

October 31, 2025

Liz Fordahl, Counsel  
North Dakota Legislative Council  
State Capitol  
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-03-42  
Authorized Electronic Monitoring

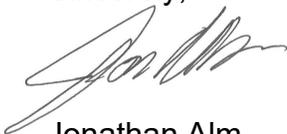
Dear Ms. Fordahl:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on Friday, December 12, 2025, beginning at 3:00 p.m. and continuing until 4:30 p.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,



Jonathan Alm  
Legal Division

JA/rv

cc: Karla Backman, Aging Services  
Nancy Maier, Aging Services

Enclosures

**LEGAL**

NOTICE OF INTENT TO AMEND  
ADMINISTRATIVE RULES RELATING TO N.D.  
ADMINISTRATIVE CODE CHAPTER 75-03-42  
AUTHORIZED ELECTRONIC MONITORING

TAKE NOTICE that the North Dakota Department of Health and Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapter 75-03-42 at 3:00 p.m. on Friday, December 12, 2025, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapter 75-03-42, Authorized Electronic Monitoring, are necessary to comply with 2025 Senate Bill No. 2070.

The proposed amendments are as follows:

**Section 75-03-42-01** is amended to replace “monitoring” with “recording”.

**Section 75-03-42-02** is amended to replace “monitoring” with “recording”.

**Section 75-03-42-03** is amended to replace “monitoring” with “recording”, to remove the provision that states that a facility is not civilly or criminally liable for a violation of any residents right to privacy arising from authorized electronic monitoring, and to remove the requirement that the facility provide a notice stating that the facility may not be held civilly or criminally liable.

**Section 75-03-42-04** is amended to replace “monitoring” with “recording”.

**Section 75-03-42-05** is amended to replace “monitoring” with “recording”.

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at human service zones offices and at the state-operated behavioral health clinics. Copies of the proposed rules and the regulatory analysis relating to these rules may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments must be received no later than 5:00 p.m. on Monday, December 22, 2025.

**LEGAL**

**ATTENTION PERSONS WITH DISABILITIES:** If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Health and Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 30th day of October, 2025.

October 30, 2025

RE: Proposed Amendments to N.D. Admin. Code chapter 75-03-42  
Authorized Electronic Monitoring

TO WHOM IT MAY CONCERN:

The Department of Health and Human Services is proposing amendments to N.D. Admin. Code chapter 75-03-42, Authorized Electronic Monitoring. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on Monday, December 22, 2025.

The department has scheduled an oral hearing for Friday, December 12, 2025. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,



Emily O'Brien  
Deputy Commissioner

EMO/rv

Enclosures

cc: Liz Fordahl, Legislative Council  
Karla Backman, Aging Services  
Nancy Maier, Aging Services

**OFFICE OF THE COMMISSIONER**

GOVERNOR  
Kelly Armstrong

INTERIM COMMISSIONER  
Pat Traynor