

Introduced by

1 A BILL for an Act to amend and reenact subsection 3 of section 28-32-02 of the North Dakota
2 Century Code or in the alternative to amend and reenact section 28-32-11 of the North Dakota
3 Century Code, relating to agency procedures to notify interested parties of when rules adopted
4 by the agency will be considered by the administrative rules committee; and to provide an
5 effective date.

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

7 **SECTION 1. AMENDMENT.** If _____ Bill No. _____ does not become
8 effective, subsection 3 of section 28-32-02 of the 1999 Supplement to the North Dakota Century
9 Code is amended and reenacted as follows:

- 10 3. The agency shall adopt a procedure whereby all interested persons are afforded
11 reasonable opportunity to submit data, views, or arguments, orally or in writing,
12 concerning the proposed rule, including data respecting the impact of the proposed
13 rule. The agency shall adopt a procedure to allow interested parties to request and
14 receive notice from the agency of the date and place the rule will be reviewed by
15 the administrative rules committee. In case of substantive rules, the agency shall
16 conduct an oral hearing. The agency shall consider fully all written and oral
17 submissions respecting a proposed rule prior to the adoption, amendment, or
18 repeal of any rule not of an emergency nature. The agency shall make a written
19 record of its consideration of all written and oral submissions contained in the
20 rulemaking record respecting a proposed rule.

21 **SECTION 2. AMENDMENT.** Section 28-32-11 of the North Dakota Century Code as
22 created by _____ Bill No. _____, as approved by the fifty-seventh legislative
23 assembly, is amended and reenacted as follows:

1 **28-32-11. Conduct of hearings - Notice of administrative rules committee**

2 **consideration - Consideration and written record of comments.** The agency shall adopt a
3 procedure whereby all interested persons are afforded reasonable opportunity to submit data,
4 views, or arguments, orally or in writing, concerning the proposed rule, including data
5 respecting the impact of the proposed rule. The agency shall adopt a procedure to allow
6 interested parties to request and receive notice from the agency of the date and place the rule
7 will be reviewed by the administrative rules committee. In case of substantive rules, the agency
8 shall conduct an oral hearing. The agency shall consider fully all written and oral submissions
9 respecting a proposed rule prior to the adoption, amendment, or repeal of any rule not of an
10 emergency nature. The agency shall make a written record of its consideration of all written
11 and oral submissions contained in the rulemaking record respecting a proposed rule.

12 **SECTION 3. EFFECTIVE DATE.** This Act is effective for administrative rules for which
13 public hearings are held after July 31, 2001.

NOTE: The blanks in this bill draft will be filled in when a bill number is assigned for the
Administrative Agencies Practice Act revision bill draft (LC 10092).