



HB 1434

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

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

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

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 ~~Amended~~ or repealed by the agency or commission, declared in accordance with this chapter;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 Determined repealed by the legislative council because the authority for adoption of the rules is repealed or transferred to another agency.

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

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

1. A rule expires on January first ten years after its effective date as published by the legislative council in the North Dakota Administrative Code.
2. Notwithstanding subsection 1, if a rule is effective before January 1, 2026, the expiration date must be determined by the governor.
3. The governor shall:
  - a. Provide notice of an expiration date of a rule to the commission or agency before one year before the expiration date.
  - b. Organize and publish a table containing each rule and the expiration date for the rule.
  - c. Review a rule before it expires. Upon review, the governor may update the expiration date for another ten years or determine the rule is expired. If the governor determines the rule is expired, the governor shall require the agency or commission to amend or repeal the rule in accordance with this chapter within one year of the expiration date of the rule.
  - d. Adopt rules in accordance with this chapter to implement the rule expiration and review process under this section.
4. An agency or the commission shall provide to the governor a report to facilitate the review process under this section, in accordance with rules adopted by the governor.

5. The governor may:

- a. Exempt a rule from the requirements under this section.
- b. Grant an extension to an agency or commission.

**TESTIMONY**

- Oil and Gas Division 43-02-03 (Oil and Gas) Code is 81 pages, 139 sections
- Oil and Gas Division 43-02-05 (UIC) Code is 12 pages, 16 sections
- Oil and Gas Division 43-02-06 (Royalty Statements) Code is 2 pages, 5 sections
- Oil and Gas Division 43-02-08 (Stripper Well) Code is 5 pages, 12 sections
- Oil and Gas Division 43-02-10 (Cert Recovery Projects) Code is 5 pages, 8 sections
- Oil and Gas Division 43-02-11 (Cert Shallow Gas Wells) Code is 2 pages, 9 sections
- Oil and Gas Division 43-02-12 (Geophysical) Code is 4 pages, 9 sections
- Oil and Gas Division 43-02-14 (Oil and Gas Storage) Code is 22 pages, 27 sections
- Oil and Gas Division 43-02-15 (Cert Restimulation Wells) Code is 3 pages, 6 sections
- Oil and Gas Division 43-05-01 (CO2 Storage) Code is 52 pages, 40 sections
- Geological Survey 43-02-01 (Coal Exploration) Code is 10 pages, 22 sections
- Geological Survey 43-02-02 (Subsurface Mineral Dev) Code is 31 pages, 83 sections
- Geological Survey 43-02-02.1 (UIC) Code is 7 pages, 19 sections
- Geological Survey 43-02-02.2 (In Situ Leach Mining) Code is 45 pages, 87 sections
- Geological Survey 43-02-02.3 (Surface Mining-noncoal) Code is 22 pages, 26 sections
- Geological Survey 43-02-02.4 (Solution Mining) Code is 30 pages, 50 sections
- Geological Survey 43-02-07 (Geothermal) Code is 7 pages, 15 sections
- Geological Survey 43-02-07.1 (Deep Geothermal) Code is 13 pages, 37 sections
- Geological Survey 43-02-07.1 (High-Lvl Radioactive Waste) Code is 12 pages, 35 sections
- Oil and Gas 200 pages, 271 sections
- Geological Survey 189 pages, 374 sections
- Administrative Code has 99 titles for administrative agencies
- 2024 rule changes: 41 sections had proposed amendments; received comments from twelve parties (7 oral and 5 written)
- The approximate cost of giving public notice and holding hearings on the 2024 rules was \$4,663.42. This does not include staff time for developing and adopting the rules
- Process is extensive, prepare draft amendments internally, prepare draft rules for public comment, prepare full notice, publish abbreviated notice, complete regulatory analysis, receive approval from Industrial Commission, file rules with Legislative Council, hold public hearings, write responses to all comments and make appropriate changes, send order to all interested parties including sponsors of legislation, complete regulatory analysis, complete small entity regulatory analysis, complete small entity impact statement, prepare fiscal note, obtain Attorney General opinion, file rules with Legislative Council, notify sponsors of Administrative Rules Committee Hearing, appear before Administrative Rules Committee Hearing

- 9-month process
- Will individual sections expire or entire chapter
- How extensive is the report to the Governor to facilitate review
- Staffing at agency, Governor's office, Legislative Council, Attorney General's office

