

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

FILED SENATE
Mar 25, 2015
S.B. 459
PRINCIPAL CLERK

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SENATE DRS25165-MC-80 (03/04)

Short Title: Modify Letters of Objection Requirements. (Public)

Sponsors: Senator Daniel (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE OBJECTION PROCESS FOR ADOPTED RULES.
3 The General Assembly of North Carolina enacts:
4 **SECTION 1.** G.S. 150B-21.3(b2) reads as rewritten:
5 "**§ 150B-21.3. Effective date of rules.**
6 (b2) Objection. – Any person who objects to the adoption of a permanent rule may
7 submit written comments to the agency. If the objection is not resolved prior to adoption of the
8 rule, a person may submit written objections to the ~~Commission~~Commission on a form
9 prescribed and made available by the Commission. If the Commission receives written
10 objections from ~~40-50~~ or more ~~persons~~persons who are qualified to object, no later than 5:00
11 P.M. of the day following the day the Commission approves the rule, clearly requesting review
12 by the legislature in accordance with instructions contained in the notice pursuant to
13 G.S. 150B-21.2(c)(9), and the Commission approves the rule, the rule will become effective as
14 provided in subsection (b1) of this section. A person is qualified to object if the person is a
15 resident of the State, not including a lobbyist acting on behalf of the lobbyist's principal, as
16 those terms are defined in G.S. 120C-100, has a legal interest in property in the State, or is
17 incorporated or doing business in the State. The Commission shall notify the agency that the
18 rule is subject to legislative disapproval on the day following the day it receives ~~40-50~~ or more
19 written objections. When the requirements of this subsection have been met and a rule is
20 subject to legislative disapproval, the agency may adopt the rule as a temporary rule if the rule
21 would have met the criteria listed in G.S. 150B-21.1(a) at the time the notice of text for the
22 permanent rule was published in the North Carolina Register. If the Commission receives
23 objections from ~~40-50~~ or more persons clearly requesting review by the legislature, and the rule
24 objected to is one of a group of related rules adopted by the agency at the same time, the
25 agency that adopted the rule may cause any of the other rules in the group to become effective
26 as provided in subsection (b1) of this section by submitting a written statement to that effect to
27 the Commission before the other rules become effective."
28 **SECTION 2.** This act is effective when it becomes law and applies to permanent
29 rules adopted on or after that date.

