



HOUSE BILL 327: Various Administrative Law Changes.

2021-2022 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 30, 2021
Introduced by:	Reps. Moffitt, Riddell, Stevens, Yarborough	Prepared by:	Bill Patterson
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: House Bill 327 would:

- *Change the delayed effective date for certain rules subject to legislative review to the later of either September 1 of that session or the day that session when the General Assembly adjourns without having ratified a bill disapproving of the rule.*
- *Require the Codifier of Rules to publish the North Carolina Administrative Code electronically on the OAH website in lieu of publishing printed copies.*
- *Update the code of conduct for administrative law judges.*
- *Make other technical and conforming changes.*

CURRENT LAW AND BILL ANALYSIS:

Section 1

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.

Section 1 of the bill would establish a delayed effective date for a rule subject to legislative review if a disapproval bill has been introduced to specifically disapprove that rule. If the disapproval bill is filed before the thirty-first legislative day of that session and becomes law prior to September 1 of that session, the rule is disapproved and does not become effective. If the disapproval bill is introduced before the thirty-first legislative day, the rule would become effective on the later of either September 1 of that same session or on the day that session when the General Assembly adjourns without ratifying a bill that specifically disapproves the rule.

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Section 1 would also 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.

Sections 2 and 3

Section 2 would repeal the current requirement that the Codifier of Rules publish the North Carolina Administrative Code as printed copies, and require instead that the Codifier publish the Code electronically on the website of the Office of Administrative Hearings (OAH). This electronic version would be considered the official publication of the North Carolina Administrative Code.

Section 3 would repeal G.S. 150B-21.25, which provides that persons not entitled to receive a free copy of the North Carolina Administrative Code or North Carolina Register can obtain a copy from the Codifier of Rules by paying the fee set by the Codifier.

Section 4

Currently, administrative law judges must comply with the Model Code of Judicial Conduct for State Administrative Law Judges, as adopted by the National Conference of Administrative Law Judges, Judicial Division, American Bar Association, revised August 1998.

Section 4 would require administrative law judges to comply with a newer version of the same model code: the American Bar Association Model Code of Judicial Conduct for State Administrative Law Judges dated August 2018.

Section 5

Section 5 would make a technical correction to a definition used in provisions governing licensing boards' use of an applicant's criminal history record.

EFFECTIVE DATE: Sections 1, 2 and 3 of this act become effective January 1, 2022. The remainder of this act is effective when it becomes law.