

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 117

Short Title: Modify Administrative Law Provisions. (Public)

Sponsors: Representatives Stevens and Riddell (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

February 15, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY VARIOUS STATUTORY PROVISIONS PERTAINING TO
3 ADMINISTRATIVE LAW.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** G.S. 150B-21.5(c) is repealed.

6 **SECTION 1.(b)** This section is effective when it becomes law and applies to actions
7 taken by the Occupational Safety and Health Division of the Department of Labor on or after that
8 date.

9 **SECTION 2.(a)** G.S. 150B-21.6 reads as rewritten:

10 "**§ 150B-21.6. Incorporating material in a rule by reference.**

11 (a) An agency may incorporate the following material by reference in a rule without
12 repeating the text of the referenced material:

13 (1) Another rule or part of a rule adopted by the agency.

14 (2) All or part of a code, standard, or regulation adopted by another agency, the
15 federal government, or a generally recognized organization or association.

16 (3) Repealed by Session Laws 1997-34, s. 5.

17 In incorporating material by reference, the agency must designate in the rule whether or not
18 the incorporation includes subsequent amendments and editions of the referenced material. The
19 agency can change this designation only by a subsequent rule-making proceeding. The agency
20 must have copies of the incorporated material available for inspection and must specify in the
21 rule ~~both where copies of the material can be obtained and the cost on the date the rule is adopted~~
22 of a copy of the material are available at no cost.

23 ~~A statement in a rule that a rule incorporates material by reference in accordance with former~~
24 ~~G.S. 150B-14(b) is a statement that the rule does not include subsequent amendments and~~
25 ~~editions of the referenced material. A statement in a rule that a rule incorporates material by~~
26 ~~reference in accordance with former G.S. 150B-14(c) is a statement that the rule includes~~
27 ~~subsequent amendments and editions of the referenced material.~~

28 (b) Agencies subject to G.S. 150B-19.3 shall not incorporate subsequent amendments
29 and editions except through subsequent rule-making proceedings."

30 **SECTION 2.(b)** This section is effective when it becomes law and applies to
31 administrative actions taken on or after that date.

32 **SECTION 3.(a)** G.S. 150B-21.9(a) reads as rewritten:

33 "(a) Standards. – The Commission must determine whether a rule meets all of the
34 following criteria:

35 ...



1 (4) It was adopted in accordance with ~~Part 2~~ of this Article.
2 The Commission shall not consider questions relating to the quality or efficacy of the rule
3 but shall restrict its review to determination of the standards set forth in this subsection.
4 The Commission may ask the Office of State Budget and Management to determine if a rule
5 has a substantial economic impact and is therefore required to have a fiscal note. The Commission
6 must ask the Office of State Budget and Management to make this determination if a fiscal note
7 was not prepared for a rule and the Commission receives a written request for a determination of
8 whether the rule has a substantial economic impact."
9 **SECTION 3.(b)** This section is effective when it becomes law and applies to rules
10 reviewed on or after that date.
11 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
12 law.