

## Hamre, John G.

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**From:** Hamre, John G.  
**Sent:** Thursday, August 25, 2016 8:18 AM  
**To:** Hamre, John G.  
**Subject:** FW: Administrative Rules

### 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 **Tuesday, September 13, 2016**, in the **Roughrider Room**, State Capitol.

You are invited to appear before the committee and describe the procedure followed by your agency in adopting the rules published in the October 2016 supplement to the North Dakota Administrative Code.

A copy of the agenda can be found at <http://www.legis.nd.gov/assembly/64-2015/interim/17-5147-02000-meeting-agenda.pdf> for your reference. Please note the time on the agenda scheduled for your presentation. 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 October 2016 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 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 submit an electronic version of your testimony to me in advance of the meeting if possible. Also on the day of the meeting, please provide the committee with **written** testimony. Please bring 20 copies.

The October 2016 rules of your agency can be found at <http://www.legis.nd.gov/admcode/arc201610362.pdf> 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.

VONETTE J. RICHTER - ASSISTANT CODE REVISOR

VJR/BM

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August 5, 2016

## MEETING NOTICE

Representative Bill Devlin, Chairman, has called a meeting of the **ADMINISTRATIVE RULES COMMITTEE**.

**Date:** Tuesday, September 13, 2016

**Time:** 9:00 a.m.

**Place:** Roughrider Room, State Capitol, Bismarck

**Agenda:** Consideration of rules of the State Department of Health carried over for consideration from the June 14, 2016, meeting; consideration of rules adopted for publication in October 2016 by the Agriculture Commissioner, Attorney General, Credit Review Board (repeal), North Dakota Mediation Service and Credit Review Board (create), State Department of Health, Industrial Commission, State Board of Nursing, Superintendent of Public Instruction, Public Service Commission, and Department of Human Services; and consideration of a request for amendment of a rule by the North Dakota Board of Clinical Laboratory Practice

**Special Note:** Anyone who plans to attend the meeting and needs assistance because of a disability should contact the Legislative Council staff as soon as possible.

**Committee Members:** Representatives Bill Devlin, Randy Boehning, Joshua A. Boschee, Robert Frantsvog, Kim Koppelman, Scott Louser, Gail Mooney, Mike Schatz, Mary Schneider, Peter F. Silbernagel, Gary R. Sukut, Blair Thoreson, Nathan Toman, Robin Weisz; Senators Kelly M. Armstrong, Kyle R. Davison, Jerry Klein, Connie Triplett

**Staff Contact:** Vonette J. Richter, Code Revisor

Any member unable to attend this meeting is asked to notify this office as soon as possible.

Sincerely,

Jim W. Smith  
Director

JWS/JJB

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Tentative Agenda

**ADMINISTRATIVE RULES COMMITTEE**

Tuesday, September 13, 2016  
Roughrider Room, State Capitol  
Bismarck, North Dakota

- 9:00 a.m. Call to order  
Roll call  
Consideration of the minutes of the June 14, 2016, meeting
- 9:05 a.m. Presentation by a representative of the State Department of Health regarding rules of the department carried over for consideration from the June 14, 2016, meeting (pages 113-132)
- 9:20 a.m. Presentation by Ms. Tara Brandner, Assistant Attorney General, regarding a request for an amendment to a rule of the North Dakota Board of Clinical Laboratory Practice
- 9:30 a.m. Presentation by a representative of the Agriculture Commissioner regarding October 2016 rules of the Agriculture Commissioner (pages 1-6)
- 9:45 a.m. Presentation by a representative of the Attorney General regarding October 2016 rules of the Attorney General (pages 7-22)
- 10:05 a.m. Presentation by a representative of the North Dakota Mediation Service and Credit Review Board regarding October 2016 rules of the North Dakota Mediation Service and Credit Review Board (pages 23-32)
- 10:25 a.m. Presentation by a representative of the State Department of Health regarding October 2016 rules of the State Department of Health (pages 33-132)
- 10:45 a.m. Break
- 10:55 a.m. Presentation by a representative of the Industrial Commission regarding October 2016 rules of the Industrial Commission (pages 133-180)
- 11:20 a.m. Presentation by a representative of the State Board of Nursing regarding October 2016 rules of the State Board of Nursing (pages 181-190)
- 11:45 a.m. Presentation by a representative of the Superintendent of Public Instruction regarding October 2016 rules of the Superintendent of Public Instruction (pages 191-216)
- 12:00 noon Luncheon recess
- 1:00 p.m. Presentation by a representative of the Public Service Commission regarding October 2016 rules of the Public Service Commission (pages 217-284)
- 1:20 p.m. Presentation by a representative of the Department of Human Services regarding October 2016 rules of the Department of Human Services (pages 285-305)
- 1:45 p.m. Presentation by the Legislative Council staff of a memorandum regarding 2015-16 rulemaking statistics
- 1:55 p.m. Committee discussion and directives
- 2:10 p.m. Adjourn

**Committee Members**

Representatives: Bill Devlin (Chairman), Randy Boehning, Joshua A. Boschee, Robert Frantsvog, Kim Koppelman, Scott Louser, Gail Mooney, Mike Schatz, Mary Schneider, Peter F. Silbernagel, Gary R. Sukut, Blair Thoreson, Nathan Toman, Robin Weisz

Senators: Kelly M. Armstrong, Kyle R. Davison, Jerry Klein, Connie Triplett

Staff Contact: Vonette J. Richter, Code Revisor