

Part 3. Review by Commission.

§ 150B-21.8. Review of rule by Commission.

- (a) Emergency Rule. – The Commission does not review an emergency rule.
- (b) Temporary and Permanent Rules. – An agency must submit temporary and permanent rules adopted by it to the Commission before the rule can be included in the North Carolina Administrative Code. The Commission reviews a temporary or permanent rule in accordance with the standards in G.S. 150B-21.9 and follows the procedure in this Part in its review of a rule.
- (c) Scope. – When the Commission reviews an amendment to a temporary or permanent rule, it may review the entire rule that is being amended. The procedure in G.S. 150B-21.1 applies when the Commission objects to part of a temporary rule that is within its scope of review but is not changed by a rule amendment. The procedure in G.S. 150B-21.12 applies when the Commission objects to a part of a permanent rule that is within its scope of review but is not changed by a rule amendment.
- (d) Judicial Review. – When the Commission returns a permanent rule to an agency in accordance with G.S. 150B-21.12(d), the agency may file an action for declaratory judgment in Wake County Superior Court within 30 days of the date the rule is returned to the agency, pursuant to Article 26 of Chapter 1 of the General Statutes. (1991, c. 418, s. 1; 2003-229, s. 8; 2023-134, s. 21.2(f).)