

HOUSE BILL NO. 1385

Introduced by

Representatives Becker, Kasper, Louser, Schauer, Tveit

Senators Meyer, Vedaa, Wobbema

1 A BILL for an Act to amend and reenact section 28-32-14 of the North Dakota Century Code,
2 relating to the attorney general review of proposed administrative rules.

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

4 **SECTION 1. AMENDMENT.** Section 28-32-14 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **28-32-14. Attorney general review of rules.**

7 1. Every rule proposed by any administrative agency must be submitted to the attorney
8 general for an opinion as to ~~its~~the rule's legality before final adoption, and the attorney
9 general promptly shall furnish ~~each such~~that opinion.

10 2. The attorney general may not approve any rule as to legality ~~when theif:~~

11 a. The rule exceeds the statutory authority of the agency or;

12 b. The rule is written in a manner that is not concise or easily understandable;

13 c. The rule is contrary to legislative intent; or when the

14 d. The procedural requirements for adoption of the rule in this chapter are not
15 substantially met.

16 3. For purposes of subdivision c of subsection 2, contrary to legislative intent includes the
17 proposal of a rule by an administrative agency within a period of four years after the
18 legislative assembly has failed to pass a bill that is substantially similar, in whole or in
19 part, to the proposed rule.

20 4. The attorney general shall advise an agency of any revision or rewording of a rule
21 necessary to correct objections as to legality.