

Introduced by

Legislative Council

(Administrative Rules Committee)

1 A BILL for an Act to amend and reenact section 28-32-03 of the North Dakota Century Code,
2 relating to authorization by the administrative rules committee before administrative rules may
3 be effective on an emergency basis; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 28-32-03 of the North Dakota Century Code as
6 created by House Bill No. 1030, as approved by the Fifty-seventh Legislative Assembly, is
7 amended and reenacted as follows:

8 **28-32-03. Emergency rules.**

- 9 1. If the agency, with the approval of the governor, finds that emergency rulemaking
10 is necessary because of imminent peril to the public health, safety, or welfare
11 because a delay in rulemaking is likely to cause loss of revenues appropriated to
12 support a duty imposed by law upon the agency or because reasonably necessary
13 to avoid a delay in implementing an appropriations measure, the agency may
14 declare the proposed rule to be an interim final rule effective on a date no earlier
15 than the date of filing with the legislative council of the notice required by section
16 28-32-10.
- 17 2. A proposed rule may be given effect on an emergency basis under this section if
18 any of the following grounds exists regarding that rule:
- 19 a. Imminent peril threatens public health, safety, or welfare, which would be
20 abated by emergency effectiveness;
- 21 b. A delay in the effective date of the rule is likely to cause a loss of funds
22 appropriated to support a duty imposed by law upon the agency;
- 23 c. Emergency effectiveness is reasonably necessary to avoid a delay in
24 implementing an appropriations measure; or

d. Emergency effectiveness is necessary to meet a mandate of federal law.

3. A final rule adopted after consideration of all written and oral submissions respecting the interim final rule, which is substantially similar to the interim final rule, is effective as of the declared effective date of the interim final rule.

4. The agency's finding, and a brief statement of the reasons for the finding, must be filed with the office of the legislative council, with the final adopted rule.

5. The agency shall take appropriate measures to make interim final rules known to every person who may be affected by them.

6. An interim final rule is ineffective one hundred eighty days after its declared effective date unless first adopted as a final rule.

SECTION 2. EFFECTIVE DATE. This Act is effective for administrative rules for which the notice of rulemaking is filed with the office of the Legislative Council after July 31, 2001.