

Fifty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1469

Introduced by

Representatives Devlin, Froelich, Koppelman

Senators Andrist, Fischer, Klein

1 A BILL for an Act to create and enact a new section to chapter 28-32 of the North Dakota
2 Century Code, relating to expiration of administrative rules; and to amend and reenact
3 subsection 1 of section 28-32-02 of the North Dakota Century Code, relating to specific
4 statutory directives for rulemaking authority of administrative agencies; and to provide an
5 effective date.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Subsection 1 of section 28-32-02 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 1. The authority of an administrative agency to adopt administrative rules is authority
10 delegated by the legislative assembly. As part of that delegation, the legislative
11 assembly reserves to itself the authority to determine when and if rules of
12 administrative agencies are effective. Every administrative agency may adopt,
13 amend, or repeal reasonable rules in conformity with this chapter and any statute
14 administered or enforced by the agency. Notwithstanding any other provision of
15 law, an agency may adopt an administrative rule after July 31, 2005, only if the rule
16 falls within an area in which the agency has been specifically required or
17 authorized to adopt rules by state or federal law or federal rules.

18 **SECTION 2.** A new section to chapter 28-32 of the North Dakota Century Code is
19 created and enacted as follows:

20 **Administrative rules sunset.** Unless the administrative rules committee makes the
21 specific finding that a rule is procedural or interpretive, an administrative rule becomes void on
22 August first following the next regular session of the legislative assembly which is convened
23 after the effective date of the rule. An agency seeking designation of a rule as procedural or

- 1 interpretive shall present a written request for that designation to the administrative rules
2 committee when the rule is initially reviewed by the committee.

3 **SECTION 3. EFFECTIVE DATE.** This Act is effective for administrative rules adopted
4 after July 31, 2005.