

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 Supplement
6 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 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
16 agency's full notice must be filed with the office of the legislative council, and an
17 abbreviated newspaper publication notice must be published at least twice in each
18 daily newspaper of general circulation official county newspaper published in this
19 state. The newspaper publication of notice must be in a display-type format with a
20 minimum width of one column of approximately two inches [5.08 centimeters] and
21 a depth of from three inches [7.62 centimeters] to four inches [10.16 centimeters]
22 with a headline describing the general topic of the proposed rules and the address
23 and telephone number to use to obtain a copy of the proposed rules and the
24 location, date, and time of the public hearing on the rules. The agency shall mail a

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

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