

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

1 an agency's notice and the date of the hearing. The thirty-day period begins on the
2 first business day of the month in which the notices must be mailed or on the date
3 of the second publication, whichever is later. Subject to subsection 5, notices filed
4 on or before the last calendar day of the preceding month must be mailed by the
5 legislative council on the first business day of the following month to any person
6 making a request. The agency shall allow, after the conclusion of any rulemaking
7 hearing, a comment period of not less than thirty days during which data, views, or
8 arguments concerning the proposed rulemaking will be received by the agency and
9 made a part of the rulemaking record to be considered by the agency. In addition
10 to the other notice requirements of this subsection, the superintendent of public
11 instruction shall provide notice of any proposed rulemaking by the superintendent
12 of public instruction by first-class mail to the superintendent of each public school
13 district in this state, or the president of the school board for school districts that
14 have no superintendent, at least thirty days before the date of the hearing
15 described in the notice.

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