

Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine

HOUSE BILL NO. 1025
(Legislative Council)
(Administrative Rules Committee)

AN ACT to amend and reenact sections 28-32-02.3, 28-32-02.4, and 40-08-06 of the North Dakota Century Code, relating to adoption of administrative rules from federal guidelines and adoption of rules by reference and appropriate circumstances and to the terms of office of city council members; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

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

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

SECTION 3. AMENDMENT. Section 40-08-06 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-08-06. Term of office of council members - Staggered terms provided for in cities where other than ten council members elected. Council members shall hold office for four years and until their successors are elected and qualified. Terms of council members must be arranged so that ~~only~~ one-half of the council members in any city, as nearly as is practicable, are elected in any one election. When a city first adopts the council form of government or changes the number of council members, or when a city that has adopted the commission system of government returns to the city council form of government as provided by section 40-04-08, the alternation of the terms of the council members must be perfected as follows: of the council members elected in each ward, the one receiving the greater number of votes shall serve until the fourth Tuesday in June following the second succeeding biennial election and the one receiving the lesser number of votes shall serve until the

fourth Tuesday in June following the biennial election succeeding the council member's election; if the city is not divided into wards, the one-half of the council members elected in the entire city receiving the greater number of votes shall serve until the fourth Tuesday in June following the second succeeding biennial election and the one-half of the council members elected in the entire city receiving the lesser number of votes shall serve until the fourth Tuesday in June following the biennial election succeeding their election. ~~Whenever, for any cause, more than one half of the total number of council members in any ward, or more than one half of the total number of council members in the city, if the city is not divided into wards, are to be elected in any one election, the length of the terms of the council members elected at the election must be determined as provided in this section.~~

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

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 Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1025.

House Vote: Yeas 94 Nays 0 Absent 4

Senate Vote: Yeas 47 Nays 0 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,

at _____ o'clock _____ M.

Secretary of State