

HOUSE BILL NO. 1025

Introduced by

Legislative Council

(Administrative Rules Committee)

1 A BILL for an Act to amend and reenact sections 28-32-02.3 and 28-32-02.4 of the North
2 Dakota Century Code, relating to adoption of administrative rules from federal guidelines and
3 adoption of rules by reference and appropriate circumstances; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 28-32-02.3 of the 1997 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **28-32-02.3. Repeal or waiver of certain ~~environmental~~ rules.**

- 8 1. An agency shall repeal or amend any existing rule that was adopted from federal
9 ~~environmental~~ guidelines and which is not relevant to state regulatory programs.
10 2. An agency may not adopt rules from federal guidelines which are not relevant to
11 state regulatory programs when developing or modifying programs.
12 3. An agency shall seek a waiver from the appropriate United States ~~environmental~~
13 ~~protection~~ agency when the ~~environmental protection~~ United States agency is
14 evaluating current programs or delegating or modifying programs, to relieve the
15 agency from complying with or adopting rules that are not relevant to state
16 regulatory programs.

17 **SECTION 2. AMENDMENT.** Section 28-32-02.4 of the 1997 Supplement to the North
18 Dakota Century Code is amended and reenacted as follows:

19 **28-32-02.4. Permit and procedural rules adopted by reference in appropriate**
20 **circumstances.**

- 21 1. When adopting rules, an agency shall adopt by reference any applicable existing
22 permit or procedural rules that may be adapted for use in a new or existing
23 program.

1 2. An agency shall seek authorization from the appropriate United States
2 ~~environmental protection~~ agency to adopt by reference applicable existing permit
3 or procedural rules that may be adapted for use in a new or existing program when
4 the ~~environmental protection~~ United States agency is delegating or modifying a
5 program.

6 **SECTION 3. EFFECTIVE DATE.** This Act is effective for rulemaking proceedings
7 commenced after July 31, 1999.