

May 17, 2004

H 1449. APA TECHNICAL/CLARIFYING CHANGES. TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT. Makes various technical changes to GS 150B-21.1 as title indicates. Amends new GS 150B-21.1(a3) to require that if a temporary rule increases or establishes a fee, the agency must include a statement of compliance with GS 12-3.1. Amends GS 150B-21.3(b2) to clarify that written objections must be received prior to date on which Rules Review Comm'n reviews rule.

Intro. by Fisher.

Ref. to Judiciary I

GS 150B

June 15, 2004

H 1449. APA TECHNICAL/CLARIFYING CHANGES. Intro. 5/17/04. House committee substitute makes the following changes to 1st edition. Amends GS 150B-21.3(b2) to provide written objections, which delay effective date of rule, must be received no later than 5 p.m. of the day following the day the Rules Review Comm'n approves the rule (was, by date reviews the rule).

June 30, 2004

H 1449. APA TECHNICAL/CLARIFYING CHANGES. Intro. 5/17/04. Senate committee substitute makes the following changes to 2nd edition. Amends GS 150B-21.1(6) to require that temporary rule issued under that subsection establish review criteria as authorized by GS 131E-183(b) and that rule and hearing notice is submitted prior to effective date of State Medical Facilities Plan. Enacts new GS 150B-33(b)(12) effective Oct. 1, 2004, authorizing administrative law judges to accept a remanded case from an agency, but only when a claim for relief is made, the ALJ decision makes no findings of fact or conclusions of law regarding that claim, and the agency requests that ALJ make findings of fact and conclusions of law on claim for relief. Further authorizes ALJ to refuse to accept remand if the record is sufficient to allow agency to make a final decision. Makes technical changes.

July 8, 2004

H 1449. APA TECHNICAL/CLARIFYING CHANGES. Intro. 5/17/04. Senate committee substitute makes the following changes to 3rd edition. Authorizes an agency to specify an effective date for a rule that is later than the effective date established in GS 150B-21.3(b). Amends GS 150B-21.3(b2) to incorporate additional procedures in the event that 10 or more objections are submitted with respect to an agency rule. Requires the Rules Review Commission to notify the agency regarding the possibility of legislative disapproval. Authorizes an agency that has issued a group of rules to submit a written statement indicating that those rules in the group not subject to legislative disapproval will become effective. Modifies new GS 150B-33(b)(12) related to the authority of an administrative law judge to accept remands from an agency by adding an exception for cases in which the ALJ has granted a judgment on the pleadings.

August 6, 2004

SL 2004-156 (H 1449). APA TECHNICAL/CLARIFYING CHANGES. AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT. Summarized in *Daily Bulletin* 5/17/04, 6/15/04, 6/30/04, and 7/8/04. Enacted August 2, 2004. Section 4 is effective October 1, 2004. The remainder of this act is effective August 2, 2004.