

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

January 20, 1999 LR 16

PRESIDENT MAURSTAD: Thank you, Mr. Clerk.

EASE

PRESIDENT MAURSTAD: Mr. Clerk.

CLERK: Mr. President, pursuant to the Speaker's schedule, LR 16 is before the Legislature. Senator Landis offered LR 16, as found on Journal page 175, Mr. President.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Chair recognizes Senator Landis.

SENATOR LANDIS: Thank you, Mr. President, members of the Legislature. This legislative resolution is part of a nationwide attempt to draw to state governments and legislatures the importance of collaborative processes, collaborative processes we would know of as mediation, negotiated rule making, things that this body has passed on a number of occasions. As a matter of fact, we've allowed mediation to be used in court-related cases in parenting plans, in farm applications, and a wide variety of others. This body has passed, in Senator Wickersham's bill, negotiated rule making, which is where parties get to negotiate a draft or an attempt to write a rule, which is turned over to the agency then for consideration, and then the agency may or may not promulgate it. This idea, by the way, comes from the EPA, which found itself, in the late 1970s, with 70 percent of its rules that it had been announced, taken to court and challenged by parties. After using negotiated rule making, that number dropped to 30 percent of their rules. As a matter of fact, we've had a successful application of negotiated rule making this last year in which an emerging of the responsibilities of the Architects and Engineers Board, all parties were brought together and they discussed the rules that might apply to the board and to the industry. And a rule was developed that had the widespread support of parties that, up until that point, had been contestants and competitors, if you will, and that was then turned over to the board. The board decided to use that as its model, announced the rule, and that rule has been adopted to the surprise of all parties since, in fact, the collaborative response created a body of rules that all parties were able to live with, including the...the board