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## **ADMINISTRATIVE RULES COMMITTEE**

Wednesday, September 4, 2024  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Representative Brandy Pyle, Chairman, called the meeting to order at 10:01 a.m.

**Members present:** Representatives Brandy Pyle, Scott Louser\*, Andrew Marschall, Carrie McLeod, Brandon Prichard, Dan Ruby, Vicky Steiner, Nathan Toman, Bill Tveit; Senators Jerry Klein, Diane Larson, Janne Myrdal, Bob Paulson

**Members absent:** Representatives Donna Henderson, Matthew Ruby, Mike Schatz, Steve Vetter, Robin Weisz; Senator Sean Cleary

**Others present:** Jonathan Alm, Department of Health and Human Services; Ken Bertsch, State Seed Commission; Loren DeWitz, Board of Water Well Contractors; William Sherwin, North Dakota Dental Association; and Diana Trussell, Department of Environmental Quality

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

*\*Attended remotely*

**It was moved by Senator Myrdal, seconded by Representative Marschall, and carried on a voice vote that the minutes of the June 13, 2024, meeting be approved as distributed.**

## **RETIREMENT BOARD**

Ms. Rebecca Fricke, Executive Director, Public Employees Retirement System, provided testimony (Appendices [B](#) and [C](#)) regarding proposed rules to be adopted for publication in January 2025. She noted:

- The Public Employees Retirement System (PERS) initially proposed a rule to define the terms "state governmental unit" and "state employer" to include only state entities that receive budgetary approval from the Legislative Assembly for purposes of determining which state entities are required to pay the actuarially determined employer contribution and which state entities' employees are eligible for the special election window and corresponding incentive.
- The Attorney General's office advised PERS the terms are defined in the North Dakota Century Code, and PERS withdrew the proposed rule, North Dakota Administrative Code Section 71-08-11-08, from consideration.
- 23 boards and commissions that the Legislative Assembly does not provide budget approval for will be affected by the rule withdrawal.
- PERS anticipates the proposed rules will be adopted as final and submitted to the Legislative Council by November 1, 2024, for a January 1, 2025, effective date.

## **STATE BOARD OF DENTAL EXAMINERS**

Mr. David Schaibley, Executive Director, State Board of Dental Examiners, provided testimony ([Appendix D](#)) regarding the October 2024 rules of the board. He noted workforce issues were significant to the rules amendment process.

## **DEPARTMENT OF ENVIRONMENTAL QUALITY**

Ms. Diana Trussell, Solid Waste Program Manager, Department of Environmental Quality, provided testimony ([Appendix E](#)) regarding the October 2024 rules of the department.

## BOARD OF PSYCHOLOGIST EXAMINERS

Dr. Paul Kolstoe, Board of Psychologist Examiners, provided testimony ([Appendix F](#)) regarding the October 2024 rules of the board.

## DEPARTMENT OF PUBLIC INSTRUCTION

Mr. Jim Uppgren, Assistant Director, Office of School Approval and Opportunity, Department of Public Instruction, provided testimony ([Appendix G](#)) regarding the October 2024 rules of the department.

In response to a question from a committee member he noted the definition for "significant medical condition" was taken from Senate Bill No. 2013 (2023).

In response to questions from committee members, Ms. Mary McCarvel-O'Connor, Special Education Director, Department of Public Instruction, noted the term "direct services" refers to a professional working directly with a child and "indirect services" refers to a professional working directly with another professional.

## STATE SEED DEPARTMENT

Mr. Ken Bertsch, State Seed Commissioner, provided testimony ([Appendix H](#)) regarding the October 2024 rules of the department.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. Jonathan Alm, Legal Division, Department of Health and Human Services, provided testimony ([Appendix I](#)) regarding the October 2024 rules of the department.

## BOARD OF WATER WELL CONTRACTORS

Mr. Loren DeWitz, Chairman, Board of Water Well Contractors, provided testimony ([Appendix J](#)) regarding the October 2024 rules of the board.

## EXTENSION REQUEST

### Office of Management and Budget

Pursuant to North Dakota Century Code Section 28-32-07, Ms. Sherry Neas, Director, Central Services, Office of Management and Budget, and State Procurement Manager, submitted a letter ([Appendix K](#)) in support of the Office of Management and Budget's request for an extension to adopt rules related to procurement practices.

**It was moved by Senator Myrdal, seconded by Senator Klein, and carried on a voice vote that the Office of Management and Budget be granted an extension to January 2025 to adopt rules related to procurement practices.**

## COMMITTEE DISCUSSION AND DIRECTIVES

**It was moved by Representative Steiner, seconded by Representative Ruby, and carried on a voice vote that the Chairman and the Legislative Council staff be requested to prepare a report and to present the report to the Legislative Management.**

No further business appearing, Chairman Pyle adjourned the meeting at 12:04 p.m.

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Liz Fordahl  
Counsel

ATTACH:11