

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**SENATE BILL 1380**

Short Title: Disapprove Rule. (Public)

Sponsors: Senator Clodfelter.

Referred to: Rules and Operations of the Senate.

May 26, 2010

1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY WHAT CONSTITUTES A RULE AND TO REQUIRE  
3 COMPLIANCE BY THE STATE ETHICS COMMISSION WITH PROCEDURAL  
4 REQUIREMENTS FOR RULES THAT ARE IN EFFECT OR THAT ARE HEREAFTER  
5 ADOPTED.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 120C-101(c) reads as rewritten:

8 "(c) In adopting rules under this Chapter, the Commission is exempt from the  
9 requirements of Article 2A of Chapter 150B of the General Statutes, except that the  
10 Commission shall comply with G.S. 150B-21.2(d). At least 30 business days prior to adopting a  
11 rule, the Commission shall:

- 12 (1) Publish the proposed rules in the North Carolina Register.
- 13 (2) Submit the rule and a notice of public hearing to the Codifier of Rules, and  
14 the Codifier of Rules shall publish the proposed rule and the notice of public  
15 hearing on the Internet to be posted within five business days.
- 16 (3) Notify those on the mailing list maintained in accordance with  
17 G.S. 150B-21.2(d) and any other interested parties of its intent to adopt a  
18 rule and of the public hearing.
- 19 (4) Accept written comments on the proposed rule for at least 15 business days  
20 prior to adoption of the rule.
- 21 (5) Hold at least one public hearing on the proposed rule no less than five days  
22 after the rule and notice have been published.

23 A rule adopted under this subsection becomes effective the first day of the month following the  
24 month the final rule is submitted to the Codifier of Rules for entry into the North Carolina  
25 Administrative Code. A rule adopted by the Commission that does not comply with the  
26 procedural requirements of this subsection shall be null, void, and without effect. For purposes  
27 of this subsection, a rule is any Commission regulation, standard, or statement of general  
28 applicability that interprets an enactment by the General Assembly or Congress or a regulation  
29 adopted by a federal agency or that describes the procedure or practice requirements of the  
30 Commission.

31 **SECTION 2.** This act is effective when it becomes law and applies to all rules that  
32 have been or are adopted by the Commission.

