

**HOUSE BILL NO. 1365  
with Senate Amendments**

Fifty-sixth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1365**

Introduced by

Representatives Bernstein, Koppelman, Nelson

Senator B. Stenehjem

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 notice of rulemaking by the superintendent of public instruction; and  
3 to declare an emergency.

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 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 notice must be filed with the office of the legislative council and published at  
17 least twice in each daily newspaper of general circulation published in this state.  
18 The agency shall mail a copy of the notice to each person who has made a timely  
19 request to the agency for a mailed copy of the notice. The agency may mail or  
20 otherwise provide a copy of the notice to any person who is likely to be an  
21 interested person. The agency shall mail or deliver a copy of the rules to any  
22 person requesting a copy. The agency may charge for the actual cost of providing  
23 copies of the proposed rule. At least thirty days must elapse between the later of  
24 the date of the second publication of the notice or the date the legislative council

1 mails copies of an agency's notice and the date of the hearing. The thirty-day  
2 period begins on the first business day of the month in which the notices must be  
3 mailed or on the date of the second publication, whichever is later. Subject to  
4 subsection 5, notices filed on or before the last calendar day of the preceding  
5 month must be mailed by the legislative council on the first business day of the  
6 following month to any person making a request. The agency shall allow, after the  
7 conclusion of any rulemaking hearing, a comment period of not less than thirty  
8 days during which data, views, or arguments concerning the proposed rulemaking  
9 will be received by the agency and made a part of the rulemaking record to be  
10 considered by the agency. In addition to the other notice requirements of this  
11 subsection, the superintendent of public instruction shall provide notice of any  
12 proposed rulemaking by the superintendent of public instruction to each  
13 association with statewide membership whose primary focus is elementary and  
14 secondary education issues which has requested to receive notices from the  
15 superintendent under this section and to the superintendent of each public school  
16 district in this state, or the president of the school board for school districts that  
17 have no superintendent, at least thirty days before the date of the hearing  
18 described in the notice. Notice provided by the superintendent of public  
19 instruction under this section may be by first-class mail or electronic mail. Within  
20 thirty days after the effective date of this Act or by January thirtieth of each year  
21 the superintendent shall notify each group or person entitled to notice under this  
22 section of how notices will be provided during the period ending the following  
23 January thirtieth and shall request a mail or electronic mail address to be used for  
24 each group or person.

25 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.