

# North Dakota Legislative Council

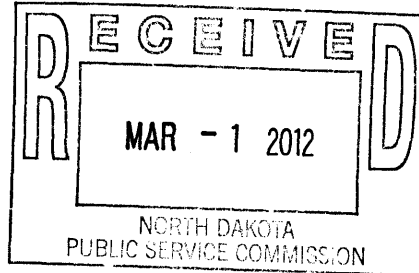
STATE CAPITOL, 600 EAST BOULEVARD, BISMARCK, ND 58505-0360

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February 29, 2012

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

## ADMINISTRATIVE RULES COMMITTEE MEETING

The Legislative Management's Administrative Rules Committee reviews all rules recently adopted by administrative agencies. The committee will hold its next meeting on Wednesday, March 14, 2012, in the Harvest 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 2012 supplement to the North Dakota Administrative Code.

**You are tentatively scheduled to appear before the committee at 1:00 p.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 2012 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.

22 GS-11-79 Filed: 3/1/2012 Pages: 7

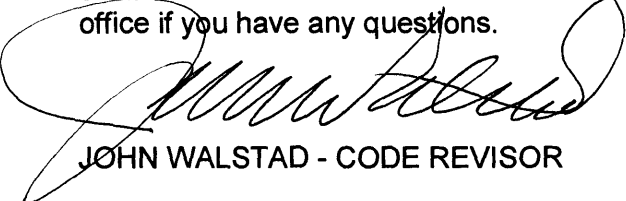
Letter requesting appearance and testimony at  
3-14-2012 Admin. Rules Committee meeting and  
copy of rules

Legislative Council

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 these rules have a fiscal effect on state revenues and expenditures, including any effect on funds controlled by your agency. If so, please provide copies of a fiscal note.
10. Whether a constitutional takings assessment was prepared as required by NDCC Section 28-32-09. Please provide a copy if one was prepared.
11. 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. If these rules were adopted as emergency (interim final) rules, what steps were taken to make the rules known to persons who can reasonably be expected to have a substantial interest in the rules?

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

Enclosed is a copy of the April 2012 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.



JOHN WALSTAD - CODE REVISOR

JW/AL  
Encs.

**NORTH DAKOTA LEGISLATIVE MANAGEMENT**

**Tentative Agenda**

**ADMINISTRATIVE RULES COMMITTEE**

Wednesday, March 14, 2012  
Harvest Room, State Capitol  
Bismarck, North Dakota

- 9:00 a.m. Call to order  
Roll call  
Consideration of the minutes of the December 15, 2011, meeting
- 9:05 a.m. Presentation by a representative of the Department of Mineral Resources, Industrial Commission, regarding April 2012 rules of the commission (pages 99-134)
- 9:30 a.m. Comments by interested persons in attendance
- 10:00 a.m. Presentation by a representative of the Public Employees Retirement System (PERS) regarding April 2012 rules of PERS (pages 177-214)
- 10:15 a.m. Break
- 10:30 a.m. Presentation by a representative of the Attorney General's office (Lottery Division) regarding April 2012 lottery rules (pages 1-10)
- 10:50 a.m. Presentation by a representative of the State Department of Health regarding April 2012 rules of the department (pages 11-98)
- 11:10 a.m. Presentation by a representative of the State Board of Pharmacy regarding April 2012 rules of the board (pages 135-164)
- 11:30 a.m. Presentation by a representative of the Tax Department of information on application of North Dakota Administrative Code Section 81-04.1-04-20 regarding application of sales taxes and transactions involving subcontractors and contractors
- 11:45 a.m. Comments by interested persons in attendance
- 12:00 noon Luncheon recess
- 1:00 p.m. Presentation by a representative of the Public Service Commission regarding April 2012 rules of the commission (pages 165-168)
- 1:20 p.m. Presentation by a representative of the State Real Estate Commission regarding April 2012 rules of the commission (pages 169-176)
- 1:40 p.m. Presentation by a representative of the Department of Human Services regarding April 2012 rules of the department (pages 215-292)
- 2:00 p.m. Presentation by a representative of the North Dakota Board of Social Work Examiners regarding April 2012 rules of the board (pages 293-300)
- 2:20 p.m. Break
- 2:30 p.m. Presentation by a representative of Workforce Safety and Insurance regarding April 2012 rules of the organization (pages 301-342)
- 2:50 p.m. Presentation by a representative of the Department of Commerce regarding April 2012 rules of the Agricultural Products Utilization Commission (pages 343-358)
- 3:10 p.m. Presentation by a representative of the North Dakota Board of Clinical Laboratory Practice regarding April 2012 rules of the board (pages 359-362)

- 3:30 p.m. Presentation by a representative of the Education Standards and Practices Board regarding proposed elimination of obsolete rules of the board
- 3:45 p.m. Committee discussion and directives
- 4:00 p.m. Adjourn

**Committee Members**

Representatives Kim Koppelman (Chairman), Bill Amerman, Tracy Boe, Randy Boehning, Duane DeKrey, Bill Devlin, Robert Frantsvog, Joe Kroeber, David Monson, Mike Schatz, Blair Thoreson, Dwight Wrangham

Senators John M. Andrist, Layton Freborg, Joan Heckaman, Jerry Klein, Margaret Sitte

Staff Contact: John Walstad, Code Revisor

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

PROPOSED RULE

69-09-03-02. Adoption of regulations. The following parts of title 49, Code of Federal Regulations in effect as of ~~August 1, 2009~~ June 22, 2011 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

*April, 2012*

**CHAPTER 69-09-03  
GAS PIPELINE SAFETY**

Section

69-09-03-01

Safety

69-09-03-02

Adoption of Regulations

**69-09-03-01. Safety.** Gas pipeline facilities used for the intrastate distribution and transmission of gas shall be designed, constructed, and operated to meet the safety standards set forth in regulations of the United States department of transportation adopted in section 69-09-03-02. The commission may require such proof of compliance as it deems necessary.

**History:** Amended effective July 1, 1986; January 1, 1988.

**General Authority:** NDCC 28-32-02, 49-02-04

**Law Implemented:** NDCC 49-02-01.2, 49-02-04

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

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