

Fifty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Boehning

1 A BILL for an Act to amend and reenact section 28-32-10 of the North Dakota Century Code,
2 relating to notice of administrative agency rulemaking to members of the legislative assembly
3 who were sponsors on a legislative measure to be implemented by rules; and to provide an
4 effective date.

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

6 **SECTION 1. AMENDMENT.** Section 28-32-10 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **28-32-10. Notice of rulemaking - Hearing date.**

- 9 1. An agency shall prepare a full notice and an abbreviated notice of rulemaking.
- 10 a. The agency's full notice of the proposed adoption, amendment, or repeal of a
11 rule must include a short, specific explanation of the proposed rule and the
12 purpose of the proposed rule, a determination of whether the proposed
13 rulemaking is expected to have an impact on the regulated community in
14 excess of fifty thousand dollars, identify at least one location where interested
15 persons may review the text of the proposed rule, provide the address to
16 which written comments concerning the proposed rule may be sent, provide
17 the deadline for submission of written comments, provide a telephone number
18 at which a copy of the rules and regulatory analysis may be requested, and, in
19 the case of a substantive rule, provide the time and place set for each oral
20 hearing. The agency's full notice must be filed with the office of the legislative
21 council, and the agency shall request publication of an abbreviated
22 newspaper publication notice at least once in each official county newspaper
23 published in this state. The notice filed with the office of the legislative council
24 must be accompanied by a copy of the proposed rules.

b. The abbreviated newspaper publication of notice must be in a display-type format with a minimum width of one column of approximately two inches [5.08 centimeters] and a depth of from three inches [7.62 centimeters] to four inches [10.16 centimeters] with a headline describing the general topic of the proposed rules. The notice must also include the telephone number or address to use to obtain a copy of the proposed rules, the address to use and the deadline to submit written comments, and the location, date, and time of the public hearing on the rules.

2. The agency shall mail a copy of the agency's full notice to each person who has made a timely request to the agency for a mailed copy of the notice. The agency may mail or otherwise provide a copy of the agency's full notice to any person who is likely to be an interested person. The agency shall mail or deliver a copy of the rules to any person requesting a copy. The agency may charge for the actual cost of providing copies of the proposed rule.

3. In addition to the other notice requirements of this subsection, the superintendent of public instruction shall provide notice of any proposed rulemaking by the superintendent of public instruction to each association with statewide membership whose primary focus is elementary and secondary education issues which has requested to receive notice from the superintendent under this subsection and to the superintendent of each public school district in this state, or the president of the school board for school districts that have no superintendent, at least thirty days before the date of the hearing described in the notice. Notice provided by the superintendent of public instruction under this section must be by first-class mail. However, upon request of a group or person entitled to notice under this section, the superintendent of public instruction shall provide the group or person notice by electronic mail.

4. The legislative council shall establish standard procedures for all agencies to follow in complying with the provisions of this section and a procedure to allow any person to request and receive mailed copies of all filings made by agencies pursuant to this section. The legislative council may charge an annual fee as established by the administrative rules committee for providing copies of the filings.

1 5. At least thirty days must elapse between the later of the date of the publication of
2 the notice or the date the legislative council mails copies of an agency's notice and
3 the date of the hearing. The thirty-day period begins on the first business day of
4 the month in which the notices must be mailed or on the date of the publication,
5 whichever is later. Subject to subsection 4, notices filed on or before the last
6 calendar day of the preceding month must be mailed by the legislative council on
7 the first business day of the following month to any person making a request.

8 **SECTION 2. EFFECTIVE DATE.** This Act is effective for administrative rules for which
9 the notice of rulemaking is filed with the office of the legislative council after July 31, 2005.