

Fifty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1026

Introduced by

Legislative Council

(Administrative Rules Committee)

1 A BILL for an Act to amend and reenact subsection 1 of section 28-32-02 of the North Dakota
2 Century Code, relating to clarifying rulemaking authority of administrative agencies; and to
3 direct a legislative council study of the rulemaking authority of administrative agencies.

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

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 28-32-02 of the 1997 Supplement
6 to the North Dakota Century Code is amended and reenacted as follows:

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,
11 amend, or repeal reasonable rules in conformity with the provisions of this chapter
12 and any statute administered or enforced by the agency. Notwithstanding any
13 other provision of law, an agency may adopt an administrative rule in the manner
14 provided in this chapter only when the rule falls within an area in which the agency
15 has been specifically required or authorized to adopt rules by state or federal law
16 or federal rules.

17 **SECTION 2. ADMINISTRATIVE RULES COMMITTEE STUDY.** During the 1999-2000
18 interim, the legislative council shall assign to the administrative rules committee a study of the
19 statutory authority of each agency with administrative rulemaking authority and the rules that
20 have been adopted under that authority, with the directive that the committee should seek to
21 limit administrative rulemaking authority to areas in which the legislative assembly or federal
22 law or rules have specifically required or authorized rulemaking.