

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

FILED SENATE  
May 15, 2014  
S.B. 779  
PRINCIPAL CLERK

S

D

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.  
36



\* D R S 4 5 1 4 5 - R O Z - 1 7 A \*