



HOUSE BILL 1098: Disapprove 18E Rules.

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	June 8, 2022
Introduced by:	Rep. Brody	Prepared by:	Kyle Evans
Analysis of:	First Edition		Committee Counsel

OVERVIEW: *House Bill 1098 would disapprove certain wastewater rules adopted by the Commission for Public Health that received 10 or more letters of objection.*

CURRENT LAW & BACKGROUND:

The Administrative Procedures Act provides the mechanism for legislative disapproval of rules adopted by a State agency. [G.S. 150B-21.3](#) governs the effective date of rules, including rules disapproved by legislation.

Pursuant to 150B-21.3(b), a permanent rule become effective the month after the rule is approved by the Rules Review Commission (RRC), unless a rule receives 10 or more letters of objection. For a rule that receive 10 or more written objections, the rule becomes effective on the earlier of the 31st legislative day or the day of adjournment of the next regular session of the General Assembly that begins at least 25 days after the date the Commission approved the rule. A rule that receives 10 or more written objections is subject to legislative review.

Pursuant to 150B-21.3(b1), if a bill that specifically disapproves a rule subject to legislative review is introduced in either chamber of the General Assembly before the 31st legislative day the rule becomes effective on the earlier of the bill being voted down or the GA adjourning without ratifying the bill. If the disapproval bill becomes law, the disapproved rule does not become effective.

On August 4, 2021, pursuant to [S.L. 2019-151](#), the Commission for Public Health (CPH) adopted its 18E rules to replace existing 18A wastewater rules. RRC approved these rules on September 16, 2021, though some of the 18E rules received 10 or more written objections, subjecting them to legislative review.

BILL ANALYSIS:

H1098 would disapprove those 18E rules adopted by CPH that received 10 or more written objections and provide that the 18A rules suite remains in effect until CPH can adopt new rules to replace it.

EFFECTIVE DATE: This act is effective when it becomes law.

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