

Introduced by

Representatives Koppelman, Kasper, Louser

Senators Clemens, Cory, Lemm, Magrum, Myrdal, Paulson

1 A BILL for an Act to amend and reenact section 28-32-18 of the North Dakota Century Code,  
2 relating to voiding and amending administrative rules by the administrative rules committee.

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

4 **SECTION 1. AMENDMENT.** Section 28-32-18 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **28-32-18. Administrative rules committee may void rule - Grounds - Amendment by**  
7 **agreement of agency and committee.**

- 8 1. The legislative management's administrative rules committee may find that all or any  
9 portion of a rule is void if ~~that~~:
- 10 a. The rule is initially considered by the committee not later than the fifteenth day of  
11 the month before the date of the administrative code supplement in which the  
12 rule change is scheduled to appear.~~The administrative rules committee may find~~  
13 ~~a rule or portion of a rule void if the~~ and a representative of the agency appears  
14 before the administrative rules committee when the rules are scheduled for  
15 committee consideration; and
- 16 b. The committee makes the specific finding that, with regard to that rule or portion  
17 of a rule, there is:
- 18 a. (1) An absence of statutory authority.
- 19 b. (2) An emergency relating to public health, safety, or welfare.
- 20 e. (3) A failure to comply with express legislative intent or to substantially meet the  
21 procedural requirements of this chapter for adoption of the rule.
- 22 e. (4) A conflict with state law.
- 23 e. (5) Arbitrariness ~~and/or~~ capriciousness.



1 after receipt of the petition from the adopting agency the legislative management has  
2 not disapproved by motion the finding of the administrative rules committee, the rule is  
3 void.

4 ~~3-6.~~ An agency~~The committee~~ may amend or repeal a rule or create a related rule if, after  
5 consideration of rules by the administrative rules committee, the representative from  
6 the agency and committee agree that the rule amendment, repeal, or creation is  
7 ~~necessary to address any of the considerations under subsection 1~~reasonable.

8 7. A rule amended, repealed, or created under ~~this subsection is~~subsection 6:

9 a. Is not subject to the other requirements of this chapter relating to adoption of  
10 administrative rules ~~and may~~.

11 b. May be published by the legislative council as amended, repealed, or created. ~~If~~  
12 ~~requested by the agency or any interested party, a rule amended, repealed, or~~  
13 ~~created under this subsection must~~

14 c. Must be reconsidered by the administrative rules committee at a subsequent  
15 meeting at which public comment on the agreed rule change must be allowed, if  
16 requested by the agency or an interested party.