

SENATE BILL NO.

Introduced by

Senator Andrist

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 Supplement
6 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 expected
10 to have an impact on the regulated community in excess of fifty thousand dollars,
11 identify at least one location where interested persons may review the text of the
12 proposed rule, provide the address to which written data, views, or arguments
13 concerning the proposed rule may be sent, provide a phone number at which a
14 copy of the rules and regulatory analysis may be requested, and, in the case of a
15 substantive rule, provide the time and place set for each oral hearing. The notice
16 must be filed with the office of the legislative council and published at least twice in
17 each ~~daily newspaper of general circulation~~ of the official county newspapers
18 published in this state. The newspaper publication of notice must be in a
19 display-type format approximately one column of two inches [5.08 centimeters] in
20 width and three or more inches [7.62 centimeters] in depth with a headline
21 describing the general topic of the proposed rules and the text of the agency's
22 notice. The agency shall mail a copy of the notice to each person who has made a
23 timely request to the agency for a mailed copy of the notice. The agency may mail
24 or otherwise provide a copy of the notice to any person who is likely to be an

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

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