

April 3, 2003

S 956. IMPROVE RULEMAKING PROCESS. TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO REVISE THE PROCEDURE FOR ADOPTING PERMANENT AND TEMPORARY RULES, TO CREATE A PROCEDURE FOR THE ADOPTION OF EMERGENCY RULES, AND TO CLARIFY THE ROLE OF THE RULES REVIEW COMMISSION. Amends GS 150B-21.1 concerning adoption of temporary rules by streamlining sec. and clarifying that temporary rules may be adopted following a "recent" federal regulation or court order, defined as an act occurring no more than 180 days prior to rule's submission, and providing that the Rules Review Comm'n may waive this requirement under certain circumstances upon written request of the agency. Changes references to Codifier of Rules to Rules Review Comm'n and revises temporary rule procedure established in GS 150B-21.1(b). Adds new GS 150B-21.1A establishing grounds and procedures for issuance of an emergency rule when required by a serious and unforeseen threat to public health, safety, or welfare and for expiration of such rules. Reorganizes GS 150B-21.3(b) by breaking it into subsections and providing that a permanent rule becomes effective on the first day of the month following the month the rule is approved by the Comm'n, unless written objections are received. Amends GS 150B-21.4(b1) to decrease the monetary amount that constitutes "substantial economic impact" to \$3 million (was, \$5 million). Amends GS 150B-21.9(a) to require that Comm'n consider the specificity of the applicable statute in considering proposed rules and to prohibit Comm'n from considering questions regarding the quality or efficacy of rule. Further requires that Comm'n shall (was, may) determine if rule was adopted in accordance with Part 2 of Art. upon receipt of written request submitted at least 48 hours prior to Comm'n meeting and provides that entry of a rule in the Administrative Code is a rebuttable presumption (was, conclusive evidence) that rule was adopted in accordance with Part 2. Amends GS 150b-21.17(a) to require that the text of a proposed rule, instead of a notice of rulemaking, be published in the NC Register. Makes technical and conforming changes. Applies to rules adopted on or after July 1, 2003.

Intro. by Hartsell, Foxx, Kerr.

Ref. to	GS 150B
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