

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 779*

Short Title: Clarify Existing Rule Readoption Process. (Public)

Sponsors: Senator Hartsell (Primary Sponsor).

Referred to: Judiciary I.

May 19, 2014

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE PROCESS FOR READOPTION OF EXISTING RULES IN ACCORDANCE WITH THE PERIODIC REVIEW AND EXPIRATION OF EXISTING RULES PROVISION OF THE ADMINISTRATIVE PROCEDURE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 150B-21.3A(d) reads as rewritten:

"(d) Timetable. – The Commission shall establish a schedule for the review and readoption of existing rules in accordance with this section on a decennial basis as follows:

(1) With regard to the review process, the Commission shall assign by assigning each Title of the Administrative Code a date by which the review required by this section must be completed. In establishing the schedule, the Commission shall consider the scope and complexity of rules subject to this section and the resources required to conduct the review required by this section. The Commission shall have broad authority to modify the schedule and extend the time for review in appropriate circumstances. Except as provided in ~~subsection~~ subsections (d1) and (e) of this section, if the agency fails to conduct the review by the date set by the Commission, the rules contained in that Title which have not been reviewed will expire. The Commission shall report to the Committee any agency that fails to conduct the review. The Commission may exempt rules that have been adopted or amended within the previous 10 years from the review required by this section. However, any rule exempted on this basis must be reviewed in accordance with this section no more than 10 years following the last time the rule was amended.

(2) With regard to the readoption of rules as required by subsection (c)(2)g. of this section, once the final determination report becomes effective, the Commission shall establish a date by which the agency must readopt the rules. The Commission shall consult with the agency and shall consider the agency's rulemaking priorities in establishing the readoption date. The agency may amend a rule as part of the readoption process. If a rule is readopted without change, the agency is not required to prepare a fiscal note as provided by G.S. 150B-21.4."

SECTION 2. This act is effective when it becomes law.



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