

**HOUSE BILL NO. 1025
with House Amendments**

Fifty-sixth
Legislative Assembly
of North Dakota

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, 28-32-02.4, and 40-08-06 of the
2 North Dakota Century Code, relating to adoption of administrative rules from federal guidelines
3 and adoption of rules by reference and appropriate circumstances and to the terms of office of
4 city council members; and to provide an effective date.

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

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

8 **28-32-02.3. Repeal or waiver of certain environmental rules.**

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

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

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

- 22 1. When adopting rules, an agency shall adopt by reference any applicable existing
23 permit or procedural rules that may be adapted for use in a new or existing
24 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. AMENDMENT.** Section 40-08-06 of the 1997 Supplement to the North
7 Dakota Century Code is amended and reenacted as follows:

8 **40-08-06. Term of office of council members - Staggered terms provided for in**
9 **cities where other than ten council members elected.** Council members shall hold office for
10 four years and until their successors are elected and qualified. Terms of council members must
11 be arranged so that ~~only~~ one-half of the council members in any city, as nearly as is
12 practicable, are elected in any one election. When a city first adopts the council form of
13 government or changes the number of council members, or when a city that has adopted the
14 commission system of government returns to the city council form of government as provided
15 by section 40-04-08, the alternation of the terms of the council members must be perfected as
16 follows: of the council members elected in each ward, the one receiving the greater number of
17 votes shall serve until the fourth Tuesday in June following the second succeeding biennial
18 election and the one receiving the lesser number of votes shall serve until the fourth Tuesday in
19 June following the biennial election succeeding the council member's election; if the city is not
20 divided into wards, the one-half of the council members elected in the entire city receiving the
21 greater number of votes shall serve until the fourth Tuesday in June following the second
22 succeeding biennial election and the one-half of the council members elected in the entire city
23 receiving the lesser number of votes shall serve until the fourth Tuesday in June following the
24 biennial election succeeding their election. ~~Whenever, for any cause, more than one half of the~~
25 ~~total number of council members in any ward, or more than one half of the total number of~~
26 ~~council members in the city, if the city is not divided into wards, are to be elected in any one~~
27 ~~election, the length of the terms of the council members elected at the election must be~~
28 ~~determined as provided in this section.~~

29 **SECTION 4. EFFECTIVE DATE.** Sections 1 and 2 of this Act are effective for
30 rulemaking proceedings commenced after July 31, 1999.