

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE DRS45145-ROz-17A* (04/04)

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

Sponsors: Senator Hartsell (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE PROCESS FOR READOPTION OF EXISTING RULES IN
3 ACCORDANCE WITH THE PERIODIC REVIEW AND EXPIRATION OF EXISTING
4 RULES PROVISION OF THE ADMINISTRATIVE PROCEDURE ACT, AS
5 RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE
6 OVERSIGHT COMMITTEE.

7 The General Assembly of North Carolina enacts:

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

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

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

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

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