



ADMINISTRATIVE RULES COMMITTEE

Friday, March 4, 2022
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator Nicole Poolman, Chairman, called the meeting to order at 10:00 a.m.

Members present: Senators Nicole Poolman, Joan Heckaman*, Randy D. Lemm; Representatives Bill Devlin*, Karen Karls, Kim Koppelman, Andrew Marschall, Brandy Pyle, Bernie Satrom, Nathan Toman*, Robin Weisz

Members absent: Senators Jerry Klein, Shawn Vedaa; Representative Tom Kading

Others present: See [Appendix A](#)

**Attended remotely*

It was moved by Representative Weisz, seconded by Representative Pyle, and carried on a voice vote that the minutes of the December 6, 2021, meeting be approved as distributed.

DEPARTMENT OF FINANCIAL INSTITUTIONS

Mr. Corey Krebs, Assistant Commissioner, Department of Financial Institutions, presented testimony ([Appendix B](#)) regarding the April 2022 rules of the department.

STATE BOARD OF COSMETOLOGY

Ms. Tenalee Tangen, President, State Board of Cosmetology, presented testimony ([Appendix C](#)) regarding the April 2022 rules of the board.

In response to a question from a committee member, Ms. Tangen noted the board amended the rule regarding animals permitted in licensed salons based on advice from the board's legal counsel that the current language should be modified. Committee members raised concerns regarding sanitation and the difference in training between service animals and companion animals.

It was moved by Representative Satrom, seconded by Representative Koppelman, and carried on a roll call vote that changes to North Dakota Administrative Code (NDAC) Section 32-02-01-13, relating to service and companion animals, be held over for consideration at the June 2022 meeting. Senators Poolman and Lemm, and Representatives Devlin, Karls, Koppelman, Marschall, Pyle, Satrom, Toman, and Weisz voted "aye." Senator Heckaman voted "nay."

INDUSTRIAL COMMISSION

Mr. Bruce Hicks, Assistant Director, Oil and Gas Division, Industrial Commission, presented testimony ([Appendix D](#)) regarding the April 2022 rules of the Industrial Commission.

INSURANCE COMMISSIONER

Ms. Laney Herauf, Legal Counsel, Insurance Department, presented testimony ([Appendix E](#)) regarding the April 2022 rules of the department.

SUPERINTENDENT OF PUBLIC INSTRUCTION

Mr. Jim Upgren, Assistant Director, Office of School Approval and Opportunity, Department of Public Instruction, presented testimony ([Appendix F](#)) regarding the April 2022 rules of the Superintendent of Public Instruction.

RETIREMENT BOARD (PERS)

Mr. Scott Miller, Executive Director, Public Employees Retirement System, presented testimony ([Appendix G](#)) regarding the April 2022 rules of the Retirement Board.

DEPARTMENT OF HUMAN SERVICES

Mr. Jonathan Alm, Director, Legal Advisory Unit, Department of Human Services, presented testimony ([Appendix H](#)) regarding the April 2022 rules of the department. He noted:

- Housing assistance is being provided as a result of federal funding awarded to the state due to the pandemic, and the assistance is awarded on a continuing basis;
- The department would need to request a continuation of the appropriation ending June 30, 2023, to carry over the federal spending authority for the next legislative session; and
- If the Legislative Assembly granted that request, the program would continue until the federal program ends.

In response to a question from a committee member, Ms. Nikki Aden, Economic Assistance, Department of Human Services, noted an individual may be eligible for housing assistance if the individual is experiencing housing instability, which could mean the individual is behind in paying rent or utilities.

Pursuant to North Dakota Century Code (NDCC) Section 28-32-18.1, Mr. Alm requested ([Appendix I](#)) NDAC Chapter 75-03-12, relating to foster parent grievance procedure, be repealed due to the repeal of NDCC Chapter 50-11.2 by Senate Bill No. 2086 (2021).

It was moved by Representative Koppelman, seconded by Representative Marschall, and carried on a roll call vote that NDAC Chapter 75-03-12 be repealed. Senators Poolman, Heckaman, and Lemm, and Representatives Devlin, Karls, Koppelman, Marschall, Satrom, Toman, and Weisz voted "aye." No negative votes were cast.

Pursuant to NDCC Section 28-32-18.1, Mr. Alm requested ([Appendix J](#)) the amendment of NDAC Chapters 75-02-01.3, 75-03-14, 75-03-17, 75-03-36, and 75-03-41 to change the "services required" language to "confirmed decision" language based on Senate Bill No. 2083 (2021).

It was moved by Representative Koppelman, seconded by Representative Satrom, and carried on a roll call vote that NDAC Sections 75-02-01.3-05, 75-03-14-04, 75-03-17-16.1, 75-03-36-03, 75-03-36-16, 75-03-36-16.1, and 75-03-41-19 be amended to change the "services required" language to "confirmed decision" language. Senators Poolman, Heckaman, and Lemm, and Representatives Devlin, Karls, Koppelman, Marschall, Satrom, Toman, and Weisz voted "aye." No negative votes were cast.

BOARD OF UNIVERSITY AND SCHOOL LANDS

Ms. Jodi Smith, Commissioner, Board of University and School Lands, presented testimony ([Appendix K](#)) regarding the April 2022 rules of the board.

In response to a question from a committee member, Ms. Smith noted the Department of Trust Lands is interested in providing more outreach and education regarding unclaimed property to businesses and members of the public and encourages businesses to file a negative report on unclaimed property.

STATE BOARD OF VETERINARY MEDICAL EXAMINERS

Dr. Sara Lyons, State Board of Veterinary Medical Examiners, presented testimony ([Appendix L](#)) regarding the April 2022 rules of the board.

NORTH DAKOTA BOARD OF CLINICAL LABORATORY PRACTICE

Dr. Christie Massen, Member, North Dakota Board of Clinical Laboratory Practice, presented testimony ([Appendix M](#)) regarding the April 2022 rules of the board.

PEACE OFFICER STANDARDS AND TRAINING BOARD

Lieutenant Daniel Haugen, Chairman, Peace Officer Standards and Training Board, presented testimony ([Appendix N](#)) regarding the April 2022 rules of the board.

PUBLIC SERVICE COMMISSION

Pursuant to NDCC Section 28-32-07, Mr. John Schuh, General Counsel, Public Service Commission, requested an extension ([Appendix O](#)) to adopt rules to implement Senate Bill No. 2317 (2021) and House Bill No. 1061 (2021), relating to the Public Service Commission's administration of the United States Department of the Interior's Office of Surface Mining's regulatory program. He noted the request was for an open extension, rather than a specific period of time, due to the lengthy response time the Public Service Commission has experienced in the past when seeking federal government approval.

It was moved by Representative Koppelman, seconded by Senator Lemm, and carried on a voice vote that the Public Service Commission be granted an extension to December 15, 2022, to adopt rules to implement Senate Bill No. 2317 and House Bill No. 1061.

OFFICE OF MANAGEMENT AND BUDGET

Pursuant to NDCC Section 28-32-07, Mr. Lynn Hart, Classification and Compensation Manager, Human Resource Management Services Division, Office of Management and Budget, requested an extension ([Appendix P](#)) to July 2022 to adopt rules to implement House Bill No. 1058 (2021), relating to the state's leave sharing program.

It was moved by Representative Karls, seconded by Representative Pyle, and carried on a voice vote that the Office of Management and Budget be granted an extension to July 2022 to adopt rules to implement House Bill No. 1058.

STATE BOARD OF PLUMBING

Pursuant to NDCC Section 28-32-07, Ms. Kimberley Tomanek, Business Manager, State Board of Plumbing, requested an extension ([Appendix Q](#)) to July 2022 to adopt rules to implement Senate Bill No. 2051 (2021), relating to employees of the State Board of Plumbing and fees for applications, examinations, renewals, and late renewals for plumbers.

It was moved by Representative Pyle, seconded by Representative Koppelman, and carried on a voice vote that the State Board of Plumbing be granted an extension to July 2022 to adopt rules to implement Senate Bill No. 2051.

No further business appearing, Chairman Poolman adjourned the meeting at 1:18 p.m.

Jill Grossman
Counsel

ATTACH:17