

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1029

2001 HOUSE JUDICIARY

HB 1029

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1029

House Judiciary Committee

Conference Committee

Hearing Date 01-16-01

Tape Number	Side A	Side B	Meter #
Tape I	x		2277 to 2970
Committee Clerk Signature <i>Jean Davis</i>			

Minutes:Chr DeKrey opened the hearing on HB 1029 and the clerk will read the title.

John Walstad :Legislative Council, Code Revisor - Council for the Administrative Rules Committee.Not testifying for or against HB 1029. Relating to filing of comments on rules with rules filed for publication in the North Dakota Administrative Code and to provide an effective date. After adoption and approval the rules are filed with the Legislative Council and they are published in the Administrative Code. Some time after that those rules are put on the agenda for the Administrative Rules Committee for consideration. What the Committee does not have, is no sense of what comments the agency received during the rule making proceeding. That is what is addressed by this bill draft. This would require the agency, when it files the rules with the Legislative Council for publication, to file with those rules, a copy of any written comment that was received during the hearing process and a written summary, prepared by the agency, of any oral comments received.

Rep Delmore: Would this continue on until the Administrative Rules Committee met, anything else that would come up related to that rule. Would the agency be responsible for tracking that, summarizing, commenting on it and turning that into you?

John Walstad: Any comments received by the agency after the comment period ends are not required by the agency to be considered in the rule making.

Chr DeKrey: This switches the burden to the Legislature, doesn't it?

John Walstad: You can look at it that way. When the committee does meet, one of the things requested for its deliberation, is what written comments did it receive and a summary of any oral comments. The committee wants this information in advance of the 90 days of its meeting.

Rep Kretschmar: John, would it be possible that this material would be in such large volumes that it would need more space?

John Walstad: The Council only has to save this for a limited period of time.

Rep Eckre: On all three bills that we have heard so far, it is written if HB 1030 does not become effective etc ?

Chr DeKrey: That is for the rewrite. Are there any further questions for John? Is there anyone else who wishes to testify on HB 1029? We will close the hearing on HB 1029 and assign the same subcommittee - Rep Grande, Rep Klemin and Rep Eckre, to take a look at the issue of the comments, they can bring us some ideas on how we may or may not fix this.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1029A

House Judiciary Committee

Conference Committee

Hearing Date 01-17-01

Tape Number	Side A	Side B	Meter #
Tape II		X	1009 to 1693
Committee Clerk Signature <i>John Diers</i>			

Minutes: Chr DeKrey reopened the hearing on HB 1029. A discussion was held. There are no amendments to this bill. What are the wishes of the committee. Rep Grande moved a DO PASS on HB 1029 seconded by Rep Mahoney. The clerk will call the roll on a DO PASS motion on HB 1029. The motion passes with 14 YES, 0 NO, and 1 Absent. Floor assignment Rep Wrangham.

Date: 01-17-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1029

House JUDICIARY Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep Grande Seconded By Rep Mahoney

Representatives	Yes	No	Representatives	Yes	No
CHR - Duane DeKrey	✓				
VICE CHR --Wm E Kretschmar	✓				
Rep Curtis E Brekke	✓				
Rep Lois Delmore	✓				
Rep Rachael Disrud	✓				
Rep Bruce Eckre	✓				
Rep April Fairfield					
Rep Bette Grande	✓				
Rep G. Jane Gunter	✓				
Rep Joyce Kingsbury	✓				
Rep Lawrence R. Klemin	✓				
Rep John Mahoney	✓				
Rep Andrew G Maragos	✓				
Rep Kenton Onstad	✓				
Rep Dwight Wrangham	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep Wrangham

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 19, 2001 11:08 a.m.

Module No: HR-09-1278
Carrier: Wrangham
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1029: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1029 was placed on the
Eleventh order on the calendar.

2001 SENATE JUDICIARY

HB 1029

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1029

Senate Judiciary Committee

Conference Committee

Hearing Date March 6th, 2001

Tape Number	Side A	Side B	Meter #
1	x		49-end/0-6.1
Committee Clerk Signature			

Minutes: **Senator Traynor** opened the hearing on HB 1029: A BILL FOR AN ACT TO AMEND AND REENACT SUBSECTION 1 OF SECTION 28-32-03 OF THE NORTH DAKOTA CENTURY CODE OR IN THE ALTERNATIVE TO AMEND AND REENACT SUBSECTION 1 OF SECTION 28-32-15 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO FILING OF COMMENTS ON RULES WITH RULES FILED FOR PUBLICATION IN THE NORTH DAKOTA ADMINISTRATIVE CODE; AND TO PROVIDE AN EFFECTIVE DATE.

John Walsted, council for legislative council, bill will require at the time an agency files rules it must contain comments on the reasons why.

Senator Nelson, what's the definition of a written comment?

John Walsted, anything not oral.

Senator Nelson, why do we need to accumulate more stuff?

John Walsted, good question. Under existing law it would 2 phone calls instead of one.

Page 2
Senate Judiciary Committee
Bill/Resolution Number 1029
Hearing Date march 6th, 2001

Senator Dever, does this go beyond a hearing? If a constituent send me a letter should I send that to you?

John Walsted, you wouldn't have to do that.

Senator Dever, this doesn't require it?

John Walsted, yes.

Senator Lyson, by making a phone call, you solve that problem.

Senator Nelson, why not just a summary of the comments?

John Walsted, I thought that would be easiest in drafting the bill. It doesn't happen often.

Side B

Rep. Koppelman, district 13. There are a lot of necessary laws. We need a bill like this.

Intent of this bill is for the agency to get the comments directly.

Senator Nelson, how about a written summary of the bill?

Rep. Koppelman, the point is to have a written comment on what the people think.

Rep. Devlin, we need the documentation of hearings. This bill will make our jobs easier.

Senator Dever, the comments are a summary?

Rep. Devlin, no, I'm not saying that. Summaries are indicative of everything that is said. It's getting all those things in one place.

Senator Traynor, if you got a copy of each written comment. Would that be better than a summary? Written comment may be hard evidence, summary may be biased.

Senator Traynor, closed the hearing on HB 1029.

**SENATOR WATNE MOTIONED TO DO PASS, SECONDED BY SENATOR
TRENBEATH. VOTE INDICATED 6 YEAS, 0 NAYS AND 1 ABSENT ANT NOT
VOTING. SENATOR TRENBEATH VOLUNTEERED TO CARRY THE BILL.**

Date: 3/6/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1029

Senate Judiciary Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DP

Motion Made By Watne Seconded By Trenbeath

Senators	Yes	No	Senators	Yes	No
Traynor, J. Chairman	X		Bercier, D.		
Watne, D. Vice Chairman	X		Nelson, C.		X
Dever, D.	X				
Lyson, S.	X				
Trenbeath, T.	X				

Total (Yes) 6 No 0

Absent 1

Floor Assignment Trenbeath

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 6, 2001 1:57 p.m.

Module No: SR-38-4918
Carrier: Trenbeath
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1029: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1029 was placed on the
Fourteenth order on the calendar.