

Sixty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2258

Introduced by

Senators Beard, Klein, Paulson

Representative Koppelman

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 enforcement of agency rules; and to provide a report.

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

4 **SECTION 1.** A new section to chapter 28-32 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Agency enforcement of rules - Disclosure of authority - Report.**

- 7 1. When enforcing a rule adopted under this chapter, including through an official notice,
8 determination, order, or similar action, an agency shall specifically reference the
9 statute or rule providing the authority upon which the agency's action is based.
- 10 2. If an agency is found to have exceeded its statutory authority, or if an agency's
11 determination is not affirmed by the court under section 28-32-46, the agency shall
12 report the matter to the office of the governor, in a manner prescribed by the governor.
- 13 3. Any person may report a violation of this section to the office of the governor.
- 14 4. The office of the governor shall:
- 15 a. Investigate a reported violation of this section and take any necessary
16 disciplinary action, including issuing a written warning, implementing an
17 improvement plan, or terminating employment, as determined appropriate by the
18 office of the governor;
- 19 b. Maintain a record of a report received under this section, including
20 documentation regarding any investigative or disciplinary action taken by the
21 office of the governor or the agency in response to the report; and
- 22 c. Provide an annual report to the administrative rules committee which identifies
23 each agency involved in a violation reported under this section and the number of
24 reports against each identified agency.

- 1 5. Upon request, the office of the governor shall provide a copy of any record maintained
- 2 under this section to the administrative rules committee.