A BILL TO BE ENTITLED
AN ACT TO ALLOW ADMINISTRATIVE LAW JUDGES TO VOID ADMINISTRATIVE RULES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 150B-33(b) reads as rewritten:

"(b) An administrative law judge may:

…

(9) Determine that a rule as applied in a particular case is void because (1) it is not within the statutory authority of the agency, (2) is not clear and unambiguous to persons it is intended to direct, guide, or assist, or (3) is not reasonably necessary to enable the agency to fulfill a duty delegated to it by the General Assembly.

…"

SECTION 2. This act is effective when it becomes law and applies to decisions issued on or after that date.