

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE DRH10040-MC-40A (02/05)

Short Title: Periodic Review and Expiration of Rules. (Public)

Sponsors: Representatives Murry, Moffitt, Samuelson, and Bryan (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE PERIODIC REVIEW AND EXPIRATION OF RULES.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 150B-21.2(c) reads as rewritten:

5 "(c) Notice of Text. – A notice of the proposed text of a rule must include all of the
6 following:

- 7 (1) The text of the proposed ~~rule~~ rule, unless the rule is a readoption without
8 substantive changes to the existing rule proposed to keep a permanent rule
9 from expiring.
- 10 (2) A short explanation of the reason for the proposed rule and a link to the
11 agency's Web site containing the information required by G.S. 150B-19.1(c).
- 12 (3) A citation to the law that gives the agency the authority to adopt the rule.
- 13 (4) The proposed effective date of the rule.
- 14 (5) The date, time, and place of any public hearing scheduled on the rule.
- 15 (6) Instructions on how a person may demand a public hearing on a proposed
16 rule if the notice does not schedule a public hearing on the proposed rule and
17 subsection (e) of this section requires the agency to hold a public hearing on
18 the proposed rule when requested to do so.
- 19 (7) The period of time during which and the person to whom written comments
20 may be submitted on the proposed rule.
- 21 (8) If a fiscal note has been prepared for the rule, a statement that a copy of the
22 fiscal note can be obtained from the agency.
- 23 (9) The procedure by which a person can object to a proposed rule and the
24 requirements for subjecting a proposed rule to the legislative review
25 process."

26 **SECTION 2.** Part 2 of Article 2A of Chapter 150B of the General Statutes is
27 amended by adding a new section to read:

28 "**§ 150B-21.3A. Expiration date of permanent rules.**

29 (a) Unless readopted pursuant to the provisions of G.S. 150B-21.2 and approved by the
30 Commission pursuant to the provisions of Part 3 of Article 2A of this Chapter, a permanent rule
31 expires on the latest of any of the following:

- 32 (1) December 31, 2016, for rules in Title 10A of the North Carolina
33 Administrative Code.
- 34 (2) December 31, 2017, for rules in Title 15A of the North Carolina
35 Administrative Code.



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- 1 (3) December 31, 2018, for rules in Title 21 of the North Carolina
- 2 Administrative Code.
- 3 (4) December 31, 2019, for all remaining rules, unless and to the extent the
- 4 agencies that adopted the rules are exempt from the rule-making
- 5 requirements in this Article.
- 6 (5) Ten years after its effective date.
- 7 (6) Ten years after its readopted effective date.
- 8 (7) Ten years from the effective date of the most recent amendment to the rule.
- 9 (b) The Commission shall establish a time line for the submission of rules subject to
- 10 expiration after consultation with the adopting agency.
- 11 (c) The Codifier of Rules shall annually notify agencies of rules that will expire within
- 12 the next two years."
- 13 **SECTION 3.** This act is effective when it becomes law.