

JUDICIAL PROCEDURE, CIVIL

CHAPTER 246

HOUSE BILL NO. 1042

(Legislative Management)
(Judiciary Committee)

AN ACT to amend and reenact section 28-04-05 of the North Dakota Century Code, relating to actions having venue where the defendant resides.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 28-04-05 of the North Dakota Century Code is amended and reenacted as follows:

28-04-05. Actions having venue where defendant resides.

In all other cases, except as provided in section 28-04-03.1, and subject to the power of the court to change the place of trial as provided by sections 28-04-09 and 28-04-10, the action must be brought in the county in which the defendant or one of the defendants resides at the time of the commencement of the action. If that county is attached to another county for judicial purposes, the action must be brought in the latter county. If none of the defendants reside in the state, the action either must be brought in the county in which the plaintiff ~~shall designate in the summons~~ or one of the plaintiffs resides or in the county in which the cause of action arose.

Approved March 26, 2013

Filed March 27, 2013

CHAPTER 247

HOUSE BILL NO. 1024

(Legislative Management)
(Administrative Rules Committee)

AN ACT to amend and reenact section 28-32-10 of the North Dakota Century Code, relating to notice of administrative rulemaking implementing recent legislation and the depth of newspaper publication of notice of administrative rulemaking; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁰⁶ **SECTION 1. AMENDMENT.** Section 28-32-10 of the North Dakota Century Code is amended and reenacted as follows:

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

1. An agency shall prepare a full notice and an abbreviated notice of rulemaking.
 - a. The agency's full notice of the proposed adoption, amendment, or repeal of a rule must include a short, specific explanation of the proposed rule and the purpose of the proposed rule, identify the emergency status and declared effective date of any emergency rules, include a determination of whether the proposed rulemaking is expected to have an impact on the regulated community in excess of fifty thousand dollars, identify at least one location where interested persons may review the text of the proposed rule, provide the address to which written comments concerning the proposed rule may be sent, provide the deadline for submission of written comments, provide a telephone number and post-office or electronic mail address at which a copy of the rules and regulatory analysis may be requested, and, in the case of a substantive rule, provide the time and place set for each oral hearing. The agency's full notice must include a statement of the bill number and general subject matter of any legislation, enacted during the most recent session of the legislative assembly, which is being implemented by the proposed rule. The agency's full notice must be filed with the legislative council, and the agency shall request publication of an abbreviated newspaper publication notice at least once in each official county newspaper published in this state. The notice filed with the legislative council must be accompanied by a copy of the proposed rules.
 - b. The agency shall request publication of an abbreviated newspaper publication notice at least once in each official county newspaper published in this state. The abbreviated newspaper publication of notice must be in a display-type format with a minimum width of one column of approximately two inches [5.08 centimeters] and a minimum depth of ~~from approximately~~ three inches [7.62 centimeters] ~~to four inches~~ [10.16 centimeters] and with a headline describing the general topic of the

¹⁰⁶ Section 28-32-10 was also amended by section 6 of House Bill No. 1043, chapter 63.

proposed rules. The notice must also include the telephone number or address to use to obtain a copy of the proposed rules, identification of the emergency status and declared effective date of any emergency rules, the address to use and the deadline to submit written comments, and the location, date, and time of the public hearing on the rules.

2. The agency shall mail or deliver by electronic mail a copy of the agency's full notice and proposed rule to each member of the legislative assembly whose name appeared as a sponsor or cosponsor of legislation, enacted during the most recent session of the legislative assembly, which is being implemented by the proposed rule and to each person who has made a timely request to the agency for a copy of the notice and proposed rule. The agency may mail or otherwise provide a copy of the agency's full notice to any person who is likely to be an interested person. ~~The agency shall mail or deliver a copy of the rules to each member of the legislative assembly whose name appeared as a sponsor or cosponsor of legislation enacted during the most recent session of the legislative assembly which is being implemented by the proposed rule and to any person requesting a copy.~~ The agency may charge persons who are not members of the legislative assembly fees for copies of the proposed rule as allowed under section 44-04-18.
3. In addition to the other notice requirements of this subsection, the superintendent of public instruction shall provide notice of any proposed rulemaking by the superintendent of public instruction to each association with statewide membership whose primary focus is elementary and secondary education issues which has requested to receive notice from the superintendent under this subsection and to the superintendent of each public school district in this state, or the president of the school board for school districts that have no superintendent, at least twenty days before the date of the hearing described in the notice. Notice provided by the superintendent of public instruction under this section must be by first-class mail. However, upon request of a group or person entitled to notice under this section, the superintendent of public instruction shall provide the group or person notice by electronic mail.
4. The legislative council shall establish standard procedures for all agencies to follow in complying with the provisions of this section and a procedure to allow any person to request and receive mailed copies of all filings made by agencies pursuant to this section. The legislative council may charge an annual fee as established by the administrative rules committee for providing copies of the filings.
5. At least twenty days must elapse between the date of the publication of the notice and the date of the hearing. Within fifteen business days after receipt of a notice under this section, a copy of the notice must be mailed by the legislative council to any person who has paid the annual fee established under subsection 4.

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

Approved April 10, 2013
Filed April 10, 2013