

Administrative Rules Committee

AAPA, NDCC Chapter 28-32

Office of Management and Budget

- 1. Does OMB require exemption from the rulemaking provisions of NDCC Chapter 28-32, the adjudicative proceedings provisions of Chapter 28-32, or both? Please explain.**

OMB requires exemption from the rulemaking provisions of NDCC Chapter 28-32. OMB is not involved in adjudicative proceedings and does not require an exemption for that.

- 2. Does OMB make any rules, for purposes other than internal management, which are of general statewide application and might affect rights or duties of persons outside your agency? Please explain.**

There are four statewide applications that OMB is required to adopt rules under the AAPA. Those are as follows:

- a. Risk Management Accident Review Board - NDCC 32-12.2-14
- b. Risk Management Workers Compensation program - NDCC 65-04-03.1
(5)
- c. Procurement - NDCC 44.4-04
- d. Human Resources Management Services – NDCC 54-44.3-07

Other activities of the agency that are exempt from the rulemaking process are more procedural in nature and provide guidance and consistency in application by all state agencies. For example, most of OMB Fiscal Policies originate in statute, but are restated in fiscal policies for clarification and consistency purposes. In some cases, accounting or payroll procedures are detailed to maintain consistency of the applications.

OMB Fiscal policies contain information on payroll and miscellaneous fiscal policies, expenditure and revenue policies, purchasing policies, travel policies, and fixed asset policies. These policies apply to other state agencies, but do not go beyond state government.

Facility Management also makes policies that go beyond our agency. A few examples of these policies include skateboarding/rollerblading policy, bulletin board policy, parking, space heaters and appliance policies, holiday decorations, and solicitation policy. Similarly, these policies extend to all agencies in the capitol complex, but do not go beyond the capitol complex.

3. Does OMB hold hearings to act on complaints, applications, or appeals?

No

4. Do you believe the exemption for your agency under subsection 2 of NDCC Section 28-32-01 should be continued unchanged, modified, or eliminated?

Continue unchanged