

FIRST ENGROSSMENT
with Senate Amendments

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1028

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

- 1 d. Emergency effectiveness is necessary to meet a mandate of federal law.
- 2 3. A final rule adopted after consideration of all written and oral submissions
- 3 respecting the interim final rule, which is substantially similar to the interim final
- 4 rule, is effective as of the declared effective date of the interim final rule.
- 5 4. The agency's finding, and a brief statement of the reasons for the finding, must be
- 6 filed with the office of the legislative council, with the final adopted rule.
- 7 5. The agency shall take appropriate measures to make interim final rules known to
- 8 every person who may be affected by them.
- 9 6. An interim final rule is ineffective one hundred eighty days after its declared
- 10 effective date unless first adopted as a final rule.

11 **SECTION 2. EFFECTIVE DATE.** This Act is effective for administrative rules for which

12 the notice of rulemaking is filed with the office of the Legislative Council after July 31, 2001.