



# North Dakota Legislative Council

Prepared for Administrative Rules Committee  
LC# 27.9176.01000  
March 2026

## MOTIONS FOR THE ADMINISTRATIVE RULES COMMITTEE

### MOTIONS REQUIRING A VOICE VOTE

#### To Grant Withdrawal of Proposed Rules

An agency may appear before the Administrative Rules Committee to request to withdraw its proposed rules from consideration.

#### Motion Language

The following motion may be used by the Administrative Rules Committee to approve an agency's request to withdraw proposed rules from consideration:

**That [agency's] request to withdraw its proposed rules be approved.**

#### To Grant an Extension

North Dakota Century Code (NDCC) Section 28-32-07 provides: "If an agency or the commission needs additional time for the rule change, a request for additional time must be made to the legislative council. The legislative council may extend the time within which the agency or commission must adopt the rule change if the request by the agency or commission is supported by evidence that the agency or commission needs more time through no deliberate fault of its own."

An agency may appear before the committee to request an extension to adopt rules.

#### Motion Language

The following motion may be used by the Administrative Rules Committee to grant an agency's request for an extension to adopt rules:

**That [agency] be granted an extension to [March/June/September/December] 20\_\_ to adopt rules to implement \_\_\_\_\_ Bill No. \_\_\_\_\_.**

### MOTIONS REQUIRING A ROLL CALL VOTE

#### To Carry Over Rules

North Dakota Century Code Section 28-32-18(2) allows the Administrative Rules Committee to carry over consideration of the rule to **one subsequent committee meeting** to determine whether to void the rule. A rule carried over for consideration is delayed in taking effect until the 1st day of the calendar quarter following the meeting at which the rule is reconsidered.

#### Motion Language

The following motion may be used by the Administrative Rules Committee to carry over consideration of a rule to the subsequent committee meeting:

**That North Dakota Administrative Code (NDAC) \_\_\_\_\_ be held over for further consideration at the [March/June/September/December] 20\_\_ meeting under NDCC Section 28-32-18(2) due to concerns regarding \_\_\_\_\_.**

#### To Amend Rules

If the agency and committee agree the rule change is necessary to address any of the considerations for which the committee may find a rule to be void, NDCC Section 28-32-18(3) allows an agency to amend, repeal, or create a related rule after consideration of rules by the Administrative Rules Committee.

Before a committee member makes the motion, the **representative of the agency must indicate the agency agrees** the rule change is necessary to address any of the considerations for which the committee may find a rule to be void.

### Motion Language

The following motion may be used by the Administrative Rules Committee to amend a rule:

**That NDAC \_\_\_\_\_ be amended to \_\_\_\_\_ under NDCC Section 28-32-18(3) to address \_\_\_\_\_.**

The motion **must address one of the following considerations:**

- An absence of statutory authority.
- An emergency relating to public health, safety, or welfare.
- A failure of the agency to comply with express legislative intent or to substantially meet the procedural requirements of NDCC Chapter 28-32 for adoption of the rule.
- A conflict with state law.
- Arbitrariness and capriciousness.
- A failure of the agency to make a written record of its consideration of written and oral submissions respecting the rule during the hearing process and comment period.

### To Void Rules

North Dakota Century Code Section 28-32-18(1) gives the Administrative Rules Committee the authority to find all or a portion of a rule is void if the rule initially is considered by the committee not later than the 15th day of the month before the date of the Administrative Code supplement in which the rule change is scheduled to appear and the committee makes the **specific finding** there is:

- An absence of statutory authority.
- An emergency relating to public health, safety, or welfare.
- A failure of the adopting agency to comply with express legislative intent or to substantially meet the procedural requirements of NDCC Chapter 28-32 regarding adoption of the rule.
- A conflict with state law.
- Arbitrariness and capriciousness.
- A failure of the adopting agency to make a written record of its consideration of written and oral submissions respecting the rules during the hearing process and comment period.

### Motion Language

The following motion may be used by the Administrative Rules Committee to void a rule:

**That NDAC \_\_\_\_\_ be voided under NDCC Section 28-32-18(1) due to \_\_\_\_\_.**

### To Amend or Repeal - Abbreviated Rulemaking Procedure

North Dakota Century Code Section 28-32-18.1 provides an agency may amend or repeal a rule without complying with the other requirements of NDCC Chapter 28-32 provided the agency initiates the request, the regulated community is notified, and the agency and committee agree the amendment or repeal eliminates a provision that is **obsolete or out of compliance** and the regulated community will not be harmed by the amendment or repeal.

### Motion Language

The following motion may be used by the Administrative Rules Committee to amend or repeal a rule under the abbreviated rulemaking procedure:

**That NDAC \_\_\_\_\_ be amended/repealed because \_\_\_\_\_.**