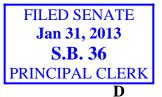
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2013



SENATE DRS75007-ROz-3* (12/14)

Short Title:	APA Technical/Clarifying Chges.	(Public)
Sponsors:	Senator Hartsell (Primary Sponsor).	
Referred to:		

A BILL TO BE ENTITLED

2	AN ACT	TON	MAKE CERTAIN TECHNICAL, CLARIFYING, AND CONFORMING		
3	CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, AS RECOMMENDED				
4	BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT				
5	COMMITTEE.				
6	The Gener	ral Asse	embly of North Carolina enacts:		
7	SECTION 1. G.S. 150B-21.2(c) reads as rewritten:				
8	"(c)	Notice	e of Text A notice of the proposed text of a rule must include all of the		
9	following:	:			
10		(1)	The text of the proposed rule.		
11		(2)	A short explanation of the reason for the proposed rule and a link to the		
12			agency's Web site containing the information required by G.S. 150B-19.1(c).		
13			<u>rule.</u>		
14		<u>(2a)</u>	A link to the agency's Web site containing the information required by		
15			<u>G.S. 150B-19.1(c).</u>		
16		(3)	A citation to the law that gives the agency the authority to adopt the rule.		
17		(4)	The proposed effective date of the rule.		
18		(5)	The date, time, and place of any public hearing scheduled on the rule.		
19		(6)	Instructions on how a person may demand a public hearing on a proposed		
20			rule if the notice does not schedule a public hearing on the proposed rule and		
21			subsection (e) of this section requires the agency to hold a public hearing on		
22			the proposed rule when requested to do so.		
23		(7)	The period of time during which and the person within the agency to whom		
24			written comments may be submitted on the proposed rule.		
25		(8)	If a fiscal note has been prepared for the rule, a statement that a copy of the		
26			fiscal note can be obtained from the agency.		
27		(9)	The procedure by which a person can object to a proposed rule and the		
28			requirements for subjecting a proposed rule to the legislative review		
29			process."		
30			ION 2. G.S. 150B-21.7 reads as rewritten:		
31					
32	<u>(a)</u>		a law that authorizes an agency to adopt a rule is repealed and another law		
33	gives the same or another agency substantially the same authority to adopt a rule, the rule				
34					
35	a law that authorizes an agency to adopt a rule is repealed and another law does not give the				



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1	same or another agency substantially the same authority	to adopt a rule, a rule adopted under				
2	the repealed law is repealed as of the date the law is repealed. The agency that adopted the rule					
3	shall notify the Codifier of Rules that the rule is repealed pursuant to this subsection.					
4	(b) When an executive order abolishes part or all of an agency and transfers a function					
5	of that agency to another agency, a rule concerning the					
6	until the agency to which the function is transferred amends or repeals the rule. When an					
7	executive order abolishes part or all of an agency and does not transfer a function of that					
8 9	agency to another agency, a rule concerning a function abolished by the executive order is repealed as of the effective date of the executive order. The agency that adopted the rule shall					
9 10	-					
10	notify the Codifier of Rules that the rule is repealed pursu (c) The Director of Fiscal Research of the Gener					
11						
12	1 1					
13 14	Administrative Code."	of the fulle in the North Carolina				
14	SECTION 3. G.S. 150B-21.20(a) reads as re	written				
16	"(a) Authority. – After consulting with the agency					
17	Rules may revise the form of a rule submitted for					
18	Administrative Code within 10 business days after the r					
19	the following:					
20		Code or the order of the subsections,				
21	subdivisions, or other subparts of the r					
22	-	the rule or revise the catch line or				
23	heading of the rule.					
24	(3) Reletter or renumber the rule or the su	bparts of the rule in accordance with a				
25	uniform system.					
26	(4) Rearrange definitions and lists.					
27		or in form that do not change the				
28		ry or desirable for a clear and orderly				
29	arrangement of the rule.					
30		a diagram, an illustration, a chart, or				
31		of Rules determines that the Office of				
32		e the capability to publish the material				
33	-	not practicable. When the Codifier of				
34 25	• •	he published rule, the Codifier must				
35 36		ial and information on how to obtain a				
30 37	copy of the omitted material." SECTION 4. G.S. 150B-45(a) reads as rewri	tton				
37	"(a) Procedure. – To obtain judicial review of a					
38 39						
40						
41		eview of a final decision in a contested				
42		5 must be filed in the Superior Court of				
43	Wake County.					
44	•	or review of any other final decision				
45		Superior Court of Wake County or in				
46		the person-party who commenced the				
47	contested case resides."					
48	SECTION 5. This act is effective when it be	comes law.				