

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

ADMINISTRATIVE RULES COMMITTEE

Tuesday, August 29, 2000
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative William R. Devlin, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives William R. Devlin, LeRoy G. Bernstein, Rex R. Byerly, Duane DeKrey, Mary Ekstrom, Bette Grande, George J. Keiser, Kim Koppelman, Jon O. Nelson, Darrell D. Nottestad, Sally M. Sandvig, Blair Thoreson; Senators John Andrist, Tom Fischer, Jerry Klein, Deb Mathern, Bob Stenehjem, Rich Wardner

Members absent: Representatives Pam Gulle-son, Stacey L. Mickelson

Others present: See Appendix A

Committee counsel said the minutes of the May 16, 2000, meeting incorrectly recorded a motion regarding Department of Human Services medical services rules. He said the motion is correct in what it contains but should also have included that the definition of "medical emergency" under North Dakota Administrative Code (NDAC) Section 75-02-02-03.2 is carried over for consideration.

It was moved by Representative Nottestad, seconded by Representative Koppelman, and carried on a voice vote that the minutes of the May 16, 2000, meeting be amended to reflect that the motion on page 9 of the minutes include the definition "medical emergency" in NDAC Section 75-02-02-03.2.

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

UPDATE ON MAY MEETING ACTION

Committee counsel said rules of the Superintendent of Public Instruction were amended by agreement between the Superintendent of Public Instruction and the Administrative Rules Committee by motion approved at the May 16, 2000, meeting. He said these rules were republished as amended with an effective date of May 16, 2000.

Committee counsel said rules of the Board of Animal Health were amended by agreement of the Board of Animal Health and the Administrative Rules Committee by motion approved at the May 16, 2000, meeting. He said these rules were republished as amended with an effective date of May 16, 2000.

Committee counsel said North Dakota Century Code (NDCC) Section 28-32-03.3(4) allows amendment of rules by agreement between the agency and the Administrative Rules Committee "as reconsidered at a subsequent meeting at which public comment on the agreed rule change must be allowed." He said these rules were carried over from the February meeting to the May meeting so it appears the subsequent meeting requirement was met, but an opportunity for comment on the May amendments might be allowable at this meeting. Chairman Devlin asked whether anyone in attendance has comments on the May amendments. There was no response.

Committee counsel said the Administrative Rules Committee at the May 16, 2000, meeting approved a motion to void the Department of Human Services rules contained in NDAC Section 75-02-07.1-22(8)(b), regarding a 90 percent occupancy limit in determining reimbursement to basic care facilities, and NDAC Section 75-02-02-08(2)(k) and (l), regarding preauthorization by the Department of Human Services for partial hospitalization and certain prescribed drugs. He said notice of the action to void these rules was provided to the Department of Human Services on May 19, 2000. He said the Department of Human Services had 14 days after receipt of the notice to petition the Legislative Council chairman to review the committee decision. He said the department did not file a petition, and the rules became void effective June 5, 2000. He said the rules have been republished to eliminate the voided provisions.

Committee counsel said the committee approved a motion on May 16, 2000, to carry over consideration of Department of Human Services rules on ambulance services and emergency room services under NDAC 75-02-02-08(2)(h) and (i) and the definitions of "medical emergency" and "medically necessary" under NDAC Section 75-02-02-03.2(4) and (5). He said representatives of the Department of Human Services are prepared to address these provisions.

DEPARTMENT OF HUMAN SERVICES

Chairman Devlin called on Ms. Krista Andrews, Legal Counsel, Department of Human Services, for comments on medical services rules carried over from the May 16, 2000, committee meeting. A copy of

Ms. Andrews' prepared testimony is attached as Appendix B.

Chairman Devlin called on Mr. David Peske, North Dakota Medical Association, Bismarck, for comments on the suggestions made by the Department of Human Services. Mr. Peske said the North Dakota Medical Association agrees that the changes suggested by the department are appropriate.

It was moved by Representative Keiser, seconded by Senator Fischer, and carried on a roll call vote that the amendments to NDAC Section 75-02-02-03.2 as proposed by the Department of Human Services be approved. Representatives Devlin, Bernstein, Byerly, DeKrey, Ekstrom, Grande, Keiser, Koppelman, Nelson, Nottestad, Sandvig, and Thoreson and Senators Andrist, Fischer, Klein, Mathern, Stenehjem, and Wardner voted "aye." There were no negative votes.

ADMINISTRATIVE AGENCIES PRACTICE ACT REVISION

Chairman Devlin called on committee counsel to review a bill draft to revise the Administrative Agencies Practice Act, NDCC Chapter 28-32. Committee counsel said the bill draft rearranges the provisions of the chapter relating to administrative rulemaking. He said the provisions of the chapter relating to administrative hearings are unchanged, except section numbers must be changed to accommodate the increased number of sections relating to administrative rulemaking.

Committee counsel said the only comments on the bill draft received since the previous committee meeting were from the Office of Administrative Hearings. He said the Office of Administrative Hearings suggested minor changes to the provisions relating to administrative hearings. He said all these changes are to correct errors that exist in current law. He said these changes will be incorporated in the bill draft for the next committee meeting.

AGENCY NOTICE TO PARTIES OF ADMINISTRATIVE RULES COMMITTEE CONSIDERATION

Chairman Devlin called on committee counsel to review a bill draft to require agencies to notify interested parties when rules will be considered by the Administrative Rules Committee. Chairman Devlin asked whether anyone in attendance had comments on the bill draft. No response was received.

FILING OF COMMENTS WITH RULES

Chairman Devlin called on committee counsel to review a bill draft to require agencies to file comments received on rules with the Legislative Council when the rules are filed for publication. Committee counsel said the bill draft was reviewed at the previous committee meeting. Chairman Devlin asked whether

anyone in attendance had comments on the bill draft. No response was received.

ADMINISTRATIVE RULES COMMITTEE APPROVAL OF EMERGENCY STATUS OF RULES

Chairman Devlin called on committee counsel to review a bill draft requested at the previous meeting to require agencies to obtain Administrative Rules Committee approval of emergency status of rules that are declared effective on an emergency basis. He said the bill draft was prepared with the objective of not adding any additional delay to the time when an agency can make a rule effective on an emergency basis under existing law. He said NDCC Section 28-32-02 provides that an emergency rule may be effective no earlier than the date of filing with the Legislative Council of the rulemaking notice on the rules. He said existing law usually results in the Administrative Rules Committee meeting at least once in every 90-day period. He said there are occasions when the committee may go up to approximately 120 days between meetings. He said the bill draft allows an agency to declare rules effective on an emergency basis in the same manner as under current law but will require the agency to seek approval of the emergency grounds for the rules from the Administrative Rules Committee at the first committee meeting after the effective date of those rules. He said this approach will not make any changes regarding when an agency can make emergency rules effective and will not change anything regarding when the Administrative Rules Committee must meet. He said to require prior approval by the committee would require changes in when rules could be made effective on an emergency basis and would necessitate more frequent Administrative Rules Committee meetings to avoid delays in agency implementation of rules on an emergency basis.

Representative Byerly said the bill draft does not clarify what constitutes an emergency for rulemaking purposes. Committee counsel said that is correct. He said the bill draft was requested to institute a review of agency decisions on whether an emergency exists, but there was no request to change the legal grounds on which a rule could be declared effective on an emergency basis.

Senator Wardner asked what the effect would be on rules if the Administrative Rules Committee does not uphold the agency decision that an emergency exists. Committee counsel said if the Administrative Rules Committee disapproves the finding that an emergency exists, the rules would not be eliminated but would become effective at the normal time rules take effect when they are not adopted on an emergency basis. Senator Wardner asked whether the delay in consideration of emergency rules by the Administrative Rules Committee would mean a rule could be effective on an emergency basis for a period

of time and then become ineffective for a period of time because the Administrative Rules Committee does not uphold the finding that an emergency exists and then the rule would become effective again under the normal timetable. Committee counsel said Senator Wardner's description may be correct, but it is not clear whether disapproval of emergency status by the committee would mean that the emergency rules were never effective before committee consideration or whether they were effective for only a limited duration. Senator Wardner said this brings uncertainty into the question of whether people may rely on emergency rules and asked whether there have been enough instances of possible abuse of emergency effectiveness of rules to warrant this change in the law.

Senator Mathern said the bill draft does not clarify what constitutes an emergency. She said defining by statute what constitutes an emergency would be very difficult and might be unduly restrictive. She said at least a review of agency decisions on the status of an emergency would improve the process by reducing the potential for abuse.

Representative Nottestad said if committee members are concerned about haphazard declaration of emergency status for rules, the law could be changed to require agencies to begin the rulemaking procedure again if the emergency declaration is not upheld by the committee.

Senator Wardner said it appears the approach in the bill draft does not pinch agencies by delaying the time when emergency rules could take effect, but under the bill draft, agencies would know that the declaration of an emergency would be reviewed.

STATUTORY BASIS FOR RULEMAKING

Chairman Devlin called on committee counsel for information on the status of efforts to revise provisions of law relating to rulemaking authority of agencies. Committee counsel said the committee requested the Legislative Council staff and the Attorney General's office work together on this issue. He said the Attorney General's office reviewed statutory provisions for agency rulemaking and compiled a substantial body of laws that appear to provide agency rulemaking authority. He said he agreed with the staff of the Attorney General's office that each administrative agency should have the opportunity and obligation to review its statutory provisions to determine whether it has adequate statutory rulemaking authority outside NDCC Chapter 28-32. He said letters were sent to approximately 100 agencies asking them for this kind of review and identifying those statutes that appear to provide rulemaking authority for the agency. He said agencies have been asked to respond by September 15, 2000, for inclusion in the bill draft. He said responses received to date do not appear to require as much statutory change as might have been expected. He said he

expects the bill draft will be ready for review at the next committee meeting. He said he hopes the bill draft can be provided to agencies in advance of the meeting to allow them opportunities for review and comment.

Representative Koppelman said the provision in NDCC Section 28-32-02 that appears to provide rule-making authority has been used extensively as authority for rulemaking in the past. He said he is concerned that if that provision is interpreted as not providing authority for rulemaking, the validity of many existing rules may be called into question. Committee counsel said he believes the bill draft that will require statutory rulemaking authority outside Chapter 28-32 should contain an effective date clause to provide that it applies prospectively only and to "grandfather" preexisting rules so their validity will not be questionable.

Chairman Devlin called on Ms. Beth Baumstark, Legal Counsel, Attorney General's office, for comments on the statutory basis for rulemaking. She said she would like to clarify that the Attorney General's office has not concluded that NDCC Section 28-32-02 does not provide authority for rule-making. She said the Attorney General's office believes that specific rulemaking authority outside Chapter 28-32 is preferable to the provision in Section 28-32-02. She said confusion can result if an agency has specific rulemaking authority for several programs but has another statutory area in which no specific authority exists. She said this kind of confusion can be eliminated, and that is the reason for the suggestion that legislation should be considered which would clarify whether authority must exist outside Chapter 28-32 before rulemaking is allowed.

Representative Koppelman asked whether each area of statutory law should address rulemaking power for that area of law. Ms. Baumstark said that would be the ideal situation and would make clear when the Legislative Assembly desires to provide rulemaking authority to an agency.

STATE WATER COMMISSION - DEPARTMENT OF TRANSPORTATION REQUEST FOR EXTENSION OF TIME

Chairman Devlin called on committee counsel for comments on a request from the State Engineer and Department of Transportation for an extension of time to adopt rules for 1999 legislation relating to rules on standards for highway construction and water flow. Committee counsel said a letter was received requesting an extension until March 31, 2001, to complete this rulemaking activity. A copy of the letter is attached as Appendix C. Committee counsel said the State Engineer and legal counsel for the State Water Commission are unavailable to discuss this request with the committee.

Representative DeKrey said he is disappointed that the rulemaking under the 1999 legislation has not

been completed. He said this is a big issue in his legislative district, and he had hoped that rules could be developed that would provide relief for counties.

Representative Grande said if the rulemaking activity takes until the end of next March, there is no reason why it could not be resolved through legislation. Representative DeKrey agreed that legislation could be introduced in the next legislative session and said that option could be discussed with the agencies involved.

Chairman Devlin asked whether the nine months allowed by statute for rulemaking has already expired. Committee counsel said if the 1999 legislation became effective August 1, 1999, the nine-month period allowed by statute for rulemaking would have expired on May 1, 2000. Chairman Devlin said since the nine months has already expired, it does not appear there would be any harm in waiting to make a decision on the request for an extension of time. He said this issue can be discussed later in the meeting.

AGRICULTURE COMMISSIONER

Chairman Devlin called on Mr. Wayne R. Carlson, Livestock Services Coordinator, Department of Agriculture, for comments on meat inspection program rules. A copy of Mr. Carlson's prepared testimony is attached as Appendix D.

Senator Klein said the rules are intended to mirror federal regulations and asked whether the rules will accomplish much because they are so close to federal regulations. Mr. Carlson said the rules will be a benefit to producers in the state. He said the rules differ in some respects that should help, but it was necessary to follow the federal pattern to get the rules in place because federal review of the rules was necessary.

Representative Bernstein asked whether interstate sale of meat subject to state meat inspection will be allowed. Mr. Carlson said federal law prohibits interstate sale of meat inspected by state programs. He said there is legislation pending in Congress to change this. Representative Bernstein said federal laws basically killed small slaughterhouses, and he hoped that this legislation and these rules would help some of the small processors to operate. Mr. Carlson said that was part of the intent of the legislation. He said some of the smaller operators probably would not meet all federal requirements, but the Department of Agriculture thinks they might be able to survive under these rules.

In response to a question from Representative Nelson, Mr. Carlson said federal inspectors charge for inspection of certain animals. He said the state will not charge for inspections, so for bison producers this will be an advantage to change to state inspection.

In response to a question from Representative Nelson, Mr. Carlson said North Dakota producers grow some of the world's best beef, but beef sold at retail is generally imported. He said this program will

allow beef grown in the state to be available to state consumers.

ATTORNEY GENERAL

Chairman Devlin called on Mr. Mark Gilbertson, Executive Secretary, Peace Officers Standards and Training Board, for comments on rules adopted by the Attorney General relating to law enforcement officer licensure and continuing education. A copy of Mr. Gilbertson's prepared testimony is attached as Appendix E.

BOARD OF COSMETOLOGY

Chairman Devlin called on Ms. Bert Knell, President, Board of Cosmetology, for comments on July 2000 rules of the board. A copy of Ms. Knell's prepared testimony is attached as Appendix F.

Representative Koppelman said NDAC Section 32-03-01-14 allows a manager-operator to practice outside of a salon. He asked whether there was a problem that is addressed by this rule. Ms. Knell said problems arose because of strict application of the rules. She said this rule change was to give leeway to operators.

Representative Devlin asked why the rule change lists minimum contents of a first-aid kit. Ms. Knell said the rules required a first-aid kit, but some operators did not know what to have on hand so the rule provides a list of minimum contents for a first-aid kit.

STATE DEPARTMENT OF HEALTH

Chairman Devlin called on Mr. Wayne Kern, State Department of Health, for comments on public water supply system rules adopted by the department. A copy of Mr. Kern's prepared testimony is attached as Appendix G.

Representative Nottestad asked whether Mr. Kern anticipates communities in the state will not be able to meet these standards based on Environmental Protection Agency rules. Mr. Kern said he does anticipate communities will have problems, and there is a loan fund available to them which will allow them to either upgrade their systems or tie into another community water system.

Representative Devlin said law requires agencies to adopt federal standards by reference whenever possible and asked why these rules were adopted since they are the same as Environmental Protection Agency rules. Mr. Kern said to a large degree, these rules are adopted by reference.

DEPARTMENT OF TRANSPORTATION

Chairman Devlin called on Ms. Marsha Lembke, Department of Transportation, for comments on department rules on vision requirements for drivers. A copy of Ms. Lembke's prepared testimony is attached as Appendix H.

Representative Koppelman complimented Ms. Lembke for recognizing the negative effect of

rules on some people, assembling a panel to gather expert medical advice, and doing something to fix rules to benefit the public.

STATE BOARD FOR INDIAN SCHOLARSHIPS

Chairman Devlin called on Dr. Michel Hillman, board member, State Board for Indian Scholarships, for comments on August 2000 rules of the board. A copy of Dr. Hillman's prepared testimony is attached as Appendix I.

INDUSTRIAL COMMISSION

Chairman Devlin called on Mr. Bruce E. Hicks, Assistant Director, Oil and Gas Division, Industrial Commission, for testimony regarding September 2000 rules of the commission. A copy of Mr. Hicks' prepared testimony is attached as Appendix J.

MILK MARKETING BOARD

Chairman Devlin called on Mr. John E. Weisgerber, Jr., Director, Milk Marketing Board, for comments on July 2000 rules of the board. A copy of Mr. Weisgerber's prepared testimony is attached as Appendix K.

STATE WATER COMMISSION - DEPARTMENT OF TRANSPORTATION REQUEST FOR EXTENSION OF TIME

Chairman Devlin called on Mr. Dave Leier, Department of Transportation, for comments on the request for an extension of time to adopt rules. Mr. Leier said he was requested by the director of the Department of Transportation to address questions the committee might have on the request for an extension of time to adopt rules. Mr. Leier said the project has developed a substantial amount of the standards, but a point of uncertainty arises in consideration of upstream interests.

Representative Keiser said he perceives a problem because the law currently in effect requires highway designs to meet standards adopted by the Department of Transportation and the State Engineer, and yet those standards do not exist. He said there must be a problem for designers being required by law to meet standards that are not in place. Mr. Leier said he believes designers are using standards that have existed for several years.

PESTICIDE CONTROL BOARD

Chairman Devlin called on Mr. Jeff Olson, Program Manager, Plant Industries Division, Department of Agriculture, for comments on Pesticide Control Board August 2000 rules. A copy of Mr. Olson's prepared testimony is attached as Appendix L.

STATE BOARD OF PSYCHOLOGIST EXAMINERS

Chairman Devlin called on Mr. Bill Peterson, Assistant Attorney General, representing the State Board of Psychologist Examiners, for comments on September 2000 rules of the board. A copy of Mr. Peterson's prepared testimony is attached as Appendix M.

Representative Byerly said the fee changes for licensing are fairly sizable. He asked what statutory limit exists for fees. Mr. Peterson said NDCC Section 43-32-13 allows the board to set fees for an annual license at not to exceed \$100. Representative Byerly said the requirement of the rules of a \$250 fee for out-of-state registrants seems to violate that limit. Mr. Peterson said the fee of \$250 is for initial licensure only which is different from the annual license fee.

Senator Stenehjem said the fee is currently \$75 plus the cost of examination. He said if the cost of examination is more than \$25, then the annual fee would be more than the \$100 limit in NDCC Section 43-32-13.

Mr. Peterson said he would confer with board members on how the fees are applied and would provide written information to the committee to address the questions raised.

PUBLIC SERVICE COMMISSION

Chairman Devlin called on Mr. Jon Mielke, Executive Secretary, Public Service Commission, for comments on the August 2000 rules of the commission. A copy of Mr. Mielke's prepared testimony is attached as Appendix N.

Representative Devlin asked when the rulemaking proceeding began. Mr. Mielke said the rulemaking action started in September or October 1999 to respond to legislative changes. Representative Devlin said the publication requirement was changed effective August 1999 to require one publication in each county newspaper. He said the testimony indicates that the rulemaking notice was published twice in daily newspapers. Mr. Mielke said he would check documentation in the Public Service Commission office to determine whether that is correct.

Mr. Mielke returned later in the meeting and said the testimony is mistaken and that publication was done once in each official county newspaper.

PUBLIC EMPLOYEES RETIREMENT SYSTEM

Chairman Devlin called on Ms. Deb Knudsen, Public Employees Retirement System, for testimony on Public Employees Retirement System July 2000 rules. A copy of Ms. Knudsen's prepared testimony is attached as Appendix O.

DEPARTMENT OF HUMAN SERVICES

Chairman Devlin called on Ms. Melissa Hauer, Director, Legal Advisory Unit, Department of Human Services, for comments on children's health insurance program rules. A copy of Ms. Hauer's prepared testimony is attached as Appendix P.

Representative Sandvig said she is uncomfortable with the provision in NDAC Section 75-02-02.2-04(3) that errors of public officials do not create eligibility or additional benefits for coverage for a child or enrollee who is adversely affected. She asked why the provision is in the rules. Ms. Hauer said this was patterned after a similar provision in Medicaid rules.

Representative Devlin said one commentator criticized the requirement of NDAC Section 75-02-02.2-07 that an enrollee report on household circumstances in the fourth and eighth month of the coverage period. He said he agrees with the fourth and eighth month reporting but will see during the legislative session whether that becomes a problem.

WORKERS COMPENSATION BUREAU

Chairman Devlin called on Ms. Julie Leer, Legal Counsel, Workers Compensation Bureau, for comments on June 2000 rules of the bureau. A copy of Ms. Leer's prepared testimony is attached as Appendix Q.

STATE GAMING COMMISSION

Chairman Devlin called on Mr. Chuck Keller, State Gaming Commission, for comments on July 2000 rules of the commission. A copy of testimony prepared by Mr. James P. Wang, Chairperson, State Gaming Commission, is attached as Appendix R.

Senator Andrist said the electronic marking devices for bingo seem to him to be an expansion of gaming. Mr. Keller said the bingo card marking devices are electronic and allow up to 72 cards to be downloaded into the device for a bingo session. He said players must enter the numbers as they are called during the game.

Representative Devlin said his experience is that bingo players handle about six cards for a game of bingo. He said the use of these devices to allow playing up to 72 cards at a time seems to him to be a substantial expansion of gaming. He said the Legislative Assembly has consistently opposed expansion of charitable gaming. Mr. Keller said a legal opinion prepared by the Attorney General's office is that these devices are not illegal as electronic gaming devices. He said with regard to the question of whether these devices constitute an expansion of gaming, his office does not think so. He said the information they have been able to gather indicates players do not spend more money overall by use of these devices.

In response to a question from Representative Byerly, Mr. Keller said rules on the electronic bingo card marking devices are located in five chapters and are intermixed with other rules.

In response to a question from Senator Stenehjem, Mr. Keller said it would be possible with existing technology that a bingo player would not have to do anything after purchasing plays through an electronic bingo card marking device. He said there is technology that would allow the device to play the game, and the player would have to do nothing. He said the State Gaming Commission opposed that sort of device, and these rules require players to enter numbers in the device as the numbers are called during the game.

Senator Klein said the testimony indicates the electronic bingo card marking devices have been tested at several sites and asked what the public reaction has been. Mr. Keller said five test sites originally were used for these devices and may now have expanded to other sites. He said feedback received on use of these devices was positive except for criticism by several people from Minot who opposed use of the devices.

Senator Stenehjem asked how these devices could be used at test sites if the rules were necessary before use of the devices becomes legal. Mr. Keller said an opinion by the Attorney General's office indicated use of these devices was not a violation of law or rules. He said he would provide the opinion to the committee for review.

Representative Grande asked whether there is a statutory limit on the amount a player may spend on a game of bingo. Mr. Keller said there is no statutory limit for bingo expenditures.

Representative DeKrey said the legislation that gave this decision authority to the State Gaming Commission was a hotly contested bill, but it was passed. He said he does not think it would be appropriate to void the rules after passage of the legislation on which the rules are based.

Representative Keiser said the question of whether these devices constitute an expansion of gaming is the same question that existed when daubers began to be used by players, which allowed players to go from playing six cards to playing 28 to 36 cards per player in a bingo game. He said he believes the issue in that situation was the same as the issue in the present situation. He said he thinks the commission can make this decision under law.

COMMITTEE DISCUSSION AND STAFF DIRECTIVES

It was moved by Senator Mathern, seconded by Representative Thoreson, and carried on a voice vote that the August 2000 rules of the Insurance Commissioner be carried over to the next committee meeting for consideration.

It was moved by Representative DeKrey, seconded by Representative Nelson, and carried on a voice vote that the July 2000 rules of the State Gaming Commission be carried over to the next committee meeting for consideration.

It was moved by Representative Byerly, seconded by Representative Grande, and carried on a voice vote that the September 2000 rules of the State Board of Psychologist Examiners be carried over to the next committee meeting.

Representative Grande said NDAC Section 71-02-06-04 was amended to include reference to profit sharing. She said she questions when profit sharing would apply for members of the Public Employees Retirement System. Representative Byerly said that provision may address employees of the Mill and Elevator. Chairman Devlin asked committee counsel to obtain information on this question from the Public Employees Retirement System.

It was moved by Representative Koppelman, seconded by Representative DeKrey, and carried on a voice vote that the committee carry over consideration of the request of the State Engineer and the Department of Transportation for an extension of time to adopt rules.

The meeting was adjourned at 4:20 p.m.

John Walstad
Code Revisor

ATTACH:18