

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

ADMINISTRATIVE RULES COMMITTEE

Friday, September 26, 1997
Fort Totten Room, State Capitol
Bismarck, North Dakota

Representative LeRoy G. Bernstein, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives LeRoy G. Bernstein, Charles Axtman, Chris Christopherson, William R. Devlin, Tom D. Freier, Scot Kelsh, Keith Kempenich, Kim Koppelman, Stacey L. Mickelson, Jon O. Nelson, Darrell D. Nottestad, Bob Skarphol, Rich Wardner; Senators John M. Andrist, Bob Stenehjem, Steven W. Tomac

Member absent: Representative Bill Oban

Others present: See Appendix A

It was moved by Senator Stenehjem, seconded by Representative Skarphol, and carried on a voice vote that the minutes of the previous meeting be approved as mailed.

GAME AND FISH DEPARTMENT

Chairman Bernstein called on Mr. Keith Trego, Deputy Director, Game and Fish Department, for comments on Game and Fish Department guides and outfitters rules for which a motion to void the rules was approved by the Administrative Rules Committee on July 30. A copy of Mr. Trego's prepared testimony is attached as Appendix B. Mr. Trego said more detailed analysis and legislative history was included in the department's petition for reconsideration letter of August 13, 1997, a copy of which was distributed to committee members at that time. A copy of a letter from Mr. Larry Brooks, President of the North Dakota Professional Guides and Outfitters Association, relating to the guides and outfitters rules, was distributed to committee members and a copy is attached as Appendix C.

Senator Andrist asked what is the interest of the Game and Fish Department in requiring guides and outfitters to have liability insurance. Mr. Trego said requiring liability insurance is more of an interest of the industry, which requested this requirement, and the interest of the Game and Fish Department arises only because the department receives calls of complaints from dissatisfied clients of guides and outfitters.

Senator Andrist said he questions the point at which a person becomes a guide or outfitter. He

asked whether a person would be required to be licensed as a guide or outfitter if the person accepts a \$50 gift to show an acquaintance to a duck slough on the person's property. Mr. Trego said a person in such a case would not be considered a guide or outfitter and the determining issue is whether a person holds himself out to the public as being engaged in helping people to take game or fish. He said allowing someone to use land for a fee is not guiding.

Senator Andrist said the rules impose a \$200 fee for violations and he inquired about due process rights for violators. Mr. Trego said guiding without a license is a Class B misdemeanor criminal offense. He said noncriminal fees are assessed in numerous offenses under game and fish laws and rules. He said persons issued citations for noncriminal offenses have the right to an administrative hearing and, if dissatisfied after that hearing, are entitled to appeal to the courts.

Representative Freier said the legislation that the department suggests serves as legislative intent for adoption of the guides and outfitters rules was defeated in 1995. He said it appears there would have been an ample amount of time for the Guides and Outfitters Association and the department to develop a proposal to bring before the 1997 Legislative Assembly. Representative Freier asked why the department did not seek legislative consideration in 1997. Mr. Trego said the department spent most of 1995 and 1996 on this issue with the guides and outfitters before beginning the formal process of rule-making. Mr. Trego said Game and Fish Department representatives were under the impression from discussing the issue with several legislators in 1995 that the Legislative Assembly wanted the matter handled by administrative rulemaking.

Representative Kempenich asked whether consideration was given to requiring guides and outfitters to obtain performance bonds. Mr. Trego said he is not sure what was discussed with regard to bonding and that liability insurance to cover potential injuries to clients was the biggest concern.

Senator Stenehjem asked what interest the Game and Fish Department has in requiring guides and outfitters to have written contracts with clients. Mr. Trego said use of written contracts is a good business practice that makes misunderstanding between guides and clients less likely and would reduce the number of complaints that the department would have to mediate.

Senator Tomac said the amendment to North Dakota Administrative Code (NDAC) Section 30-04-03-01 creates a subsection 4 that allows the director to require filing of any information he deems relevant to fitness of an individual to act as a guide or outfitter. Senator Tomac said this authority seems unnecessarily broad, and he is concerned that requirements are not spelled out in the rule. He said he is also concerned that there is a fence-building aspect to some requirements, such as cardiopulmonary resuscitation training, to make entry into the guides and outfitters industry more difficult. He asked what the Game and Fish Department believes are the motives of the Guides and Outfitters Association in seeking these rules. Mr. Trego said he believes the association is seeking to upgrade its public image and to promote more professional practices among guides and outfitters. He said some of the concerns that have arisen in the past concerning practices of guides and outfitters involved individuals who were marginally in the business of guiding on a part-time basis and it was believed that more professional practices in certain areas would enhance the services provided to the public. He said establishing these rules involved weighing of the interest of the public versus the industry.

Senator Tomac said if the department would agree to amend out subsection 4 of Section 30-04-03-01, granting authority to the director to require any information from applicants for licenses, he could support the remaining rules.

Representative Skarphol said there are other issues in these rules which led him to believe that this should have been a matter to be addressed by introduction of legislation rather than rulemaking. He asked how many guides or outfitters are currently licensed and how many are members of the Guides and Outfitters Association that pushed for adoption of the rules. Mr. Trego said there are 140 licensed guides and outfitters in the state and about 40 members of the Guides and Outfitters Association.

Representative Devlin said from the minutes of the previous committee meeting it appears there are not that many complaints that must be resolved by the department, and he believes the rules are more than is needed to protect the department from these complaints.

Senator Stenehjem said he could support the changes in NDAC Sections 30-04-03-09 and

30-04-03-10 but does not see the need for any of the other rule changes. Chairman Bernstein asked Mr. Trego whether the department could agree to the changes suggested by Senator Stenehjem. Mr. Trego said that would eliminate a lot of good work and he would not be able to agree on behalf of the department. Mr. Trego said requirement of liability insurance is probably the most significant issue and he asked whether the committee could agree to save that requirement.

Representative Koppelman said it appears that the majority of licensed guides and outfitters are not represented by the Guides and Outfitters Association, where these rules requirements originated. He said it appears to him there is a fence-building aspect to the requirements of these rules.

Senator Tomac said many game and fish issues are controversial and involve many different opinions. He said guiding is a growing industry and there is probably a need for increased regulation. He said he could support approving the rules with the exception of subsection 4 of NDAC Section 30-04-03-01 and, if there is an uproar about the rules, legislation can be introduced in the next session to resolve the problem.

It was moved by Senator Tomac, seconded by Representative Nottestad, and defeated that the committee withdraw its motion to void the January 1997 rules of the Game and Fish Department and agree with the department to amend subsection 4 out of NDAC Section 30-04-03-01 and allow the remaining rules regulating guides and outfitters to remain in effect. Voting in favor of the motion were Representatives Bernstein, Christopherson, Kelsh, Kempenich, and Nottestad and Senator Tomac. Voting in opposition to the motion were Representatives Axtman, Devlin, Freier, Koppelman, Mickelson, Nelson, Skarphol, and Wardner and Senators Andrist and Stenehjem.

Chairman Bernstein said it appears the committee has no further action on this issue at this time and he asked Mr. Trego and Mr. Paul Schadewald if they would be available later in the meeting for further discussion of the issue with the committee. Mr. Trego said they would return if contacted by the committee staff.

STATE DEPARTMENT OF HEALTH

Chairman Bernstein called on Mr. Tim Wiedrich, Director, Division of Emergency Medical Services, State Department of Health, for comments on trauma system rules for which a motion to void the rules was approved by the Administrative Rules Committee on July 30.

Mr. Wiedrich said several concerns were raised by committee members at the previous meeting. He said one of the reasons given for voiding the rules is a

lack of statutory authority. He said North Dakota Century Code (NDCC) Section 23-01.2-01 was enacted in 1995 and required establishment of a comprehensive trauma system for the state by the Health Council in conjunction with the State Department of Health. He said this legislation recognized the need for a statewide trauma system and there is ample statistical evidence that preventable deaths occur when a trauma system is not in place.

Mr. Wiedrich said there are five major components of the trauma system rules. He said a standard definition of a major trauma patient was created to allow emergency and medical personnel to know when trauma system treatment of an individual is triggered. He said local service transportation plans are to be developed. He said designation of facilities as trauma centers will identify qualifying facilities trained and equipped for treatment. He said a statewide trauma registry is established to gather data to analyze performance of the system in directing trauma patients to the correct treatment facility. He said the final component of the rules is the establishment of state and regional trauma committees. He said the Administrative Rules Committee expressed concern about the large size of the state trauma committee. He said the department appreciates the committee's concerns, but the statewide committee was established with a large membership to allow representation and participation for all aspects of emergency and medical services. He said the intention is to allow input from affected groups and to allow those groups a line of communication from the state system.

Mr. Wiedrich said another concern expressed by the Administrative Rules Committee at the previous meeting was that rural emergency and medical personnel may not have had adequate involvement in planning the statewide system. He distributed a list of the rural members of the state and regional trauma committees, a copy of which is attached as Appendix D. He said every effort was made to inform all emergency and medical personnel in this state about the development of the rules for the state trauma system. He said the rural components of the system are critical to functioning of the system and much attention was paid to contacting and involving rural emergency and medical personnel.

Mr. Wiedrich said another concern of the committee from the previous meeting was the use of the term "triage" in NDAC Section 33-38-01-03. He distributed a copy of a proposal of the Department of Health to agree with the Administrative Rules Committee to change the term to "assess" in this section to avoid interpretation difficulties. A copy of the document distributed by Mr. Wiedrich is attached as Appendix E.

Representative Skarphol asked what areas of the state have problems with coverage for trauma cases. Mr. Wiedrich said there are very few areas where coverage is a problem, and coordination of efforts is the primary concern. He said around Dickinson there have been difficulties with coverage, but the hospital there plans to become a trauma center and that will help.

Senator Andrist asked what is being spent on the trauma system. Mr. Wiedrich said the appropriation provided by 1997 legislation was for about \$60,000 for one year and allowed use of federal funds for the second year of the biennium. Senator Andrist asked whether there is an intention of funding costs of meetings in the future and what the cost would be if that happens. Mr. Wiedrich said he does not envision the division funding costs of meetings of the board and there has been no suggestion of paying costs and expenses for the committee members. He said the costs would undoubtedly be quite high because of the large number of committee members and that seems prohibitive.

Senator Andrist asked whether the patient in a trauma situation has any choice of treatment facilities or whether the system dictates where the patient is taken. Mr. Wiedrich said patient choice of treatment will be honored unless that choice would endanger the patient. He said in situations in which the patient wants to be transported further than the patient's condition allows, the patient would be transported to the nearest facility to receive emergency treatment.

Chairman Bernstein called on Dr. Steven Hamar, Chief of Surgery, St. Alexius Medical Center, Bismarck, for comments on the trauma system rules. Dr. Hamar said he was involved in planning of the statewide trauma system and it is important to understand the need for the system. He said time is the most significant component in providing trauma treatment. He said rapid access to treatment is a critical factor in saving lives and reducing hospital stays and treatment costs. He said training for those involved in transporting and caring for trauma patients definitely saves lives. He said getting trauma patients to the appropriate treatment facility and providing the best possible care from the first contact with the patient is the goal of the system.

Chairman Bernstein called on Dr. Kent Hoerauf, Internist, West River Clinic, Hettinger, for comments on the trauma system rules. Dr. Hoerauf said he thinks the committee should have the benefit of the perspective of rural facilities. He said trauma victims injured in rural parts of the state can depend for their survival on receiving appropriate treatment as promptly as possible. He said the training provided to trauma center physicians under the state system is of great benefit to medical facilities and to patients.

He urged the committee to approve the trauma system rules.

Senator Andrist asked Dr. Hoerauf why trauma training is not part of medical school training. Dr. Hoerauf said training physicians to handle trauma cases is very important but medical schools have not emphasized that aspect of training. He said the trauma system is working to improve that aspect of medical school training and the rules will help to advance those efforts.

Chairman Bernstein called on Mr. Chip Thomas, North Dakota Health Care Association, for comments on the trauma system rules. Mr. Thomas said the Health Care Association has been involved since 1993 in development of the statewide trauma system and its rules. He said the association believes the efforts have been worthwhile to bring together available resources to better serve patients.

Mr. Thomas said those health care facilities that are not participating in the statewide trauma system generally have a problem with finding time for training of personnel. He said the training issue is not due to the rules but is often caused by a lack of adequate personnel, time, and access to training. He said when there is a limited number of staff available, it is difficult for them to take time away from the facility to attend training sessions. He said there is skepticism about the system and training among those who do not participate. He said there is no pressure that the system places on them to participate. He said skepticism is eliminated when staff of a health care facility receives training and sees the benefits to the facility and its patients. He said he assumes all facilities will eventually see the need for trauma system participation and training and the association will continue its attempt to educate its members about the importance of the trauma system.

Chairman Bernstein called on Mr. Dale Severson, Cooperstown Ambulance Service, for comments on the trauma system rules. Mr. Severson said he has seen many examples in the past in which improvements in the statewide trauma system will improve practices and treatment of patients. He said the system is designed to assist him in the ambulance to know what is the best treatment option for a patient. He said he supports the trauma system rules.

Chairman Bernstein called on Mr. Michael Weyrauch, Ray Community Ambulance, for comments on the trauma system rules. Mr. Weyrauch said it means a lot to him as an emergency medical technician to have this statewide trauma system in place. He said eliminating uncertainty about appropriate treatment and facilities is a great help to emergency medical technicians. He said he does not know any emergency medical technicians who oppose these rules.

It was moved by Representative Kempenich, seconded by Representative Mickelson, and carried that the Administrative Rules Committee withdraw its motion to void the statewide trauma system rules of the State Department of Health and that the committee agree with the department to amend North Dakota Administrative Code Section 33-38-01-03 to substitute the word "assess" for the word "triage." In discussion of the motion, Representative Nelson said at the last meeting he related information from a physician in Rugby that the physician was unaware of the trauma system rules. He said since the last meeting he has found support in his area for the trauma system. Representative Skarphol requested Mr. Wiedrich to provide him with anticipated further costs for the operation of the registry for trauma system data, coordinator for the state system, and travel costs and other expenses for the system. Voting in favor of the motion were Representatives Bernstein, Axtman, Christopherson, Devlin, Freier, Kelsh, Kempenich, Koppelman, Mickelson, Nelson, Nottestad, Skarphol, and Wardner and Senators Andrist, Stenehjem, and Tomac. There were no negative votes.

DEPARTMENT OF PUBLIC INSTRUCTION

Chairman Bernstein called on Mr. Joe Linnertz, Department of Public Instruction, for comments on rulemaking plans of the department. Mr. Linnertz said passage of 1997 Senate Bill No. 2336 amended the definition of administrative agency to require all rules of the Superintendent of Public Instruction to be adopted through the formal administrative rules procedure. He said the bill provides that on October 31, 1999, all rules of the Superintendent of Public Instruction will expire which have not been adopted under the Administrative Agencies Practice Act. He said this will require the Superintendent to update rulemaking in several areas in which the Superintendent of Public Instruction has established guidelines or regulations in the past under internal procedures.

Mr. Linnertz said before the 1997 legislation the Superintendent of Public Instruction was subject to different rules requirements and was required to adopt formal administrative rules in some areas, such as school construction, but in other areas could adopt guidelines or regulations under informal internal procedures. He said the department is undertaking a substantial rulemaking project to comply with the 1997 legislation. He said the department is in the process of preparing rules on accreditation standards. He said this will be the biggest piece of rulemaking activity and is the area of primary consideration. He said other rulemaking areas must be addressed, including rulemaking for federal grant

programs, which is mostly done under federal rules that will have to be included in the department's state administrative rules. He said the department has established a committee that is reviewing rules and has employed a person on a part-time basis to review rulemaking areas.

Mr. Linnertz said because of the numerous areas in which rulemaking must be done, the department hopes to combine topics in rulemaking proceedings. He said combining topics will reduce costs of publication and holding of hearings and the department hopes to combine subject areas to make hearings more accessible for the public.

Mr. Linnertz said one area of concern in undertaking all of this rulemaking activity is the potential that 1999 legislation will rewrite North Dakota Century Code Title 15, under which the rules are adopted. He said rewriting of the statutory provisions may create problems in rulemaking. He said the department is considering how to address the potential for statutory changes and the effect on the rulemaking process.

Representative Skarphol said it is important to understand which rules of the department are required under federal law and rules. He said he would appreciate the department to include references in rulemaking to any federal requirements that a rule addresses.

Senator Stenehjem said the 1997 legislation requires the department to meet a deadline for adoption of rules in October 1999. He said he is concerned that the department will not meet the deadline and hopes that the rulemaking is receiving ongoing attention. He asked whether any hearings have been set on rulemaking. Mr. Linnertz said hearings have not been scheduled and the department hopes to hold them during the summer of 1998. He said the department will be preparing rules before that time and as an ongoing process. He said the department intends to meet the deadline of October 1999.

STATE BOARD OF ACCOUNTANCY

Chairman Bernstein called on Mr. Mike Schwindt, State Board of Accountancy, for comments on September 1997 rules of the board. A copy of Mr. Schwindt's prepared testimony is attached as Appendix F.

DEPARTMENT OF BANKING AND FINANCIAL INSTITUTIONS

Chairman Bernstein called on Mr. Gary Preszler, Commissioner, Department of Banking and Financial Institutions, for comments on October 1997 rules of the department. A copy of Mr. Preszler's prepared testimony is attached as Appendix G.

STATE DEPARTMENT OF HEALTH

Chairman Bernstein called on Mr. Bill Delmore, Legal Counsel, State Department of Health, for comments on September 1997 air pollution control rules of the department. A copy of Mr. Delmore's prepared testimony is attached as Appendix H.

Mr. Delmore distributed a copy of information from the department on rules recently deleted and proposed for deletion pursuant to the statutory requirement that the Department of Health not adopt and seek the elimination of rules required by federal regulations when the rules are not relevant to any conditions existing in this state. A copy is attached as Appendix I.

Mr. Delmore said another issue for committee consideration is the requirement under NDCC Section 23-25-02(6), which requires that air pollution control rule public hearings must be published in each official county newspaper of the state. He said the normal requirement for administrative rulemaking is that notice be published in each of the 10 daily newspapers in the state. He said there is a substantially greater cost to provide notice in each county newspaper. He said the department has no recommendation on this publication requirement but he wanted to bring it to the committee's attention so the committee may consider whether the increased cost of publication on air pollution control rules is justified.

COMMISSIONER OF INSURANCE

Chairman Bernstein called on Mr. Chris Edison, Legal Counsel, Department of Insurance, for comments on October 1997 rules of the Commissioner of Insurance. A copy of Mr. Edison's prepared testimony is attached as Appendix J.

BOARD OF NURSING

Chairman Bernstein called on Ms. Carolyn Bryan, Consultant, Board of Nursing, for comments on September 1997 rules of the board. A copy of her prepared testimony is attached as Appendix K.

PUBLIC EMPLOYEES RETIREMENT SYSTEM

Chairman Bernstein called on Mr. Sparb Collins, Executive Director, Public Employees Retirement System, for comments on September 1997 Retirement Board rules. A copy of Mr. Collins' prepared testimony is attached as Appendix L.

SEED COMMISSION

Chairman Bernstein called on Mr. Doug Johanson, Seed Commissioner, for comments on September 1997 rules of the Seed Commission. A copy of Mr. Johanson's prepared testimony is attached as Appendix M.

Senator Stenehjem said the rules change the grade inspection fee for potatoes from six and one-half cents to seven cents per hundredweight. He said the testimony does not indicate what the cost to growers is from this fee increase. Mr. Johanson said the fee increase actually happened a few years ago and he does not recall the revenue effect. He said potato growers approve any assessment change and this change in the rules matches the fee that has been charged in recent years.

Representative Skarphol asked how an increased fee could be collected prior to the rule change. Mr. Johanson said the Seed Commission was advised by the Agriculture Commissioner and legal counsel for the office of the Attorney General that the commission had the authority to collect the seven-cent fee when the change was made a few years ago. Representative Skarphol requested that a letter expressing the opinion of the Attorney General should be sought on the issue on whether the Seed Commission has authority to increase grade inspection fees for potatoes without having previously made appropriate changes to its administrative rules.

TAX COMMISSIONER

Chairman Bernstein called on Ms. Kathryn Alfson, Legal Counsel, Tax Department, for comments on September 1997 rules of the Tax Commissioner. A copy of Ms. Alfson's prepared testimony is attached as Appendix N and a copy of the regulatory analysis prepared by the Tax Department is attached as Appendix O.

Committee counsel said one of the rules amended by the Tax Commissioner, relating to apportionment of broadcaster income, was the subject of a committee objection in 1992. He asked whether broadcasters expressed any objections during hearings on these amendments. Ms. Alfson said no objections regarding these rules were presented. She asked whether there is a formal procedure to follow if the Tax Commissioner wishes to have the objection removed. Committee counsel said there is no statutory procedure for removing an objection. Representative Kempenich said the committee should discuss the objection to NDAC Section 81-03-09-38 at the next committee meeting.

DEPARTMENT OF HUMAN SERVICES

Chairman Bernstein called on Mr. Blaine Nordwall, Legal Counsel, Department of Human Services, for comments on August, September, and October 1997 rules of the department. A copy of Mr. Nordwall's prepared testimony is attached as Appendix P.

Committee counsel distributed copies of a letter from Mr. Clyde Grubbs relating to child abuse and

neglect rules of the department. A copy of Mr. Grubbs' letter is attached as Appendix Q.

Representative Koppelman described concerns expressed to the Administrative Rules Committee approximately one year ago by Ms. Haag about the conduct of assessments. Mr. Nordwall said only the subject of an assessment is covered by the amended rules in filing of grievances. He said by law reports are confidential except access is allowed to a very limited number of people. He said a parent of a child interviewed during an assessment is not a person to whom the department could disclose any information from a report. He said it appears there would be little point to allowing a person to file for a grievance proceeding when the department would be unable to disclose information to that person.

Senator Tomac said he was contacted by an individual who has to hold two or three professional licenses with overlapping requirements. He said the problem that arises is that overlapping requirements require the same qualifications and information and it would make sense to coordinate licensing so that the holder of one license could be recognized as qualified under another license category if the qualifications are met under another licensing category. Senator Tomac said he is concerned that the requirement for low-intensity outpatient treatment licensing would duplicate requirements under other licensing categories. Senator Tomac said he would like to carry over the consideration of the low-intensity outpatient treatment rules to obtain more information on whether the licensing requirement overlaps with other licensing requirements.

Chairman Bernstein said it could be moved to carry over consideration of these rules. Senator Stenehjem said he understood the 1997 amendment regarding voiding of rules would allow the committee to consider any rules during two separate meetings. In response to a question from Representative Bernstein, committee counsel said the statutory provision states that the Committee on Administrative Rules may find a rule void at the meeting at which the rule is initially considered by the committee or may hold consideration of that rule for one subsequent meeting. Committee counsel said interpretation of the word "hold" would be the key to determining whether all rules are automatically carried over to a subsequent meeting or whether the committee must take affirmative action in the form of a motion to carry rules over for further consideration. Chairman Bernstein instructed committee counsel to prepare a memorandum for the next committee meeting on the subject of interpreting this statutory provision.

Senator Tomac said until it is resolved how matters can be carried over to a subsequent meeting, he would like to move for further consideration of the Department of Human Services rules on low-intensity

outpatient treatment under NDAC Chapter 75-09-03.1. Chairman Bernstein said a motion to that effect would be appropriate. **It was moved by Senator Tomac, seconded by Senator Andrist, and carried on a voice vote that the committee hold for consideration the Department of Human Services rules effective October 1997 under NDAC Chapter 75-09-03.1.**

It was moved by Representative Skarphol, seconded by Senator Stenehjem, and carried on a voice vote that the committee hold consideration to the next committee meeting for the Department of Human Services September 1997 rules under NDAC Chapters 75-03-18 and 75-03-18.1, relating to child abuse and neglect assessments and grievance procedures.

GAME AND FISH DEPARTMENT

Chairman Bernstein called on Mr. Paul Schade-wald, Game and Fish Department, for comments relating to the earlier discussion of guides and outfit-ters rules. Mr. Schadewald said Senator Stenehjem suggested earlier that the amendments under NDAC Sections 30-04-03-09 and 30-04-03-10 are not a concern of the committee and the department would suggest that these amendments be left in effect. Mr. Schadewald said the department would also suggest that the amendments under NDAC Section 30-04-03-05 and the repeal of NDAC Section 30-04-03-11 are important changes that do not seem controversial. He said with the exception of the changes in these four sections, the department would

agree to undo the other changes to NDAC Chapter 30-04-03, including the requirements for liability insurance coverage, cardiopulmonary resuscitation certification, first aid certification, and written contracts. **It was moved by Representative Koppelman, seconded by Senator Stenehjem, and carried that the Administrative Rules Committee withdraw its motion to void Game and Fish Department amendments to NDAC Chapter 30-04-03 and agree with the Game and Fish Department to amend NDAC Chapter 30-04-03 to return the chapter to the language in place before the January 1997 amendments with the exception that the January 1997 changes will be retained in Sections 30-04-03-05, 30-04-03-09, 30-04-03-10, and 30-04-03-11.** Voting in favor of the motion were Representatives Bernstein, Axtman, Christopherson, Devlin, Freier, Kelsh, Kempenich, Koppelman, Mickelson, Nelson, Nottes-tad, Skarphol, and Wardner and Senators Andrist, Stenehjem, and Tomac. There were no negative votes.

The meeting was adjourned at 3:00 p.m.

John Walstad
Code Revisor

ATTACH:17