

FISCAL NOTE
Requested by Legislative Council
01/14/2019

Revised
 Bill/Resolution No.: HB 1422

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2017-2019 Biennium		2019-2021 Biennium		2021-2023 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$(3,200)	\$0	\$(3,200)	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2017-2019 Biennium	2019-2021 Biennium	2021-2023 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill removes the printing and distribution requirements when sections of the administrative code are updated and replaces it with an electronic notification.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

All sections have a fiscal impact. Under current law and on a quarterly schedule, the agency mails printed copies of the updated sections of the administrative code to all named in the law. Because the administrative code is available online, over half of those named have requested removal from the distribution list. During the 2017/2019 biennium, the agency will expend approximately \$3,200 from its public printing budget to print and distribute the administrative code. This bill will eliminate that cost going forward. It requires the sending of an electronic notification informing those listed in the law that updates have been made to the administrative code and that they are available for viewing on the Legislative Council's website.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Under current law, there is no charge to the named recipients. Therefore, there is no revenue.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Expenditures are made from the agency's public printing appropriation to cover the cost of printing and distribution.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

None are required going forward.

Name: Al Jaeger

Agency: Secretary of State

Telephone: 701-328-2900

Date Prepared: 01/18/2019

FISCAL NOTE
Requested by Legislative Council
01/14/2019

Bill/Resolution No.: HB 1422

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2017-2019 Biennium		2019-2021 Biennium		2021-2023 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$3,200	\$0	\$0	\$0	\$0	\$0
Appropriations	\$5,000	\$0	\$0	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2017-2019 Biennium	2019-2021 Biennium	2021-2023 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill removes the printing and distribution requirements when sections of the administrative code are updated and replaces it with an electronic notification.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

All sections have a fiscal impact. Under current law and on a quarterly schedule, the agency mails printed copies of the updated sections of the administrative code to all named in the law. Because the administrative code is available online, over half of those named have requested removal from the distribution list. This biennium, the agency will still expend approximately \$3,200 from its public printing budget to print and distribute the code. This bill will eliminate that cost by requiring the agency to send an electronic notification that updates of the administrative code are available on the Legislative Council's website.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Under current law, there is no charge to the named recipients. Therefore, there is no revenue.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Expenditures are made from the agency's public printing appropriation to cover the cost of printing and distribution.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

None are required going forward.

Name: Al Jaeger

Agency: Secretary of State

Telephone: 701-328-2900

Date Prepared: 01/18/2019

2019 HOUSE JUDICIARY

HB 1422

2019 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1422
1/22/2019
31202

☐ Subcommittee
☐ Conference Committee

Committee Clerk: DeLores D. Shimek

Explanation or reason for introduction of bill/resolution:

Relating to electronic notification of the administrative code.

Minutes:

1, 2

Chairman Koppelman: Opened the hearing on HB 1422.

Rep. Devlin: Introduced this bill. (Attachment #1) Read testimony.

Al Jaeger, Secretary of State: (Attachment #2) Read testimony. (2:33-5:00)

Representative Jones: Everything is going to electronic, but there will be hard copies available? Will there be one place where there will be hard copies kept in the state?

Al Jaeger: You can go to the website; down load it and print it. Legislative Counsel will figure it out. This falls into our budget in printing. We distribute printed copies to people who probably don't know why they are receiving it.

Opposition: None

Hearing closed.

Do Pass Motion Made by Rep. Roers Jones; Seconded by Rep. Hanson

Discussion: None

Roll Call Vote: 13 Yes 0 No 1 Absent Carrier: Rep. Buffalo

Closed.

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
HB 1422**

House Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Roers Jones Seconded By Rep. Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman	X		Rep. Buffalo	X	
Vice Chairman Karls	X		Rep. Karla Rose Hanson	X	
Rep. Becker	X				
Rep. Terry Jones	X				
Rep. Magrum	-----	-----			
Rep. McWilliams	X				
Rep. B. Paulson	X				
Rep. Paur	X				
Rep. Roers Jones	X				
Rep. Satrom	X				
Rep. Simons	X				
Rep. Vetter	X				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Buffalo

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1422: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS**
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1422 was placed on the
Eleventh order on the calendar.

2019 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1422

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

HB1422
3/21/2019
34126

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Pam Dever

Explanation or reason for introduction of bill/resolution:

Relating to electronic notification of the administrative code.

Minutes:

Att #1 – Al Jaeger

Chairman Davison: HB1422 is open for the hearing.

Al Jaeger, Secretary of the State: (see att# 1) This is about the SOS is to distribute the administrative code without charge to 110 people listed in sub section 1 of current law. Most people do not want the paper, so we don't send it to them. We still have to print it. We want to do it electronic. We will notice them electronically. This will save money. No legislator has requested the information either. If they request, we will add them to the electronic notification list. (2.29)

Chairman Davison: Questions? Any more in support? Agencies? Against? Hearing closed.

Sen. Erin Oban: I move a DO PASS on HB1422.

Vice Chair Meyer: I second.

Chairman Davison: Discussion?

Vice Chair Meyer: There is a lot of paper so this really makes sense. (3.16)

Chairman Davison: Take the roll: **YES -- 7 NO - 0 -0- absent.**
HB1422 PASSED. Sen. Oban will carry the bill.

Date: _____
Roll Call Vote #: _____

ROLL CALL VOTES
BILL/RESOLUTION NO. AB 1422

☐ Subcommittee

Recommendation: ☒ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐

[illegible]

Floor Assignment 5.5.2020

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1422: Government and Veterans Affairs Committee (Sen. Davison, Chairman)
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HB 1422 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

HB 1422

#1
HB 1422
1-22-19
pg 1

Good Morning, Chairman Koppelman and esteemed members of the House Judiciary Committee.

For the record, I am Representative Bill Devlin of District 23.

I have introduced HB1422 on behalf of the Secretary of State's office.

Currently the law requires the Secretary of State to distribute copies of the North Dakota Administrative Code in electronic format to a number of agencies, offices, libraries, and officers for free and to others on a subscription basis. This is currently done using CD as the method of delivery. This bill would change it so that the SOS would only need to send email notification to the list of recipients that an update to the code had been published. That email would contain the link to where the update was found on Legislative Council's website and there would be no cost to anyone.

Changes in technology have made things easier and more efficient in a lot of areas of government and this is one of them.

The Secretary of State's Office will provide testimony detailing the need for this bill and answer every question the committee might have on this issue.

Thank you Chairman Koppelman and members of the Judiciary Committee. It has been a distinct pleasure to appear before you this morning.

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.nd.gov/sos



SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

January 22, 2019

#2
HB 1422
1-22-19

PHONE (701) 328-2900
FAX (701) 328-2992

E-MAIL sos@nd.gov

171

TO: Chairman Kim Koppelman and Members of the House Judiciary Committee

FR: Secretary of State Al Jaeger

RE: HB 1422 – Distribution of the Administrative Code

This bill will save approximately \$3,200 per biennium.

In section 28-32-20 of the Century Code, the Secretary of State is mandated to print and distribute the administrative code without charge to approximately 111 recipients listed in subsection 1 of the current law. This distribution is completed on a quarterly basis after new administrative rules have been reviewed by the Administrative Rules Committee.

Although listed in the law, some recipients have requested that they not be mailed a copy. Currently, there are approximately fifty some recipients. The reason for this is because the administrative code is online.

For example, the Rule Supplements are listed online (see Exhibit A) and the entire code is available, as well online (see Exhibit B).

With this bill, the Secretary of State's duty will be to send an electronic message when a new supplement has been posted to notify the recipients listed in the law and any person that requests to be so notified. The message will direct them to the pages where they can find the update, i.e., Exhibit A and B.

The agency no longer has any subscribers to receive printed copies of the administrative code (see page 2, deleted lines 8 through 13) and, as a result, there hasn't been any revenue for several years.

Currently, legislators according to N.D.C.C. § 54-03-24 are entitled to receive a printed copy of the supplement. No legislator has currently made that request. With the changes in Section 2, they will be entitled to receive an electronic message, if they so request.

#2
HB1422
1-22-19
P72

North Dakota Legislative Branch

Administrative Rules Supplement

Supplement 371 (January 2019)
Supplement 370 Addendum (October 2018 Addendum)
Supplement 370 (October 2018)
Supplement 369 (July 2018)
Supplement 368 (April 2018)
Supplement 367 Addendum (January 2018 Addendum)
Supplement 367 (January 2018)
Supplement 366 (October 2017)
Supplement 365 (July 2017)
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Supplement 362 (October 2016)
Supplement 361 (July 2016)
Supplement 360 Addendum (April 2016 Addendum)
Supplement 360 (April 2016)
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Supplement 336 (April 2010)
Supplement 335 (January 2010)
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Supplement 327 Volume 1 (January 2008)
Supplement 327 Volume 2 (January 2008)
Supplement 326 (October 2007)
Supplement 325 (July 2007)
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Supplement 320 (April 2006)
Supplements 317 through 319 (November 2005 through January 2006)
Supplements 315 through 316 (September through October 2005)
Supplements 307 through 314 Volume 1 (January through August 2005)
Supplements 307 through 314 Volume 2 (January through August 2005)
Supplement 306 (December 2004)
Supplements 302 through 305 (August 2004 through November 2004)
Supplements 299 through 301 Volume 1 (May through July 2004)
Supplements 299 through 301 Volume 2 (May through July 2004)
Supplements 294 through 298 Volume 1 (December 2003 through April 2004)
Supplements 294 through 298 Volume 2 (December 2003 through April 2004)
Supplements 294 through 298 Volume 3 (December 2003 through April 2004)
Supplements 294 through 298 Volume 4 (December 2003 through April 2004)
Supplements 294 through 298 Volume 5 (December 2003 through April 2004)
Supplements 290 through 293 (August through November 2003)
Supplements 282 through 289 Volume 1 (December 2002 through July 2003)
Supplements 282 through 289 Volume 2 (December 2002 through July 2003)

A

#2
HB1422
1-22-19
P23

North Dakota Legislative Branch

Administrative Rules

The Legislative Council publishes the Administrative Code which is the codification of all rules of state administrative agencies, as that term is defined by North Dakota Century Code Section 28-32-02. Many state agencies are not administrative agencies as defined by Section 28-32-02. Although rules of those agencies are not required to be published in the Administrative Code, some agencies have consented to placing their rules in the code. Those agencies are identified with an explanatory note on the title page for that agency. The Administrative Code was initially published July 1, 1978. The Administrative Code is updated with quarterly changes. The Administrative Code is published in a CD-ROM version, for which subscriptions may be obtained from the Secretary of State, and an Internet version, available here. The Internet version is derived from the database prepared by the North Dakota Legislative Council. It may vary in some respects from the text in the CD-ROM version. Updates generally will appear in the Internet version sooner than in the CD-ROM version.

The numbering system for the Administrative Code is a four-part number, with each part separated by a hyphen. The first part refers to the title, the second to the article, the third to the chapter, and the fourth to the section. Basically, each agency is listed in alphabetical order and assigned a title number, each division or major administrative area is assigned an article number, each subject area is assigned a chapter number, and each rule is assigned a section number. The decimal point system is used to designate material that has been inserted between two consecutively numbered items.

The general authority source note refers to the specific statute authorizing the agency to adopt the rule. The law implemented source note refers to the specific statute implemented by the rule. In some cases, the general authority and the law implemented will be the same. In some cases, source references may be to federal laws or regulations, or to court cases.

The table of contents to this online version of the Administrative Code is the listing of titles of the code. Titles are captioned for the agency that adopts rules in the title. Selecting the appropriate title will direct you to the articles and chapters that make up the title.

To view Administrative Rules Supplements please click [here](#).

Title 1 Reserved	Title 56 Optometry, North Dakota State Board of
Title 2 Abstracters' Board of Examiners	Title 57 Pardon Advisory Board (Not an Administrative Agency)
Title 3 Accountancy, Board of	Title 58 Parks and Recreation Department (Not an Administrative Agency)
Title 4 Management and Budget, Office of	Title 59 State Parole Board (Not an Administrative Agency)
Title 4.5 Addiction Counseling Examiners, Board of	Title 59.5 State Personnel Board
Title 5 Adjutant General	Title 60 Pesticide Control Board
Title 6 North Dakota Aeronautics Commission	Title 61 Pharmacy, State Board of
Title 7 Agriculture, Commissioner of	Title 61.5 North Dakota Board of Physical Therapy
Title 8 Architecture and Landscape Architecture, State Board of	Title 62 Plumbing, State Board of
Title 9 Arts, North Dakota Council on the (Not an Administrative Agency)	Title 63 Board of Podiatric Medicine
Title 10 Attorney General	Title 64 Postsecondary Education Commission [Repealed]
Title 11 Audiology and Speech-Language Pathology, Board of Examiners on	Title 65 North Dakota Potato Council
Title 12 State Auditor (Not an Administrative Agency)	Title 65.5 Committee on Protection and Advocacy
Title 12.5 Bank of North Dakota	Title 66 Psychologist Examiners, State Board of
Title 13 Department of Financial Institutions	Title 67 Public Instruction, Superintendent of
Title 14 Barber Examiners, Board of	Title 67.1 Education Standards and Practices Board
Title 15 North Dakota Beef Commission	Title 68 Public School Education, Board of
Title 16 Economic Development Foundation (Not an Administrative Agency)	Title 69 Public Service Commission
Title 16.5 Centennial Commission [Repealed]	Title 69.5 Racing Commission, North Dakota
Title 17 Chiropractic Examiners, State Board of	Title 70 State Real Estate Commission
Title 18 Combined Law Enforcement Council [Repealed]	Title 70.5 Real Estate Trust Account Committee
Title 18.5 Credit Review Board [Repealed]	Title 71 Retirement Board
Title 18.6 North Dakota Mediation Service and Credit Review Board	Title 72 Secretary of State
Title 19 North Dakota Dairy Promotion Commission (Not an Administrative Agency)	Title 73 Securities Commissioner
Title 20 Dental Examiners, State Board of	Title 74 Seed Commission
Title 20.5 Dietetic Practice, Board of	Title 75 Department of Human Services
Title 21 Edible Bean Council	Title 75.5 Social Work Examiners, North Dakota Board of
Title 22 Education Factfinding Commission (Not an Administrative Agency)	Title 76 Soil Classifiers, Board of Registration for Professional
Title 23 Educational Broadcasting Council (Not an Administrative Agency)	Title 77 Soil Conservation Committee
Title 24 State Electrical Board [Repealed]	Title 78 State Fair Association (Not an Administrative Agency)
Title 24.1 State Electrical Board	Title 79 North Dakota Oilseed Council
Title 25 State Board of Funeral Service	Title 80 Tax Appeals Board [Unconstitutional]
Title 26 Emergency Commission [Repealed]	Title 81 Tax Commissioner
Title 27 Job Service North Dakota	Title 82 Teachers' Fund for Retirement, Board of Trustees of the
Title 28 Engineers and Land Surveyors, State Board of Registration for Professional	Title 83 Trade Commission [Defunct]
Title 29 Equalization, Board of (Not an Administrative Agency)	Title 84 Treasurer, State
Title 30 Game and Fish Department	Title 85 University and School Lands, Board of
Title 31 Governor	Title 86 Veterans' Affairs, Administrative Committee on (Not an Administrative Agency)
Title 32 Cosmetology, State Board of	Title 87 Veterinary Medical Examiners, State Board of
Title 33 State Department of Health	Title 88 Watchmaking, Board of Examiners in [Repealed]
Title 33.1 Department of Environmental Quality	Title 89 State Water Commission
Title 34 Heritage Commission [Repealed]	Title 90 Water Well Contractors, State Board of
Title 35 Higher Education, State Board of (Not an Administrative Agency)	Title 91 Wheat Commission
Title 36 Highway Corridor Board [Repealed]	Title 92 Workforce Safety and Insurance
Title 37 Department of Transportation	Title 93 Private Investigative and Security Board
Title 38 Highway Patrol	Title 94 Corrections and Rehabilitation, Department of
Title 39 Highway Patrolmen's Retirement Board [Repealed]	Title 95 Agricultural Products Utilization Commission
Title 40 State Historical Board	Title 96 North Dakota Board of Clinical Laboratory Practice
Title 41 North Dakota Indian Affairs Commission (Not an Administrative Agency)	Title 97 Board of Counselor Examiners
Title 42 Indian Scholarships, State Board for	Title 98 Office of Administrative Hearings
Title 43 Industrial Commission	Title 99 State Gaming Commission
Title 44 Institutions, Director of (Not an Administrative Agency)	Title 100 State Seed Arbitration Board
Title 45 Insurance Commissioner	Title 101 Real Estate Appraiser Qualifications and Ethics Board
	Title 102 North Dakota State Investment Board
	Title 103 State Retirement and Investment Office

B

Title 46 Labor Commissioner
Title 47 Laboratories Commission [Repealed]
Title 48 State Board of Animal Health [Repealed]
Title 48.1 State Board of Animal Health
Title 49 Massage, Board of
Title 50 Medicine, North Dakota Board of
Title 51 Milk Marketing Board
Title 52 Motor Vehicle Department [Repealed]
Title 53 Natural Resources Council [Repealed]
Title 54 Nursing, State Board of
Title 55 Nursing Home Administrators, State Board of Examiners for
Title 55.5 Occupational Therapy Practice, Board of

Title 104 North Dakota Board of Hearing Instrument Dispensers
Title 105 Respiratory Care, State Board of
Title 106 North Dakota Board of Athletic Trainers
Title 107 Crop Protection Product Harmonization and Registration Board
Title 108 Department of Commerce
Title 109 Peace Officer Standards and Training Board
Title 110 Criminal Justice Information Sharing Board [Repealed]
Title 111 North Dakota Marriage and Family Therapy Licensure Board
Title 112 Integrative Health Care
Title 113 North Dakota Health Information Network
Title 114 Medical Imaging and Radiation Therapy Board

#2
HB 1422
1-22-19
pg 4

ALVIN A. JAEGER
SECRETARY OF STATE
E PAGE www.nd.gov/sos



SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 21, 2019

HB 1422
3-21-19
AH #1
PHONE (701) 328-2900
FAX (701) 328-2992
E-MAIL sos@nd.gov

TO: Chairman Davison and Members of the Senate Government and Veterans Affairs Committee

FR: Secretary of State Al Jaeger

RE: HB 1422 – Distribution of the Administrative Code

The adoption of this bill will save the state approximately \$3,200 per biennium.

In section 28-32-20 of the Century Code, the Secretary of State is mandated to print and distribute the administrative code without charge to approximately 111 recipients listed in subsection 1 of the current law (page 1, lines 9 through 23 and page 2, lines 1 through 7). This distribution is completed on a quarterly basis after the new administrative rules have been reviewed by the Administrative Rules Committee.

Although listed in the law, some recipients have requested that a copy no longer be mailed to them. Because the administrative code is available online (see attached Exhibits A and B), they no longer need or want a printed copy. Consequently, of the approximate 111 recipients listed in the law, a printed copy is currently being mailed to only fifty some recipients.

With the changes in this bill, the Secretary of State's duty will be to send an electronic message when a new supplement to the Administrative Code has been posted to notify the recipients listed in the law and to any person that requests to be so notified. The message will direct them to the pages where they will find the update on the Legislative Council's website (Exhibits A and B).

Under current law on page 2, lines 8 through 13, the agency can sell printed copies to subscribers. However, since no one has subscribed for several years, no revenue has been received and those lines have been overstruck.

Finally, according to N.D.C.C. § 54-03-24, legislators are entitled to receive a printed copy of the administrative code supplements. Currently, no legislator has made that request. With the changes in Section 2 and if they so request, legislators will receive an electronic message at the same time notification is sent to the recipients listed in the law.

North Dakota Legislative Branch

Administrative Rules Supplement

[Supplement 371](#) (January 2019)
[Supplement 370 Addendum](#) (October 2018 Addendum)
[Supplement 370](#) (October 2018)
[Supplement 369](#) (July 2018)
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A

North Dakota Legislative Branch

Administrative Rules

The Legislative Council publishes the Administrative Code which is the codification of all rules of state administrative agencies, as that term is defined by North Dakota Century Code Section 28-32-02. Many state agencies are not administrative agencies as defined by Section 28-32-02. Although rules of those agencies are not required to be published in the Administrative Code, some agencies have consented to placing their rules in the code. Those agencies are identified with an explanatory note on the title page for that agency. The Administrative Code was initially published July 1, 1978. The Administrative Code is updated with quarterly changes. The Administrative Code is published in a CD-ROM version, for which subscriptions may be obtained from the Secretary of State, and an Internet version, available here. The Internet version is derived from the database prepared by the North Dakota Legislative Council. It may vary in some respects from the text in the CD-ROM version. Updates generally will appear in the Internet version sooner than in the CD-ROM version.

The numbering system for the Administrative Code is a four-part number, with each part separated by a hyphen. The first part refers to the title, the second to the article, the third to the chapter, and the fourth to the section. Basically, each agency is listed in alphabetical order and assigned a title number, each division or major administrative area is assigned an article number, each subject area is assigned a chapter number, and each rule is assigned a section number. The decimal point system is used to designate material that has been inserted between two consecutively numbered items.

The general authority source note refers to the specific statute authorizing the agency to adopt the rule. The law implemented source note refers to the specific statute implemented by the rule. In some cases, the general authority and the law implemented will be the same. In some cases, source references may be to federal laws or regulations, or to court cases.

The table of contents to this online version of the Administrative Code is the listing of titles of the code. Titles are captioned for the agency that adopts rules in the title. Selecting the appropriate title will direct you to the articles and chapters that make up the title.

To view Administrative Rules Supplements please click [here](#).

Title 1 Reserved	Title 56 Optometry, North Dakota State Board of
Title 2 Abstracters' Board of Examiners	Title 57 Pardon Advisory Board (Not an Administrative Agency)
Title 3 Accountancy, Board of	Title 58 Parks and Recreation Department (Not an Administrative Agency)
Title 4 Management and Budget, Office of	Title 59 State Parole Board (Not an Administrative Agency)
Title 4.5 Addiction Counseling Examiners, Board of	Title 59.5 State Personnel Board
Title 5 Adjutant General	Title 60 Pesticide Control Board
Title 6 North Dakota Aeronautics Commission	Title 61 Pharmacy, State Board of
Title 7 Agriculture, Commissioner of	Title 61.5 North Dakota Board of Physical Therapy
Title 8 Architecture and Landscape Architecture, State Board of	Title 62 Plumbing, State Board of
Title 9 Arts, North Dakota Council on the (Not an Administrative Agency)	Title 63 Board of Podiatric Medicine
Title 10 Attorney General	Title 64 Postsecondary Education Commission [Repealed]
Title 11 Audiology and Speech-Language Pathology, Board of Examiners on	Title 65 North Dakota Potato Council
Title 12 State Auditor (Not an Administrative Agency)	Title 65.5 Committee on Protection and Advocacy
Title 12.5 Bank of North Dakota	Title 66 Psychologist Examiners, State Board of
Title 13 Department of Financial Institutions	Title 67 Public Instruction, Superintendent of
Title 14 Barber Examiners, Board of	Title 67.1 Education Standards and Practices Board
Title 15 North Dakota Beef Commission	Title 68 Public School Education, Board of
Title 16 Economic Development Foundation (Not an Administrative Agency)	Title 69 Public Service Commission
Title 16.5 Centennial Commission [Repealed]	Title 69.5 Racing Commission, North Dakota
Title 17 Chiropractic Examiners, State Board of	Title 70 State Real Estate Commission
Title 18 Combined Law Enforcement Council [Repealed]	Title 70.5 Real Estate Trust Account Committee
Title 18.5 Credit Review Board [Repealed]	Title 71 Retirement Board
Title 18.6 North Dakota Mediation Service and Credit Review Board	Title 72 Secretary of State
Title 19 North Dakota Dairy Promotion Commission (Not an Administrative Agency)	Title 73 Securities Commissioner
Title 20 Dental Examiners, State Board of	Title 74 Seed Commission
Title 20.5 Dietetic Practice, Board of	Title 75 Department of Human Services
Title 21 Edible Bean Council	Title 75.5 Social Work Examiners, North Dakota Board of
Title 22 Education Factfinding Commission (Not an Administrative Agency)	Title 76 Soil Classifiers, Board of Registration for Professional
Title 23 Educational Broadcasting Council (Not an Administrative Agency)	Title 77 Soil Conservation Committee
Title 24 State Electrical Board [Repealed]	Title 78 State Fair Association (Not an Administrative Agency)
Title 24.1 State Electrical Board	Title 79 North Dakota Oilseed Council
Title 25 State Board of Funeral Service	Title 80 Tax Appeals Board [Unconstitutional]
Title 26 Emergency Commission [Repealed]	Title 81 Tax Commissioner
Title 27 Job Service North Dakota	Title 82 Teachers' Fund for Retirement, Board of Trustees of the
Title 28 Engineers and Land Surveyors, State Board of Registration for Professional	Title 83 Trade Commission [Defunct]
Title 29 Equalization, Board of (Not an Administrative Agency)	Title 84 Treasurer, State
Title 30 Game and Fish Department	Title 85 University and School Lands, Board of
Title 31 Governor	Title 86 Veterans' Affairs, Administrative Committee on (Not an Administrative Agency)
Title 32 Cosmetology, State Board of	Title 87 Veterinary Medical Examiners, State Board of
Title 33 State Department of Health	Title 88 Watchmaking, Board of Examiners in [Repealed]
Title 33.1 Department of Environmental Quality	Title 89 State Water Commission
Title 34 Heritage Commission [Repealed]	Title 90 Water Well Contractors, State Board of
Title 35 Higher Education, State Board of (Not an Administrative Agency)	Title 91 Wheat Commission
Title 36 Highway Corridor Board [Repealed]	Title 92 Workforce Safety and Insurance
Title 37 Department of Transportation	Title 93 Private Investigative and Security Board
Title 38 Highway Patrol	Title 94 Corrections and Rehabilitation, Department of
Title 39 Highway Patrolmen's Retirement Board [Repealed]	Title 95 Agricultural Products Utilization Commission
Title 40 State Historical Board	Title 96 North Dakota Board of Clinical Laboratory Practice
Title 41 North Dakota Indian Affairs Commission (Not an Administrative Agency)	Title 97 Board of Counselor Examiners
Title 42 Indian Scholarships, State Board for	Title 98 Office of Administrative Hearings
Title 43 Industrial Commission	Title 99 State Gaming Commission
Title 44 Institutions, Director of (Not an Administrative Agency)	Title 100 State Seed Arbitration Board
Title 45 Insurance Commissioner	Title 101 Real Estate Appraiser Qualifications and Ethics Board
	Title 102 North Dakota State Investment Board
	Title 103 State Retirement and Investment Office

HB 1422
Page 1 of 2
321-19
AH #1
pg 3

B

HB 1422

3-21-19
AH #
pg 4

Title 46 Labor Commissioner
Title 47 Laboratories Commission [Repealed]
Title 48 State Board of Animal Health [Repealed]
Title 48.1 State Board of Animal Health
Title 49 Massage, Board of
Title 50 Medicine, North Dakota Board of
Title 51 Milk Marketing Board
Title 52 Motor Vehicle Department [Repealed]
Title 53 Natural Resources Council [Repealed]
Title 54 Nursing, State Board of
Title 55 Nursing Home Administrators, State Board of Examiners for
Title 55.5 Occupational Therapy Practice, Board of

Title 104 North Dakota Board of Hearing Instrument Dispensers
Title 105 Respiratory Care, State Board of
Title 106 North Dakota Board of Athletic Trainers
Title 107 Crop Protection Product Harmonization and Registration Board
Title 108 Department of Commerce
Title 109 Peace Officer Standards and Training Board
Title 110 Criminal Justice Information Sharing Board [Repealed]
Title 111 North Dakota Marriage and Family Therapy Licensure Board
Title 112 Integrative Health Care
Title 113 North Dakota Health Information Network
Title 114 Medical Imaging and Radiation Therapy Board