

HOUSE BILL NO. 1132

Introduced by

Representative Bernstein

1 A BILL for an Act to amend and reenact subsection 6 of section 28-32-02 of the North Dakota
2 Century Code, relating to the length of time that an emergency rule may remain in effect before
3 final adoption; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Subsection 6 of section 28-32-02 of the 1997 Supplement
6 to the North Dakota Century Code is amended and reenacted as follows:

7 6. If the agency finds that emergency rulemaking is necessary because of imminent
8 peril to the public health, safety, or welfare, because a delay in rulemaking is likely
9 to cause a loss of revenues appropriated to support a duty imposed by law upon
10 the agency, or because reasonably necessary to avoid a delay in implementing an
11 appropriations measure, the agency may declare the proposed rule to be an
12 interim final rule effective on a date no earlier than the date of filing with the
13 legislative council of the notice required by subsection 4. A final rule adopted after
14 consideration of all written and oral submissions respecting the interim final rule,
15 which is substantially similar to the interim final rule, is effective as of the declared
16 effective date of the interim final rule. The agency's finding, and a brief statement
17 of the reasons therefor, must be filed with the office of the legislative council, along
18 with any final rule adopted. The agency shall take appropriate measures to make
19 interim final rules known to every person who may be affected by them. An interim
20 final rule is ineffective ~~one hundred eighty~~ ninety days after its declared effective
21 date unless first adopted as a final rule.

22 **SECTION 2. EFFECTIVE DATE.** This Act is effective for administrative rules adopted
23 after July 31, 1999.