



North Dakota Association for Justice

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The Trial Lawyers of North Dakota

Jaclyn Hall, Executive Director

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Madam Chair Roers and members of the Senate State and Local Government, my name is Jaci Hall, I am the Executive Director of the North Dakota Association for Justice. Today I am here in support of HB1368.

Administrative rules play a key role in how agencies and commissions interpret statutes. These rules provide insight and information for organizations and judges in appeals and disputes.

In recent months, injured workers and other injured parties have had to appeal cases to the ND Supreme Court to receive just compensation when administrative rules have created it almost impossible for injured people to seek relief and the compensation intended under the statute.

There must be a better, clearer path to review and adjust administrative rules when the interpretation is not the same as legislative intent. Litigation is not the answer. It is costly, time consuming and not why the judicial branch was created.

HB1368 is the starting point to provide the Administrative Rules Committee, the public and agencies and commissions the ability to work through concerns without litigation.

Years ago, I worked in the realm of Human Services and in Education. Legislation would be passed and then the administrative rules would be adopted and, in some cases, change the intent and the reason the legislature was so generous to fix a problem that needed to be addressed and sometimes, it was almost impossible to achieve success. We would have to wait two years to make another change to the statute to hope it would do as we had intended in the legislation four years prior.

HB1386 provides some more clarity when an administrative rule is not reasonable or necessary. To me, when an administrative rule is not clear, concise or adds additional burdens for someone to reach it is doing a disservice to the laws this legislative body created. Sometimes, these rules are longer than the statute, and to me this is not necessary. Statutes are



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often open to interpretation, but when administrative rules are excessive, the intent is hard to achieve.

The ability for constituents, like me, to come in and testify to statute changes gives me ownership in how laws are created. When administrative rules are adopted without public comment or are changed as they see fit without oversight and insight, it feels as though there is a disservice done to the work you do.

Today, I am asking you to support these changes to HB1386 and give more clarity and timeliness to changes in administrative rules that support the statutes you create. These changes need to be small and made methodically to ensure all three branches of government can work seamlessly.

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Thank you for your time and I will stand for questions.