Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019

HOUSE BILL NO. 1275
(Representatives K. Koppelman, D. Anderson, Hatlestad, Heinert, Lefor, Louser, Toman)
(Senators Heckaman, Kreun, J. Roers)

AN ACT to amend and reenact section 28-32-02 of the North Dakota Century Code, relating to limitations on the adoption of administrative rules; and to provide for retroactive application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. The authority of an administrative agency to adopt administrative rules is authority delegated by the legislative assembly. As part of that delegation, the legislative assembly reserves to itself the authority to determine when and if rules of administrative agencies are effective. Every administrative agency may adopt, amend, or repeal reasonable rules in conformity with this chapter and any statute administered or enforced by the agency. <u>An administrative agency may not adopt a rule that prescribes a criminal penalty unless authorized by another chapter.</u>

2. In addition to other rulemaking requirements imposed by law, each agency may include in its rules a description of that portion of its organization and functions subject to this chapter and may include a statement of the general course and method of its operations and how the public may obtain information or make submissions or requests.

SECTION 2. RETROACTIVE APPLICATION. This Act is retroactive in application and any rule adopted before the effective date of this Act which prescribes a penalty in violation of this Act is void.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1275.

House Vote:	Yeas 88	Nays 1	Absent 5
Senate Vote:	Yeas 46	Nays 0	Absent 0

Chief Clerk of the House

Received by the Governor at 9:48 AM. on April 17, 2019.

Approved at 6:56 PM. on April 17, 2019.

Governor

Filed in this office this 18th day of April, 2019,

at 10:38 o'clock A. M.

Secretary of State