



This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 327: Update Legislative Review of Rules Process.

2021-2022 General Assembly

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| Committee: | Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate | Date: | June 22, 2021 |
| Introduced by: | Reps. Moffitt, Riddell, Stevens, Yarborough | Prepared by: | Bill Patterson |
| Analysis of: | Second Edition | | Committee Co-Counsel |

OVERVIEW: House Bill 327 would establish a September 1st delayed effective date for certain rules subject to legislative review.

CURRENT LAW: Under G.S. 150B-21.3, A permanent rule that is approved by the Rules Review Commission (Commission) becomes effective on the first day of the month following the month the rule is approved by the Commission, unless a later effective date is specified, or the rule becomes subject to legislative review.

If the Commission receives written objections from ten or more persons requesting review by the legislature, no later than 5:00 P.M. of the day following the day the Commission approves the rule, the rule becomes subject to legislative review. If this occurs, the rule becomes effective on the earlier of the thirty-first legislative day or the day of adjournment of the next regular session of the General Assembly that begins twenty-five days after the date the Commission approved the rule.

If a bill is introduced by either chamber of the General Assembly specifically disapproving the rule before the thirty-first legislative day of that session, the rule becomes effective on the earlier of either the day an unfavorable final action is taken on the bill, or the day the General Assembly adjourns without ratifying the disapproval bill.

BILL ANALYSIS: House Bill 327 would establish a delayed effective date of September 1st for rules subject to legislative review if a disapproval bill has been introduced to specifically disapprove those rules. If the disapproval bill is filed before the thirty-first legislative day of that session and becomes law prior to September 1st, the rules are disapproved and do not become effective. If the disapproval bill is introduced before the thirty-first legislative day, but does not pass, the rule would become effective September 1st of that same session.

Rules approved by the Commission during the legislative session that are subjected to legislative review would still become effective under existing law either on the earlier of the thirty-first legislative day (if no disapproval bill is filed) or the day of adjournment of the next regular session of the General Assembly.

The bill would make a technical modification to add the term "Codifier of Rules" for situations where the Codifier has existing authority to approve rules with technical changes that require no notice or hearing to be given by the rulemaking agency.

EFFECTIVE DATE: This act would become effective January 1, 2022, and apply to rules adopted on or after that date.

LAD Staff Attorney Jeremy Ray substantially contributed to this summary.

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