

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 327
Committee Substitute Favorable 4/28/21
Senate Judiciary Committee Substitute Adopted 6/29/21
PROPOSED SENATE COMMITTEE SUBSTITUTE H327-PCS10658-TG-52

Short Title: Various Administrative Law Changes. (Public)

Sponsors:

Referred to:

March 18, 2021

A BILL TO BE ENTITLED

AN ACT TO UPDATE THE PROCESS FOR LEGISLATIVE REVIEW OF RULES, TO DESIGNATE THE NORTH CAROLINA ADMINISTRATIVE CODE PUBLISHED ONLINE AS THE OFFICIAL VERSION AND REMOVE THE REQUIREMENT TO PUBLISH AND PROVIDE PRINTED COPIES, TO UPDATE THE MODEL CODE OF JUDICIAL CONDUCT FOR STATE ADMINISTRATIVE LAW JUDGES, AND TO MAKE CLARIFYING CHANGES TO THE OCCUPATIONAL LICENSING LAWS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 150B-21.3 reads as rewritten:

"§ 150B-21.3. **Effective date of rules.**

...

(b1) Delayed Effective Dates. – Except as provided in G.S. 14-4.1, if the Commission received written objections to the rule in accordance with subsection (b2) of this section, the rule becomes effective on the earlier of the thirty-first legislative day or the day of adjournment of the next regular session of the General Assembly that begins at least 25 days after the date the Commission approved the rule, unless a different effective date applies under this section. If a bill that specifically disapproves the rule is introduced in either house of the General Assembly before the thirty-first legislative day of that session, the rule becomes effective on the ~~earlier of either the day an unfavorable final action is taken on the bill or the day that session of the General Assembly adjourns without ratifying a bill that specifically disapproves the rule.~~ later of September 1 of the calendar year of that session or the day of adjournment of that session of the General Assembly that adjourns without ratifying a bill that specifically disapproves the rule. If the agency adopting the rule specifies a later effective date than the date that would otherwise apply under this subsection, the later date applies. A permanent rule that is not approved by the Commission or that is specifically disapproved by a bill enacted into law before it becomes effective does not become effective.

A bill specifically disapproves a rule if it contains a provision that refers to the rule by appropriate North Carolina Administrative Code citation and states that the rule is disapproved. Notwithstanding any rule of either house of the General Assembly, any member of the General Assembly may introduce a bill during the first 30 legislative days of any regular session to disapprove a rule that has been approved by the Commission and that either has not become effective or has become effective by executive order under subsection (c) of this section.

...



1 (f) Technical Change. – A permanent rule for which no notice or hearing is required
2 under G.S. 150B-21.5(a)(1) through (a)(5) or G.S. 150B-21.5(b) becomes effective on the first
3 day of the month following the month the rule is approved by the Rules Review
4 ~~Commission~~. Commission or Codifier of Rules, as applicable."

5 **SECTION 2.** G.S. 150B-21.18 reads as rewritten:

6 "**§ 150B-21.18. North Carolina Administrative Code.**

7 The Codifier of Rules must compile all rules into a Code known as the North Carolina
8 Administrative Code. The format and indexing of the Code must conform as nearly as practical
9 to the format and indexing of the North Carolina General Statutes. The Codifier must publish
10 ~~printed copies of the Code~~ electronically on the website of the Office of Administrative Hearings
11 and may publish the Code in other forms. The electronic version of the Code published on the
12 website of the Office of Administrative Hearings shall be considered the official publication of
13 the North Carolina Administrative Code. The Codifier may authorize and license the private
14 indexing, marketing, sales, reproduction, and distribution of the Code. The Codifier must keep
15 superseded rules."

16 **SECTION 3.** G.S. 150B-21.25 is repealed.

17 **SECTION 4.** G.S. 7A-754 reads as rewritten:

18 "**§ 7A-754. Qualifications; standards of conduct; removal.**

19 Only persons duly authorized to practice law in the General Court of Justice shall be eligible
20 for appointment as the Director and chief administrative law judge or as an administrative law
21 judge in the Office of Administrative Hearings. The Chief Administrative Law Judge and the
22 administrative law judges shall comply with the ~~Model Code of Judicial Conduct for State~~
23 ~~Administrative Law Judges, as adopted by the National Conference of Administrative Law~~
24 ~~Judges, Judicial Division, American Bar Association, (revised August 1998),~~ American Bar
25 Association Model Code of Judicial Conduct for State Administrative Law Judges dated August
26 2018, as amended from time to time, except that the provisions of this section shall control as to
27 the private practice of law in lieu of Rule 3.10 of Canon 4G-3, and G.S. 126-13 shall control as
28 to political activity in lieu of Canon ~~5-4~~. Failure to comply with the applicable provisions of the
29 Model Code may constitute just cause for disciplinary action under Chapter 126 of the General
30 Statutes and grounds for removal from office. Neither the chief administrative law judge nor any
31 administrative law judge may engage in the private practice of law as defined in G.S. 84-2.1
32 while in office; violation of this provision shall constitute just cause for disciplinary action under
33 Chapter 126 of the General Statutes and shall be grounds for removal from office. Each
34 administrative law judge shall take the oaths required by Chapter 11 of the General Statutes. An
35 administrative law judge may be removed from office by the Director of the Office of
36 Administrative Hearings for just cause, as that term is used in G.S. 126-35 and this section."

37 **SECTION 5.** G.S. 93B-8.1(a)(1) reads as rewritten:

38 "(1) Applicant. – A person who makes application for licensure from an
39 occupational licensing ~~board~~ board or a State agency licensing board."

40 **SECTION 6.** Sections 1, 2, and 3 of this act become effective January 1, 2023. The
41 remainder of this act is effective when it becomes law.