

HOUSE BILL NO. 1243

Introduced by

Representatives Streyle, Bellew, Brabandt, Delzer, Dockter, Toman

Senator Unruh

1 A BILL for an Act amend and reenact subsection 1 of section 28-32-18 and section 54-17-05 of
2 the North Dakota Century Code, relating to administrative rules that would impose a fiscal
3 impact on the oil and gas industry.

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 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.
 - 21 g. A fiscal impact upon the oil and gas industry which would exceed five hundred
22 thousand dollars.

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1 **SECTION 2. AMENDMENT.** Section 54-17-05 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **54-17-05. Orders of commission - Approval by majority.**

4 1. All orders, rules, regulations, bylaws, and written contracts, adopted or authorized by
5 the industrial commission, before becoming effective, must be approved by a majority
6 of the commission.

7 2. Any rules imposed upon the oil and gas industry which would have a fiscal impact
8 upon the industry exceeding five hundred thousand dollars may not be adopted or
9 become effective unless the fiscal impact estimated for the rules is specifically
10 approved by a majority of the commission.