

Hamre, John G.

From: Hamre, John G.
Sent: Thursday, May 24, 2018 11:36 AM
To: Hamre, John G.
Subject: Begin to formulate testimony

From: -Adm-Legislative Council

Sent: Wednesday, May 23, 2018 2:33 PM

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Cc: Richter, Vonette J. <vrichter@nd.gov>

Subject: Administrative Rules

ADMINISTRATIVE RULES COMMITTEE MEETING

The Legislative Management's Administrative Rules Committee reviews all rules recently adopted by administrative agencies. The committee will hold its next meeting on June 14, 2018, in the Roughrider Room, State Capitol.

You are invited to appear before the committee and describe the procedure followed by your agency in adopting the rules published in the July 2018 supplement to the North Dakota Administrative Code.

A copy of the agenda can be found at <http://www.legis.nd.gov/assembly/65-2017/interim/19-5142-02000-meeting-agenda.pdf> for your reference. Please note the time on the agenda scheduled for your presentation. If you or a representative are unable to appear at that time, please notify me as soon as possible.

With respect to the rules published in the July 2018 supplement, the committee is interested in and would like you to testify before the committee concerning the following matters:

1. Whether the rules resulted from statutory changes made by the Legislative Assembly.
2. Whether the rules are related to any federal statute or regulation. If so, please indicate whether the rules are mandated by federal law or explain any options your agency had in adopting the rules.
3. A description of the rulemaking procedure followed in adopting the rules, e.g., the type of public notice given and the extent of public hearings held on the rules.
4. Whether any person has presented a written or oral concern, objection, or complaint for agency consideration with regard to these rules. If so, describe the concern, objection, or complaint and the response of the agency, including any change made in the rules to address the concern, objection, or complaint. Please summarize the comments of any person who offered comments at the public hearings on these rules.
5. The approximate cost of giving public notice and holding any hearing on the rules and the approximate cost (not including staff time) of developing and adopting the rules.
6. An explanation of the subject matter of the rules and the reasons for adopting those rules.
7. Whether a regulatory analysis was required by North Dakota Century Code (NDCC) Section 28-32-08 and whether that regulatory analysis was issued. Please provide a copy.

8. Whether a regulatory analysis or economic impact statement of impact on small entities was required by NDCC Section 28-32-08.1 and whether that regulatory analysis or impact statement was issued. Please provide copies.
9. Whether these rules have a fiscal effect on state revenues and expenditures, including any effect on funds controlled by your agency. If so, please provide copies of a fiscal note.
10. Whether a constitutional takings assessment was prepared as required by NDCC Section 28-32-09. Please provide a copy if one was prepared.
11. If these rules were adopted as emergency (interim final) rules under NDCC Section 28-32-03, provide the statutory grounds from that section for declaring the rules to be an emergency and the facts that support that declaration and provide a copy of the Governor's approval of the emergency status of the rules. If these rules were adopted as emergency (interim final) rules, what steps were taken to make the rules known to persons who can reasonably be expected to have a substantial interest in the rules?

Please submit an electronic version of your testimony to me in advance of the meeting if possible. Also on the day of the meeting, please provide the committee with **written** testimony.

The July 2018 rules of your agency can be found at <http://www.legis.nd.gov/admcode/arc201807369.pdf> in the form they will be presented to the committee at the meeting. The page numbers should be used as references for the committee because committee members will have pages with the same numbering. Please contact this office if you have any questions.

VONETTE J. RICHTER - CODE REVISOR
VJR/RWT

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