

SENATE BILL NO. 2219

Introduced by

Senators B. Stenehjem, Kinnoin, Thompson

Representatives Bernstein, Grande, Mickelson

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 the filing of proposed administrative rules with the legislative council.

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

4 **SECTION 1. AMENDMENT.** Subsection 4 of section 28-32-02 of the 1997 Supplement
5 to the North Dakota Century Code is amended and reenacted as follows:

6 4. The agency's notice of the proposed adoption, amendment, or repeal of a rule
7 must include a short, specific explanation of the proposed rule and the purpose of
8 the proposed rule, a determination of whether the proposed rulemaking is expected
9 to have an impact on the regulated community in excess of fifty thousand dollars,
10 identify at least one location where interested persons may review the text of the
11 proposed rule, provide the address to which written data, views, or arguments
12 concerning the proposed rule may be sent, provide a phone number at which a
13 copy of the rules and regulatory analysis may be requested, and, in the case of a
14 substantive rule, provide the time and place set for each oral hearing. The notice
15 must be filed with the office of the legislative council and published at least twice in
16 each daily newspaper of general circulation published in this state. The notice filed
17 with the office of the legislative council must be accompanied by a copy of the
18 proposed rules. The agency shall mail a copy of the notice to each person who
19 has made a timely request to the agency for a mailed copy of the notice. The
20 agency may mail or otherwise provide a copy of the notice to any person who is
21 likely to be an interested person. The agency shall mail or deliver a copy of the
22 rules to any person requesting a copy. The agency may charge for the actual cost
23 of providing copies of the proposed rule. At least thirty days must elapse between
24 the later of the date of the second publication of the notice or the date the

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