

**FIRST ENGROSSMENT
with Conference Committee Amendments**

ENGROSSED SENATE BILL NO. 2027

Introduced by

Legislative Council

(Administrative Rules Committee)

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 publication of notice of administrative rulemaking; and to provide an
3 effective date.

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 full 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 agency's full notice must be filed with the office of the legislative council, and
17 ~~published~~ the agency shall request publication of an abbreviated newspaper
18 publication notice at least ~~twice~~ once in each ~~daily newspaper of general~~
19 circulation official county newspaper published in this state. The abbreviated
20 newspaper publication of notice must be in a display-type format with a minimum
21 width of one column of approximately two inches [5.08 centimeters] and a depth of
22 from three inches [7.62 centimeters] to four inches [10.16 centimeters] with a
23 headline describing the general topic of the proposed rules. The notice must also
24 include the address and telephone number to use to obtain a copy of the proposed

1 rules or to submit written comments, and the location, date, and time of the public
2 hearing on the rules. The agency shall mail a copy of the agency's full notice to
3 each person who has made a timely request to the agency for a mailed copy of the
4 notice. The agency may mail or otherwise provide a copy of the agency's full
5 notice to any person who is likely to be an interested person. The agency shall
6 mail or deliver a copy of the rules to any person requesting a copy. The agency
7 may charge for the actual cost of providing copies of the proposed rule. At least
8 thirty days must elapse between the later of the date of the ~~second~~ publication of
9 the notice or the date the legislative council mails copies of an agency's notice and
10 the date of the hearing. The thirty-day period begins on the first business day of
11 the month in which the notices must be mailed or on the date of the ~~second~~
12 publication, whichever is later. Subject to subsection 5, notices filed on or before
13 the last calendar day of the preceding month must be mailed by the legislative
14 council on the first business day of the following month to any person making a
15 request. The agency shall allow, after the conclusion of any rulemaking hearing, a
16 comment period of not less than thirty days during which data, views, or arguments
17 concerning the proposed rulemaking will be received by the agency and made a
18 part of the rulemaking record to be considered by the agency.

19 **SECTION 2. EFFECTIVE DATE.** This Act is effective for administrative rulemaking
20 notices filed with the office of the legislative council after July 31, 1999.