs.

NORTH DAKOTA LEGISLATIVE COUNCIL

Tentative Agenda

**ADMINISTRATIVE RULES COMMITTEE**

Wednesday, March 12, 2008  
Roughrider Room, State Capitol  
Bismarck, North Dakota

- 9:00 a.m. Call to order  
Roll call  
Consideration of the minutes of the previous meeting
- 9:05 a.m. Presentation by a representative of the State Board of Accountancy regarding April 2008 rules of the board (pages 1-12)
- 9:20 a.m. Presentation by a representative of the North Dakota Lottery regarding April 2008 rules of the Attorney General (pages 13-48)
- 9:40 a.m. Presentation by a representative of the Game and Fish Department regarding April 2008 rules of the department (pages 49-62)
- 10:00 a.m. Presentation by a representative of the Highway Patrol regarding April 2008 rules of the Highway Patrol (pages 63-76)
- 10:15 a.m. Break
- 10:30 a.m. Presentation by a representative of the Public Service Commission regarding April 2008 rules of the commission (pages 77-80)
- 10:40 a.m. Presentation by a representative of the Real Estate Commission regarding April 2008 rules of the commission (pages 81-90)
- 11:00 a.m. Presentation by a representative of the Public Employees Retirement System regarding April 2008 rules of the board (pages 91-128)
- 11:20 a.m. Presentation by a representative of the Secretary of State regarding April 2008 rules of the Secretary of State (pages 129-132)
- 11:30 a.m. Presentation by a representative of the Department of Human Services regarding April 2008 rules of the department (pages 133-266) and presentation relating to reasons rules have not been adopted to implement income withholding provisions of 2005 legislation
- 12:00 noon Luncheon recess
- 1:00 p.m. Presentation by a representative of the Administrative Committee on Veterans Affairs regarding April 2008 rules of the committee (pages 267-294)
- 1:15 p.m. Presentation by a representative of the State Water Commission regarding April 2008 rules of the commission (pages 295-307)
- 1:30 p.m. Presentation by a representative of the Racing Commission relating to Racing Commission rules carried over from the December committee meeting
- 2:00 p.m. Presentation by a representative of the State Department of Health relating to rules of the department carried over for consideration from the December committee meeting
- 2:15 p.m. Break

- 2:30 p.m. Presentation by a representative of the Land Department relating to the Administrative Agencies Practice Act exemption for the Board of University and School Lands
- 2:35 p.m. Presentation of written response of the State Fair Association relating to the Administrative Agencies Practice Act exemption for the association
- 2:40 p.m. Review by the Legislative Council staff of responses from agencies to committee questions relating to penalty provisions associated with occupational and professional licensing laws
- 3:00 p.m. Review by the Legislative Council staff of a bill draft to change the filing deadline for publication for administrative rules
- 3:10 p.m. Committee discussion and directives
- 3:30 p.m. Adjourn

#### **Committee Members**

Senators Tom Fischer (Chairman), John M. Andrist, Layton W. Freborg, Jerry Klein, Tracy Potter  
Representatives Randy Boehning, Chuck Damschen, Duane L. DeKrey, David Drovdal, Mary Ekstrom,  
Rodney J. Froelich, Chris Griffin, Kim Koppelman, Jon Nelson, Louise Potter, Blair Thoreson, Dwight  
Wrangham

**TITLE 69**  
**PUBLIC SERVICE COMMISSION**

**APRIL 2008**

**CHAPTER 69-09-03**

**69-09-03-02. Adoption of regulations.** The following parts of title 49, Code of Federal Regulations in effect as of ~~October 1, 2005~~ December 31, 2006, are adopted by reference:

1. Part 190 - Department of Transportation Pipeline Safety Enforcement Procedures.
2. Part 191 - Department of Transportation Regulations for Transportation of Natural Gas by Pipeline; Reports of Leaks.
3. Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Safety Standards.
4. Part 199 - Control of Drug Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquids Pipelines.

Copies of these regulations may be obtained from:

Public Service Commission  
600 East Boulevard, Dept. 408  
Bismarck, ND 58505-0480

**History:** Effective June 1, 1984; amended effective July 1, 1986; January 1, 1988; March 1, 1990; February 1, 1992; August 1, 1993; August 1, 1994; February 1, 1996; July 1, 1997; July 1, 1998; September 1, 1999; August 1, 2000; January 1, 2002; November 1, 2003; May 1, 2005; July 1, 2006; April 1, 2008.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 49-02-01.2