

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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BILL DRAFT 2017-SB-3 [v.5] (10/04)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

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Short Title: Authorize Rule Technical Corrections.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE AGENCIES TO MAKE RULE TECHNICAL CORRECTIONS
WITHOUT REVIEW BY THE RULES REVIEW COMMISSION AND TO AUTHORIZE
THE CODIFIER OF RULES TO MAKE RULE TECHNICAL CORRECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 150B-21.5 reads as rewritten:

**"§ 150B-21.5. Circumstances when notice and rule-making hearing not required; required;
circumstances when submission to the Commission not required.**

(a) Amendment. – An agency is not required to publish a notice of text in the North
Carolina Register or Register, hold a public hearing hearing, or submit the amended rule to the
Commission for review when it proposes to amend a rule to do one of the following:

- (1) Reletter or renumber the rule or subparts of the rule.
- (2) Substitute one name for another when an organization or position is renamed.
- (3) Correct a citation in the rule to another rule or law when the citation has become inaccurate since the rule was adopted because of the repeal or renumbering of the cited rule or law.
- (4) Change information that is readily available to the public, such as an address or addresss, a telephone number-number, or a Web site.
- (5) Correct a typographical error in the North Carolina Administrative Code-error.
- ~~(6) Change a rule in response to a request or an objection by the Commission, unless the Commission determines that the change is substantial.~~

(a1) Response to Commission. – An agency is not required to publish a notice of text in the
North Carolina Register or hold a public hearing when it proposes to change the rule in response
to a request or an objection by the Commission, unless the Commission determines that the
change is substantial.

(b) Repeal. – An agency is not required to publish a notice of text in the North Carolina
Register or hold a public hearing when it proposes to repeal a rule as a result of any of the
following:

- (1) The law under which the rule was adopted is repealed.
- (2) The law under which the rule was adopted or the rule itself is declared unconstitutional.
- (3) The rule is declared to be in excess of the agency's statutory authority.

(c) OSHA Standard. – The Occupational Safety and Health Division of the Department of
Labor is not required to publish a notice of text in the North Carolina Register or hold a public



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hearing when it proposes to adopt a rule that concerns an occupational safety and health standard and is identical to a federal regulation promulgated by the Secretary of the United States Department of Labor. The Occupational Safety and Health Division is not required to submit to the Commission for review a rule for which notice and hearing is not required under this subsection.

(d) State Building Code. – The Building Code Council is not required to publish a notice of text in the North Carolina Register when it proposes to adopt a rule that concerns the North Carolina State Building Code. The Building Code Council is required to publish a notice in the North Carolina Register when it proposes to adopt a rule that concerns the North Carolina State Building Code. The notice must include all of the following:

- (1) A statement of the subject matter of the proposed rule making.
- (2) A short explanation of the reason for the proposed action.
- (3) A citation to the law that gives the agency the authority to adopt a rule on the subject matter of the proposed rule making.
- (4) The person to whom questions or written comments may be submitted on the subject matter of the proposed rule making.

The Building Code Council is required to submit to the Commission for review a rule for which notice of text is not required under this subsection. In adopting a rule, the Council shall comply with the procedural requirements of G.S. 150B-21.3.

(e) An agency that adopts or amends a rule pursuant to subsection (a) or (c) of this section shall notify the Codifier of Rules of its actions. When notified of an agency action taken pursuant to subsection (a) or (c) of this section, the Codifier of Rules shall make the appropriate change to the North Carolina Administrative Code."

SECTION 2. G.S. 150B-21.20 reads as rewritten:

"§ 150B-21.20. Codifier's authority to revise ~~form of~~ rules.

(a) Authority. – After consulting with the agency that adopted the rule, the Codifier of Rules may revise ~~the form of a rule submitted for inclusion in the North Carolina Administrative Code~~ a rule to do one or more of the following:

- (1) Rearrange the order of the rule in the Code or the order of the subsections, subdivisions, or other subparts of the rule.
- (2) Provide a catch line or heading for the rule or revise the catch line or heading of the rule.
- (3) Reletter or renumber the rule or the subparts of the rule in accordance with a uniform system.
- (4) Rearrange definitions and lists.
- (5) Make other changes in arrangement or in form that do not change the substance of the rule and are necessary or desirable for a clear and orderly arrangement of the rule.
- (6) Omit from the published rule a map, a diagram, an illustration, a chart, or other graphic material, if the Codifier of Rules determines that the Office of Administrative Hearings does not have the capability to publish the material or that publication of the material is not practicable. When the Codifier of Rules omits graphic material from the published rule, the Codifier must insert a reference to the omitted material and information on how to obtain a copy of the omitted material.
- (7) Substitute one name for another when an organization or position is renamed.
- (8) Correct a citation in the rule to another rule or law when the citation has become inaccurate since the rule was adopted because of the repeal or renumbering of the cited rule or law.
- (9) Change information that is readily available to the public, such as an address, a telephone number, or a Web site.

(10) Correct a typographical error.

(b) Effect. – Revision of a rule by the Codifier of Rules under this section does not affect the effective date of the rule or require the agency to readopt or resubmit the rule. When the Codifier of Rules revises the form of a rule, the Codifier of Rules must send the agency that adopted the rule a copy of the revised rule. The revised rule is the official rule, unless the rule was revised under subdivision (a)(6) of this section to omit graphic material. When a rule is revised under that subdivision, the official rule is the published text of the rule plus the graphic material that was not published."

SECTION 3. This act is effective when it becomes law.