



ADMINISTRATIVE RULES COMMITTEE

Thursday, March 12, 2026
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator Bob Paulson, Chairman, called the meeting to order at 9:00 a.m.

Members present: Senators Bob Paulson, Todd Beard, Jerry Klein, Janne Myrdal, Kristin Roers, Mike Wobbema; Representatives Donna Henderson, Daniel Johnston, Donald W. Longmuir, Andrew Marschall, Carrie McLeod, Brandy L. Pyle, Dan Ruby, Bernie Satrom, Vicky Steiner, Christina Wolff

Members absent: Representatives Clayton Fegley, Zachary Ista

Others present: Laura Anderson, Karla Backman, Katherine Barchenger, Nancy Maier, Rachel Schafer, Julie Wagendorf, and Bridget Weidner, Department of Health and Human Services; Mark Bohrer, Industrial Commission; Abby Ebach, Department of Water Resources; Ann Ellefson, Mary McCarvel-O'Connor, and Jim Upgren, Department of Public Instruction; Doug Goehring, Department of Agriculture; Allyson Hicks, Attorney General's office; Brian Hosek, Game and Fish Department; Sara Lyons, Board of Veterinary Medical Examiners; Karl Rockeman, Department of Environmental Quality; Chris Suelzle and James Wald, Department of Trust Lands

See [Appendix A](#) for additional persons present.

It was moved by Senator Myrdal, seconded by Senator Wobbema, and carried on a voice vote that the minutes of the December 3, 2025, meeting be approved as distributed.

BOARD OF CLINICAL LABORATORY PRACTICE

Dr. Christie Massen, licensee and board member, Board of Clinical Laboratory Practice, presented testimony ([Appendix B](#)) regarding the rules of the board carried over from the December 3, 2025, meeting. She noted the board determined "human rhinovirus" should be added to North Dakota Administrative Code (NDAC) Section 96-02-10-01 as an exempt test that may be performed by an individual under the supervision of a board-licensed professional, advanced practice registered nurse, or physician. She requested the committee agree to the proposed amendment.

It was moved by Representative Longmuir, seconded by Representative Satrom, and carried on a roll call vote that NDAC Section 96-02-10-01(20) be amended under North Dakota Century Code (NDCC) Section 28-32-18(3) to add "human rhinovirus" as an exempt test. Senators Paulson, Beard, Klein, Myrdal, Roers, and Wobbema and Representatives Henderson, Johnston, Longmuir, Marschall, McLeod, Pyle, Ruby, Satrom, Steiner, and Wolff voted "aye." No negative votes were cast.

DEPARTMENT OF AGRICULTURE AND STATE BOARD OF ANIMAL HEALTH

Mr. Doug Goehring, Agriculture Commissioner, provided testimony ([Appendix C](#)) regarding the April 2026 rules of the department and the State Board of Animal Health.

STATE BOARD OF DENTAL EXAMINERS

Mr. David Schaibley, Executive Director, State Board of Dental Examiners, provided testimony ([Appendix D](#)) regarding the April 2026 rules of the board.

Dr. Edward May, oral surgeon, West Fargo, provided testimony regarding the April 2026 rules of the board. He noted, as a professional in addiction recovery, he commends the board's creation of an easily

accessible Professional Health Program that provides essential physical and mental health services for dental professionals, including addiction treatment.

GAME AND FISH DEPARTMENT

Mr. Brian Hosek, Administrative Services Division Chief, Game and Fish Department, provided testimony ([Appendix E](#)) regarding the April 2026 rules of the department.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Ms. Allyson Hicks, Assistant Attorney General, Attorney General's office, and General Counsel, Public Health Division, Department of Health and Human Services, provided testimony ([Appendix F](#)) regarding a request for an extension to amend NDAC Chapter 33-41-01 to implement House Bill No. 1012 (2025).

It was moved by Senator Roers, seconded by Senator Myrdal, and carried on a voice vote that the Department of Health and Human Services be granted an extension to October 2026 to adopt rules to implement House Bill No. 1012.

Ms. Bridget Weidner, Director of Health Facilities, Department of Health and Human Services, provided testimony ([Appendix G](#)) regarding a request to repeal NDAC Chapter 33-07-06 under NDCC Section 28-32-18.1 because the rules inadvertently were not repealed in 2011.

It was moved by Representative Satrom, seconded by Senator Wobbema, and carried on a roll call vote that NDAC Chapter 33-07-06 be repealed because the rules are obsolete. Senators Paulson, Beard, Klein, Myrdal, Roers, and Wobbema and Representatives Henderson, Johnston, Longmuir, Marschall, McLeod, Pyle, Ruby, Satrom, Steiner, and Wolff voted "aye." No negative votes were cast.

Ms. Weidner provided testimony ([Appendix H](#)) regarding the April 2026 rules of the department.

Ms. Julie Wagendorf, Director, Food and Lodging Division, Department of Health and Human Services, provided testimony ([Appendix I](#)) regarding the April 2026 rules of the department.

In response to questions from committee members, Ms. Wagendorf noted the definition of a "lodging establishment" may include some rentals by owner but does not include single structures with five or fewer guest rooms and 10 or fewer total occupants.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Mr. Karl Rockeman, Deputy Director, Department of Environmental Quality, provided testimony ([Appendix J](#)) regarding a request for an extension to adopt a new section to implement Senate Bill No. 2267 (2025).

It was moved by Senator Myrdal, seconded by Representative McLeod, and carried on a voice vote that the Department of Environmental Quality be granted an extension to October 2026 to adopt rules to implement Senate Bill No. 2267.

Mr. Rockeman provided testimony (Appendices [K](#) and [L](#)) regarding the April 2026 rules of the department.

INDUSTRIAL COMMISSION

Mr. Mark Bohrer, Assistant Director, Oil and Gas Division, Department of Mineral Resources, Industrial Commission, provided testimony ([Appendix M](#)) regarding the April 2026 rules of the department.

DEPARTMENT OF PUBLIC INSTRUCTION

Mr. Jim Upgren, Assistant Director, Office of School Approval and Opportunity, Department of Public Instruction, provided testimony ([Appendix N](#)) regarding the April 2026 rules of the department.

In response to questions from committee members, Ms. Mary McCarvel-O'Connor, Director, Office of Specially Designed Services, Department of Public Instruction, noted a public charter school is a public school that is required to adhere to federal laws related to education, in particular the Individuals with Disabilities Education Act, as provided under NDCC Section 15.1-40-03.

In response to questions from committee members, Ms. Ann Ellefson, Director, Office of Academic Support, Department of Public Instruction, noted a requirement for formative assessments does not include standardized testing but encourages ongoing informal evaluations to monitor student learning.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Dr. Rachel Schafer, Director of Program Administration, Economic Assistance Division, Department of Health and Human Services, provided testimony ([Appendix O](#)) regarding the April 2026 rules of the department.

Ms. Nancy Maier, Director, Aging Services Division, Department of Health and Human Services, provided testimony ([Appendix P](#)) regarding the April 2026 rules of the department.

Ms. Katherine Barchenger, Children's Waiver Administrator, Medical Services Division, Department of Health and Human Services, provided testimony ([Appendix Q](#)) regarding the April 2026 rules of the department.

Ms. Karla Backman, Long-Term Care Ombudsman, Aging Services Division, Department of Health and Human Services, provided testimony ([Appendix R](#)) regarding the April 2026 rules of the department.

Ms. Laura Anderson, Policy Director, Behavioral Health Division, Department of Health and Human Services, provided testimony ([Appendix S](#)) regarding the April 2026 rules of the department.

DEPARTMENT OF TRUST LANDS

Mr. James Wald, General Counsel, Department of Trust Lands, provided testimony ([Appendix T](#)) regarding the April 2026 rules of the department.

In response to questions from committee members, Mr. Wald noted persons interested in obtaining oil and gas leases reported they were notified of oil and gas lease auctions by electronic mail or on the department website, indicating continuing the practice of publishing notices in the newspaper was no longer a justifiable use of department resources.

Mr. Chris Suelzle, Director, Minerals Management, Department of Trust Lands, noted the department's discontinuance of notices of oil and gas lease auctions being published in newspapers does not affect auctions for surface lands. He noted interested parties have access to multiple platforms that provide notice of oil and gas lease auctions, but do not use newspapers for this information.

BOARD OF VETERINARY MEDICAL EXAMINERS

Dr. Sara Lyons, Executive Director, Board of Veterinary Medical Examiners, provided testimony ([Appendix U](#)) regarding the April 2026 rules of the board.

DEPARTMENT OF WATER RESOURCES

Ms. Abby Ebach, Director of Public Policy, Department of Water Resources, provided testimony (Appendices [V](#) and [W](#)) regarding the April 2026 rules of the department.

It was moved by Representative Longmuir, seconded by Senator Wobbema, and failed on a roll call vote that NDAC Section 85-06-01-02 be held over for further consideration at the June 2026 meeting under NDCC Section 28-32-18(2) due to concerns regarding requirements for public notice of oil and gas lease auctions. Senators Beard and Wobbema and Representatives Henderson and Longmuir voted "aye." Senators Paulson, Klein, Myrdal, and Roers and Representatives Johnston, Marschall, McLeod, Pyle, Ruby, Satrom, Steiner, and Wolff voted "nay."

No further business appearing, Chairman Paulson adjourned the meeting at 2:10 p.m.

Liz Fordahl
Counsel

ATTACH:23