

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE DRH10040-MC-40A (02/05)

Short Title: Periodic Review and Expiration of Rules. (Public)

Sponsors: Representatives Murry, Moffitt, Samuelson, and Bryan (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE PERIODIC REVIEW AND EXPIRATION OF RULES.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 150B-21.2(c) reads as rewritten:

5 "(c) Notice of Text. – A notice of the proposed text of a rule must include all of the
6 following:

- 7 (1) The text of the proposed ~~rule~~ rule, unless the rule is a readoption without
8 substantive changes to the existing rule proposed to keep a permanent rule
9 from expiring.
10 (2) A short explanation of the reason for the proposed rule and a link to the
11 agency's Web site containing the information required by G.S. 150B-19.1(c).
12 (3) A citation to the law that gives the agency the authority to adopt the rule.
13 (4) The proposed effective date of the rule.
14 (5) The date, time, and place of any public hearing scheduled on the rule.
15 (6) Instructions on how a person may demand a public hearing on a proposed
16 rule if the notice does not schedule a public hearing on the proposed rule and
17 subsection (e) of this section requires the agency to hold a public hearing on
18 the proposed rule when requested to do so.
19 (7) The period of time during which and the person to whom written comments
20 may be submitted on the proposed rule.
21 (8) If a fiscal note has been prepared for the rule, a statement that a copy of the
22 fiscal note can be obtained from the agency.
23 (9) The procedure by which a person can object to a proposed rule and the
24 requirements for subjecting a proposed rule to the legislative review
25 process."

26 **SECTION 2.** Part 2 of Article 2A of Chapter 150B of the General Statutes is
27 amended by adding a new section to read:

28 "**§ 150B-21.3A. Expiration date of permanent rules.**

29 (a) Unless readopted pursuant to the provisions of G.S. 150B-21.2 and approved by the
30 Commission pursuant to the provisions of Part 3 of Article 2A of this Chapter, a permanent rule
31 expires on the latest of any of the following:

- 32 (1) December 31, 2016, for rules in Title 10A of the North Carolina
33 Administrative Code.
34 (2) December 31, 2017, for rules in Title 15A of the North Carolina
35 Administrative Code.



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- 1 (3) December 31, 2018, for rules in Title 21 of the North Carolina
- 2 Administrative Code.
- 3 (4) December 31, 2019, for all remaining rules, unless and to the extent the
- 4 agencies that adopted the rules are exempt from the rule-making
- 5 requirements in this Article.
- 6 (5) Ten years after its effective date.
- 7 (6) Ten years after its readopted effective date.
- 8 (7) Ten years from the effective date of the most recent amendment to the rule.
- 9 (b) The Commission shall establish a time line for the submission of rules subject to
- 10 expiration after consultation with the adopting agency.
- 11 (c) The Codifier of Rules shall annually notify agencies of rules that will expire within
- 12 the next two years."
- 13 **SECTION 3.** This act is effective when it becomes law.