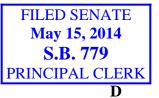
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2013



SENATE DRS45145-ROz-17A* (04/04)

Short Title:	Clarify Existing Rule Readoption Process.	(Public)
Sponsors:	Senator Hartsell (Primary Sponsor).	
Referred to:		

1	A BILL TO BE ENTITLED
2	AN ACT TO CLARIFY THE PROCESS FOR READOPTION OF EXISTING RULES IN
3	ACCORDANCE WITH THE PERIODIC REVIEW AND EXPIRATION OF EXISTING
4	RULES PROVISION OF THE ADMINISTRATIVE PROCEDURE ACT, AS
5	RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE
6	OVERSIGHT COMMITTEE.
7	The General Assembly of North Carolina enacts:
8	SECTION 1. G.S. 150B-21.3A(d) reads as rewritten:
9	"(d) Timetable The Commission shall establish a schedule for the review and
10	readoption of existing rules in accordance with this section on a decennial basis as follows:
11	(1) With regard to the review process, the Commission shall assign by assigning
12	each Title of the Administrative Code a date by which the review required
13	by this section must be completed. In establishing the schedule, the
14	Commission shall consider the scope and complexity of rules subject to this
15	section and the resources required to conduct the review required by this
16	section. The Commission shall have broad authority to modify the schedule
17	and extend the time for review in appropriate circumstances. Except as
18	provided in subsection subsections (d1) and (e) of this section, if the agency
19	fails to conduct the review by the date set by the Commission, the rules
20	contained in that Title which have not been reviewed will expire. The
21	Commission shall report to the Committee any agency that fails to conduct
22	the review. The Commission may exempt rules that have been adopted or
23	amended within the previous 10 years from the review required by this
24	section. However, any rule exempted on this basis must be reviewed in
25	accordance with this section no more than 10 years following the last time
26	the rule was amended.
27	(2) With regard to the readoption of rules as required by subsection (c)(2)g. of
28	this section, once the final determination report becomes effective, the
29	Commission shall establish a date by which the agency must readopt the
30	rules. The Commission shall consult with the agency and shall consider the
31	agency's rulemaking priorities in establishing the readoption date. The
32	agency may amend a rule as part of the readoption process. If a rule is
33	readopted without change, the agency is not required to prepare a fiscal note
34 25	as provided by G.S. 150B-21.4."
35	SECTION 2. This act is effective when it becomes law.
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