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## ADMINISTRATIVE RULES COMMITTEE

Tuesday, June 6, 2023  
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, Ben Koppelman, Andrew Marschall, Mike Nathe, Bernie Satrom, Nathan Toman; Senators Jerry Klein, Randy D. Lemm, Janne Myrdal, Bob Paulson, Shawn Vedaa

**Members absent:** Representatives Karen Karls, Robin Weisz

**Others present:** Emily Thompson, Legislative Council, Bismarck  
See [Appendix A](#) for additional persons present.

**It was moved by Representative Nathe, seconded by Senator Myrdal, and carried on a voice vote that the minutes of the March 7, 2023, meeting be approved as distributed.**

### STATE BOARD OF FUNERAL SERVICE

Mr. Dale Niewoehner, Executive Secretary, State Board of Funeral Service, presented testimony ([Appendix B](#)) regarding the July 2023 rules of the board. He noted the newly adopted rules, North Dakota Administrative Code (NDAC) Section 25-02-02-02(3)(b), creates an experiential requirement as an alternative to the educational requirement necessary to obtain a funeral practitioner license. He noted the purpose of the rule change is to permit out-of-state funeral directors, who have work experience but do not meet the educational requirement, to obtain licensure and work in the state.

In response to a question from a committee member, Mr. Niewoehner explained the board considered a range between 2 and 10 years for the appropriate length of work experience, but arbitrarily decided on 5 years as a compromise.

A committee member suggested 3 years is just as appropriate as 5 years, and noted the shorter time requirement would expand the candidate field to more applicants and address the workforce shortage in the industry.

In response to a question from a committee member, Mr. Niewoehner noted he believed his colleagues would be pleased with the change because so many firms are looking for workers.

**It was moved by Representative Nathe, seconded by Senator Myrdal, and carried on a roll call vote that that NDAC Section 25-02-02-02(3)(b) be amended to replace "five" with "three".** Representatives Pyle, Koppelman, Marschall, Nathe, Satrom, and Toman and Senators Klein, Lemm, Myrdal, Paulson, and Vedaa voted "aye." No negative votes were cast.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Extended Stay Center Registration

Mr. Tim Wiedrich, Director, Health Response and Licensure Unit, Department of Health and Human Services, presented testimony ([Appendix C](#)) regarding the July 2023 rules of the department. He noted the new chapter related to extended stay center registration is a result of requests from the industry.

In response to a question from a committee member, Mr. Wiedrich noted the patients served by extended stay centers include patients who expected to return home after same-day surgery, but who are unable to because of discomfort, weather conditions, or transportation issues.

A committee member questioned how the department determined the appropriate plan review fee amount. Mr. Wiedrich noted fees are related directly to the actual costs of services offered.

### **Temporary Assistance For Needy Families Program**

Ms. Storm Olson, Legal Division, Department of Health and Human Services, presented testimony ([Appendix D](#)) regarding the 2023 rules related to temporary assistance for needy families.

### **Child Support Guidelines**

Ms Olson presented testimony ([Appendix E](#)) regarding the 2023 rules related to child support guidelines.

In response to questions from committee members, Mr. Jim Fleming, Director, Child Support Section, Department of Health and Human Services, noted the changes to NDAC Section 75-02-04.1-09 add flexibility for practitioners to allocate the costs of day care and private school as well as provide that a noncustodial parent has no obligation to pay for residency outside the home that is already paid at state expense, such as residency at the North Dakota School for the Deaf.

The committee took notice that NDAC Chapter 4-11-01 has been determined repealed by Legislative Council under North Dakota Century Code Section 28-32-06 as a result of the passage of House Bill No. 1055 (2023).

No further business appearing, Chairman Pyle adjourned the meeting at 10:54 a.m.

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Liz Fordahl  
Counsel

ATTACH:5