

Introduced by

Representatives Koppelman, Boehning, S. Meyer, Thoreson

Senators Freborg, Klein

1 A BILL for an Act to amend and reenact subsection 2 of section 28-32-01 of the North Dakota  
2 Century Code, relating to elimination of agency exemptions from the Administrative Agencies  
3 Practice Act; and to provide for application.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 28-32-01 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 2. "Administrative agency" or "agency" means each board, bureau, commission,  
8 department, or other administrative unit of the executive branch of state  
9 government, including one or more officers, employees, or other persons directly or  
10 indirectly purporting to act on behalf or under authority of the agency. An  
11 administrative unit located within or subordinate to an administrative agency must  
12 be treated as part of that agency to the extent it purports to exercise authority  
13 subject to this chapter. ~~The term administrative agency does not include:~~

14 a. ~~The office of management and budget except with respect to rules made~~  
15 ~~under section 32-12.2-14, rules relating to conduct on the capitol grounds and~~  
16 ~~in buildings located on the capitol grounds under section 54-21-18, rules~~  
17 ~~relating to the classified service as authorized under section 54-44.3-07, and~~  
18 ~~rules relating to state purchasing practices as required under section~~  
19 ~~54-44.4-04.~~

20 b. ~~The adjutant general with respect to the department of emergency services.~~

21 e. ~~The council on the arts.~~

22 d. ~~The state auditor.~~

23 e. ~~The department of commerce with respect to the division of economic~~  
24 ~~development and finance.~~

Sixtieth  
Legislative Assembly

- 1           f. ~~The dairy promotion commission.~~
- 2           g. ~~The education factfinding commission.~~
- 3           h. ~~The educational technology council.~~
- 4           i. ~~The board of equalization.~~
- 5           j. ~~The board of higher education.~~
- 6           k. ~~The Indian affairs commission.~~
- 7           l. ~~The industrial commission with respect to the activities of the Bank of North~~
- 8           ~~Dakota, North Dakota housing finance agency, public finance authority, North~~
- 9           ~~Dakota mill and elevator association, North Dakota farm finance agency, and~~
- 10          ~~the North Dakota transmission authority.~~
- 11          m. ~~The department of corrections and rehabilitation except with respect to the~~
- 12          ~~activities of the division of adult services under chapter 54-23-4.~~
- 13          n. ~~The pardon advisory board.~~
- 14          o. ~~The parks and recreation department.~~
- 15          p. ~~The parole board.~~
- 16          q. ~~The state fair association.~~
- 17          r. ~~The attorney general with respect to activities of the state toxicologist and the~~
- 18          ~~state crime laboratory.~~
- 19          s. ~~The board of university and school lands except with respect to activities~~
- 20          ~~under chapter 47-30.1.~~
- 21          t. ~~The administrative committee on veterans' affairs except with respect to rules~~
- 22          ~~relating to the supervision and government of the veterans' home and the~~
- 23          ~~implementation of programs or services provided by the veterans' home.~~
- 24          u. ~~The industrial commission with respect to the lignite research fund except as~~
- 25          ~~required under section 57-61-01.5.~~
- 26          v. ~~The attorney general with respect to guidelines adopted under section~~
- 27          ~~12.1-32-15 for the risk assessment of sexual offenders, the risk level review~~
- 28          ~~process, and public disclosure of information under section 12.1-32-15.~~
- 29          w. ~~The commission on legal counsel for indigents.~~

30           **SECTION 2. APPLICATION.** This Act applies to administrative rulemaking initiated

31 after July 31, 2007.