

**HOUSE BILL NO. 1434**

Introduced by

Representatives O'Brien, Pyle, Schreiber-Beck

Senator Roers

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 expiration of administrative rules and a review process  
3 administered by the governor; and to amend and reenact section 28-32-06 of the North Dakota  
4 Century Code, relating to the force and effect of administrative rules.

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

6 **SECTION 1. AMENDMENT.** Section 28-32-06 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **28-32-06. Force and effect of rules.**

9 Upon becoming effective, ~~rules have~~ a rule has the force and effect of law until amended:

- 10 1. Amended or repealed by the agency or commission, ~~declared in accordance with this~~  
11 chapter;  
12 2. Declared invalid by a final court decision, ~~suspended;~~  
13 3. Suspended or found to be void by the administrative rules committee, ~~or determined;~~  
14 4. One year after the rule is determined expired by the governor under section 2 of this  
15 Act; or  
16 5. Determined repealed by the legislative council because the authority for adoption of  
17 the rules is repealed or transferred to another agency.

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

20 **Expiration of administrative rules - Governor - Rule review process - Rules.**

- 21 1. A rule expires on January first ten years after its effective date as published by the  
22 legislative council in the North Dakota Administrative Code.  
23 2. Notwithstanding subsection 1, if a rule is effective before January 1, 2026, the  
24 expiration date must be determined by the governor.

- 1       3. The governor shall:
- 2           a. Provide notice of an expiration date of a rule to the commission or agency before
- 3               one year before the expiration date.
- 4           b. Organize and publish a table containing each rule and the expiration date for the
- 5               rule.
- 6           c. Review a rule before it expires. Upon review, the governor may update the
- 7               expiration date for another ten years or determine the rule is expired. If the
- 8               governor determines the rule is expired, the governor shall require the agency or
- 9               commission to amend or repeal the rule in accordance with this chapter within
- 10              one year of the expiration date of the rule.
- 11           d. Adopt rules in accordance with this chapter to implement the rule expiration and
- 12              review process under this section.
- 13       4. An agency or the commission shall provide to the governor a report to facilitate the
- 14              review process under this section, in accordance with rules adopted by the governor.
- 15       5. The governor may:
- 16           a. Exempt a rule from the requirements under this section.
- 17           b. Grant an extension to an agency or commission.