

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2258

Introduced by

Senators Beard, Klein, Paulson

Representative Koppelman

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 the enforcement of agency rules; ~~and to provide a report.~~

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

4 **SECTION 1.** A new section to chapter 28-32 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Agency enforcement of rules - Disclosure of authority -- Report.**

7 ~~1. When enforcing a rule adopted under this chapter, including through an official notice,~~
8 ~~determination, order, or similar action, an agency shall specifically reference the statute or rule~~
9 ~~providing the authority upon which the agency's action is based within ten days of receiving a~~
10 ~~request for the information from the person against which the rule is being enforced.~~

11 ~~2. If an agency is found to have exceeded its statutory authority, or if an agency's~~
12 ~~determination is not affirmed by the court under section 28-32-46, the agency shall~~
13 ~~report the matter to the office of the governor, in a manner prescribed by the governor.~~

14 ~~3. Any person may report a violation of this section to the office of the governor.~~

15 ~~4. The office of the governor shall:~~

16 ~~a. Investigate a reported violation of this section and take any necessary~~
17 ~~disciplinary action, including issuing a written warning, implementing an~~
18 ~~improvement plan, or terminating employment, as determined appropriate by the~~
19 ~~office of the governor;~~

- 1 ~~_____ b. Maintain a record of a report received under this section, including~~
2 ~~documentation regarding any investigative or disciplinary action taken by the~~
3 ~~office of the governor or the agency in response to the report; and~~
4 ~~_____ c. Provide an annual report to the administrative rules committee which identifies~~
5 ~~each agency involved in a violation reported under this section and the number of~~
6 ~~reports against each identified agency.~~
7 ~~_____ 5. Upon request, the office of the governor shall provide a copy of any record maintained~~
8 ~~under this section to the administrative rules committee.~~