

Introduced by

Legislative Management

(Administrative Rules Committee)

1 A BILL for an Act to amend and reenact section 28-32-10 of the North Dakota Century Code,
2 relating to notice of administrative rulemaking implementing recent legislation and the depth of
3 newspaper publication of notice of administrative rulemaking; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 28-32-10 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **28-32-10. Notice of rulemaking - Hearing date.**

8 1. An agency shall prepare a full notice and an abbreviated notice of rulemaking.

9 a. The agency's full notice of the proposed adoption, amendment, or repeal of a rule
10 must include a short, specific explanation of the proposed rule and the purpose of
11 the proposed rule, identify the emergency status and declared effective date of
12 any emergency rules, include a determination of whether the proposed
13 rulemaking is expected to have an impact on the regulated community in excess
14 of fifty thousand dollars, identify at least one location where interested persons
15 may review the text of the proposed rule, provide the address to which written
16 comments concerning the proposed rule may be sent, provide the deadline for
17 submission of written comments, provide a telephone number and post-office or
18 electronic mail address at which a copy of the rules and regulatory analysis may
19 be requested, and, in the case of a substantive rule, provide the time and place
20 set for each oral hearing. The agency's full notice must include a statement of the
21 bill number and general subject matter of any legislation, enacted during the most
22 recent session of the legislative assembly, which is being implemented by the
23 proposed rule. The agency's full notice must be filed with the legislative council,
24 ~~and the agency shall request publication of an abbreviated newspaper~~

1 publication notice at least once in each official county newspaper published in
2 this state. The notice filed with the legislative council must be accompanied by a
3 copy of the proposed rules.

4 b. The agency shall request publication of an abbreviated newspaper publication
5 notice at least once in each official county newspaper published in this state. The
6 abbreviated newspaper publication of notice must be in a display-type format with
7 a minimum width of one column of approximately two inches [5.08 centimeters]
8 and a minimum depth of ~~from~~approximately three inches [7.62 centimeters] ~~to~~
9 ~~four inches [10.16 centimeters]~~ and with a headline describing the general topic
10 of the proposed rules. The notice must also include the telephone number or
11 address to use to obtain a copy of the proposed rules, identification of the
12 emergency status and declared effective date of any emergency rules, the
13 address to use and the deadline to submit written comments, and the location,
14 date, and time of the public hearing on the rules.

15 2. The agency shall mail or deliver by electronic mail a copy of the agency's full notice
16 and proposed rule to each member of the legislative assembly whose name appeared
17 as a sponsor or cosponsor of legislation, enacted during the most recent session of
18 the legislative assembly, which is being implemented by the proposed rule and to each
19 person who has made a timely request to the agency for a copy of the notice and
20 proposed rule. The agency may mail or otherwise provide a copy of the agency's full
21 notice to any person who is likely to be an interested person. ~~The agency shall mail or~~
22 ~~deliver a copy of the rules to each member of the legislative assembly whose name~~
23 ~~appeared as a sponsor or cosponsor of legislation enacted during the most recent~~
24 ~~session of the legislative assembly which is being implemented by the proposed rule~~
25 ~~and to any person requesting a copy.~~ The agency may charge persons who are not
26 members of the legislative assembly fees for copies of the proposed rule as allowed
27 under section 44-04-18.

28 3. In addition to the other notice requirements of this subsection, the superintendent of
29 public instruction shall provide notice of any proposed rulemaking by the
30 superintendent of public instruction to each association with statewide membership
31 whose primary focus is elementary and secondary education issues which has

1 requested to receive notice from the superintendent under this subsection and to the
2 superintendent of each public school district in this state, or the president of the school
3 board for school districts that have no superintendent, at least twenty days before the
4 date of the hearing described in the notice. Notice provided by the superintendent of
5 public instruction under this section must be by first-class mail. However, upon request
6 of a group or person entitled to notice under this section, the superintendent of public
7 instruction shall provide the group or person notice by electronic mail.

8 4. The legislative council shall establish standard procedures for all agencies to follow in
9 complying with the provisions of this section and a procedure to allow any person to
10 request and receive mailed copies of all filings made by agencies pursuant to this
11 section. The legislative council may charge an annual fee as established by the
12 administrative rules committee for providing copies of the filings.

13 5. At least twenty days must elapse between the date of the publication of the notice and
14 the date of the hearing. Within fifteen business days after receipt of a notice under this
15 section, a copy of the notice must be mailed by the legislative council to any person
16 who has paid the annual fee established under subsection 4.

17 **SECTION 2. EFFECTIVE DATE.** This Act is effective for administrative rulemaking notices
18 filed with the legislative council after July 31, 2013.