

Introduced by

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 authorization by the administrative rules committee before
3 administrative rules may be adopted 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.** Subsection 6 of section 28-32-02 of the 1999 Supplement
6 to the North Dakota Century Code is amended and reenacted as follows:

- 7 6. a. If the agency finds that emergency rulemaking is necessary ~~because of~~
8 ~~imminent peril to the public health, safety, or welfare, because a delay in~~
9 ~~rulemaking is likely to cause a loss of revenues appropriated to support a duty~~
10 ~~imposed by law upon the agency, or because reasonably necessary to avoid~~
11 ~~a delay in implementing an appropriations measure~~ and that finding is
12 approved by the administrative rules committee no later than one hundred
13 twenty days after the declared effective date of the proposed rule, the agency
14 may declare the proposed rule to be an interim final rule effective on a date no
15 earlier than the date of filing with the legislative council of the notice required
16 by subsection 4.
- 17 b. A proposed rule may be given effect on an emergency basis under this
18 subsection if one or more of the following grounds exists regarding that rule:
- 19 (1) Imminent peril threatens public health, safety, or welfare, which would
20 be abated by emergency effectiveness.
- 21 (2) 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 (3) Emergency effectiveness is reasonably necessary to avoid a delay in
24 implementing an appropriations measure.

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

10 **SECTION 2. EFFECTIVE DATE.** This Act is effective for administrative rules for which
11 the notice of rulemaking is filed with the office of the Legislative Council after July 31, 2001.