

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1275

Introduced by

Representatives K. Koppelman, D. Anderson, Hatlestad, Heinert, Lefor, Louser, Toman

Senators Heckaman, Kreun, J. Roers

1 A BILL for an Act to amend and reenact section 28-32-02 of the North Dakota Century Code,
2 relating to limitations on the adoption of administrative rules; and to provide for retroactive
3 application.

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

5 **SECTION 1. AMENDMENT.** Section 28-32-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **28-32-02. Rulemaking power of agency - Organizational rule.**

8 1. The authority of an administrative agency to adopt administrative rules is authority
9 delegated by the legislative assembly. As part of that delegation, the legislative
10 assembly reserves to itself the authority to determine when and if rules of
11 administrative agencies are effective. Every administrative agency may adopt, amend,
12 or repeal reasonable rules in conformity with this chapter and any statute administered
13 or enforced by the agency. An administrative agency may not adopt a rule that
14 prescribes a criminal penalty unless authorized by another chapter.

15 2. In addition to other rulemaking requirements imposed by law, each agency may
16 include in its rules a description of that portion of its organization and functions subject
17 to this chapter and may include a statement of the general course and method of its
18 operations and how the public may obtain information or make submissions or
19 requests.

20 **SECTION 2. RETROACTIVE APPLICATION.** This Act is retroactive in application and any
21 rule adopted before the effective date of this Act which prescribes a penalty in violation of this
22 Act is void.