

July 2001

GUIDELINES UNDER NORTH DAKOTA CENTURY CODE SECTION 28-32-10

North Dakota Century Code (NDCC) Section 28-32-10(4) directs the Legislative Council to establish standard procedures for all agencies to follow in complying with the provisions of NDCC Section 28-32-10 and a procedure whereby any person may request and receive mailed copies of all filings made by agencies pursuant to Section 28-32-10. A copy of Section 28-32-10 is attached as an appendix. These guidelines are adopted under that directive.

CONTENTS OF NOTICE

The notices provided by the agency with regard to proposed rulemaking must contain the information required by NDCC Section 28-32-10(1).

In determining whether the rule is expected to have an impact on the regulated community in excess of \$50,000, this standard means a reasonable expectation of a reasonably foreseeable cumulative negative fiscal impact to an identifiable regulated community in excess of \$50,000 in any 12-month period, which would not occur if the rule is not adopted. Any doubt about issuance of a regulatory analysis should be resolved in favor of issuance.

The address for submission of written data, views, or arguments should include the name of the person responsible for receiving this information. The notice should state the beginning and ending dates of the period during which written comments on the proposed rules will be accepted.

MAILING OF NOTICE

Each agency shall maintain a mailing list of persons who will be provided notice of the agency's rulemaking activity. A person desiring inclusion on the agency's mailing list must be included, but the agency may periodically update the list by contacting those on the list to determine whether they remain interested in being included. The mailing list may be subdivided according to subject matter if it is likely that persons on the list would be interested in receiving notice only in regard to rules within a discrete area of the agency's jurisdiction. An agency may charge the actual cost of providing copies of the notice and regulatory analysis and may require that the cost be paid before delivery of the copies.

COMMENTS TO PROPOSED RULEMAKING

Submissions received during the comment period for rulemaking must be made part of the written rulemaking record of the agency.

NOTICE OF PROPOSED RULEMAKING SERVICE

The Legislative Council will mail copies of all notices of proposed rulemaking filed by agencies pursuant to NDCC Section 28-32-10(1)(a) to a subscriber to the notice of proposed rulemaking service. Any person may subscribe to this service upon payment of an annual subscription fee of \$50.

ATTACH:1