

2009 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2026

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2026

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 01/15/09

Recorder Job Number: 7049

Committee Clerk Signature

Kate Owen

Minutes:

Senator Dever: Who is here to introduce this?

Senator Tom Fischer: See Attached Testimony.

After the session is when we get our largest bunch of rules, as much as 1,400 pages. If agencies come in on the last day with a large packet of rules it really pushes the legislative council to get them verified. Sometimes we have less than a week to review them.

Senator Cook: This language is the result of the people who are affected by this. Are they all comfortable with this?

Senator Tom Fisher: Well it will affect them by 15 days one time. It will shorten their time by 15 days. They should be able to adapt it. I don't think that it will have a big affect.

Senator Cook: I would hope that it would if there was someone who would have a big effect I hope they would be here to tell us.

Senator Dever: Senator Fischer, if someone misses the deadline then they would have an opportunity to have that considered at the next meeting?

Senator Tom Fischer: The committee meets quarterly. If they miss the deadline they can submit them for the next meeting. The rule would not be in effect until the first of the month after the next meeting. So that part of it would. We have had rules that have been held over

because of lack of testimony by an agency that had a big effect because it was a fee structure and they weren't able to enact the fees until after the next meeting. That was due to the fact that they didn't have someone down to explain questions to us.

Senator Dever: Any other questions? If not thank you, is there anyone else to testify in support of SB 2026? Anyone here to testify in opposition to SB 2026? Anyone here to testify in a neutral position on SB 2026.

REPORT OF STANDING COMMITTEE (410)
January 19, 2009 10:15 a.m.

Module No: SR-08-0460
Carrier: Horne
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2026: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO PASS** (05 YEAS, 00 NAYS, 00 ABSENT AND NOT VOTING).
SB 2026 was placed on the Eleventh order on the calendar.

2009 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2026

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Senate Bill 2026

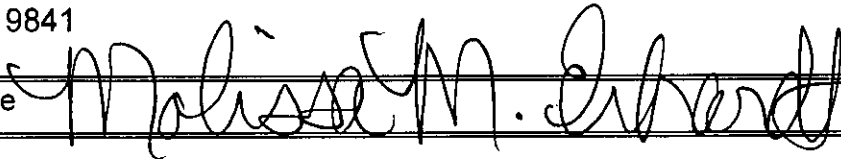
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 2/27/2008

Recorder Job Number: 9841

Committee Clerk Signature



Minutes:

Vice Chairman Randy Boehning: Open the hearing on SB 2026. Clerk read the title.

John Walstad, Legislative Council: I am not here to testify for or against anything I am just here to talk about why the bill is here. The bill as you see came from the administrative rules committee and Mr. Chairman you are familiar with function of that committee and the volume of rules that committee members have to review prior to each meeting and that is what generated the drafting of this bill. Four years ago legislation was enacted to revise the rule making process and both have made monthly publications of rules to a quarterly publication and to provide, for the first time the administrative rules committee would look at the rules before those rules actually became effective. As part of setting up that process for review of rules by the committee before they took effect some tightening up of the time lines for adoption of rules was done. One of the things that was done as part of that, a quarterly publications cycle was set up

and on Page 1 of the bill where you see the overstrike, underscore on the dates, that is what this relates to. Under current law, for example, in that first paragraph there on Line 16, If an agency files rules with our office by August 16, we prepare those rules, and all rules that come in, we edit, check all the grammar and if things look suspicious call the agency and make sure that we are understand what they are trying to do and that it is clear. Once we publish all those rules in the quarterly cycle we put them all together in a quarterly supplement and that supplement gets sent out to administrative rules committee members so they have time to go through those rules before a meeting. That August 16th filing we generally have about two weeks to get the rules edited, bound by the State printers office, and sent out to the committee members. The committee meeting then has to be held before the 15th of the next month, which means committee members will have from 10 days to maybe two weeks to look over the rules. Now, as you know, with most Government functions and pretty much anything else where there is a deadline, the deadline becomes the actual day when everything happens. So all of the rules generally hit my desk August 16th because that is the deadline and in most rule cycles it is not really a problem we can edit all those bind them, send them out, within a couple weeks but as you know from your experience on the committee, sometimes those quarterly supplements are really thick. Sometimes we have to do it in two books and it is

enormous. When that volume of rules hits us on that deadline day it is almost impossible for us to get it done in two weeks and deliver it to committee members. It shortens the time committee members have and it shortens more when there are more rules for committee members to look at. So it happens at the worst time if you have 1200 pages of rules and you've only had two days to read them, that is inconvenient. That is a long lead in as to why this bill is here but at couple meetings during this last interim we encountered that problem. We had a big volume of rules and we did not get them to committee members much in advance of the meeting, so the committee advanced that filing deadline by fourteen days in each quarterly cycle. That is the only thing that changes is the date the agency has to file the rules with our office and it does not delay the date those rules become effective, assuming the committee approves the rules. So that is the background and that is all that the bill does. Senator Fisher isn't here but I know that he is Chairman of the Administrative Rules Committee and he supported this in the Senate. If you have any questions I can answer them, but I think that this is all that this thing does, it gives us a couple more weeks to get the rules done and out so committee members have more time to read them and as you know it is great reading.

Vice Chairman Randy Boehning: Any questions for Mr. Walstad? Favor?

Opposed? Closed the hearing on 2026.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Committee Work One 2026

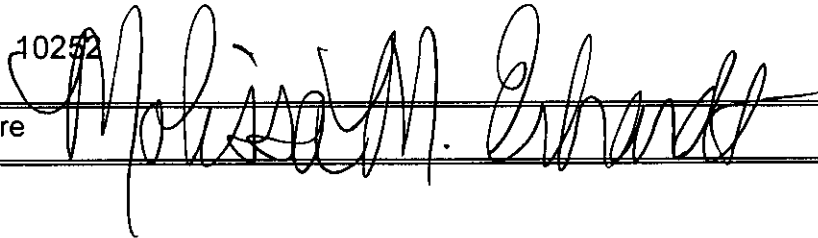
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 3/5/2009

Recorder Job Number: 10252

Committee Clerk Signature



Minutes:

COMMITTEE WORK ONE:

Chairman Grande: We will have discussion on SB 2026.

Vice Chairman Randy Boehning: This was the bill dealing with the changing of the date for filing of administrative rules from 15th of the month to the 1st of the month. That came out of the recommendation of administrative rules during the interim. Basically all it is going to do is give us and council a little bit more time to review rules and that is all it is. The agencies will have to get their notices out a little bit sooner.

Chairman Grande: Committee what are your wishes?

Rep. Conklin: Move for a Do Pass motion.

Rep. Wolf: 2nd.

Chairman Grande: Discussion? Clerk will call the roll on a Do Pass motion.

Clerk Erhardt: Roll Call: Yes: 13. No: 0. Absent: 0. Carrier: Rep. Froseth.

Date: 3/5/14
Roll Call Vote #: _____

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2026

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Dofres

Motion Made By Conklin Seconded By Wolf

Representatives	Yes	No	Representatives	Yes	No
Chairman Grande	✓		Rep. Amerman	✓	
Vice Chairman Boehning	✓		Rep. Conklin	✓	
Rep. Dahl	✓		Rep. Schneider	✓	
Rep. Froseth	✓		Rep. Winrich	✓	
Rep. Karls	✓		Rep. Wolf	✓	
Rep. Kasper	✓				
Rep. Meier	✓				
Rep. Nathe	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Froseth

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

REPORT OF STANDING COMMITTEE (410)
March 5, 2009 4:05 p.m.

Module No: HR-40-4160
Carrier: Froseth
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2026: Government and Veterans Affairs Committee (Rep. Grande, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2026
was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

SB 2026

SB 2026

Mr. Chairman, members of the Government and Veterans Affairs committee.

For the record I am Senator Tom Fischer, District 46 Fargo

SB 2026 come to you from the Administrative rules Committee. It is pretty straightforward.

It changes the deadline for rules to be submitted to Legislative Council from 30 days to 45 days.

Some agencies with large changes wait until the last day and Council has to review and verify these rules which pushes the day the committee receives the rules for review to less than a week on occasion.

This change should have very little affect on any agency in their rulemaking process.

Thank you