

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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SENATE BILL 106

Short Title: APA Rules Requirements Clarification. (Public)

Sponsors: Senators Moffitt, Sawrey, and Daniel (Primary Sponsors).

Referred to: Rules and Operations of the Senate

February 15, 2023

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE SCOPE OF THE ADMINISTRATIVE PROCEDURE ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 150B-18 reads as rewritten:

"§ 150B-18. Scope and effect.

This Article applies to an agency's exercise of its authority to adopt a rule. A rule is not valid unless it is adopted in substantial compliance with this Article. An agency shall not seek to implement or enforce against any person a policy, guideline, or other interpretive statement that meets the definition of a rule contained in G.S. 150B-2(8a) if the policy, guideline, or other interpretive statement has not been adopted as a rule in accordance with this Article. Any policy, guideline, or other interpretive statement that an agency attempts to implement or enforce inconsistent with this section shall be unenforceable unless it is adopted as a rule in accordance with this Article."

SECTION 2. This act is effective when it becomes law.

