

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1024

Page 1, line 3, replace the second "and" with ", subsections 4 and 7 of section 28-32-02,"

Page 1, line 4, after "28-32-03.3" insert ", and section 28-32-04"

Page 1, line 5, replace "and" with ", administrative rulemaking procedures,"

Page 1, line 6, after "rules" insert ", and petitions for reconsideration of administrative rules" and remove "to repeal section 28-32-04 of the North Dakota Century Code, relating to"

Page 1, line 7, remove "petitions for reconsideration of administrative rulemaking;"

Page 1, line 13, remove the overstrike over "~~28-32-04~~" and remove "28-32-03.3"

Page 1, after line 15, insert:

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

4. The agency's notice of the proposed adoption, amendment, or repeal of a rule must include a short, specific explanation of the proposed rule and the purpose of the proposed rule, a determination of whether the proposed rulemaking is expected to have an impact on the regulated community in excess of fifty thousand dollars, identify at least one location where interested persons may review the text of the proposed rule, provide the address to which written data, views, or arguments concerning the proposed rule may be sent, provide a phone number at which a copy of the rules and regulatory analysis may be requested, and, in the case of a substantive rule, provide the time and place set for each oral hearing. The notice must be filed with the office of the legislative council and published at least twice in each daily newspaper of general circulation published in this state. The agency shall mail a copy of the 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 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. At least ~~thirty~~ fourteen days must elapse between the later of the date of the second publication of the notice or the date the legislative council mails copies of an agency's notice and the date of the hearing. ~~The thirty day period begins on the first business day of the month in which the notices must be mailed or on the date of the second publication, whichever is later.~~ At least fourteen days before the hearing, the agency shall provide the attorney general a copy of the notice and the proposed rules. Subject to subsection 5, notices filed on or before the last calendar day of the preceding month must be mailed by the legislative council on the first business day of the following month to any person making a request. The agency shall allow, after the conclusion of any rulemaking hearing, a comment period of not less than ~~thirty~~ fourteen days during which data, views, or arguments concerning the proposed rulemaking will be received by the agency and made a part of the rulemaking record to be considered by the agency.

7. Every rule ~~proposed~~ submitted to the attorney general by any administrative agency must be ~~submitted to~~ reviewed by the attorney general for an opinion as to its legality before final adoption, ~~and the~~. The attorney general shall ~~promptly~~ furnish ~~each such~~ the agency a preliminary opinion, ~~based upon the rules as submitted, by the close of the comment period for those rules. After the close of the comment period, the agency shall advise the attorney general of each change to the proposed rules made in contemplation of final adoption and the attorney general shall promptly furnish an opinion as to legality of the rules contemplated for final adoption.~~ The attorney general may not approve any rule as to legality when the rule exceeds the statutory authority of the agency or is written in a manner that is not concise or easily understandable, or when the procedural requirements for adoption of the rule in this chapter are not substantially met. The attorney general shall advise an agency of any revision or rewording of a rule necessary to correct objections as to legality."

Page 3, line 14, replace "The" with "Upon request of any person substantially interested in the effect of a rule who has previously petitioned the adopting agency for review of the rule under section 28-32-04 or upon request of the adopting agency, the"

Page 3, replace lines 21 and 22 with:

"SECTION 6. AMENDMENT. Section 28-32-04 of the North Dakota Century Code is amended and reenacted as follows:

28-32-04. Petition for ~~reconsideration~~ review of rule - Hearing by agency. Any person substantially interested in the effect of a rule adopted by an administrative agency may petition such agency for ~~a reconsideration~~ review of the effect and consideration of ~~any such~~ the rule or for ~~an~~ consideration of amendment or repeal ~~thereof~~ of the rule. ~~Such~~ The petition must state clearly and concisely the petitioners' alleged grounds for ~~such reconsideration~~ the review, or for the proposed repeal or amendment of ~~such~~ the rule. The agency ~~in its discretion~~ shall grant the petitioner a public hearing if the petitioner has not previously petitioned the agency under this section and otherwise may grant the petitioner a public hearing, upon such terms and conditions as the agency may prescribe."

Page 3, line 23, after the second period insert "Section 2 of this Act is effective for administrative rulemaking proceedings for which the notice of rulemaking is published after July 31, 1999.", replace "2" with "3", and replace "4" with "5"

Page 3, line 25, replace "3" with "4"

Re-number accordingly