

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1024

Introduced by

Legislative Council

(Administrative Rules Committee)

1 A BILL for an Act to amend and reenact subsection 1 of section 4-18.1-20 and subsections 4
2 and 7 of section 28-32-02 of the North Dakota Century Code, relating to statutory references to
3 administrative rulemaking provisions and administrative rulemaking procedures; and to provide
4 an effective date.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 4-18.1-20 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 1. The rules of practice, regulations, and stabilization plans issued by the board are
9 ~~declared to be "rules and regulations"~~ as ~~that phrase is~~ defined in chapter 28-32.
10 The requirements of sections 28-32-02 through 28-32-04 are applicable to any
11 board proceeding ~~which~~ that results in the adoption, amendment, or repeal of any
12 rule of practice, regulation, or stabilization plan.

13 **SECTION 2. AMENDMENT.** Subsections 4 and 7 of section 28-32-02 of the 1997
14 Supplement to the North Dakota Century Code are amended and reenacted as follows:

15 4. The agency's notice of the proposed adoption, amendment, or repeal of a rule
16 must include a short, specific explanation of the proposed rule and the purpose of
17 the proposed rule, a determination of whether the proposed rulemaking is
18 expected to have an impact on the regulated community in excess of fifty thousand
19 dollars, identify at least one location where interested persons may review the text
20 of the proposed rule, provide the address to which written data, views, or
21 arguments concerning the proposed rule may be sent, provide a phone number at
22 which a copy of the rules and regulatory analysis may be requested, and, in the
23 case of a substantive rule, provide the time and place set for each oral hearing.
24 The notice must be filed with the office of the legislative council and published at

1 least twice in each daily newspaper of general circulation published in this state.
2 The agency shall mail a copy of the notice to each person who has made a timely
3 request to the agency for a mailed copy of the notice. The agency may mail or
4 otherwise provide a copy of the notice to any person who is likely to be an
5 interested person. The agency shall mail or deliver a copy of the rules to any
6 person requesting a copy. The agency may charge for the actual cost of providing
7 copies of the proposed rule. At least ~~thirty~~ fourteen days must elapse between the
8 later of the date of the second publication of the notice or the date the legislative
9 council mails copies of an agency's notice and the date of the hearing. ~~The~~
10 ~~thirty-day period begins on the first business day of the month in which the notices~~
11 ~~must be mailed or on the date of the second publication, whichever is later. At~~
12 least fourteen days before the hearing, the agency shall provide the attorney
13 general a copy of the notice and the proposed rules. Subject to subsection 5,
14 notices filed on or before the last calendar day of the preceding month must be
15 mailed by the legislative council on the first business day of the following month to
16 any person making a request. The agency shall allow, after the conclusion of any
17 rulemaking hearing, a comment period of not less than ~~thirty~~ fourteen days during
18 which data, views, or arguments concerning the proposed rulemaking will be
19 received by the agency and made a part of the rulemaking record to be considered
20 by the agency.

- 21 7. Every rule ~~proposed~~ submitted to the attorney general by any administrative
22 agency must be ~~submitted to~~ reviewed by the attorney general for an opinion as to
23 its legality before final adoption, ~~and the~~. ~~The~~ attorney general shall ~~promptly~~
24 furnish each such the agency a preliminary opinion, based upon the rules as
25 submitted, by the close of the comment period for those rules. After the close of
26 the comment period, the agency shall advise the attorney general of each change
27 to the proposed rules made in contemplation of final adoption and the attorney
28 general shall promptly furnish an opinion as to legality of the rules contemplated
29 for final adoption. The attorney general may not approve any rule as to legality
30 when the rule exceeds the statutory authority of the agency or is written in a
31 manner that is not concise or easily understandable, or when the procedural

1 requirements for adoption of the rule in this chapter are not substantially met. The
2 attorney general shall advise an agency of any revision or rewording of a rule
3 necessary to correct objections as to legality.

4 **SECTION 3. EFFECTIVE DATE.** Section 2 of this Act is effective for administrative
5 rulemaking proceedings for which the notice of rulemaking is published after July 31, 1999.