

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 827  
HOUSE BILL 1136

AN ACT MAKING CONFORMING AND TECHNICAL AMENDMENTS TO THE  
GENERAL STATUTES CONCERNING ADMINISTRATIVE PROCEDURE.

The General Assembly of North Carolina enacts:

Section 1. The General Statutes are amended by deleting the reference "150A" and substituting the reference "150B" each place it appears.

Sec. 2. G.S. 20-1 is amended by rewriting the last sentence of that section to read:

"Articles 2 and 3 of Chapter 150B of the General Statutes do not apply to rules adopted and actions taken under this Chapter."

Sec. 3. G.S. 20-321(a) is amended in the first sentence by deleting the phrase ", subject to the provisions of Chapter 150A of the General Statutes of North Carolina,".

Sec. 4. G.S. 75A-5 is amended as follows:

(1) by deleting the reference "75A-7(1) in subsection (b) and substituting the reference "75A-7(a)(1)"; and

(2) by rewriting the third sentence in subsection (l) to read:

"A person who is denied the authority to act as an agent for the issuance of certificates of number and validation decals or whose authority to do so is revoked may not commence a contested case under G.S. 150B-23."

Sec. 5. G.S. 75A-15 is amended as follows:

(1) by deleting the words "special regulations" and "regulations" each time they appear and substituting the word "rules";

(2) by deleting the words "Special regulations" and substituting the word "Rules";

(3) by deleting the phrase ", in accordance with applicable provisions of General Statutes Chapter 150A, adopt special regulations for" in the second sentence of subsection (b) and substituting the phrase "adopt rules applicable to"; and

(4) by deleting the phrase "is authorized and empowered to adopt regulations as provided by Chapter 150A, Administrative Procedure Act," in the third sentence of subsection (b) and substituting the phrase "may adopt rules".

Sec. 6. G.S. 113-55.2(a) is amended by rewriting the last sentence of the subsection to read:

"These criteria are exempt from Article 2 of Chapter 150B of the General Statutes but shall be filed in accordance with Article 5 of that Chapter."

Sec. 7. G.S. 113-221 is amended as follows:

(1) by rewriting the catch line to the section to read:

"Rules; proclamations; emergency Commission meetings.";

(2) by rewriting subsections (a) through (c) to read:

"(a) Chapter 150B of the General Statutes governs the adoption of rules under this Article, other than proclamations issued under this Article. Chapter 150B does not apply to proclamations issued under this Article.

(b) Upon purchasing a license, each licensee shall be given a copy of the rules concerning the activities authorized by the license.

(c) The Secretary shall notify licensees of a new rule or change to a rule by sending each licensee either a newsletter containing the text of the rule or change or an updated codification of the rules of the Marine Fisheries Commission that contains the new rule or change.";

(3) by deleting the first three sentences of subsection (d);

(4) by deleting the word "paragraph" in subsection (e) and substituting the word "subsection";

(5) by deleting the last sentence of the first paragraph of subsection (e);

(6) by deleting the phrase "Articles 2 and 3 of Chapter 150A" in the first sentence of the second paragraph of subsection (e1) and substituting the phrase "Articles 2 and 5 of Chapter 150B";

(7) by deleting the words "publication procedures of this section" in the last sentence of subsection (f) and substituting the words "required publication procedures"; and

(8) by deleting the word "regulations" or "regulation" each time it appears in the section and substituting the word "rules" or "rule".

Sec. 8. G.S. 113-276.2 is amended as follows:

(1) by rewriting that part of the first sentence of subsection (d) following the word "if" to read:

"he is dissatisfied with the Executive Director's decision he may commence a contested case on the refusal by filing a petition under G.S. 150B-23 within 10 days of receiving the notice.";

(2) by deleting the last three sentences of subsection (d);

(3) by rewriting subsection (e) to read:

"(e) The Executive Director shall revoke a license or permit issued to a person subject to administrative control if he finds that the person does not meet the qualifications for the license or permit, has committed a substantial criminal violation of this Subchapter or a rule adopted under the Subchapter, or has seriously or persistently failed to comply with the terms and conditions upon which the license or permit was issued. Before revoking a license or permit, the Executive Director shall notify the licensee or permittee of his findings and his intention to revoke the license or permit. The notice must be personally served by a law enforcement officer or an agent of the Wildlife Resources Commission or sent by mail with return receipt requested. A licensee or permittee who disagrees with the Executive Director's findings may commence a contested case on the revocation by filing a petition under G.S. 150B-23 within 10 days of receiving the notice. Revocation or suspension of a license or permit by a court under G.S. 113-277 runs concurrently with a revocation under this section.";

- (4) by deleting subsection (f); and
- (5) by deleting the first sentence of subsection (j).

Sec. 9. G.S. 113-301.1 is amended by deleting subsection (e).

Sec. 10. G.S. 113A-54 is amended as follows:

(1) by deleting the phrase "the rule-making procedures set forth in Article 2 of Chapter 150A" in the first sentence of subsection (b) and substituting the phrase "Chapter 150B";

(2) by deleting subdivisions (1), (2), and (3) and the last paragraph of subsection (b); and

(3) by deleting the first three sentences of subsection (f).

Sec. 11. G.S. 113A-126(d)(3) is amended as follows:

(1) by changing the period at the end of the third sentence to a comma and adding the phrase "and shall be conducted in accordance with Article 3 of Chapter 150B of the General Statutes."; and

(2) by deleting the last four sentences of the subdivision.

Sec. 12. G.S. 53-168(b) is amended in the second sentence by deleting the words "a hearing" and substituting the words "an informal hearing".

Sec. 13. G.S. 53-188 is amended by deleting the last sentence of the section.

Sec. 14. G.S. 53-206 is amended by deleting the last sentence of the section and substituting the following sentences to read:

"The hearing before the Commissioner shall be an informal hearing and shall be held with reasonable promptness. The decision of the Commissioner may be appealed to the Banking Commission."

Sec. 15. G.S. 105A-7(b) is amended by deleting the words "before the claimant agency".

Sec. 16. G.S. 105A-8(a) is amended by rewriting the first two sentences of the subsection to read:

"A hearing on a contested claim, other than a claim of a constituent institution of The University of North Carolina, shall be conducted in accordance with Article 3 of Chapter 150B of the General Statutes. A hearing on a contested claim of a constituent institution of The University of North Carolina shall be conducted in accordance with administrative procedures approved by the Attorney General."

Sec. 17. G.S. 115D-80 is rewritten to read:

**"§ 115D-80. Administrative Procedure Act applies.**—As an agency of the State, the State Board of Community Colleges is subject to the Administrative Procedure Act, Chapter 150B of the General Statutes. Local boards of trustees are exempt from Chapter 150B."

Sec. 18. G.S. 116B-38(b) is amended by deleting the second and fourth sentences of the subsection and adding the following sentences at the end of the subsection to read:

"A claimant who is dissatisfied with the determination of the Treasurer may commence a contested case by filing a petition under G.S. 150B-23 within 15 days of receiving notice of the determination."

Sec. 19. G.S. 116B-42 is rewritten to read:

**"§ 116B-42. Rules.**—The Treasurer or, with respect to insurers, the Commissioner may adopt rules necessary to carry out this Chapter."

Sec. 20. G.S. 105-241.3 is amended by deleting the reference "150A" and substituting the reference "150B".

Sec. 21. G.S. 105-241.1(h) is rewritten to read:

"(h) The rules of evidence do not apply in a hearing before the Secretary of Revenue under this section. G.S. 105-241.2, 105-241.3, and 105-241.4 apply to a tax or additional tax assessed under this section."

Sec. 22. G.S. 105-266.1(b) is rewritten to read:

"(b) The rules of evidence do not apply in a hearing before the Secretary of Revenue under this section. G.S. 105-241.2, 105-241.3, and 105-241.4 apply to a tax or additional tax assessed under this section."

Sec. 23. G.S. 106-266.8(7) is amended in the third sentence by deleting the phrase "with the Attorney General as required by Chapter 150A" and substituting the phrase "as required by Chapter 150B".

Sec. 24. G.S. 106-266.15 is rewritten to read:

**"§ 106-266.15. Judicial review.**—Judicial review of the following may be had under Chapter 150B of the General Statutes:

(1) A rule, order, or regulation adopted by the Commission under this Article.

(2) A decision of the Commission under this Article to deny, suspend, revoke, or refuse to transfer or reissue a license.

(3) An order of the Commission under this Article to fix or amend the price or terms upon which milk may be bought or sold."

Sec. 25. G.S. 106-6.1 is amended by adding the following sentence at the end of the section to read:

"The Board of Agriculture, subject to the provisions of Chapter 146 of the General Statutes, may establish a rate schedule for the use of facilities operated by the Department of Agriculture."

Sec. 26. G.S. 106-65.23 is amended by rewriting the third paragraph of the section to read:

"The Committee shall make final decisions under this Article concerning licenses, certified applicator cards, and identification cards. The Committee shall report annually to the Board of Agriculture the action taken in the Committee's final decisions and the financial status of the Structural Pest Control Division."

Sec. 27. G.S. 106-65.28(a) is amended by deleting the phrase ", after notice and hearing, as provided in G.S. 106-65.32,".

Sec. 28. G.S. 106-65.29 is amended by deleting the last sentence of the section.

Sec. 29. G.S. 106-65.32 is rewritten to read:

**"§ 106-65.32. Administrative Procedure Act applicable.**—A denial, suspension, or revocation of a license, certified applicator card, or identification card under this Article shall be made in accordance with Chapter 150B of the General Statutes."

Sec. 30. G.S. 106-139 is amended as follows:

(1) by rewriting subsection (d) to read:

"(d) Hearings authorized or required by G.S. 106-131 or G.S. 106-135 shall be conducted in accordance with Chapter 150B of the General Statutes."; and

(2) by deleting subsection (e).

Sec. 31. G.S. 106-202.16 is amended as follows:

(1) by rewriting the last two sentences of subsection (d) to read:

"If the Board, with the advice of the Scientific Committee, finds that the plant should be added to or removed from a protected plant list the Board shall instigate rule-making procedures to add or remove the plant from the list."; and

(2) by deleting subsections (e) and (f).

Sec. 32. G.S. 106-406 is amended by deleting the third and fourth sentences of the last paragraph of that section and substituting the following sentence to read:

"If the Commissioner denies the application, the applicant may commence a contested case under G.S. 150B-23 by filing a petition within 10 days after receiving notice of the denial."

Sec. 33. G.S. 106-407.2 is amended by rewriting the first paragraph of that section to read:

"The Board of Agriculture may revoke a permit authorizing the operation of a public livestock market for a violation of this Article or a rule adopted under this Article."

Sec. 34. G.S. 106-503 is amended by rewriting the last paragraph of the section to read:

"The Board of Agriculture, subject to the provisions of Chapter 146 of the General Statutes, may establish a schedule of rental rates for fair properties and specifications for the issuance of premiums so as to provide a State fair and other projects."

Sec. 35. G.S. 106-549.21(e) is amended by rewriting the last two sentences of the section to read:

"A person who uses or proposes to use the marking, labeling, or container and who does not accept the determination of the Commissioner may commence a contested case under G.S. 150B-23. If directed by the Commissioner, the marking, labeling, or container may not be used pending a final decision."

Sec. 36. G.S. 106-549.55(d) is amended by rewriting the last two sentences of the subsection to read:

"A person who uses or proposes to use the marking, labeling, or container and who does not accept the determination of the Commissioner may commence a contested case under G.S. 150B-23. If directed by the Commissioner, the marking, labeling, or container may not be used pending a final decision."

Sec. 37. G.S. 106-549.64 is amended as follows:

(1) by deleting the phrase ", after opportunity for a hearing is accorded to the applicant for, or recipient of, such service,";

(2) by rewriting subsection (b) to read:

"(b) Proceedings concerning the refusal or withdrawal of inspection services shall be conducted in accordance with Chapter 150B of the General Statutes. A refusal or withdrawal of inspection services by the Commissioner shall continue in effect pending a final decision in a contested case unless the Commissioner orders otherwise."; and

(3) by deleting subsection (c).

Sec. 38. G.S. 106-611 is rewritten to read:

**"§ 106-611. Procedure for denial, suspension, or revocation of license; effect of revocation.**—(a) A denial, suspension, or revocation of a license under this Article shall be made in accordance with Chapter 150B of the General Statutes.

(b) A license may not be suspended for more than one year. A person whose license is revoked may not obtain another license under this Article until at least two years have elapsed from the date of the final decision revoking the license or, if the decision is appealed, from the date of the final judgment sustaining the revocation."

Sec. 39. G.S. 143-442 is amended as follows:

(1) by deleting the last two sentences of subsection (d) and substituting the following sentence to read:

"The Board may suspend or cancel the registration of a pesticide when the pesticide or its labeling does not comply with this Part."; and

(2) by changing the colon following the word "thereunder" in the first sentence of subsection (e) to a period and deleting the remainder of that sentence.

Sec. 40. G.S. 143-451(a) is amended by rewriting that part of the subsection preceding the word "finds" to read:

"The Board may deny, suspend, modify, or revoke a license issued under this Part if it".

Sec. 41. G.S. 143-447(a) is amended by deleting the first four sentences of the subsection and substituting the following sentence to read:

"The Board may order the summary suspension of the registration of a pesticide if it finds the suspension necessary to prevent an imminent hazard to the public, a nontarget organism, or a segment of the environment."

Sec. 42. G.S. 143-456(a) is amended by rewriting that part of the subsection preceding the word "finds" to read:

"The Board may deny, suspend, modify, or revoke a license issued under this Part if it".

Sec. 43. G.S. 143-458(a) is amended by rewriting that part of the subsection preceding the colon to read:

"The Board may adopt rules prescribing the method to be used in the application of pesticides and the times and places pesticides may be applied. The Board may adopt rules restricting or prohibiting the sale and use of pesticides in designated areas during specified time periods. In adopting rules under this subsection, the Board shall consider factors required to prevent damage or injury to the following by the drift or misapplication of pesticides".

Sec. 44. G.S. 143-461(1) is amended in the first sentence by changing the colon following the word "Article" to a period and deleting the remainder of the sentence.

Sec. 45. G.S. 143-463 is rewritten to read:

**"§ 143-463. Adoption and publication of rules.**—Chapter 150B of the General Statutes governs the adoption of rules under this Article and the publication of those rules."

Sec. 46. G.S. 143-464 is rewritten to read:

**"§ 143-464. Procedures concerning registration of pesticides.**—A denial, suspension, or cancellation of a registration of a pesticide shall be made in accordance with the procedures in Chapter 150B of the General Statutes for denying, suspending, or canceling a license."

Sec. 47. G.S. 115C-244(e) is rewritten to read:

"(e) A decision of a local board under subsection (d) is final and, except as provided in this subsection, is subject to judicial review in accordance with Article 4 of Chapter 150B of the General Statutes. A person seeking judicial review shall file a petition in the superior court of the county where the local board made its decision."

Sec. 48. G.S. 115C-244(c) is amended by rewriting the second sentence of the subsection to read:

"Upon application, the principal shall assign a pupil to a school bus if the pupil is entitled to school bus transportation under this Article and the rules of the State Board of Education."

Sec. 49. G.S. 115C-242(1), 115C-246(a) and (e), 115C-249(a) and (d), and 115C-253 are each amended by deleting the phrase "G.S. 115C-239 to 115C-246, 115C-248 to 115C-249, 115C-250(d), 115C-251 to 115C-254 and 115C-256 to 115C-261" and substituting the words "this Article".

Sec. 50. G.S. 115C-253 is amended by deleting the reference "115C-240(d)" and substituting the reference "115C-240(c)".

Sec. 51. G.S. 115C-370 is rewritten to read:

**"§ 115C-370. Judicial review of board's decision.**—A decision of a local board under G.S. 115C-369 is final and, except as provided in this section, is subject to judicial review in accordance with Article 4 of Chapter 150B of the General Statutes. A person seeking judicial review shall file a petition in the superior court of the county where the local board made its decision."

Sec. 52. G.S. 115C-391(e) is rewritten to read:

"(e) A decision of a local board under subsection (c) or (d) is final and, except as provided in this subsection, is subject to judicial review in accordance with Article 4 of Chapter 150B of the General Statutes. A person seeking judicial review shall file a petition in the superior court of the county where the local board made its decision."

Sec. 53. G.S. 115C-574 is amended by rewriting subsections (a) and (b) to read:

"(a) A refusal to issue, refusal to renew, suspension of, or revocation of a license under this section shall be made in accordance with Chapter 150B of the General Statutes.

(b) A decision under this section to refuse to grant, refuse to renew, suspend, or revoke a license is subject to judicial review in accordance with Article 4 of Chapter 150B of the General Statutes."

Sec. 54. G.S. 150B-11 is amended by adding a new subdivision to read:

"(4) Submit a fiscal note in accordance with G.S. 120-30.48 for a proposed rule that affects the expenditures or revenues of a unit of local government. The fiscal note shall be submitted no later than the date when a notice of public hearing on the

proposed rule is published in the North Carolina Register. The notice shall state that a fiscal note has been prepared for the proposed rule and may be obtained from the agency. An erroneous fiscal note prepared in good faith does not affect the validity of a rule."

Sec. 55. G.S. 120-30.48(a) is rewritten to read:

"(a) An agency subject to Article 2 of Chapter 150B of the General Statutes shall file a fiscal note for a proposed new rule, or a proposed amendment or repeal of an existing rule, that can affect the expenditures or revenues of a unit of local government. The fiscal note shall be filed with the Fiscal Research Division, the Office of State Budget and Management, the North Carolina Association of County Commissioners, and the North Carolina League of Municipalities. The fiscal note shall be filed with the entities listed no later than the date specified in G.S. 150B-11."

Sec. 56. G.S. 126-41 is amended by deleting the phrase "In addition to the grounds set out in G.S. 150A-51, the" in the second sentence and substituting the word "The".

Sec. 57. G.S. 126-78 is amended by inserting a period after the word "program" and deleting the remainder of the section.

Sec. 58. Part 5A of Article 7 of Chapter 143B of the General Statutes, as enacted by Chapter 641 of the 1987 Session Laws, is amended as follows:

(1) by deleting the words "and regulations" or "or regulations" each place they appear, except in G.S. 143B-289.4(1)(g); and

(2) by deleting the word "regulations" or "Regulations" each place it appears, except the first time the word "regulations" appears in G.S. 143B-289.4(1)(g), and substituting the word "rules" or "Rules".

Sec. 59. G.S. 147-45 is amended by adding the Office of Administrative Hearings to the distribution list in that section, with the entry "2" in the column for Session Laws and the entry "0" in the column for Assembly Journals.

Sec. 60. G.S. 8-50.2(d) is amended by changing the comma following the word "instruments" to a period and deleting the remainder of the subsection.

Sec. 61. G.S. 19A-23 is amended as follows:

(1) by deleting the words "and regulations"; and

(2) by deleting the word "human" in subdivision (9) and substituting the word "humane".

Sec. 62. G.S. 19A-24 is rewritten to read:

**"§ 19A-24. Powers of Board of Agriculture.**—The Board of Agriculture may:

(1) Establish standards for the care of animals at animal shelters, boarding kennels, pet shops, and public auctions.

(2) Prescribe the manner in which animals may be transported to and from registered or licensed premises.

(3) Require licensees and holders of certificates to keep records of the purchase and sale of animals and to identify animals at their establishments.

(4) Adopt rules to implement this Article, including federal regulations promulgated under Title 7, Chapter 54, of the United States Code."

Sec. 63. G.S. 19A-25 is amended by deleting the words "and regulations".



Sec. 64. G.S. 19A-26 is amended in the first sentence by deleting the phrase "for more than one year subsequent to January 1, 1979,".

Sec. 65. G.S. 19A-27 and G.S. 19A-28 are each amended by deleting the phrase "as defined in this Article for more than six months subsequent to January 1, 1979,".

Sec. 66. G.S. 19A-29 is amended by deleting the phrase "as defined in this Article for more than six months after January 1, 1979,".

Sec. 67. G.S. 19A-30 is amended as follows:

(1) by deleting the words "regulations or" in subdivision (2);

(2) by deleting the words "with the intent of the rules and regulations which may be promulgated pursuant to the authority of" in subdivision (3) and substituting the words "the rules adopted under"; and

(3) by rewriting the third paragraph of the section to read:

"A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation."

Sec. 68. G.S. 19A-32 is rewritten to read:

**"§ 19A-32. Procedure for review of Director's decisions.**—A denial, suspension, or revocation of a certificate or license under this Article shall be made in accordance with Chapter 150B of the General Statutes."

Sec. 69. G.S. 19A-37 is amended by deleting the phrase "the provisions of United States Public Law 89-544" and substituting the phrase "Title 7, Chapter 54, of the United States Code".

Sec. 70. G.S. 87-92 is amended by deleting the phrase "Article 3 and Article 4 of".

Sec. 71. G.S. 89A-7 is amended in the first sentence by deleting the phrase ", Uniform Revocation of Licenses, of the General Statutes of North Carolina," and substituting the phrase "of the General Statutes:".

Sec. 72. G.S. 89A-8(b) is amended by changing the comma following the word "Chapter" to a period and deleting the remainder of that subsection.

Sec. 73. G.S. 89C-20 is amended as follows:

(1) by deleting the third sentence of the section; and

(2) by inserting a period after the reference "89C-22" in the last sentence and deleting the remainder of the section.

Sec. 74. G.S. 89D-7(b) is rewritten to read:

"(b) Chapter 150B of the General Statutes applies to proceedings under this section to deny, revoke, or suspend a certificate."

Sec. 75. G.S. 89E-4(a) is amended by deleting the phrase "the Administrative Procedures Act, G.S. Chapter 150A" and substituting the phrase "Chapter 150B of the General Statutes".

Sec. 76. G.S. 89E-20(a) and (b) are amended by deleting the phrase "Article 3,".

Sec. 77. G.S. 90-270.26(5) and G.S. 90-270.69(7) are amended by deleting the phrase "Article 3 of".

Sec. 78. G.S. 90-270.51(b) is rewritten to read:

"(b) The Board may adopt rules to implement this Article."

Sec. 79. G.S. 93-12(9) is amended by deleting the second sentence of the subdivision.

Sec. 80. G.S. 93D-3(c)(9) is amended in the third sentence by deleting the words "in the manner set forth in Chapter 150A of the General Statutes".

Sec. 81. G.S. 140-5.15(b) is amended by deleting the last two sentences of the subsection.

Sec. 82. G.S. 74-51(1) is amended by deleting the words "or regulation".

Sec. 82A. G.S. 74-58 is amended as follows:

(1) by deleting the words "and regulations" in the first paragraph;  
(2) by deleting the reference "74-62" in the second paragraph and substituting the reference "74-61"; and

(3) by deleting the phrase ", rules and regulations" in the last paragraph and substituting the words "and rules".

Sec. 83. G.S. 74-62 is repealed.

Sec. 84. G.S. 74-63 is rewritten to read:

**"§ 74-63. Rules.**—The Commission may adopt rules necessary to administer this Article."

Sec. 85. G.S. 74-54, 74-55, 74-56, and 74-64 are amended by deleting the words "and regulations" and the words "or regulations" each place they appear.

Sec. 86. G.S. 74-61 is rewritten to read:

**"§ 74-61. Administrative and judicial review of decisions.**—Any affected person may contest a decision of the Department to deny, suspend, modify, or revoke a permit or a reclamation plan, to refuse to release part or all of a bond or other security, or to assess a civil penalty by filing a petition for a contested case under G.S. 150B-23 within 60 days after the Department makes the decision. The Commission shall make the final decision in a contested case under this section. Article 4 of Chapter 150B of the General Statutes governs judicial review of a decision of the Commission."

Sec. 87. G. S. 74-85 is rewritten to read:

**"§ 74-85. Administrative and judicial review of decisions.**—Any affected person may contest a decision of the Department to approve, deny, suspend, or revoke a permit, to require additional abandonment work, to refuse to release part or all of a bond or other security, or to assess a civil penalty by filing a petition for a contested case under G.S. 150B-23 within 30 days after the Department makes the decision. The Commission shall make the final decision in a contested case under this section. Article 4 of Chapter 150B of the General Statutes governs judicial review of a decision of the Commission."

Sec. 88. G.S. 74-86 is amended by deleting the words "and regulations" from the catch line.

Sec. 89. G.S. 113-26.1 is amended by rewriting the second paragraph of the section to read:

"The Department of Natural Resources and Community Development may adopt rules governing the operation of a Bureau of Mines or mineral museum established under this section."

Sec. 90. G.S. 113-29 is amended in the first sentence by deleting the phrase "as the Department of Natural Resources and Community Development,".

Sec. 91. G.S. 113-34 is amended as follows:

(1) by deleting the word "regulations" in subdivision (2) and substituting the word "rules";

(2) by deleting the words "and regulations" in the fourth paragraph of the section; and

(3) by deleting the words "regulations" each time it appears in the fifth paragraph and substituting the word "rules".

Sec. 92. G.S. 113-35 is amended as follows:

(1) by deleting the words "and regulations" each time they appear; and

(2) by deleting the word "regulations" in the fifth sentence and the last sentence of the section and substituting the word "rules".

Sec. 93. G.S. 113-41 is amended by deleting the words "and regulations" each time they appear.

Sec. 94. G.S. 113-64 is amended by rewriting subdivision (1) to read:

"(1) Adopt rules to implement this Article and to protect and develop forests subject to its jurisdiction."

Sec. 95. G.S. 113-65(3) is amended by deleting the phrase "and his orders, rules and regulations thereunder" and substituting the phrase ", a rule implementing this Article, or an order issued under this Article".

Sec. 96. G.S. 113-133 is amended by deleting the words "promulgating regulations" and substituting the words "adopting rules".

Sec. 97. G.S. 113-134 is rewritten to read:

"§ 113-134. **Rules.**—The Marine Fisheries Commission and the Wildlife Resources Commission may, within their jurisdictional limitations imposed by this Article, adopt rules implementing this Subchapter."

Sec. 98. G.S. 113-135, 113-135.1, 113-136, 113-137, 113-138, 113-140, 113-152, 113-153, 113-156, 113-160, 113-163, 113-164, 113-165, 113-166, 113-183, 113-185, 113-187, 113-201, 113-202, 113-203, 113-205, 113-261, 113-262, 113-264, 113-265, 113-267, 113-270.1 through 113-277, 113-291 through 113-294, 113-300.1, 113-302.1, 113-304, and 113-306 are amended by deleting the words "regulations", "Regulations", and "regulation" each time they appear, including the catch lines, and substituting the words "rules", "Rules", and "rule" respectively.

Sec. 99. G.S. 113-166(e) and (f) are rewritten to read:

"(e) A licensee served with a notice of suspension or revocation may obtain an administrative review of the suspension or revocation by filing a petition for a contested case under G.S. 150B-23 within 20 days after receiving the notice. The only issue in the hearing shall be whether the licensee was convicted of a criminal offense for which a license must be suspended or revoked. A license remains suspended or revoked pending the final decision by the Secretary.

(f) If the Secretary refuses to reissue the license of or issue an additional license to an applicant whose license was revoked, the applicant may contest the decision by filing a petition for a contested case under G.S. 150B-23 within 20 days after the

Secretary makes his decision. The Marine Fisheries Commission shall make the final agency decision in a contested case under this subsection. An applicant whose license is denied under this subsection may not reapply for the same license for at least six months."

Sec. 100. G.S. 113-151 is repealed.

Sec. 101. G.S. 113-181(b) is amended by deleting the last sentence of the subsection.

Sec. 102. G.S. 113-188 is amended by deleting the word "regulations" each time it appears, including the catch line, and substituting the word "restrictions".

Sec. 103. G.S. 113-226(a) is amended by deleting the phrase "Chapter 40" and substituting the phrase "Chapter 40A".

Sec. 104. G.S. 113-228 is amended by deleting the word "regulations" the first, third, and fourth times it appears in the section and substituting the word "rules".

Sec. 105. G.S. 113-229 is amended as follows:

(1) by deleting the words "Water and Air Resources" in subsection (a) and substituting the words "Natural Resources and Community Development";

(2) by deleting the first two sentences of subsection (d) and substituting the following sentences to read:

"An applicant for a permit, other than an emergency permit, shall send a copy of his application to the owner of each tract of riparian property that adjoins that of the applicant. The copy shall be served by certified mail or, if the owner's address is unknown and cannot be ascertained with due diligence or if a diligent but unsuccessful effort has been made to serve the copy by certified mail, by publication in accordance with the rules of the Commission. An owner may file written objections to the permit with the Department for 30 days after he is served with a copy of the application.";

(3) by deleting the seventh sentence of subsection (e) and substituting the following sentences to read:

"The Coastal Resources Commission shall coordinate the issuance of permits under this section and G.S. 113A-118 to avoid duplication and to create a single, expedited permitting process. The Coastal Resources Commission may adopt rules interpreting and applying the provisions of this section and rules specifying the procedures for obtaining a permit under this section.";

(4) by deleting the phrase ", after public hearings," in the third sentence of subsection (e1);

(5) by rewriting subsection (f) to read:

"(f) A permit applicant who is dissatisfied with a decision on his application may file a petition for a contested case hearing under G.S. 150B-23 within 20 days after the decision is made. Any other person who is dissatisfied with a decision to deny or grant a permit may file a petition for a contested case hearing only if the Coastal Resources Commission determines, in accordance with G.S. 113A-121.1(c), that a hearing is appropriate. A permit is suspended from the time a person seeks administrative review of the decision concerning the permit until the Commission determines that the person seeking the review cannot commence a contested case or the Commission makes a final

decision in a contested case, as appropriate, and no action may be taken during that time that would be unlawful in the absence of the permit.";

(6) by rewriting subsection (g) to read:

"(g) G.S. 113A-122 applies to an appeal of a permit decision under subsection (f).";

(7) by deleting subsection (h); and

(8) by rewriting the last sentence of subsection (k) to read: "A notice to cease shall be served personally or by certified mail."

Sec. 106. G.S. 113-306(a) is amended by deleting the phrase "Chapter 40" and substituting the phrase "Chapter 40A".

Sec. 107. G.S. 113-307 is amended by deleting the word "regulations" the first, third, and fourth times it appears in the section and substituting the word "rules".

Sec. 108. G.S. 113-315.29(8) is amended by deleting the phrase "its own bylaws, rules and regulations" and substituting the words "bylaws and rules".

Sec. 109. G.S. 113-315.34 is amended as follows:

(1) by rewriting subsection (c) to read:

"(c) The Authority shall post copies of rules concerning traffic and parking at appropriate places on property of the Authority. Violation of a rule concerning traffic or parking on property of the Authority is a misdemeanor, punishable by a fine of up to fifty dollars (\$50.00), imprisonment for up to 30 days, or both."; and

(2) by rewriting the second sentence of subsection (d) to read:

"Special policemen may arrest persons who violate State law or a rule adopted by the Authority."

Sec. 110. G.S. 113-378 and G.S. 113-388 are amended by deleting the words "and regulations".

Sec. 111. G.S. 113-391 is amended as follows:

(1) by deleting the phrase ", regulations" each time it appears; and

(2) by deleting the phrase "The Department shall have authority to make, after hearing and notice as hereinafter provided, such reasonable" in the first sentence of the third paragraph and substituting the words "The Department may make".

Sec. 112. G.S. 113-392, 113-393, and 113-394 are amended by deleting the following phrases: ", regulation", ", regulations", and ", regulation,".

Sec. 113. G.S. 113-395 is amended by deleting the word "regulations" and substituting the word "rules".

Sec. 114. G.S. 113-397 is rewritten to read:

**"§ 113-397. Hearing in emergency.**—If an emergency situation, as defined by the Department, arises under this Article, the Department may conduct a hearing to determine the appropriate course of action after giving any notice it considers practicable. Chapter 150B of the General Statutes does not apply to a hearing under this section. The rules of evidence apply in a hearing under this section."

Sec. 115. G.S. 113-398 is amended in the second sentence by deleting the phrase ", regulations".

Sec. 116. G.S. 113-399 is rewritten to read:

"§ 113-399. **Suits by Department.**—The Department may bring an action in any court of competent jurisdiction in the State to enforce, by injunction or another remedy, an order issued or rule adopted by the Department under this Article. The court may enter any judgment or order necessary to enforce an order issued or rule adopted by the Department under this Article."

Sec. 117. G.S. 113-402 is rewritten to read:

"§ 113-402. **Administrative review.**—A party who is dissatisfied with a decision or order of the Department under this Article may obtain administrative review of the decision by filing a petition for a contested case hearing under G.S. 150B-23 within 10 days after the decision or order is made."

Sec. 118. G.S. 113-403 is rewritten to read:

"§ 113-403. **Judicial review.**—Article 4 of Chapter 150B of the General Statutes governs judicial review of a decision or order made under this Article."

Sec. 119. G.S. 113-404 and G.S. 113-405 are repealed.

Sec. 120. G.S. 113-406 is amended by inserting between the words "of" and "review" in the catch line and in the first sentence of the section the word "judicial".

Sec. 121. G.S. 113-408 is amended as follows:

(1) by deleting the word "regulations" each time it appears and substituting the word "rules"; and

(2) by deleting the phrase ", regulation".

Sec. 122. G.S. 113-409, 113-410, and 113-411 are amended by deleting the phrases ", regulation" and ", regulation," each time they appear.

Sec. 123. G.S. 113-412 is amended in the fourth sentence of the sixth paragraph by deleting the phrase "and rules, regulations and " and substituting the phrase "rules, and".

Sec. 124. G.S. 113-413 is repealed.

Sec. 125. G.S. 113A-4(1), 113A-36, 113A-42, 113A-124(a)(5) and (b), and 113A-125(c) are amended by deleting the words "regulation" and "regulations" and substituting the words "rule" and "rules" respectively.

Sec. 126. G.S. 113A-6 is amended as follows:

(1) by deleting the words "review their present" and substituting the words "periodically review their";

(2) by deleting the word "regulations" and substituting the word "rules"; and

(3) by deleting the phrase "not later than July 1, 1972,".

Sec. 127. Article 3 of Chapter 113A of the General Statutes is amended by deleting the words "Department of Natural Resources and Community Development" each time they appear, except in G.S. 113A-33 and G.S. 113A-36(a), and substituting the word "Department".

Sec. 128. G.S. 113A-36(d) is rewritten to read:

"(d) The Department may adopt rules to implement this Article."

Sec. 129. G.S. 113A-38(b) is amended by deleting the phrase "the provisions of Article 2, Chapter 40, of the General Statutes, as amended" and substituting the phrase "Article 3 of Chapter 40A of the General Statutes".

Sec. 130. G.S. 113A-56(a) is amended by deleting the words "for the purpose of promulgating regulations" and substituting the words "to adopt rules".

Sec. 131. G.S. 113A-57(3) is amended by deleting the words "adopted by regulation by" and substituting the words "specified by rule of".

Sec. 132. G.S. 113A-88(d) is amended by deleting the words "and regulations".

Sec. 133. G.S. 113A-103(10) is deleted.

Sec. 134. G.S. 113A-107 is amended as follows:

(1) by deleting the last sentence of subsection (a);

(2) by rewriting subsection (c) to read:

"(c) The Commission shall mail proposed as well as adopted rules establishing guidelines for the coastal area to all cities, counties, and lead regional organizations within the area and to all State, private, federal, regional, and local agencies the Commission considers to have special expertise on the coastal area. A person who receives a proposed rule may send written comments on the proposed rule to the Commission within 30 days after receiving the proposed rule. The Commission shall consider any comments received in determining whether to adopt the proposed rule.";

(3) by deleting subsections (d) and (e); and

(4) by rewriting subsection (f) to read:

"(f) The Commission shall review its rules establishing guidelines for the coastal area at least every five years to determine whether changes in the rules are needed."

Sec. 135. G.S. 113A-115(a) is amended by inserting a new sentence between the first and second sentences of the subsection to read:

"Hearings required by this section are in addition to the hearing required by Article 2 of Chapter 150B of the General Statutes."

Sec. 136. G.S. 113A-118(c) is amended by changing the comma following the word "agent" to a period and deleting the remainder of the subsection.

Sec. 137. G.S. 113A-118.1(b) is amended in the first sentence by inserting a period after the word "Commission" and deleting the remainder of the sentence.

Sec. 138. G.S. 113A-120 is amended as follows:

(1) by rewriting the part of subsection (a) that precedes the colon to read:

"The responsible official or body shall deny an application for a permit upon finding";

(2) by deleting the phrase "regulations, standards or" in the first sentence of subsection (c) and substituting the phrase "standards, or";

(3) by deleting the phrase "regulations," in the second sentence of subsection (c); and

(4) by deleting the words "varying such regulations" in the third sentence of subsection (c) and substituting the words "granting a variance".

Sec. 139. G.S. 113A-121.1 is rewritten to read:

**§ 113A-121.1. Administrative review of permit decisions.**—(a) An applicant for a minor or major development permit who is dissatisfied with the decision on his application may file a petition for a contested case hearing under G.S. 150B-23 within 20 days after the decision is made. When a local official makes a decision to grant or

deny a minor development permit and the Secretary is dissatisfied with the decision, the Secretary may file a petition for a contested case within 20 days after the decision is made.

(b) A person other than a permit applicant or the Secretary who is dissatisfied with a decision to deny or grant a minor or major development permit may file a petition for a contested case hearing only if the Commission determines that a hearing is appropriate. A request for a determination of the appropriateness of a contested case hearing shall be made in writing and received by the Commission within 20 days after the disputed permit decision is made. A determination of the appropriateness of a contested case shall be made within 15 days after a request for a determination is received and shall be based on whether the person seeking to commence a contested case:

- (1) Has alleged that the decision is contrary to a statute or rule;
- (2) Is directly affected by the decision; and
- (3) Has a substantial likelihood of prevailing in a contested case.

If the Commission determines a contested case is appropriate, the petition for a contested case shall be filed within 20 days after the Commission makes its determination. A determination that a person may not commence a contested case is a final agency decision and is subject to judicial review under Article 4 of Chapter 150B of the General Statutes.

(c) A permit is suspended from the time a person seeks administrative review of the decision concerning the permit until the Commission determines that the person seeking the review cannot commence a contested case or the Commission makes a final decision in a contested case, as appropriate, and no action may be taken during that time that would be unlawful in the absence of a permit."

Sec. 140. G.S. 113A-122 is amended as follows:

- (1) by rewriting the catch line to read: "Procedures for hearings on permit decisions.";
  - (2) by deleting subsection (a);
  - (3) by deleting subdivisions (b)(1), (b)(2), (b)(4) through (b)(6), (b)(8), and (b)(9);
  - (4) by deleting the word "appeal" in (b)(7) and substituting the words "a decision granting a permit";
  - (5) by deleting the phrase "After hearing the evidence, the" in (b)(10) and substituting the word "The";
  - (6) by deleting the phrase "regulation," in the second sentence of (b)(11);
- and
- (7) by deleting the word "judicial" in the third sentence of (b)(11) and substituting the word "official".

Sec. 141. G.S. 113A-124 is amended as follows:

- (1) by deleting the words "and regulations" in subdivision (a)(4);
- (2) by deleting the words "the evidence and" in the second sentence of subdivision (a)(6); and
- (3) by deleting subdivision (c)(5).



Sec. 142. G.S. 113A-125 is amended by deleting all but the first sentence of subsection (d).

Sec. 143. G.S. 113A-126 is amended as follows:

(1) by deleting the phrase "regulation," each time it appears;

(2) by deleting the reference "113A-122" in (d)(1)a. and substituting the reference "113A-118";

(3) by rewriting (d)(1)d. to read:

"d. Violates a rule of the Commission implementing this Article."; and

(4) by rewriting all but the first sentence of subdivision (d)(3) to read:

"The Commission shall notify a person who is assessed a penalty by registered or certified mail. The notice shall state the reasons for the penalty. A person may contest a penalty by filing a petition for a contested case under G.S. 150B-23 within 20 days after receiving the notice of assessment. If a person fails to pay a penalty, the Commission shall refer the matter to the Attorney General for collection."

Sec. 144. G.S. 113A-128 and G.S. 113A-158 are amended by deleting the words "or regulation".

Sec. 145. G.S. 113A-134.3 is amended in the fourth sentence by deleting the words "and regulations promulgated" and substituting the word "adopted".

Sec. 146. G.S. 113A-153(e) is amended by deleting the words "and regulations".

Sec. 147. G.S. 113A-155 is amended as follows:

(1) by deleting the words "valid regulations promulgated pursuant thereto" in subsection (b) and substituting the word "rules"; and

(2) by deleting subsection (c).

Sec. 148. G.S. 113A-156(e) is deleted.

Sec. 149. G.S. 113A-166 is rewritten to read:

**"§ 113A-166. Rules.**—The Secretary of the Department of Natural Resources and Community Development may adopt rules needed to implement this Article."

Sec. 150. G.S. 113A-168 is amended in the last sentence by deleting the words "rules and regulations promulgated by the Department of Natural Resources and Community Development hereunder" and substituting the words "its implementing rules".

Sec. 151. G.S. 113A-170 is amended by deleting the words "or any regulations passed pursuant thereto" and the words "and rules and regulations promulgated pursuant hereto" and substituting the words "or a rule adopted under this Article".

Sec. 152. G.S. 113A-164.4(1) is amended by deleting the word "regulation" and substituting the word "rule".

Sec. 152A. Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

**"§ 143-212. Definitions applicable to Article.**—The following definitions apply to this Article:

(1) 'Area of the State' means a municipality, a county, a portion of a county or a municipality, or other substantial geographic area of the State designated by the Commission.

(2) 'Commission' means the North Carolina Environmental Management Commission.

(3) 'Department' means the Department of Natural Resources and Community Development.

(4) 'Person' includes individuals, firms, partnerships, associations, institutions, corporations, municipalities and other political subdivisions, and governmental agencies.

(5) 'Secretary' means the Secretary of the Department of Natural Resources and Community Development.

(6) 'Waters' means any stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway, or other body or accumulation of water, whether surface or underground, public or private, or natural or artificial, that is contained in, flows through, or borders upon any portion of this State, including any portion of the Atlantic Ocean over which the State has jurisdiction."

Sec. 153. G.S. 143-213 is amended as follows:

(1) by rewriting the catch line to read "**Definitions applicable to Part.**";

(2) by deleting subdivisions (6), (7), (8), (11), (14), and (20); and

(3) by inserting a period after the word "Commission" the first time it appears in subdivision (21) and deleting the remainder of the subdivision.

Sec. 154. Articles 21, 21A, and 21B of Chapter 143 of the General Statutes, except G.S. 143-211, 143-212, 143-215.13(a), 143-215.40, 143-215.77, and 143-215.106, are amended as follows:

(1) by deleting the words "Environmental Management Commission", "North Carolina Environmental Management Commission", and "Environmental Management Commission's" each place they appear and substituting the word "Commission" or "Commission's", as appropriate;

(2) by deleting the words "Department of Natural Resources and Community Development" and "North Carolina Department of Natural Resources and Community Development" and substituting the word "Department"; and

(3) by deleting the words "Secretary of the Department of Natural Resources and Community Development" and substituting the word "Secretary".

Sec. 155. G.S. 143-215.77(2) is rewritten to read:

"(2) 'Commission' means the North Carolina Environmental Management Commission."

Sec. 156. G.S. 143-214.1 is amended as follows:

(1) by rewriting subsection (e) to read:

"(e) Chapter 150B of the General Statutes governs the adoption and publication of rules under this Article."; and

(2) by deleting subsections (f) and (g).

Sec. 157. G.S. 143-214.2(c) is rewritten to read:

"(c) Unless permitted by a rule of the Commission, the discharge of wastes, including thermal discharges, to the open waters of the Atlantic Ocean over which the State has jurisdiction are prohibited."

Sec. 158. G.S. 143-215(b) is amended by deleting the phrase "shall be promulgated in its official regulations as provided in G.S. 143-215.3(a)(1) and" each place it appears.

Sec. 159. G.S. 143-215.1 is amended as follows:

(1) by deleting the third, fourth, and fifth sentences of (c)(1) and substituting the following sentences to read:

"The Commission shall act on a permit application as quickly as possible. The Commission may conduct any inquiry or investigation it considers necessary before acting on an application and may require an applicant to submit plans, specifications, and other information the Commission considers necessary to evaluate the application.";

(2) by deleting the phrase ", pursuant to appropriate rules of procedure adopted by the Environmental Management Commission," in the first sentence of (c)(2)a.;

(3) by deleting the phrase "through its official rules," in the third sentence of (c)(2)a.;

(4) by deleting the words "by regulation" in (c)(2)b.;

(5) by deleting the phrase ", through its official rules," in the last sentence of the first paragraph of (c)(3);

(6) by deleting the words "adopt appropriate rules and regulations governing" in the first sentence of the second paragraph of (c)(3) and substituting the word "prescribe";

(7) by deleting the second, third, fourth, and fifth sentences of subsection (d) and substituting the following sentences to read:

"The Commission shall act on a permit application as quickly as possible. The Commission may conduct any inquiry or investigation it considers necessary before acting on an application and may require an applicant to submit plans, specifications, and other information the Commission considers necessary to evaluate the application. If the Commission fails to act on an application for a permit, including a renewal of a permit, within 90 days after the applicant submits all information required by the commission, the application is considered to be approved.";

(8) by rewriting subsection (e) to read:

"(e) Administrative Review. A permit applicant or permittee who is dissatisfied with a decision of the Commission may commence a contested case by filing a petition under G.S. 150B-23 within 30 days after the Commission notifies the applicant or permittee of its decision. If the permit applicant or permittee does not file a petition within the required time, the Commission's decision is final and is not subject to review."

(9) by deleting the phrase "Part I of Article 21 of this Chapter, and the standards, rules, and regulations adopted pursuant to that Part" in (f)(1) and substituting the words "this Part and the rules implementing this Part";

(10) by deleting the words "any applicable rules and regulations adopted pursuant to" in (f)(8) and substituting the words "the rules implementing"; and

(11) by deleting the last three sentences of the second paragraph of subsection (f) and substituting the following sentence to read:

"A denial, suspension, or revocation of a certification of a local program shall be made only after notice and a public hearing. If the failure of a local program to carry out this subsection creates an imminent hazard, the Commission may summarily revoke the certification of the local program. Chapter 150B of the General Statutes does not apply to proceedings under this subsection."

Sec. 160. G.S. 143-215.2 is amended as follows:

(1) by rewriting subsection (b) to read:

"(b) Procedure to Contest Certain Orders. A special order that is issued without the consent of the person affected may be contested by that person by filing a petition for a contested case under G.S. 150B-23 within 30 days after the order is issued. If the person affected does not file a petition within the required time, the order is final and is not subject to review."; and

(2) by deleting subsection (c).

Sec. 161. G.S. 143-215.3 is amended as follows:

(1) by deleting the words "official regulations" in subdivision (a)(4) and substituting the word "rules";

(2) by deleting the words "or regulations" in subdivision (a)(5);

(3) by deleting the phrase "held pursuant to the provisions of General Statutes Chapter 150A, Article 2" in the second sentence of subdivision (a)(8);

(4) by rewriting the last paragraph of subdivision (a)(8) to read: "A person aggrieved by an order of the Commission under this subdivision may seek judicial review of the order under Article 4 of Chapter 150B of the General Statutes without first commencing a contested case. An order may not be stayed while it is being reviewed.";

(5) by deleting the word "regulations" in subdivision (a)(9) and substituting the word "rules";

(6) by rewriting subdivision (a)(10) to read:

"(10) To require a laboratory facility to be certified by the Department before performing any tests, analyses, measurements, or monitoring required under this Article and to establish fees therefor.";

(7) by deleting the words "of the assistant director" in the last sentence of the first paragraph of (a)(12);

(8) by deleting the word "provision" in the last sentence of the second paragraph of (a)(12) and substituting the word "subdivision";

(9) by deleting the words "develop and adopt standards and regulations necessary to" in subdivision (a)(15); and

(10) by deleting the phrase "regulations, standards" each time it appears in subsection (e) and substituting the phrase "standards,".

Sec. 162. G.S. 143-215.4 is rewritten to read:

**"§ 143-215.4. Mailing list for rules; procedures for public input; form of order or decision.**–(a) Mailing List. When the Commission proposes or adopts a rule establishing water quality classifications and standards under G.S. 143-214.1 or establishing effluent standards or waste treatment management practices under G.S. 143-215, it shall send notice of the action to each person who has requested to be notified of these matters. The Department shall maintain a mailing list for this purpose on which it shall record the name and address of each person who has made a written request to be on the list and the date on which the request was made. In making a request to be put on the list, a person may request to be added to the list for a specified period or indefinitely.

(b) Procedures for Public Input. The Commission may, on its own motion or when required by federal law, request public comments on or hold public hearings on matters within the scope of its authority under this Article or Articles 21A or 21B of this Chapter. To request public comments on a matter, the Commission shall notify appropriate agencies of the opportunity to submit written comments to the Commission on the matter and shall publish a notice in a newspaper having general circulation in the affected area, stating the matter under consideration by the Commission and informing the public of its opportunity to submit written comments to the Commission on the matter. A public comment period shall extend for at least 30 days after the notice is published.

To hold a public hearing on a matter, the Commission shall notify, by personal service or certified mail, persons directly affected by the matter under consideration and shall publish a notice in a newspaper having general circulation in the affected area, stating the matter under consideration by the Commission and the time, date, and place of a public hearing to be held on the matter. A public hearing shall be held no sooner than 20 days after the notice is published. The proceedings at a public hearing held under this subsection shall be recorded. Upon payment of a fee established by the Commission, any person may obtain a copy of the record of the public hearing. After a public hearing, the Commission shall accept written comments for the time period prescribed by the Commission.

This subsection applies only to proceedings that are not rule-making proceedings or contested case hearings.

(c) Decisions and Orders. An order or decision of the Commission shall state the Commission's findings of fact and conclusions of law and shall state the statute or rule on which the order or decision is based."

Sec. 163. G.S. 143-215.5 is rewritten to read:

**"§ 143-215.5. Judicial review of actions under Article.**–Article 4 of Chapter 150B of the General Statutes governs judicial review of a final decision of the Secretary or of an order of the Commission under this Article. If a case that concerns an action of the Commission under this Article is appealed from the superior court to the Court of Appeals, no bond shall be required of the Commission."

Sec. 164. G.S. 143-215.6 is amended as follows:

(1) by rewriting (a)(1)f. to read:

"f. Violates a rule of the Commission implementing this Part or G.S. 143-355(k).";

- (2) by deleting the last sentence of (a)(4);
- (3) by deleting the word "regulation" in (b)(1) and substituting the word "rule";
- (4) by deleting the words "regulation of the Environmental Management Commission" in (b)(2) and substituting the words "a rule";
- (5) by deleting the words "or any regulations adopted by the Environmental Management Commission implementing the provisions of" in the first sentence of subsection (c) and substituting the phrase ", or a rule implementing"; and
- (6) by deleting the word "Article" each time it appears in subsection (c) and substituting the word "Part".

Sec. 165. G.S. 143-215.7 is amended by deleting the phrase "Article 13 of Chapter 130 of the General Statutes of North Carolina" and substituting the phrase "Article 11 of Chapter 130A of the General Statutes".

Sec. 166. G.S. 143-215.8A(f) is deleted.

Sec. 167. G.S. 143-215.13 is amended as follows:

- (1) by deleting the last sentence of (c)(3) and substituting the following sentence to read: "A rule declaring an area to be a capacity use area shall delineate the boundaries of the area.";
- (2) by deleting (c)(7);
- (3) by deleting the word "commission" in the second paragraph of subsection (d) and substituting the word "Commission"; and
- (4) by deleting the third and fifth paragraphs of subsection (d).

Sec. 168. G.S. 143-215.14 is amended as follows:

- (1) by deleting the words "Regulations" and "regulations" each time they appear, including the catch line, and substituting the word "Rules" or "rules"; and
- (2) by rewriting subsection (b) to read:

"(b) In adopting rules for a capacity use area, the Commission shall consider the factors listed in G.S. 143-215.15(h)."

Sec. 169. G.S. 143-215.15 is amended as follows:

- (1) by rewriting that part of subsection (c) that precedes the colon in the second sentence to read:

"If sufficient evidence of a nonconsumptive use is not presented, the Commission may";

- (2) by deleting the word "to" at the beginning of subparts (i), (ii), (iii), and (iv) of subsection (c);
- (3) by deleting the word "regulations" each time it appears in subsection (c) and substituting the word "rules";
- (4) by deleting the last sentence of subsection (c) and substituting the following sentences to read:

"Before issuing a permit under this subsection, the Commission shall notify the permit applicant of its proposed action by sending the permit applicant a copy of the permit the Commission proposes to issue. Unless the permit applicant contests the proposed permit, the proposed permit shall become effective on the date set in the proposed permit. A water user who is dissatisfied with a decision of the Commission

concerning that user's or another user's permit application or permit may commence a contested case under G.S. 150B-23.";

(5) by deleting the last sentence of subsection (d);

(6) by deleting the phrase "regulation," in the second sentence of (f)(1);

(7) by deleting the word "judicial" in the third sentence of (f)(1) and substituting the word "official";

(8) by recodifying G.S. 143-215.15(f)(1), as amended, as subsection (d) of G.S. 143-215.4, as rewritten by this act, with the heading "Seal/Official Notice.";

(9) by deleting (f)(2), (f)(3), and subsection (g); and

(10) by rewriting that part of subsection (h) that precedes the colon to read: "In determining whether to issue, modify, revoke, or deny a permit under this section, the Commission shall consider".

Sec. 170. G.S. 143-215.17 is amended as follows:

(1) by deleting the phrase "any duly adopted regulations of the Commission implementing the provisions of this Part" in the last sentence of (b)(1) and substituting the phrase "a rule of the Commission implementing this Part";

(2) by deleting the last sentence of (b)(4); and

(3) by deleting the phrase ", or any order issued pursuant to this Part, or duly adopted regulation of the Commission or its predecessor implementing the provisions of this Part" in the first sentence of subsection (c) and substituting the phrase "this Part, a rule implementing this Part, or an order issued under this Part".

Sec. 171. G.S. 143-215.18(b) is amended by deleting the last sentence of the subsection.

Sec. 172. G.S. 143-215.19 is amended by deleting the word "regulations" each time it appears and substituting the word "rules".

Sec. 173. G.S. 143-215.20 is repealed.

Sec. 174. G.S. 143-215.21 is amended by deleting subdivisions (1), (2), (4), (6), and (7).

Sec. 175. G.S. 143-215.25 is amended by deleting subdivisions (1), (3), and (5).

Sec. 176. G.S. 143-215.26(a) is amended in the first sentence by deleting the phrase ", as defined by this Part,".

Sec. 177. G.S. 143-215.30(c) is amended in the second sentence by deleting the phrase "requirement, regulation," and substituting the word "rule".

Sec. 178. G.S. 143-215.33 is rewritten to read:

"§ 143-215.33. **Administrative hearing.**—A person to whom a decision or order is issued under this Part may contest the decision or order by filing a petition for a contested case within 10 days after receiving notice, by personal service or by registered or certified mail, of the Commission's decision or order."

Sec. 179. G.S. 143-215.34 is amended as follows:

(1) by deleting the phrase "rules and regulations;" from the catch line; and

(2) by deleting the second sentence of the section.

Sec. 180. G.S. 143-215.36 is amended as follows:

(1) by deleting the phrase ", or any order issued pursuant to this Part, or who violates any duly adopted regulation of the Commission or its predecessor implementing the provisions of this Part" in (b)(1) and (c) and substituting the phrase "this Part, a rule implementing this Part, or an order issued under this Part"; and

(2) by deleting the last sentence of (b)(4).

Sec. 181. G.S. 143-215.42 is amended as follows:

(1) by deleting the phrase "Chapter 143, Article 21, Part 4" each time it appears and substituting the words "this Part";

(2) by deleting the phrase "General Statutes Chapter 40, Article 2, and all acts amendatory thereof" in subsection (e) and substituting the phrase "Article 3 of Chapter 40A of the General Statutes"; and

(3) by deleting the references "153" and "160" in subsection (g) and substituting the references "153A" and "160A" respectively.

Sec. 182. G.S. 143-215.44(e) is deleted.

Sec. 183. G.S. 143-215.55 is amended in the last sentence by deleting the phrase "G.S. Chapter 40, Article 2, and all acts amendatory thereof" and substituting the phrase "Article 3 of Chapter 40A of the General Statutes".

Sec. 184. G.S. 143-215.56 is amended as follows:

(1) by deleting the last two sentences of subsection (b) and substituting the following sentence to read:

"The Department shall send a copy of every rule adopted to implement this Part to the governing body of each local government in the State.";

(2) by deleting the words "specified in the resolution" in the second sentence of subsection (d) and substituting the words "of a rule";

(3) by deleting the words "such rules and regulations" in the second sentence of subsection (d) and substituting the words "the rule";

(4) by deleting the word "resolution" in the third sentence of subsection (d) and substituting the word "rule"; and

(5) by deleting the words "and regulations" in the last sentence of subsection (d).

Sec. 185. G.S. 143-215.62(d) is deleted.

Sec. 186. G.S. 143-215.65 is amended as follows:

(1) by deleting the words "official regulations" each time they appear and substituting the word "rules"; and

(2) by deleting the words "adequate regulations" in the last sentence of the section and substituting the word "rules".

Sec. 187. G.S. 143-215.66 is amended in the second sentence by deleting the phrase "shall be reasonably required by the Environmental Management Commission, in its official regulations," and substituting the words "required by rule of the Commission".

Sec. 188. G.S. 143-215.68 is repealed.

Sec. 189. G.S. 143-215.69 is amended as follows:

(1) by deleting the word "regulations" in subsection (a) and substituting the word "rules";



(2) by rewriting subsection (b) to read:

"(b) Civil Penalties. The Commission may assess a civil penalty against a person who violates this Part or a rule of the Commission implementing this Part. The amount of the penalty shall not exceed the maximum imposed in G.S. 143-215.6 and shall be assessed in accordance with the procedure set out in G.S. 143-215.6 for assessing a civil penalty.";

(3) by deleting the phrase ", or any order issued pursuant to this Part, or duly adopted regulation of the Commission or its predecessor implementing the provisions of this Part" in the first sentence of subsection (c) and substituting the phrase "this Part, a rule implementing this Part, or an order issued under this Part"; and

(4) by deleting subsection (d).

Sec. 190. G.S. 143-215.77A is amended by deleting the phrase " a public hearing must be held pursuant to Article 2 of Chapter 150A of the General Statutes" in subsection (c) and substituting the phrase "the Commission shall initiate rule-making proceedings on the change".

Sec. 191. G.S. 143-215.81 is amended by changing the semicolon following the word "Article" to a period and deleting the remainder of that section.

Sec. 192. G.S. 143-215.83 is amended as follows:

(1) by deleting the word "regulation" in (b)(1) and substituting the word "rule"; and

(2) by deleting the words "and regulations" in subsection (c).

Sec. 193. G.S. 143-215.84(d) is amended in the first sentence by deleting the words "prepare rules and regulations and develop procedures" and substituting the words "adopt rules".

Sec. 194. G.S. 143-215.85 is amended as follows:

(1) by deleting the phrase "existing regulations of the Environmental Management Commission or" in the first sentence of the section and substituting the phrase "a rule adopted by the Commission, a regulation of";

(2) by deleting the words "or pursuant to a" in the first sentence of the section and substituting the phrase ", or a"; and

(3) by deleting the word "Secretary" in the third sentence of the section and substituting the word "Chairman".

Sec. 195. G.S. 143-215.86(b) is amended in the last sentence by deleting the words "and regulations".

Sec. 196. G.S. 143-215.90 is amended as follows:

(1) by deleting the phrase ", rule or regulation" in the first sentence of subsection (a) and substituting the words "or rule";

(2) by rewriting the third sentence of subsection (b) to read:

"A person may contest an assessment of damages by filing a petition for a contested case under G.S. 150B-23 within 30 days after receiving notice of the damages.";

(3) by deleting the words "On such" in the fourth sentence of subsection (b) and substituting the words "In a contested case"; and

(4) by deleting the seventh, eighth, and ninth sentences of subsection (b) and substituting the following sentence to read:

"If a person fails to pay damages assessed against him, the Commission shall refer the matter to the Attorney General for collection."

Sec. 197. G.S. 143-215.91(a) is amended by deleting the fourth, fifth, sixth, and seventh sentences and substituting the following sentence to read:

"A person may contest a penalty by filing a petition for a contested case under G.S. 150B-23 within 30 days after receiving notice of the penalty. If a person fails to pay a penalty assessed against him, the Department shall refer the matter to the Attorney General for collection."

Sec. 198. G.S. 143-215.92 is amended by deleting the words "regulation" and "regulations" and substituting the words "rule" and "rules" respectively.

Sec. 199. G.S. 143-215.97 is rewritten to read:

**"§ 143-215.97. Rules.**—The Secretary may adopt rules to implement this Part."

Sec. 200. G.S. 143-215.98 is amended by deleting the words "or regulation".

Sec. 201. G.S. 143-215.101 is amended as follows:

(1) by rewriting the part of the section that precedes the colon in subdivision (1) to read:

"The Secretary has the power to:

(1) Adopt rules implementing this Part. Rules adopted under this Part may include the following matters"; and

(2) by deleting subdivision (5).

Sec. 202. G.S. 143-215.102 is amended by deleting the third, fourth, fifth, and sixth sentences and substituting the following sentences to read:

"A person may contest a penalty by filing a petition for a contested case under G.S. 150B-23 within 30 days after receiving notice of the penalty. If a person fails to pay a penalty assessed against him, the Department shall refer the matter to the Attorney General for collection."

Sec. 203. G.S. 143-215.105 is amended by deleting the words "and the definitions set forth" and substituting the phrase ", the definitions in G.S. 143-212, and the definitions".

Sec. 204. G.S. 143-215.106 is rewritten to read:

**"§ 143-215.106. Administration of air quality program.**—The Department shall administer the air quality program of the State."

Sec. 205. G.S. 143-215.107 is amended as follows:

(1) by rewriting subsection (c) to read:

"(c) Chapter 150B of the General Statutes governs the adoption and publication of rules under this Article.";

(2) by deleting subsections (d) and (e);

(3) by deleting the word "regulations" the first time it appears in subsection (f); and

(4) by deleting the phrase "air quality rules, regulations," each time it appears in subsection (f) and substituting the phrase "air quality rules,".

Sec. 206. G.S. 143-215.108 is amended by rewriting the last two paragraphs of subsection (b) to read:

"The Commission shall act on a permit application as quickly as possible. The Commission may conduct any inquiry or investigation it considers necessary before acting on an application and may require an applicant to submit plans, specifications, and other information the Commission considers necessary to evaluate the application. If the Commission fails to act on an application for a permit within 90 days after the applicant submits all information required by the Commission, the application is considered to be approved.

A permit applicant or permittee who is dissatisfied with a decision of the commission may commence a contested case by filing a petition under G.S. 150B-23 within 30 days after the Commission notifies the applicant or permittee of its decision. If the permit applicant or permittee does not file a petition within the required time, the Commission's decision on the application is final and is not subject to review."

Sec. 207. G.S. 143-215.109 is amended as follows:

- (1) by deleting the words "develop and adopt regulations establishing" in the first sentence of subsection (a) and substituting the words "by rule establish";
- (2) by deleting the word "regulations" each time it appears and substituting the word "rules"; and
- (3) by deleting subsection (c).

Sec. 208. G.S. 143-215.110 is amended as follows:

- (1) by rewriting subsection (b) to read:

"(b) Procedure to Contest Certain Orders. A special order that is issued without the consent of the person affected may be contested by that person by filing a petition for a contested case under G.S. 150B-23 within 30 days after the order is issued. If the person affected does not file a petition within the required time, the order is final and is not subject to review."; and

- (2) by deleting subsection (c).

Sec. 209. G.S. 143-215.111(2) is amended by deleting the words "and regulations".

Sec. 210. G.S. 143-215.112 is amended as follows:

- (1) by deleting the words "and regulations" each time they appear;
- (2) by deleting the phrase "standards, rules, or regulations" each time it appears and substituting the words "standards or rules";
- (3) by deleting the phrase "rules, regulations, and standards" each time it appears and substituting the words "rules and standards".

Sec. 211. G.S. 143-215.113 is repealed.

Sec. 212. G.S. 143-215.114 is amended as follows:

- (1) by rewriting (a)(1)f. to read:

"f. Violates a rule of the Commission implementing this Article.";

- (2) by deleting the last sentence of (a)(4);
- (3) by deleting the word "regulation" in (b)(1) and substituting the word "rule";
- (4) by deleting the words "regulations of the Environmental Management Commission" in (b)(2) and substituting the words "a rule"; and

(5) by deleting the words "or any regulations adopted by the Environmental Management Commission implementing the provisions of" in the first sentence of subsection (c) and substituting the words "or a rule implementing".

Sec. 213. G.S. 143-243 is amended by deleting the word "regulations" and substituting the word "rules" each time it appears.

Sec. 214. G.S. 143-254 is repealed.

Sec. 215. G.S. 70-16 is amended by deleting the last sentence of the first paragraph.

Sec. 216. G.S. 143-53 is amended as follows:

(1) by deleting the words "and regulations" each time they appear in the section, including the catch line;

(2) by rewriting that part of the section preceding the colon to read: "The Secretary of Administration may adopt rules governing the following";

(3) by deleting subdivision (12); and

(4) by deleting the second sentence of the second paragraph of the section.

Sec. 217. G.S. 143-58, 143-60, 143-64.5, and 143-64.22 are each amended by deleting the words "and regulations" each place they appear, including the catch lines.

Sec. 218. G.S. 143-64.2 is amended by rewriting subsections (b) and (c) to read:

"(b) The State agency for surplus property may adopt rules necessary to carry out this Article.

(c) The State agency for surplus property may appoint advisory boards or committees as needed to ensure that this Article and the rules adopted under this Article are consistent with federal law concerning surplus property."

Sec. 219. G.S. 143-137(a) is amended by deleting the words "and Regulations" and "and regulations" from the subsection.

Sec. 220. G.S. 143-341 is amended as follows:

(1) by deleting the words "and regulations" each place they appear;

(2) by deleting the words "or regulation" in the last sentence of (8)i.7.;

(3) by deleting the phrase ", pursuant to Chapter 150A of the General Statutes," in the first sentence of (8)i.7a.; and

(4) by deleting the phrase ", regulations," in (8)k.

Sec. 221. G.S. 143B-14 is amended by deleting the reference "150A-11(c)(4)" and substituting the reference "150B-11(3)".

Sec. 222. G.S. 58-262.20 is repealed.

Sec. 223. G.S. 143-143.12(d) is rewritten to read:

"(d) The Board may adopt rules to assure satisfaction of claims."

Sec. 224. G.S. 143-151.8(2) and (3), 143-151.19(a), and 143-151.20(b) are amended by deleting the words "and regulations".

Sec. 225. G.S. 143-151.8(4) and 143-151.13(d) are amended by deleting the word "regulations" and substituting the word "rules".

Sec. 226. G.S. 143-151.12 is amended by deleting subdivision (1) and substituting the following subdivisions to read:

"(1) Adopt rules necessary to administer this Article;

(1a) Require State agencies, local inspection departments, and local governing bodies to submit reports and information about the employment, education, and training of Code-enforcement officials;"

Sec. 227. G.S. 143-151.13 is amended as follows:

(1) by deleting the phrase "The Board shall provide by regulation that on and after July 1, 1979, no" in the first sentence of subsection (a) and substituting the word "No"; and

(2) by deleting the words "by regulation" in subsections (b) and (d).

Sec. 228. G.S. 143-151.17(c) is rewritten to read:

"(c) A denial, suspension, or revocation of a certificate issued under this Article shall be made in accordance with Chapter 150B of the General Statutes."

Sec. 229. G.S. 143-151.19(b) is rewritten to read:

"(b) The Board shall make copies of this Article and the rules adopted under this Article available to the public at a price determined by the Board."

Sec. 230. G.S. 90A-22(b) is amended by deleting the words "before the Board on its" and substituting the words "on the Board's".

Sec. 231. G.S. 90A-30(b) is amended by deleting the phrase "G.S. 150A-23 through G.S. 150A-52" and substituting the phrase "Articles 3 and 4 of Chapter 150B of the General Statutes".

Sec. 232. G.S. 110-88 is amended by deleting the words "and regulations" in subdivisions (5) and (6)."

Sec. 233. G.S. 110-90 is amended in the first sentence by deleting the phrase ", rules and regulations" and substituting the words "and rules".

Sec. 234. G.S. 110-91 is amended as follows:

(1) by deleting the words "and regulations to be" in subdivision (6); and

(2) by deleting the words "and regulations" in subdivision (7).

Sec. 235. G.S. 110-102.2 is amended as follows:

(1) by rewriting the part of the section that precedes the colon to read: "For failure to comply with this Article, the Secretary may"; and

(2) by deleting the last sentence of the section.

Sec. 236. G.S. 110-103.1(c) is rewritten to read:

"(c) A person who is assessed a penalty shall be notified of the penalty by registered or certified mail. The notice shall state the reasons for the penalty. If a person fails to pay a penalty, the Secretary shall refer the matter to the Attorney General for collection."

Sec. 237. G.S. 110-104 is amended in the second sentence by deleting the words "and regulations".

Sec. 238. G.S. 110-105(a) is amended by deleting the phrase ", rules and regulations" each time it appears and substituting the words "and rules".

Sec. 239. G.S. 131C-4(b) and (c) are amended by deleting the phrase "remedies under Article 3 of" and substituting the words "and judicial remedies under".

Sec. 240. G.S. 131C-21.1(c) is rewritten to read:

"(c) After notice and an opportunity for a hearing in accordance with Chapter 150B of the General Statutes, the Secretary may order a professional fund-raising counsel or a professional solicitor who has charged an unreasonable and excessive fund-raising fee to pay to the charitable organization that was charged the unreasonable and excessive fee the difference between the fee charged and a reasonable and nonexcessive fee."

Sec. 241. G.S. 131D-2(d) is amended in the last sentence by deleting the word "regulations" and substituting the word "rules".

Sec. 242. G.S. 131D-3(2) and 131D-4(2) are amended by changing the comma following the reference "150A" to a period and deleting the remainder of the subdivisions.

Sec. 243. G.S. 131D-10.9 is amended by rewriting the catch line to read: **"Administrative and judicial review."**

Sec. 244. G.S. 143B-181.1(c) is rewritten to read:

"(c) The Secretary of Human Resources shall adopt rules to implement this Part and Title 42, Chapter 35, of the United States Code, entitled Programs for Older Americans."

Sec. 245. G.S. 122C-404(h) is amended by deleting the words "ordinance or".

Sec. 246. G.S. 122C-408(b) is amended in the second sentence by deleting the words "ordinance or regulation" and substituting the word "rule".

Sec. 247. G.S. 130A-22(g)(2) is amended by deleting the phrase "decision as provided in G.S. 150A-36 of the Administrative Procedure Act" and substituting the phrase "final agency decision".

Sec. 248. G.S. 130A-24 is amended as follows:

(1) by deleting the words "interpretation and" in the first sentence of subsections (a) and (b); and

(2) by deleting the last two sentences of subsection (d) and substituting the following sentence to read:

"The scope of review in district court shall be the same as in G.S. 150B-51."

Sec. 249. G.S. 130A-293(c) is amended in the second sentence by deleting the phrase "in accordance with Article 2 of Chapter 150A of the General Statutes".

Sec. 250. G.S. 130A-294 is amended by deleting the last two sentences of subsections (d) and (f).

Sec. 251. G.S. 131E-125 is amended as follows:

(1) by deleting the word "Such" in the first sentence of the second paragraph of subsection (a) and substituting the word "A";

(2) by deleting the words "shall give written notice to the Department requesting a hearing" in the second sentence of the second paragraph of subsections (a) and (b) and substituting the words "files a petition for a contested case"; and

(3) by deleting the third sentence of the second paragraph of subsections (a) and (b).

Sec. 252. G.S. 131E-126 is amended as follows:

(1) by rewriting subsection (c) to read:

"(c) A facility may contest a penalty by filing a petition for a contested case under Chapter 150B of the General Statutes.";

(2) by deleting the words "requested an administrative hearing" in (d)(1) and (d)(2) and substituting the words "filed a petition for a contested case"; and

(3) by deleting the phrase "decision as provided in G.S. 150A-36" in (d)(2) and substituting the words "final agency decision".

Sec. 253. G.S. 131E-212 is amended as follows:

(1) by designating the first paragraph of the section as subsection (a);

(2) by deleting the word "subsection" in the second sentence of the section and substituting the word "section"; and

(3) by deleting the phrase "after holding required public hearings and complying with the other procedural requirements of Chapter 150A of the General Statutes," in the first sentence of subsection (b).

Sec. 254. Article 6A of Chapter 143 of the General Statutes is amended by rewriting the heading to that Article to read:

"Rules of Conduct; Traffic Laws for Institutions."

Sec. 255. G.S. 143-116.6 is amended as follows:

(1) by rewriting the catch line to the section to read:

"Rules concerning conduct; violation.";

(2) by deleting the phrase ", or his designee, may promulgate regulations" in the first sentence of subsection (a) and substituting the words "may adopt rules";

(3) by rewriting the second sentence of subsection (a) to read:

"Rules adopted under this section shall be consistent with G.S. 14-132."; and

(4) by deleting the word "ordinances" and the words "regulations or ordinances" and substituting the word "rules".

Sec. 256. G.S. 143-116.7 is amended as follows:

(1) by deleting the words "promulgate regulations" in the first sentence of subsection (b) and substituting the words "adopt rules";

(2) by deleting the word "regulation" in subsections (c), (d), (f), and (g) and substituting the word "rule";

(3) by deleting the word "Regulations" in subsection (e) and substituting the word "Rules"; and

(4) by deleting the word "fines" in subsection (h) and substituting the words "civil penalties".

Sec. 257. G.S. 143-127.6 is rewritten to read:

"§ 143-127.6. **Administrative and judicial review.**—Chapter 150B of the General Statutes governs administrative and judicial review of a decision under this Article by the director of a facility."

Sec. 258. G.S. 74-24.5 is amended by deleting the last sentence of the section and substituting the following sentences to read:

"A record shall be kept of a public hearing held under this section. The decision of the Commissioner is considered a final agency decision for purposes of judicial review."

Sec. 259. G.S. 74-24.10 is rewritten to read:

**"§ 74-24.10. Administrative and judicial review of decisions on mine safety.**—(a) An operator to whom a notice or order is issued under G.S. 74-24.8 and G.S. 74-24.9 may contest the notice or order by filing a petition for a contested case under G.S. 150B-23 within 30 days after receiving the notice or order. An operator who files a petition for a contested case shall send a copy of the petition to all affected miners or to their representative, if any, when the petition is filed. Judicial review of a decision by the Commissioner in a contested case is available under Article 4 of Chapter 150B of the General Statutes.

(b) A notice or order, except an order issued under G.S. 74-24.8 (a), shall be stayed while it is under administrative or judicial review."

Sec. 260. G.S. 74-24.11 is repealed.

Sec. 261. G.S. 74-24.15 is amended as follows:

(1) by deleting the fourth, fifth, sixth, and seventh sentences of subsection (c); and

(2) by rewriting the next to last sentence in subsection (c) to read:

"An order issued by the Commissioner under this subsection is subject to administrative and judicial review in accordance with Chapter 150B of the General Statutes."

Sec. 262. G.S. 95-25.19 is rewritten to read:

**"§ 95-25.19. Rules.**—The Commissioner may adopt rules needed to implement this Article."

Sec. 263. G.S. 95-69.17 is rewritten to read:

**"§ 95-69.17. Administrative and judicial review of decisions.**—(a) A final decision to suspend or revoke an inspector's commission or inspection certificate shall be made in accordance with Chapter 150B of the General Statutes.

(b) A final decision to deny an application for a certificate of competency or to refuse to issue or renew an inspection certificate shall be made in accordance with Chapter 150B of the General Statutes. In a contested case under this subsection, the decision of the Board or Director shall not be stayed pending administrative review.

(c) Article 4 of Chapter 150B of the General Statutes governs judicial review of a final decision in a contested case."

Sec. 264. G.S. 95-123 is amended as follows:

(1) by rewriting the second sentence of the section to read:

"The order shall be sent to the affected operator by certified mail and shall become final unless the operator contests the order by filing a petition for a contested case under G.S. 150B-23 within 20 days after receiving the order."; and

(2) by rewriting the last sentence of the section to read:

"Judicial review of a final decision under this section may be obtained under Article 4 of Chapter 150B of the General Statutes."

Sec. 265. G.S. 95-141 is amended in the first sentence by deleting the phrase "Chapter 150A as amended, of the General Statutes, the same being entitled: 'Judicial Review of Decisions of Certain Administrative Agencies.'" and substituting the phrase "Article 4 of Chapter 150B of the General Statutes."



Sec. 266. G.S. 143-215.3(a)(1b), 143-215.3B(b), and 143B-289.3(c) are each amended by deleting the word "Procedures" and substituting the word "Procedure".

Sec. 267. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 13th day of August, 1987.