

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

ADMINISTRATIVE RULES COMMITTEE

Wednesday, March 27, 2002
Roughrider 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, Duane DeKrey, William R. Devlin, Mary Ekstrom, Bette Grande, Nancy Johnson, Kim Koppelman, Jon O. Nelson, Darrell D. Nottestad, Sally M. Sandvig, Blair Thoreson, Dwight Wrangham; Senators John M. Andrist, Thomas Fischer, Layton Freborg, Jerry Klein, Deb Mathern, Bob Stenehjem

Member absent: Senator David O'Connell

Others present: See Appendix A

It was moved by Representative Nottestad, seconded by Representative Grande, and carried on a voice vote that the minutes of the previous meeting be approved as distributed.

DEPARTMENT OF FINANCIAL INSTITUTIONS

Chairman Bernstein called on Mr. Scott Miller, Assistant Attorney General, for presentation of information regarding rules of the Department of Financial Institutions carried over for consideration from the December 12, 2001, meeting of the committee. Mr. Miller said Commissioner Timothy J. Karsky is out of state on business. Mr. Miller reviewed a letter from Mr. Karsky, a copy of which is attached as Appendix B. Mr. Miller reviewed his prepared testimony, a copy of which is attached as Appendix C. Mr. Miller said the conclusion of the Attorney General's office is that the restriction imposed by the rule on commercial speech is reasonable under the First Amendment to the Constitution of the United States.

Senator Andrist said he is concerned with the approach chosen in the rule and its restriction on using certain phrases and terms in advertising. He said it seems to him that sunshine would be a better approach to these advertisements and it would serve the public better to require advertisers to state an annual percentage rate of interest. Mr. Miller said the statutory provisions for deferred presentment service providers do not require advertisements to state an annual percentage rate of interest. He said the rule only prohibits claims of having "low rates" or similar claims. He said he believes the rule is less restrictive than requiring a statement of an annual percentage rate of interest.

Mr. Greg Meidinger, Department of Financial Institutions, said since the deferred presentment service provider law has become effective, the Department of Financial Institutions has received only two complaints from consumers regarding deferred presentment service providers. He said both complaints were with regard to alleged harassment by lenders trying to collect on loans. He said the department has not received any complaints from consumers regarding misleading advertising.

Senator Mathern said she has seen quite a lot of advertising by payday lenders. She said it is the statutory provisions that allow lenders to charge high rates of interest. She said because the law does not limit interest rates or require advertising to contain a statement of interest rates, she questions whether it would be appropriate for the rules to add these requirements.

Representative Devlin said his concern is whether the Legislative Assembly has done something to limit financial institutions' lending authority that would have opened this market for payday lenders.

Representative Koppelman said he is concerned about limits on commercial speech. He said there are laws dealing with false advertising and it appears at least part of the rule would not add anything. He questioned whether anything is being accomplished with this rule that actually protects the public. Mr. Miller said there is no penalty for violation of the rule and the only remedy would be a cease and desist order for violations.

Chairman Bernstein called on Mr. Jack McDonald, legal counsel for the North Dakota Newspaper Association and North Dakota Broadcasters Association. A copy of Mr. McDonald's prepared testimony is attached as Appendix D. Mr. McDonald said the associations he represents oppose the first paragraph of North Dakota Administrative Code (NDAC) Section 13-06-01-16. He requested that the committee either void this paragraph or propose an amendment to the department to delete this paragraph.

Chairman Bernstein called on Mr. Roger Bailey, Executive Director, North Dakota Newspaper Association. A copy of Mr. Bailey's prepared testimony is attached as Appendix E.

Committee members discussed the possibility of voiding the rule in question. Senator Mathern said

she would like to provide the department an opportunity to respond to committee concerns if possible. Representative Koppelman said consideration of the rule could be delayed until later in the meeting. Chairman Bernstein said the committee will hold consideration of the rule until later in the meeting and asked Mr. Miller to try to contact Commissioner Karsky regarding the issues discussed this morning.

STATE BOARD OF ACCOUNTANCY

Committee counsel said copies of correspondence from the State Board of Accountancy have been distributed to committee members. A copy is attached as Appendix F. He said the letter was received in response to a request at the previous committee meeting for further information on peer review statistics and reciprocity rules changes.

NORTH DAKOTA ADMINISTRATIVE CODE PUBLICATION

Chairman Bernstein called on committee counsel for review of Legislative Council changes to the North Dakota Administrative Code data base and resulting effects on rules publication. Committee counsel said the Legislative Council has used the same software data base for publication of the Administrative Code since publication was begun in 1978. He said the data base is unsupported and incompatible with any other existing software application. He said the Legislative Council is going through an extensive process to update the Administrative Code data base to a format that will be compatible with software used by agencies and the public and that will allow the Legislative Council to provide the Administrative Code on its web site. He said this will be a substantial benefit to agencies and the public, but some difficulties are being encountered.

Committee counsel said an issue that has arisen during the Administrative Code data base update process is what to do with regard to appendices in the Administrative Code. He said the text of rules is keyed by Legislative Council staff operators. He said appendices to rules often consist of tables, charts, diagrams, and unusual type styles and the appendices are generally provided in "camera-ready" format by the agency. He distributed copies of examples of appendices to committee members to illustrate the difficulties that exist with appendices. He said usually an appendix is readable, but in some cases the appendix was photocopied by the agency from another source and may contain very small print that is not readable.

Committee counsel said some appendices from the Administrative Code cannot be digitized in an acceptable format for inclusion in the updated data base. He said consideration has been given to how to deal with this problem. He said one option would be to inform agencies that they must provide an electronic version of any appendices they wish to have

published in the Administrative Code. He said for appendices that are not provided in an electronic format, a note would replace the text of the appendix and advise users that they should contact the agency to receive a copy. He said that in many cases, an appendix consists of a form that is to be used by the public, a chart or diagram, chemical formulas, or organizational information. He said in many cases, it would be advisable for this material not to be included in the Administrative Code because it requires a full administrative rulemaking proceeding to change the form, chart, or other information in the appendix. He said it would be advisable in most instances to simply include a reference in rules that a form will be provided by the agency, a diagram is available from the agency, or similar provisions that will allow an agency to change the information from time to time without the necessity of a rulemaking proceeding.

Senator Andrist said he believes it would be appropriate to advise agencies that they must provide appendices in an electronic format to maintain them in the Administrative Code. He said in instances in which an agency cannot or does not provide an electronic version, a note could be inserted that users should contact the agency to obtain a copy of the appendix.

Representative Ekstrom said it might be possible with improved technology to scan the information in appendices for inclusion in the updated data base. Committee counsel said the Legislative Council has ordered an improved scanner and hopes this will assist in the publication effort. He said even the best scanning technology will not solve the problem because much of the material contained in appendices in the Administrative Code now is unreadable because it was the product of photocopies provided to the Legislative Council which are of poor quality.

Chairman Bernstein asked whether the committee discussion provided sufficient guidance for the Legislative Council. Committee counsel said it appears the consensus of committee opinion was stated by Senator Andrist. Chairman Bernstein said that appears to be correct.

OFFICE OF MANAGEMENT AND BUDGET

Chairman Bernstein called on Mr. Derek Watkins, manager of the risk management workers' compensation program for the Risk Management Division of the Office of Management and Budget, for testimony relating to March 2002 rules of the Office of Management and Budget. A copy of Mr. Watkins' prepared testimony is attached as Appendix G.

Senator Mathern questioned the use of the word "alleged" in the rules with regard to injuries. Mr. Watkins said workers' compensation statutes use this phrase and the rules are intended to be consistent with the statutes. He said the point of using this terminology is that in many cases an injury may not

be conclusively determined until surgery has determined the causation of the damage.

Senator Mathern said NDAC Section 4-11-02-03 requires that an alleged injury report be provided to the Office of Management and Budget within 48 hours of the occurrence or first report of the injury. She asked whether there is a penalty for failure to meet this requirement. Mr. Watkins said there is no penalty. He said the object of the rule is to provide the Office of Management and Budget the earliest possible notice of injuries so the office can provide for restricted duty for injured individuals.

BOARD OF ADDICTION COUNSELING EXAMINERS

Chairman Bernstein called on Mr. Jim Renner, Chairman, Board of Addiction Counseling Examiners, for testimony relating to January 2002 rules of the board. A copy of Mr. Renner's prepared testimony is attached as Appendix H.

Senator Andrist said it appears from the rules that a private practice practitioner must pay a higher licensing fee and asked why the fee is higher than for other licensees. Mr. Renner said the fee for private practice practitioners is higher because there is additional work for the board in processing private practice practitioner licenses.

BOARD OF COSMETOLOGY

Chairman Bernstein called on Ms. Bert Knell, President, Board of Cosmetology, for testimony regarding January 2002 rules of the board. A copy of Ms. Knell's prepared testimony is attached as Appendix I.

Representative Koppelman said the board rules require cosmetology facilities to have separate entrances and to meet the requirements of the local building code. He asked whether facilities would have to meet local building codes even without these rules. Ms. Knell said these rules have been in place for many years and serve as a restatement of requirements facilities must meet. Mr. Bill Peterson, Assistant Attorney General, said the rules in question are not redundant. He said having these provisions in the rules allows the board to take action against an operator's license for failure to meet these requirements.

Representative Koppelman said local building codes may vary and asked whether there have been conflicts in the state. Ms. Knell said the rules leave local building code decisions to local governing bodies to avoid conflicts.

Representative Koppelman said the rules appear to allow carpeting in cosmetology facilities except in new facilities. He asked why this requirement is different for new facilities. Ms. Knell said bare floors are easier to clean and more sanitary. She said the requirement of bare floors in new facilities was not

extended to existing businesses to avoid requiring existing businesses to remove carpeting.

Representative Devlin said NDAC Section 32-02-01-02 was amended by adding the word "sufficient" to describe the training area in cosmetology schools. He asked why this terminology was used. Mr. Peterson said the previous rule required adequate space for training 40 students. He said this amendment was substituted to require sufficient space for the number of students enrolled.

STATE DEPARTMENT OF HEALTH

Chairman Bernstein called on Mr. Michael J. Mullen, Office of Community Assistance, State Department of Health, for comments on March 2002 long-term care nursing scholarship and loan repayment grant program rules of the department. A copy of Mr. Mullen's prepared testimony is attached as Appendix J.

Representative Devlin asked how many facilities have applied under the long-term care nursing scholarship and loan repayment grant program. Mr. Mullen said the program has been successful and 68 facilities out of 89 in the state have applied. He said he believes there is approximately \$115,000 remaining to be awarded in the second year of the biennium.

STATE BOARD OF PLUMBING

Chairman Bernstein called on Mr. Robert J. Leingang, Secretary-Chief Inspector, State Plumbing Board, for testimony regarding March 2002 rules of the board. A copy of Mr. Leingang's prepared testimony is attached as Appendix K. Mr. Leingang said one of the primary reasons for these rules is that in some cases it was found that the existing rules were requiring more fixtures than are necessary. He said the International Building Code requirements adopted are more appropriate for public uses.

Representative Ekstrom inquired about the water closet requirements for large public buildings under the International Building Code. Mr. Leingang said these rules will require three water closets for women to each one for men and the totals are based on occupancy of the facility.

Representative Devlin said it appears the occupancy for drive-in restaurants is based on the number of parking spaces and asked whether that is a reasonable approach. Mr. Leingang said it was the only basis the board could determine to measure occupancy of these restaurants.

Senator Freborg said he is concerned with NDAC Section 62-03.1-02-02, the definition of "plumbing," which states that maintenance does not include making repairs to faucets, valves, appliances, and fixtures, or removal of stoppages in waste or drainage pipes. Senator Freborg said he is concerned that this would require a licensed plumber and prevent school custodial staff from repairing faucets or cleaning out plugged traps. Mr. Leingang said this portion of the

rule is not changed by this rulemaking activity. He said it is not the intention of the board to prohibit school custodians from repairing faucets or cleaning out traps. He said it is necessary to look at other provisions, including North Dakota Century Code (NDCC) Section 43-18-01, which defines plumbing to include maintenance. He said the statutory use of the term requires a licensed plumber to perform maintenance service and this rule provision is an exclusion from that requirement, so that it is not necessary to be a licensed plumber to make repairs to faucets or to remove stoppages in waste or drainage pipes.

BOARD OF PSYCHOLOGIST EXAMINERS

Chairman Bernstein called on Dr. Peter Peterson, Board of Psychologist Examiners, for presentation of testimony regarding February 2002 rules of the board. Dr. Peterson reviewed a letter prepared by Dr. Christine Kuchler on behalf of the Board of Psychologist Examiners. A copy of the letter is attached as Appendix L.

PUBLIC SERVICE COMMISSION

Chairman Bernstein called on Mr. Jon Mielke, Executive Secretary, Public Service Commission, for testimony relating to four rulemaking proceedings of the Public Service Commission. A copy of Mr. Mielke's prepared testimony is attached as Appendix M.

In response to a question from Senator Klein, Mr. Alan Moch, Director, Testing and Safety Division, Public Service Commission, said there is no testing of grain moisture measuring equipment. He said to do so would require a device of much greater accuracy than elevators are using and it would also be necessary to develop certification standards for equipment. He said these kinds of testing devices have been discussed but have not been required.

Representative Devlin asked who regulates scales used for prescription drugs. Mr. Moch said this is not done by the Public Service Commission, and he believes it is done by a private contractor. He said this testing requires extremely precise scales.

RACING COMMISSION

Chairman Bernstein called on Mr. Paul J. Bowlinger, Director of Racing, North Dakota Racing Commission, for testimony regarding March 2002 rules of the commission. A copy of Mr. Bowlinger's prepared testimony is attached as Appendix N.

Representative Nelson asked for a summary of the breeders' fund program. Mr. Bowlinger said the Racing Commission receives a small portion of revenue from racing purses and by formula takes out-of-state winnings for allocation to sires and dams of winning horses so breeders share in winnings. He said allocation of money to breeders is based on a point structure. In response to another question from Representative Nelson, Mr. Bowlinger said the owner

of the winning runner horse must apply for breeders' fund program points to be credited to the owner of the sire and dam of the winning horse. He said North Dakota is the only state currently allowing money from out-of-state races to be allocated to breeders. He said the reason for this is that when the rules were established, there was no racing in North Dakota. He said racing in North Dakota will begin in about one year when the track in Fargo is operational.

Chairman Bernstein called on Mr. Lance Hagen, North Dakota Racing Commission member, for comments on the commission rules. Mr. Hagen requested the committee to carry consideration of these rules over to the next meeting. He said he has been contacted by several breeders in the state who are concerned about the operation of these rules. He said if the owner of a winning horse does not apply for points credit to the breeder, the breeder will receive nothing from the breeders' fund. He said breeders are concerned that they have no control over whether they can share in the breeders' fund program the way these rules are structured.

Senator Klein asked Mr. Hagen whether he thinks agreement can be reached on an appropriate change to the rules if the rules are carried over by the committee. Mr. Hagen said he thinks agreement can be reached on a change that will satisfy concerned parties.

It was moved by Representative Nelson, seconded by Representative DeKrey, and carried on a voice vote that the committee carry over consideration of the March 2002 rules of the Racing Commission until the next committee meeting.

STATE SEED DEPARTMENT

Chairman Bernstein called on Mr. Ken Bertsch, State Seed Commissioner, for comments on February 2002 rules of the State Seed Department. A copy of Mr. Bertsch's prepared testimony is attached as Appendix O.

Representative Ekstrom asked how fast powdery scab would spread among potatoes in the state. Mr. Bertsch said he cannot answer that question because there is not enough information related to the disease. He said he understands that the potato powdery scab spores spread faster during times of heavy rainfall and standing water.

Representative Koppelman complimented the State Seed Department for proper use of emergency rulemaking. He said he believes this is a case of peril to the public welfare which is appropriate for emergency rulemaking.

Representative Nelson asked whether higher inspection fees would allow field inspectors to identify this disease. Mr. Bertsch said higher fees would not improve identification of the disease because powdery scab is not identified by field inspections and

requires laboratory analysis. He said the department would still use the same procedure now used.

REAL ESTATE COMMISSION

Chairman Bernstein called on Mr. Dennis D. Schulz, Secretary-Treasurer, Real Estate Commission, for testimony relating to February and March 2002 rules of the commission. A copy of Mr. Schulz's prepared testimony is attached as Appendix P.

REAL ESTATE TRUST ACCOUNT COMMITTEE

Chairman Bernstein called on Mr. Claus Lembke, Executive Director, Real Estate Trust Account Committee, for testimony relating to April 2002 rules of the committee. A copy of Mr. Lembke's prepared testimony is attached as Appendix Q.

DEPARTMENT OF HUMAN SERVICES

Chairman Bernstein called on Ms. Melissa Hauer, legal counsel for the Department of Human Services, for testimony relating to January, February, and April 2002 rules of the department. Ms. Hauer said the department has adopted four sets of rules, and she provided separate testimony on each set of rules. Copies of her prepared testimony are attached as Appendices R, S, T, and U.

Ms. Hauer said the Department of Human Services is also requesting approval from the committee for an extension of the deadline for adoption of rules on the metabolic disease program for which the department was given rulemaking responsibility in 2001.

Representative Ekstrom asked the reason for the delay in rulemaking. Mr. Dave Zentner, Department of Human Services, said this program was an inherited function of the department without any new staff. He said the program is now operational, which was the first priority. He said the department is now working on development of rules for the program but will not meet the nine-month deadline for rule adoption. He said rules will probably be finalized in the fall.

Representative Nottestad asked whether the rules as adopted will cause loss of benefits for anyone currently receiving benefits under the program. Mr. Zentner said he does not think benefits will be affected when the rules are finalized.

It was moved by Representative Ekstrom, seconded by Representative Johnson, and carried on a roll call vote that an extension of time is approved for the Department of Human Services to adopt rules under the metabolic disease program and that this extension is approved until January 1, 2003. Voting in favor of the motion were Representatives Bernstein, DeKrey, Devlin, Ekstrom, Grande, Johnson, Koppelman, Nelson, Nottestad, Sandvig, and Thoreson and Senators Andrist,

Fischer, Freborg, and Klein. No negative votes were cast.

Chairman Bernstein called on Ms. Shelly Peterson, Executive Director, North Dakota Long Term Care Association, for comments on the rules of the Department of Human Services. Ms. Peterson said the association compliments the Department of Human Services for its cooperation in the rulemaking. She said the association was pleased that every long-term care facility used its full allotment for salary and benefit enhancement as intended by 2001 legislation. She said the association held membership meetings to disseminate information to facility management and staff and the public.

Chairman Bernstein called on Ms. Krista Andrews, legal counsel for the Department of Human Services, for presentation of a request by the department to repeal a chapter of the Administrative Code. A copy of Ms. Andrews' prepared testimony is attached as Appendix V.

Mr. Alex Schweitzer, Superintendent, State Hospital and Developmental Center, said he supports the request of the Department of Human Services to repeal NDAC Chapter 75-06-02. He said these rules are duplicative of statutory provisions and are unnecessary.

It was moved by Representative Devlin, seconded by Representative Koppelman, and carried on a roll call vote that the committee agrees with the Department of Human Services that repeal of North Dakota Administrative Code Chapter 75-06-02 is approved under North Dakota Century Code Section 28-32-18.1. Voting in favor of the motion were Representatives Bernstein, Devlin, Ekstrom, Grande, Johnson, Koppelman, Nelson, Nottestad, Sandvig, and Thoreson and Senators Andrist, Fischer, Freborg, and Klein. No negative votes were cast.

DEPARTMENT OF FINANCIAL INSTITUTIONS

Chairman Bernstein called on Mr. Scott Miller for further comments on the deferred presentment service provider advertising rules. Mr. Miller said he was able to reach Commissioner Karsky, who is out of state on business. He said he discussed with the commissioner the possibility of adding an annual percentage rate disclosure requirement as was suggested during committee discussion earlier in the meeting. He distributed copies of a proposed amendment to NDAC Section 13-06-01-16 to add language to the rule to require that advertisers using the prohibited expressions must include average annual percentage rate of interest on transactions. A copy of the proposed amendment is attached as Appendix W. Mr. Miller said Commissioner Karsky agrees that this proposed amendment would be acceptable, if the committee agrees.

Representative Devlin said it was requested by Newspaper Association representatives that the first paragraph of the rule be eliminated rather than amended. He asked whether the commissioner agreed to simply eliminate the first paragraph of the rule. Mr. Miller said Commissioner Karsky did not want to go on record as agreeing to eliminate the first paragraph of the rule.

Representative Koppelman said he does not believe the proposed amendment will solve some of the problems that exist with the rule. He said it appears that the rule prohibits use of only certain phrases, which could easily be avoided by clever wording. He said the rule as amended would require that an annual percentage rate of interest must be listed in advertising only when specific phrases are used in the advertising. He said he would support elimination of the first paragraph of the rule. He said he believes eliminating the first paragraph would not diminish enforcement authority because false advertising laws would still apply to advertising claims that are not truthful.

Chairman Bernstein asked committee counsel whether the committee may amend an agency rule without agreement of the agency. Committee counsel said an amendment is not possible unless the agency agrees to the amendment. He said the committee has authority under NDCC Section 28-32-18 to void all or part of a rule. He reviewed the procedure that follows approval of a motion to void a rule and procedural considerations regarding carrying consideration of the rule over to a subsequent meeting.

Representative Devlin said he thinks there is a danger in playing with language of this rule. He said adjustments made without due consideration might create conflicts with other provisions of law regarding advertising limitations.

Senator Andrist said he would not support the proposed amendment, and he believes the section could be changed to simply provide that any reference to borrowing costs must state an annual percentage rate.

Mr. Miller said he thinks the suggested amendment would help to address Senator Andrist's concern and would be interpreted to require inclusion of an annual percentage rate when a lender advertises better rates than other lenders.

Representative Koppelman said he sees potential for trouble as efforts are made to revise the language in question. He said he thinks the basic problem is that there is statutory authority in NDCC Section 13-08-12(9) that prohibits licensees from engaging in "unfair or deceptive acts, practices, or advertising" in conducting a deferred presentment service provider business. He said it appears this statutory provision gives the department substantial authority to police advertising practices and to issue cease and desist orders or seek suspension or revocation of a license. He said because rather broad authority exists under

statute, any rule provision like the one in question could be interpreted to limit the authority of the department to issue cease and desist orders to only violations of the rule.

Mr. Miller said the regulated community participated in the consideration of these rules and agreed with the content of the rule in question. He said representatives of lenders saw the benefit of stating in the rule what they are prohibited from doing in advertising.

Representative Koppelman said he believes the department could accomplish the same objective by sending out a letter to licensees telling them what practices will be considered a violation of the statutory provision prohibiting unfair or deceptive acts. He said the department would not then be limited to enforcing only language described in the rule.

It was moved by Representative Koppelman, seconded by Representative Thoreson, and carried on a roll call vote that the Administrative Rules Committee void the first paragraph of North Dakota Administrative Code Section 13-06-01-16 on the grounds of a potential conflict with state law and arbitrariness and capriciousness. Voting in favor of the motion were Representatives Bernstein, Devlin, Grande, Johnson, Koppelman, Nelson, Nottestad, Sandvig, and Thoreson and Senators Andrist, Fischer, Freborg, and Klein. Representative Ekstrom voted in opposition to the motion.

SEED ARBITRATION BOARD

Chairman Bernstein called on Mr. Jeff Knudson, Chairman, Seed Arbitration Board, for comments relating to April 2002 rules of the board. A copy of Mr. Knudson's prepared testimony is attached as Appendix X.

Representative Nelson asked how seed arbitration has worked in practice. Mr. Knudson said in the Agway case both parties came to arbitration only because it was a prerequisite to going to court. He said other than that case, arbitration has worked out quite well in his experience.

BOARD OF ATHLETIC TRAINERS

Chairman Bernstein called on Mr. Tom Tupa, Board of Athletic Trainers, for testimony regarding April 2002 rules of the board. A copy of his prepared testimony is attached as Appendix Y.

PUBLIC EMPLOYEES RETIREMENT SYSTEM

Chairman Bernstein called on Mr. Sparb Collins, Executive Director, Public Employees Retirement System, for testimony regarding April 2002 rules of the Public Employees Retirement System. A copy of Mr. Collins' prepared testimony is attached as Appendix Z.

SECRETARY OF STATE

Chairman Bernstein called on Secretary of State Alvin A. Jaeger for presentation of a request for an extension of time to adopt rules. A copy of the request is attached as Appendix AA.

It was moved by Representative Nelson, seconded by Representative Devlin, and carried on a voice vote that the committee approve an extension of time as requested by the Secretary of State.

It was moved by Representative Nottestad, seconded by Senator Klein, and carried on a voice vote that the meeting be adjourned subject to the call of the chairman. Chairman Bernstein adjourned the meeting at 3:05 p.m.

John Walstad
Code Revisor

ATTACH:27