

AUG 23 2011

RISK MANAGEMENT

A Division of the North Dakota Office of Management & Budget

August 23, 2011

Mr. John Walstad, Code Revisor
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

Re: Proposed Amendments to N.D.Admin. Code Chapter 4-11-01

Dear Mr. Walstad:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Amend Administrative Rules concerning the above identified rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice in each official county newspaper which will notify the public that an oral hearing on these rules will be held on September 26, 2011 beginning at 10:00 a.m. and continuing until 11:30 a.m. or until no further testimony is offered.

If you have any questions or concerns, please contact me at 328-7580.

Sincerely,



Tag Anderson
Director

NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES RELATING TO THE
RISK MANAGEMENT MOTOR VEHICLE ACCIDENT REVIEW BOARD—N.D.A.C.
CHAPTER 4-11-01

TAKE NOTICE that the Office of Management and Budget, Risk Management Division, will hold a public hearing to address proposed amendments to N.D. Admin. Code chapter 4-11-01 at 10:00 a.m. on September 26, 2011, in Bismarck North Dakota in the Fort Totten room of the State Capitol.

The proposed amendments to N.D. Admin. Code chapter 4-11-01 are necessary to make the administrative rules consistent with legislative changes to the authorizing statute, N.D.C.C. section 32-12.2-14. The amendments clarify that the Risk Management Motor Vehicle Accident Review Board will review accidents that involve bodily injury or significant property damage, accidents in which the state operator is issued a citation and employee appeals, with other less serious accidents reviewed by the Department of Transportation.

N.D. Admin. Code § 4-11-01-01 Definitions.

The changes to this rule reflect that the Risk Management Motor Vehicle Accident Review Board will only review accidents involving bodily injury or significant property damage, accidents in which the state employee is issued a citation, and employee appeals of determinations and recommendations of the Department of Transportation. Accidents that do not involve bodily injury, significant property damage or a citation will be reviewed by the Department of Transportation. The changes provide that "corrective actions" includes recommendations made by the Department of Transportation and defines "significant property damage."

N.D. Admin. Code § 4-11-01-03 Composition and responsibilities.

The changes to this rule reflect that the Risk Management Motor Vehicle Accident Review Board will only review accidents involving bodily injury or significant property damage, accidents in which the state employee is issued a citation, and employee appeals of determinations and recommendation of the Department of Transportation. Accidents that do not involve bodily injury, significant property damage or a citation will be reviewed by the Department of Transportation.

N.D. Admin. Code § 4-11-01-04 Operating procedures.

The change to this rule clarifies that records of the Risk Management Motor Vehicle Accident Review Board's decisions and recommendations will be retained by the Department of Transportation.

The proposed amendments will not have any impact on a regulated community in excess of \$50,000 and neither the Governor nor any member of the Legislative Assembly requested a regulatory analysis.

The proposed rules may be reviewed at the office of the Risk Management Division, Century Center 1600 East Century Ave., Suite 4, Bismarck ND 58503-0649. A copy of the proposed rules and/or a regulatory analysis may be requested by writing the above address or calling (701) 328-7584. Written comments on the proposed rules sent to the above address or e-mailed to rminfo@nd.gov, and received by October 6, 2011, will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Risk Management Division at the above telephone number or address at least five days before the public hearing.

Dated this 23rd day of August 2011.



Tag Anderson, Director
Risk Management Division