

# NORTH DAKOTA LEGISLATIVE COUNCIL

## Minutes of the

### ADMINISTRATIVE RULES COMMITTEE

Tuesday, March 14, 2006  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Representative William R. Devlin, Chairman, called the meeting to order at 10:00 a.m.

**Members present:** Representatives William R. Devlin, Randy Boehning, Duane DeKrey, Mary Ekstrom, Rod Froelich, Pat Galvin, Kim Koppelman, Jon O. Nelson, Margaret Sitte, Blair Thoreson, Dwight Wrangham; Senators John M. Andrist, Dennis Bercier, April Fairfield, Tom Fischer, Jerry Klein, Constance Triplett

**Members absent:** Representatives LeRoy G. Bernstein, Ronald A. Iverson, Sally M. Sandvig; Senators Richard L. Brown, Layton W. Freborg, Gary A. Lee

**Others present:** See Appendix A

Representative Merle Boucher, a member of the Legislative Council, was also in attendance.

**It was moved by Representative DeKrey, seconded by Senator Fischer, and carried on a voice vote that the minutes of the December 13, 2005, committee meeting be approved as distributed.**

#### ABSTRACTERS' BOARD OF EXAMINERS

Chairman Devlin called on Mr. Harold Bensch, President, Abstracters' Board of Examiners, for testimony relating to April 2006 rules of the board. A copy of Mr. Bensch's prepared testimony is attached as Appendix B.

Senator Klein said it appears that a chapter in the rules is intended to address the timeliness of preparation of abstracts. Mr. Bensch said that is correct. He said the objective of the timeliness rules is to provide prompt service to customers. In the past, he said, the board has had no enforcement option other than suspension of the license of an abstracter, which could leave a community with no one to perform abstracting services. He said the board now has other enforcement options, such as fines.

Senator Andrist asked what is the status of title insurance in North Dakota. Mr. Bensch said to write title insurance, the insurance must be based on an abstract and an attorney's title opinion based on that abstract.

Senator Triplett said in North Dakota Administrative Code (NDAC) Section 2-03-01-03(2)(c), it appears the second sentence is not a complete sentence and asked if the grammar can be corrected. Committee counsel said that change could be made and it appears that combining

the two sentences into a single sentence would resolve the grammatical confusion.

#### STATE BOARD OF ACCOUNTANCY

Chairman Devlin called on Mr. Doug Bahr, Attorney General's office, for testimony relating to April 2006 rules of the State Board of Accountancy. Mr. Bahr said he is filling in for the attorney for the board and Mr. Jim Abbott, Executive Director, State Board of Accountancy, who are unable to attend the meeting. He presented testimony based on a letter from Mr. Abbott, a copy of which is attached as Appendix C. Mr. Bahr said the rules change is the result of litigation that is being settled in contemplation of these rules changes.

Senator Klein inquired about the purpose of the disclaimer required by the rules for persons doing accounting services who are not licensed by the State Board of Accountancy. Mr. Bahr said individuals can perform some accounting services without being licensed by the State Board of Accountancy. He said the object of the disclaimer is to inform the public that the individual is not licensed.

Senator Andrist said the rules specify the disclaimer must include a lengthy statement. He said this disclaimer would be a huge problem and could make it impossible to use some formats of advertising.

Representative Koppelman said it appears the State Board of Accountancy is trying to regulate by rule the conduct of people the board does not license. Mr. Bahr said the board believes the rules will protect the public from misunderstandings regarding the professional status of persons using the words accountant or accounting to describe their professional services.

Representative Koppelman inquired about the statutory basis for limitations on using the terms "accountant" and "accounting." Mr. Bahr said North Dakota Century Code Section 43-02.2-12(7) prohibits a person or firm not licensed by the State Board of Accountancy from using the words "accountant," "auditor," or "accounting" in a manner that implies the person or firm holds a license.

Senator Andrist said the lawsuit against the State Board of Accountancy should proceed and the rule seems unworkable. He said the required disclaimer is too long to be a practical solution and would eliminate the option of many forms of advertising for accountants not licensed by the board. He said he

believes this would amount to a violation of their rights to commercial free speech. He said he believes any change in the requirements should be the product of legislative action and that current law appears to completely prohibit use of these terms by unlicensed accountants.

Representative Koppelman asked whether Mr. Bahr believes the State Board of Accountancy would favor legislation to address this issue. Mr. Bahr said he cannot speak for the board.

Representative Sitte said it is unwieldy to use the required disclaimer in advertising because of the length of the required disclaimer.

Chairman Devlin said if the committee carries over consideration of this rule, it is hoped the board would consider with the Attorney General's office and interested parties how to address the issues raised.

Chairman Devlin called on Mr. Jerry Spaedy, North Dakota Society of Accountants, for comments relating to the rules of the State Board of Accountancy. A copy of Mr. Spaedy's written testimony is attached as Appendix D. Mr. Spaedy said he supports the aspect of the rules allowing unlicensed individuals to use the terms "accountant" and "accounting" to describe their services. He said he does not support the disclaimer requirement.

Representative Koppelman inquired whether the rule adopted by the board represents a settlement of the lawsuit filed against the board. Mr. Monte Rogneby said he is legal counsel for the plaintiffs in the lawsuit. He said the plaintiffs are not satisfied that the rule adopted by the State Board of Accountancy allows the plaintiffs to exercise their constitutional rights of commercial free speech. He said it is likely that the plaintiffs would file a new complaint to address their dissatisfaction with the disclaimer now required by the rule.

In response to a question from Representative Koppelman, Mr. Rogneby said courts in other states have looked at statutory provisions similar to the North Dakota law limiting use of the words "accountant" and "accounting." He said those courts have concluded that the statutory prohibition should be interpreted to be constitutional in its application and therefore cannot be interpreted as a complete prohibition on using those terms. He said part of the problem in North Dakota is a 1998 Attorney General's opinion that concludes that the statutory provision is an absolute prohibition on using the terms "accountant" or "accounting" by a person not licensed by the board. He said the plaintiffs contend that that prohibition must be limited to not violate the plaintiffs' right to free speech.

Representative Boucher asked whether there are certified public accountants and licensed public accountants who are members of the Society of Accountants. Mr. Spaedy said there are licensed individuals who are members of the society.

Senator Klein asked what other states do in these situations. Mr. Spaedy said he is told that Oklahoma

requires a disclaimer similar to the rule adopted by the State Board of Accountancy.

Chairman Devlin called on Ms. Faye Miller, President, North Dakota Society of Certified Public Accountants, for testimony relating to the rule adopted by the State Board of Accountancy. She said the Society of Certified Public Accountants believes the rule adopted by the State Board of Accountancy is a reasonable compromise for protection of the public. She said the Society of Certified Public Accountants has tried in the past to work with the Society of Accountants to reach an agreeable compromise but they have not been able to reach a better solution than the provision in the rules.

## **ATTORNEY GENERAL - STATE LOTTERY**

Chairman Devlin called on Mr. Chuck Keller, Director, North Dakota Lottery Division, for testimony relating to April 2006 lottery rules adopted by the Attorney General. A copy of Mr. Keller's prepared testimony is attached as Appendix E. Mr. Keller said public hearings on the proposed rules were conducted in Bismarck and Fargo. He said one person attended one of the hearings and expressed a comment and one person called the lottery office to express a comment. He said no other oral or written comments were received.

Senator Andrist inquired about the reason for defining the term "play area." Mr. Keller said usage of the term "play area" and the definition is to clarify what information is included on a play slip for the lottery.

Chairman Devlin said a letter was distributed to committee members that was received from Mr. Bruce Brooks of Minot relating to the lottery rules. A copy of the letter is attached as Appendix F.

Representative Sitte inquired why emergency status was used for adoption of some of the rules changes. She said some people are concerned about the push to allow more games under the lottery and were disappointed that the rules were adopted on an emergency basis before public hearings and Administrative Rules Committee review. Mr. Keller said the Multi-State Lottery Association changed the Powerball matrix effective August 28, 2005. He said it was necessary to change the North Dakota rules as soon as possible to coincide with the Multi-State Lottery changes. He said retailer bonus provisions were also adopted on an emergency basis. He said the software used for the state lottery is subject to updates several times per year and the timing of software updates is limited by compliance with Multi-State Lottery Association requirements or the gaming vendor.

Mr. Keller said the lottery is aware of concerns about problem gambling through lottery changes, including a recent *Bismarck Tribune* article labeling him as a predator. He said the lottery staff remains cognizant of problem gambling issues. He said the position of director of the North Dakota lottery requires enthusiasm and promotion of the lottery. He said addiction to gambling is less of an issue with lottery

gaming than with other kinds of gambling that offer instant rewards. He said participation in the lottery is more in the nature of a planned purchase than an impulse purchase, which is normally associated with gambling addiction.

Representative Koppelman inquired why the rule was changed to allow the Attorney General's picture to be used on the lottery web site and why the rule was removed to prohibit degrading a nonparticipant in the lottery. Mr. Keller said there are occasions when the Attorney General's picture is taken with lottery prize winners. He said he believes it would be appropriate to display these pictures on the lottery web site. He said he would not anticipate use of pictures of the Attorney General in lottery promotions. He said with regard to eliminating the rule prohibiting advertising material that degrades a person who does not buy a ticket, he said it was eliminated because it is deemed to be unnecessary.

Representative Koppelman inquired about elimination of some of the prohibitions on lottery participation by certain listed ineligible players under NDAC Section 10-16-03-02. Mr. Keller said the prohibitions eliminated are also prohibited elsewhere in the rules so these provisions were eliminated as redundant.

Senator Fairfield asked why the prohibition on receiving a gift is eliminated for a member of the immediate family of an employee of the lottery. Mr. Keller said the rule still prohibits receipt of a gift by a person who regularly resides in the same household as an employee of the lottery and he believes this covers the same people. Senator Fairfield said she does not believe a member of the immediate family is equivalent to a person who regularly resides in the same household.

Senator Triplett said she does not believe members of the immediate family would necessarily reside in the same household as an employee so there is a difference between these phrases. Mr. Keller said the lottery would be willing to consider these issues further if that is the wish of the committee.

Representative Devlin inquired about lottery participants buying tickets on credit. He said he recalls legislative debate on this issue. Mr. Keller said lottery statutes are silent with regard to buying tickets with a credit card but that was the subject of debate in the Legislative Assembly regarding legislation that was not enacted. He said the subscription program of the lottery allows the use of credit cards for subscription purchases for the convenience of players. He said the subscription program is patterned after a program in place in Maine.

Senator Bercier said a rule being amended allows authority for the director to waive enforcement of lottery rules. He inquired why this authority is needed. Mr. Keller said waiver of rules has never been done and he would envision very limited use of the authority. He said it is similar to a provision in charitable gaming rules.

Senator Triplett said the grammar in NDAC Section 10-16-01-01(14) seems wrong. She said a plural verb appears to be paired with a singular noun. She said this should be corrected.

## **STATE BOARD OF DENTAL EXAMINERS**

Chairman Devlin called on Mr. Jerry Kettleton, Special Assistant Attorney General for the State Board of Dental Examiners, for testimony relating to April 2006 rules of the board. A copy of Mr. Kettleton's prepared testimony is attached as Appendix G.

## **GAME AND FISH DEPARTMENT**

Chairman Devlin called on Mr. Paul Schadewald, Game and Fish Department, for testimony relating to April 2006 rules of the department. A copy of Mr. Schadewald's prepared testimony is attached as Appendix H.

Representative Froelich inquired about recordkeeping requirements for shooting preserves. He asked how birds are marked when released by a shooting preserve. Mr. Schadewald said no band is required for birds until customers take the birds from the premises. He said tame birds are marked by toe clipping or other methods.

Representative Froelich asked how much of the Game and Fish Department wildlife management areas is fenced. Mr. Schadewald said about 99 percent of wildlife management areas are fenced. Representative Froelich asked who maintains the fences on these properties. Mr. Schadewald said the Game and Fish Department maintains fences owned by the department unless otherwise agreed with the landowner. Representative Froelich said in his experience there are often problems with failure of the department to maintain fences on wildlife management areas.

## **STATE BOARD OF MEDICAL EXAMINERS**

Chairman Devlin called on Ms. Lynette McDonald, State Board of Medical Examiners, for testimony relating to April 2006 rules of the board. A copy of a letter prepared by Mr. Rolf P. Sletten and reviewed by Ms. McDonald is attached as Appendix I.

Representative Nelson asked for an explanation of what an H1B visa is as referenced in the testimony. Ms. McDonald said an H1B visa allows the resident to remain in the United States for a period of time after completion of medical training.

## **NORTH DAKOTA BOARD OF PHYSICAL THERAPY**

Chairman Devlin called on Mr. Kevin Axtman, Board of Physical Therapy, for testimony relating to April 2006 rules of the board. A copy of Mr. Axtman's prepared testimony is attached as Appendix J.

Mr. Axtman said 2005 legislation was rather controversial with regard to issues of manipulation in the definition of physical therapy and use by physical therapists of high velocity, low amplitude thrust manual therapy. He said the rules enacted have established qualifications for high velocity, low amplitude thrust manual therapy.

Representative Boehning asked whether currently licensed therapists will be grandfathered in to perform these techniques without meeting the qualifications. Mr. Axtman said all therapists will have to show compliance to the board and some will have to obtain further education before qualifying for high velocity, low amplitude thrust manual therapy.

Committee counsel said the rules contained in the supplement prepared for the committee were submitted by the board for publication before the board discovered that the wrong version of rules was submitted. He said the board has submitted the correct final version of rules as adopted by the board which reflect the changes suggested by Dr. Askew reflected on page 10 of Mr. Axtman's testimony. He said these changes will be corrected with republication of the rules.

Chairman Devlin called on Dr. Jeff Askew, North Dakota Chiropractic Association, for comments on the rules adopted by the board. Dr. Askew said he believes the standards adopted by the board are vague regarding qualifications for high velocity, low amplitude thrust manual therapy.

## **SUPERINTENDENT OF PUBLIC INSTRUCTION**

Chairman Devlin called on Dr. Gary Gronberg, Assistant Superintendent, Department of Public Instruction, for testimony relating to April 2006 rules of the Superintendent. A copy of Dr. Gronberg's prepared testimony is attached as Appendix K.

Representative Nelson inquired why the change was made regarding time requirements for elementary school principals. Dr. Gronberg said concerns were expressed about financial impact of the rules change. He said the role of elementary school principals has changed since accreditation rules were established and principals now have many more responsibilities. He said the Association of Elementary School Principals has lobbied for several years for equal treatment with high school principals regarding time requirements.

Representative Nelson said his concern with the time requirements changes is that the changes will impact smaller school districts for hiring and retaining teachers and principals and will impact budgets. He said he also is concerned that the change will take away time of teachers spent with students. Dr. Gronberg said the department is finding that elementary principals who are also teachers are not having adequate time for supervision because of classroom teaching duties.

Representative Boucher said he also is concerned about the rule change regarding time requirements for elementary school principals. He said the position of school superintendent and elementary school principal is common for smaller school districts. He said time spent on a task is a difficult measure to apply to job performance when there is not adequate flexibility allowed.

Representative Froelich said comments of his constituents show concern that the requirements of these rules are being imposed to mandate changes in school districts even if the taxpayers and voters of the school district are satisfied with the operation and administration of the district.

Representative Sitte asked whether there is any evidence of a difference in college performance for graduates of smaller or larger high schools. Dr. Gronberg said there is no evidence of a difference in performance based on the size of the high school attended.

Representative Sitte said the accreditation standards seem to impose unfunded mandates on school districts that have little to do with student performance. Dr. Gronberg said the standards in the rules are minimum standards for accreditation.

Senator Andrist said the Legislative Assembly makes policy for the state and tries to bring people together in making decisions. He said the Department of Public Instruction has the same function with regard to rules governing elementary and secondary education but legislators are hearing complaints from interested parties that the rules adopted by the department do not treat everyone to their satisfaction. Dr. Gronberg said it is an extremely hard thing to get unanimous agreement on standards because school districts have differing circumstances and interested parties and groups have differing points of view. Senator Andrist asked whether the Department of Public Instruction worked hard to try to consider everyone's opinions. Dr. Gronberg said the department did that.

In response to a question from Representative Devlin, Dr. Gronberg said sometimes even within an organization there are differing opinions.

Representative Froelich asked why the department does not make rules only when near unanimous opinions are expressed and hold controversial issues for consideration by the Legislative Assembly. Dr. Gronberg said the purpose of administrative rules is to avoid unnecessary detail in state law. He said the department tries to make rules to deal with education issues so the Legislative Assembly does not have to address every area of potential disagreement in education policy.

Representative Devlin said that when the Department of Public Instruction sees a substantial degree of controversy in rulemaking issues, it might be best if the department delays effectiveness of related rules until after an intervening legislative session to allow the issue to be debated during the legislative session.

Representative Nelson said the timing of these rules is bad for school districts. He said schools are near their deadlines for teacher renewals and other issues must be decided and the rules becoming effective now will not give schools adequate time to make required changes for the upcoming school year. Representative Nelson said in South Dakota, according to the South Dakota Department of Education, South Dakota law and rules do not require a principal. He said if a school district decides to hire a principal, that individual must be qualified to function in that role but, especially in smaller districts, the superintendent is qualified and performs as principal.

Chairman Devlin called on Mr. Joe Harder, Lakota, for testimony relating to the Department of Public Instruction rules. Mr. Harder said he serves as school superintendent and elementary school principal in Lakota. He said he is one of at least seven individuals serving as superintendent and principal who would be affected by the rules changes. He said the rules changes would limit elementary school principals to teaching no more than one class and currently they are allowed to teach up to three classes. He said he questions why these new standards are being imposed in a time of declining enrollments. He said the changes are poorly timed to take effect near the beginning of a new cycle for school districts and will perhaps force nonrenewals of some teaching and principal contracts.

Representative Devlin asked Mr. Harder how the health education changes in the rules would impact Lakota schools. In Lakota, Mr. Harder said, health education is required for 8th grade students for one-half of the school year on a 50-minute class basis. He said the rule change would force Lakota to teach health education in both 7th and 8th grades.

Representative Koppelman asked Mr. Harder if his colleagues express concern with lack of time for administrative duties for elementary school principals. Mr. Harder said in his experience you spend the time required on administrative duties to properly do the job. He said he has not heard of any different experiences from colleagues.

Chairman Devlin called on Ms. Bev Nielson, North Dakota School Boards Association, for comments on the rules of the department. Ms. Nielson said the association has concerns regarding the rules which were expressed in communication to the Superintendent of Public Instruction from the North Dakota Education Coalition. She said she has an observation regarding the rulemaking process. She said she believes the rulemaking process would be improved if the Department of Public Instruction would hold informal meetings of interested parties prior to commencing the formal rulemaking procedure and the actual submission of rules to the public hearing process.

Chairman Devlin called on Mr. Doug Johnson, Executive Director, North Dakota Council of Educational Leaders, for comments on the rules. A copy of a letter from Mr. Johnson to Administrative

Rules Committee members is attached as Appendix L and a copy of a letter from the North Dakota Education Coalition to the Department of Public Instruction dated January 12, 2006, is attached as Appendix M. Mr. Johnson reviewed the information in the two letters summarizing the concerns of the North Dakota Education Coalition with regard to the rules.

## **EDUCATION STANDARDS AND PRACTICES BOARD**

Chairman Devlin called on Ms. Janet Placek Welk, Executive Director, Education Standards and Practices Board, for testimony relating to April 2006 rules of the board. A copy of Ms. Welk's prepared testimony is attached as Appendix N.

Representative Sitte said the rules change the requirement for a middle level major from 10 to 32 semester hours of specified coursework. She asked why this increase was made. Ms. Welk said this is a requirement of the No Child Left Behind Act and this increase has been in existence since 2003 so teachers are aware of the change.

Representative Froelich asked whether the board has compared North Dakota teacher license fees to fees in nearby states. Ms. Welk said that comparison has not been done but the board plans to work on a project to make such a comparison beginning in June. Representative Froelich said he would like to see our standards and fees relatively equal to surrounding states so teachers can cross the border to teach in North Dakota. Ms. Welk said that is one of the purposes of the changes in NDAC Section 67.1-02-04-08, which allows an out-of-state highly qualified licenseholder to be licensed in North Dakota without a transcript review analysis.

## **TAX COMMISSIONER**

Chairman Devlin called on Mr. Gary Anderson, Director, Income, Sales, and Special Taxes, Tax Commissioner's office, for testimony relating to April 2006 rules of the Tax Commissioner. A copy of Mr. Anderson's prepared testimony is attached as Appendix O.

## **DEPARTMENT OF HUMAN SERVICES**

Chairman Devlin called on Ms. Krista Andrews, Legal Advisory Unit, Department of Human Services, for presentation of a request for an extension of time to adopt rules regarding guardianship services. A copy of Ms. Andrews' prepared testimony is attached as Appendix P.

**It was moved by Senator Fischer, seconded by Representative DeKrey, and carried on a voice vote that the Administrative Rules Committee approve an extension of time until September 2007 for the Department of Human Services to adopt rules to implement the statutory change regarding guardianship services under North Dakota Century Code Section 50-06-24.**

## BOARD OF ACCOUNTANCY

**It was moved by Representative Koppelman, seconded by Representative Sitte, and carried on a voice vote that the Administrative Rules Committee carry over consideration of the rules submitted by the State Board of Accountancy regarding use of the words "accountant" or "accounting" by persons not licensed by the board.**

In discussion of the motion, Representative Koppelman said it appears the required disclaimer is so long that it would act as a prohibition on certain kinds of advertising. He said he and Representative Sitte and Senator Andrist are forwarding a request to the Attorney General to review this issue.

## ATTORNEY GENERAL LOTTERY RULES

**It was moved by Representative DeKrey, seconded by Senator Triplett, and carried on a voice vote that the Administrative Rules Committee carry over consideration of the aspects of the lottery rules adopted by the Attorney General relating to waiver of rules by the director, allowing pictures of the Attorney General on the lottery web site and newsletter, eliminating the prohibition on advertising materials that degrade a person who does not buy a ticket, and removing the gift acceptance prohibition for a member of the immediate family of an employee of the lottery.**

In discussion of the motion, Senator Fischer said another aspect of the rules that bothers him is that rules of the Multi-State Lottery Association supersede administrative rules adopted by the lottery. He said this gives rulemaking authority to an outside entity. Senator Klein said the reality of lottery operation in North Dakota is that North Dakota procedures must comply with changes made by the Multi-State Lottery Association.

## BOARD OF PHYSICAL THERAPY

Representative Boehning said under the rules changes, physical therapists will be able to do manipulations and other procedures without standards on hours of training required. He said he would like to carry over consideration of the rules to require some standards on training.

Representative Devlin said during the 2005 legislative session, there was a battle over these issues between the Board of Physical Therapy and the North Dakota Chiropractic Association but it appears there is nothing in the rules that is not allowed by law.

**It was moved by Representative Boehning and seconded by Senator Triplett that the Administrative Rules Committee carry over consideration of rules adopted by the Board of Physical Therapy effective April 1, 2006.**

Representative DeKrey said the rules of the Board of Physical Therapy should not be subject to approval by the North Dakota Chiropractic Association.

Senator Triplett said she agrees with the observation by Representative DeKrey and also believes the rules are too vague and should be more specific on the issue of required training. Senator Klein and Representative Nelson said they do not support further review of the rules.

**The motion failed.** Voting in favor of the motion were Representatives Boehning and Froelich and Senator Triplett. Voting in opposition to the motion were Representatives Devlin, DeKrey, Ekstrom, Galvin, Koppelman, Nelson, Sitte, and Wrangham and Senators Andrist, Bercier, Fairfield, Fischer, and Klein.

## SUPERINTENDENT OF PUBLIC INSTRUCTION

**It was moved by Representative Nelson and seconded by Representative Sitte that the Administrative Rules Committee carry over consideration of rules of the Superintendent of Public Instruction in North Dakota Administrative Code Sections 67-19-01-18, 67-19-01-19, 67-19-01-20, and 67-19-01-34 and Chapter 67-26-01.** Representative Nelson said these rules were areas of particular concern expressed by the North Dakota Education Coalition and he believes further discussion of interested parties and the Department of Public Instruction might be able to resolve these differences.

Senator Andrist said the rules specified in the motion are the primary areas of concern but there might be related provisions in other rules that could require adjustment as the result of changes that might be recommended. He said all of the rules should be carried over for consideration to allow consideration of related issues. **It was moved by Senator Andrist, seconded by Representative Sitte, and carried on a voice vote that the motion be amended to include carrying over consideration of all rules of the Superintendent of Public Instruction contained in the April 2006 supplement to the Administrative Code.**

**The motion as amended carried.** Voting in favor of the motion were Representatives Devlin, Boehning, DeKrey, Ekstrom, Froelich, Galvin, Koppelman, Nelson, Sitte, and Wrangham and Senators Andrist, Bercier, Fairfield, Fischer, Klein, and Triplett. No negative votes were cast.

## NEXT MEETING

Chairman Devlin said the next meeting of the Administrative Rules Committee is tentatively scheduled for June 13, 2006. He said that is the day of the primary election in North Dakota and asked whether committee members have objections to meeting on that day. After committee discussion, Chairman Devlin said it appears the consensus is that

the meeting should remain tentatively scheduled for June 13.

Chairman Devlin adjourned the meeting at 3:40 p.m.

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John Walstad  
Code Revisor

[ATTACH:16](#)