

Services offices in North Dakota, all persons who have asked to be on the basic list, and internal circulation within the Department. Additionally, the Department constructs relevant mailing lists for specific rulemaking. The Department also places public announcements in all county newspapers advising generally of the content of the rulemaking, of over 50 locations throughout the state where the proposed rulemaking documents may be reviewed, and stating the location, date, and time of the public hearing. The Department conducts public hearings on all substantive rulemaking. Oral comments are recorded. Oral comments, as well as any written comments that have been received, are summarized and presented to the Department's executive director, together with any response to the comments that may seem appropriate and a re-drafted rule incorporating any changes occasioned by the comments and the Attorney General's review.

4. A public hearing on the proposed rules was held in Bismarck on June 23, 2020. The record was held open until 5:00 PM on July 6, 2020, to allow written comments to be submitted. No one attending the public hearing provided comments. No written comments were received within the comment period. A summary of comments is attached to this report.
5. The cost of giving public notice, holding a hearing, and the cost (not including staff time) of developing and adopting the rules was \$2,889.89.
6. The proposed rules amend chapters 75-02-10 and 75-03-23. The following specific changes were made:
Subsection 4 of section 75-02-10-01 is amended to exclude recovery rebates authorized by section 2201 of the Coronavirus Aid, Relief, and Economic Security Act of 2020 being counted as gross

income.

Subsection 2 of section 75-03-23-02 is amended to exclude recovery rebates authorized by section 2201 of the Coronavirus Aid, Relief, and Economic Security Act of 2020 being counted as an available resource.

7. No written requests for regulatory analysis have been filed by the Governor or by any agency. The rule amendments are not expected to have an impact on the regulated community in excess of \$50,000. A regulatory analysis was prepared and is attached to this report.
8. A small entity regulatory analysis and small entity economic impact statement were prepared and are attached to this report.
9. The proposed rules are not expected to have a fiscal impact on state revenues and expenditures.
10. A constitutional takings assessment was prepared and is attached to this report.
11. These rules were adopted as emergency (interim final) rules in accordance with subdivision d of subsection 2 of section 28-32-03 of the North Dakota Century Code. Emergency rules were necessary to meet a mandate of federal law. The rules took effect on May 19, 2020.

Prepared by:

Jonathan Alm
Legal Advisory Unit
North Dakota Department of Human Services
September 11, 2020