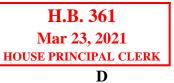
## GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2021**



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## HOUSE BILL DRH30181-MC-114

	Short Title: A	PA Rules Review Definitions.	(Public)				
	Sponsors: Re	epresentatives Moffitt, Johnson, Paré, and Wray (Primary Sp	oonsors).				
	Referred to:						
1		A BILL TO BE ENTITLED					
2 3	AN ACT TO PROCEDUR		OMINISTRATIVE				
4	The General Assembly of North Carolina enacts:						
5	<b>SECTION 1.(a)</b> Subdivisions (1b) and (7) of G.S. 150B-2 are recodified as						
6		and $(5a)$ of G.S. 150B-2, respectively.	are recounted us				
7	. ,	<b>FION 1.(b)</b> G.S. 150B-2, as amended by subsection (a) of the formula $(a) = 100$	nis section, reads as				
8	rewritten:						
9	"§ 150B-2. Defi	nitions.					
10		is Chapter, the following definitions apply:					
11	(1)	"Administrative law judge" means a Administrative law	judge. – A person				
12		appointed under G.S. 7A-752, 7A-753, or 7A-757.					
13	(1a)	"Adopt" means to Adopt. – To take final action to create,	amend, or repeal a				
14		rule.	-				
15	<del>(1a)<u>(1</u></del>	(1a)(1b) "Agency" means an Agency An agency or an officer in the executive					
16		branch of the government of this State and State. The	term includes the				
17		Council of State, the Governor's Office, a board, a commis	sion, a department,				
18		a division, a council, and any other unit of government in th	e executive branch.				
19		A local unit of government is not an agency.					
20	(1c)	"Codifier of Rules" means the Codifier of Rules. – The p					
21		the Chief Administrative Law Judge of the Office of Admi	nistrative Hearings				
22		pursuant to G.S. 7A-760(b).					
23	(1d)	"Commission" means the Commission. – The Rules Revie					
24	(2)	"Contested case" means an Contested case An administration of the Angle Contested case of the Angle Contested c					
25		pursuant to this Chapter to resolve a dispute between an a	•••				
26		person that involves the person's rights, duties, or pr					
27		licensing or the levy of a monetary penalty. "Contested ca					
28		not include rulemaking, declaratory rulings, or the awa	ard or denial of a				
29 20		scholarship, a grant, or a loan.					
30	(2a)	Repealed by Session Laws 1991, c. 418, s. 3.	. 1 1 11				
31	(2b)	<u>Guidance document, bulletin, or memorandum. – A docu</u>	<b>-</b>				
32 33		a State agency or staff that provides information or gu					
33 34		applicability to the staff or public to interpret or implem					
34 35		agency's rules or regulations, excluding agency minutes pertain only to the internal management of the agency					
55		pertain only to the internal management of the agency	y. mouning in uns				



General Assem	bly Of North Carolina	Session 2021
	definition shall be construed or interpreted to e	xpand the identification or
	release of any document otherwise protected by la	-
<u>(2c)</u>	"Hearing officer" means a Hearing officer. – A	
	designated by an agency that is subject to Article 3	
	in a contested case hearing conducted under that A	
(3)	"License" means any License Any certificat	
	evidence, by whatever name called, of a right or	
	activity, except licenses issued under Chapter 20 a	
	105 of the General Statutes, occupational lice	1 1
	electronic poll books, ballot duplication system	
	G.S. 163-165.7.	
(4)	"Licensing" means any Licensing. – Any administ	rative action issuing, failing
	to issue, suspending, or revoking a license	
	<u>"Licensing"</u> <u>The term</u> does not include contr	
	examination was fair or whether the applicant pas	
(4a)	"Occupational license" means any Occupational	
	permit, or other evidence, by whatever name call	
	engage in a profession, occupation, or field of er	
	occupational licensing agency.	
(4b)	"Occupational licensing agency" means any Occu	pational licensing agency
~ /	Any board, commission, committee committee, o	
	of North Carolina which that is established for	
	regulating the entry of persons into, and/or or the	
	particular profession, occupation occupation, or f	1
	that is authorized to issue and revoke license	
	agency" The term does not include State agencies	
	may as only a part of their regular function issue	
(5)	"Party" means any Party. – Any person or agency i	
	or properly seeking as of right to be admitted a	as a party and includes the
	agency as appropriate.	
(5a)	"Person" means any Person. – Any natural perso	on, partnership, corporation
	body politic politic, and any unincorporated as	ssociation, organization, or
	society which that may sue or be sued under a con	nmon name.
(6)	"Person aggrieved" means any Person aggrieved	<u>. – Any person or group o</u>
	persons of common interest directly or indirectly	affected substantially in his
	his, her, or its person, property, or employment by	an administrative decision
(7a)	"Policy" means any Policy. – Any nonbinding ir	nterpretive statement within
	the delegated authority of an agency that men	rely defines, interprets, or
	explains the meaning of a statute or rule. The te	erm includes any documen
	issued by an agency which that is intended and us	sed purely to assist a persor
	to comply with the law, such as a guidance docun	nent.
(8)	"Residence" means domicile Residence Dom	nicile or principal place of
	business.	
(8a)	"Rule" means any Rule Any agency regulation	n, standard, or statement of
	general applicability that implements or interprets	an enactment of the General
	Assembly or Congress or a regulation adopted b	by a federal agency or that
	describes the procedure or practice requirement	
	includes the establishment of a fee and the amer	
	rule. The term does not include the following:	

Gene	eral Assemb	Session 2021	
		b. Budgets and budget policies and procedures issu	•
		the Budget, by the head of a department, as defin	ed by G.S. 143A-2 or
		G.S. 143B-3, or by an occupational licensing	board, as defined by
		G.S. 93B-1.	
	(8b)	Repealed by Session Laws 2011-398, s. 61.2, effective J	uly 25, 2011.
	(8c)	"Substantial evidence" means relevant Substantial e	vidence. – Relevant
		evidence a reasonable mind might accept as adequate to	support a conclusion.
	(9)	Repealed by Session Laws 1991, c. 418, s. 3."	
	SECT	<b>TION 2.</b> This act is effective when it becomes law.	