

**TESTIMONY BEFORE THE  
SENATE POLITICAL SUBDIVISIONS COMMITTEE  
REGARDING HOUSE BILL 1421  
MARCH 11, 2005**

**Chairman Cook and members of the Committee, my name is Melissa Hauer. I am an attorney for the Department of Human Services. I am here today to testify in opposition to House Bill 1421.**

**The language of the bill provides that nonemergency rules do not become effective until the first day of the month after the month in which the administrative rules committee has considered the rules and has no further authority under North Dakota Century Code section 28-32-18. The Department is concerned that the provisions of this bill could add significant delay to the rulemaking process which is already fairly lengthy.**

**The rulemaking process currently requires notice to be published in all official County newspapers, several cost-benefit analyses, the consideration of oral and written comments from interested parties and an analysis of legality by the Attorney General. Once all of these steps are completed, the rules are not effective until one month after the month in which they are published by the Legislative Council. This process currently takes approximately nine months to complete.**

**HB 1421 would have the potential to add months of delay to the rulemaking process. In the best case, it would not add any additional time to the process. In the worst case, it could add over a year. For example, if an agency adopted a rule in November 2006, after the Administrative Rules Committee's October meeting, the Administrative Rules Committee would not review the rule until July 2007 because the Committee does not meet during legislative sessions. If, at that July meeting, the Committee decided**

to hold the rule over to its next meeting (November 2007), the rule would not become effective until December 2007. That could mean an additional 13 months' delay in the effective date of the rule. Something that was a nine-month process may become a two-year process. Had this bill been in effect during the last two years, it would have delayed the effective date of the rules adopted by the Department during the 2003-2005 interim by up to 291 days and an average of 94 days. The delays caused by this bill could also result in the need to use emergency rulemaking more frequently in order to ensure that rules will be effective in a timely manner.

For these reasons, the Department urges this Committee to consider giving this bill a do not pass recommendation. I would be happy to try to answer any questions the committee members may have. Thank you.