

**HOUSE BILL NO. 1365
with Senate Amendments**

Fifty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1365

Introduced by

Representatives Bernstein, Koppelman, Nelson

Senator B. Stenehjem

1 A BILL for an Act to amend and reenact subsection 4 of section 28-32-02 of the North Dakota
2 Century Code, relating to notice of rulemaking by the superintendent of public instruction; and
3 to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Subsection 4 of section 28-32-02 of the 1997
6 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7 4. The agency's notice of the proposed adoption, amendment, or repeal of a rule
8 must include a short, specific explanation of the proposed rule and the purpose of
9 the proposed rule, a determination of whether the proposed rulemaking is
10 expected to have an impact on the regulated community in excess of fifty thousand
11 dollars, identify at least one location where interested persons may review the text
12 of the proposed rule, provide the address to which written data, views, or
13 arguments concerning the proposed rule may be sent, provide a phone number at
14 which a copy of the rules and regulatory analysis may be requested, and, in the
15 case of a substantive rule, provide the time and place set for each oral hearing.
16 The notice must be filed with the office of the legislative council and published at
17 least twice in each daily newspaper of general circulation published in this state.
18 The agency shall mail a copy of the notice to each person who has made a timely
19 request to the agency for a mailed copy of the notice. The agency may mail or
20 otherwise provide a copy of the notice to any person who is likely to be an
21 interested person. The agency shall mail or deliver a copy of the rules to any
22 person requesting a copy. The agency may charge for the actual cost of providing
23 copies of the proposed rule. At least thirty days must elapse between the later of
24 the date of the second publication of the notice or the date the legislative council

1 mails copies of an agency's notice and the date of the hearing. The thirty-day
2 period begins on the first business day of the month in which the notices must be
3 mailed or on the date of the second publication, whichever is later. Subject to
4 subsection 5, notices filed on or before the last calendar day of the preceding
5 month must be mailed by the legislative council on the first business day of the
6 following month to any person making a request. The agency shall allow, after the
7 conclusion of any rulemaking hearing, a comment period of not less than thirty
8 days during which data, views, or arguments concerning the proposed rulemaking
9 will be received by the agency and made a part of the rulemaking record to be
10 considered by the agency. In addition to the other notice requirements of this
11 subsection, the superintendent of public instruction shall provide notice of any
12 proposed rulemaking by the superintendent of public instruction to each
13 association with statewide membership whose primary focus is elementary and
14 secondary education issues which has requested to receive notices from the
15 superintendent under this section and to the superintendent of each public school
16 district in this state, or the president of the school board for school districts that
17 have no superintendent, at least thirty days before the date of the hearing
18 described in the notice. Notice provided by the superintendent of public
19 instruction under this section may be by first-class mail or electronic mail. Within
20 thirty days after the effective date of this Act or by January thirtieth of each year
21 the superintendent shall notify each group or person entitled to notice under this
22 section of how notices will be provided during the period ending the following
23 January thirtieth and shall request a mail or electronic mail address to be used for
24 each group or person.

25 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.