

SENATE BILL NO. 2397

Introduced by

Senators Schobinger, Andrist, Klein, Naaden

1 A BILL for an Act to provide for the protection of private property and identification of the costs
2 of property regulation.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. Protection of private property - Identification of the costs of property**
5 **regulation.** The legislative assembly directs all state agencies and political subdivisions, to the
6 fullest extent possible:

- 7 1. That the policies, rules, and laws of the state and all of its political subdivisions
8 must be interpreted and administered in accordance with this Act; and
9 2. That all state agencies and political subdivisions shall:
10 a. Utilize a systematic, interdisciplinary approach in all rulemaking to ensure
11 property rights and economic development are protected to the greatest
12 extent possible; and
13 b. Identify and develop methods and procedures, in consultation with the
14 department of economic development and finance, to ensure that economic
15 conditions and values are given full and appropriate consideration in
16 decisionmaking; and
17 c. Include in every recommendation a report on proposals for legislation,
18 rulemaking, and other actions affecting economic conditions or values, a
19 detailed statement by the responsible official on:
20 (1) The economic impact of the proposed action;
21 (2) Any adverse economic impacts that cannot be avoided should the
22 legislation, rule, or other action be implemented;
23 (3) Alternatives to the proposed action;

- 1 (4) The relationship between the short-term impacts of the rule or law and
2 the long-term economic viability of the state and local areas impacted;
- 3 (5) Any foreseeable irreversible or long-term commitments of resources
4 that would be involved in the proposed action should it be implemented;
- 5 (6) The historical and chronological origin of the proposal, including
6 identification of the problems or needs the proposal is designed to
7 address;
- 8 (7) The party requiring or proposing the rule;
- 9 (8) How the proposal will address the problem or needs identified in
10 paragraph 7.
- 11 d. Before making a detailed statement, the responsible official shall consult with
12 and obtain the comments of any public agency that the proposed action may
13 affect, including adjoining political subdivisions if the entity making the rule is
14 a political subdivision, and the department of economic development and
15 finance. In addition, private individuals and entities affected must be given an
16 opportunity to comment. All comments must be delivered to the governor and
17 the majority and minority leaders of the house of representatives and the
18 senate and if the affected entities are political subdivisions, the presiding
19 officer of the political subdivision and all members of the local deliberative
20 body, and made readily available to the public and must accompany the
21 proposal through all agency review processes.
- 22 e. Study, develop, and describe appropriate alternatives to the course of action
23 recommended by the proposal.
- 24 f. Initiate and utilize economic information in the planning and development of
25 all projects undertaken by the state and any political subdivisions of the state.
- 26 g. All rules imposing any economic consequences on the taxpayer or those
27 entities regulated or impacted expire at the end of three years unless renewed
28 after being rereviewed in the manner set forth in this Act.