

**FIRST ENGROSSMENT
with Senate Amendments**

ENGROSSED HOUSE BILL NO. 1368

Introduced by

Representatives Koppelman, Kasper, Louser

Senators Clemens, Cory, Lemm, Magrum, Myrdal, Paulson

1 A BILL for an Act to amend and reenact subsection 1 of section 28-32-18 of the North Dakota
2 Century Code, relating to the authority of the administrative rules committee to void an
3 administrative rule.

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

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 28-32-18 of the North Dakota Century
6 Code is amended and reenacted as follows:

- 7 1. The legislative management's administrative rules committee may find that all or any
8 portion of a rule is void if that rule is initially considered by the committee not later than
9 the fifteenth day of the month before the date of the administrative code supplement in
10 which the rule change is scheduled to appear. The administrative rules committee may
11 find a rule or portion of a rule void if the committee makes the specific finding that, with
12 regard to that rule or portion of a rule, there is:
- 13 a. An absence of statutory authority.
 - 14 b. An emergency relating to public health, safety, or welfare.
 - 15 c. A failure to comply with express legislative intent or to substantially meet the
16 procedural requirements of this chapter for adoption of the rule.
 - 17 d. A conflict with state law.
 - 18 e. Arbitrariness and/or capriciousness.
 - 19 f. A failure to make a written record of its consideration of written and oral
20 submissions respecting the rule under section 28-32-11.