

HOUSE BILL NO. 1275

Introduced by

Representatives K. Koppelman, D. Anderson, Hatlestad, Heinert, Lefor, Louser, Toman
Senators Heckaman, Kreun, J. Roers

1 A BILL for an Act to amend and reenact section 28-32-02 of the North Dakota Century Code,
2 relating to limitations on the adoption of administrative rules.

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

4 **SECTION 1. AMENDMENT.** Section 28-32-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **28-32-02. Rulemaking power of agency - Organizational rule.**

- 7 1. The authority of an administrative agency to adopt administrative rules is authority
8 delegated by the legislative assembly. As part of that delegation, the legislative
9 assembly reserves to itself the authority to determine when and if rules of
10 administrative agencies are effective. Every administrative agency may adopt, amend,
11 or repeal reasonable rules in conformity with this chapter and any statute administered
12 or enforced by the agency. An administrative agency may not adopt a rule that
13 prescribes a criminal penalty unless authorized by another chapter.
14 2. In addition to other rulemaking requirements imposed by law, each agency may
15 include in its rules a description of that portion of its organization and functions subject
16 to this chapter and may include a statement of the general course and method of its
17 operations and how the public may obtain information or make submissions or
18 requests.