

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 191\*  
Committee Substitute Favorable 3/8/95

Short Title: Require Fiscal Note/Subj. Mtr. Notice.

(Public)

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Sponsors:

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Referred to:

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February 15, 1995

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE A FISCAL NOTE FOR ALL PROPOSED RULES THAT  
2 HAVE A SUBSTANTIAL ECONOMIC IMPACT AND TO APPROPRIATE  
3 FUNDS TO IMPLEMENT THIS REQUIREMENT AND TO REQUIRE AGENCIES  
4 TO BEGIN THE PROCESS OF ADOPTING A PERMANENT RULE BY  
5 PUBLISHING A NOTICE OF RULE-MAKING PROCEEDING RATHER THAN  
6 BY PUBLISHING THE PROPOSED TEXT OF A RULE CHANGE.  
7

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 150B-21.4 is amended by adding a new subsection to read:

10 "(b1) Substantial Economic Impact. – Before an agency publishes in the North  
11 Carolina Register the proposed text of a permanent rule change that would have a  
12 substantial economic impact and is not identical to a federal regulation the agency is  
13 required to adopt, the agency must obtain from the Office of State Budget and  
14 Management a fiscal note for the proposed rule change. If an agency is not sure whether  
15 a proposed rule change would have a substantial economic impact, the agency may ask  
16 the Office of State Budget and Management to determine whether the proposed rule  
17 change has a substantial economic impact. The Office of State Budget and Management  
18 must prepare a fiscal note for a proposed rule change within 90 days after receiving a  
19 written request for the note. If the Office of State Budget and Management fails to

1 prepare a fiscal note within 90 days as required by this subsection, the agency proposing  
2 a permanent rule change may prepare a fiscal note that comports with the requirements of  
3 this subsection and proceed to publication of the proposed rule change in the North  
4 Carolina Register.

5 A fiscal note for a proposed rule change must contain the following:

6 (1) A description of the persons who would be affected by the proposed  
7 rule change.

8 (2) A description of the types of expenditures that persons affected by the  
9 proposed rule change would have to make to comply with the rule and  
10 an estimate of these expenditures.

11 (3) A description of the purpose and benefits of the proposed rule change.

12 (4) An explanation of how the estimate of expenditures was computed.

13 As used in this subsection, the term 'substantial economic impact' means an aggregate  
14 financial impact on all persons affected of at least five million dollars (\$5,000,000) in a  
15 12-month period."

16 Sec. 2. G.S. 150B-21.9(a) reads as rewritten:

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

19 (1) It is within the authority delegated to the agency by the General  
20 Assembly.

21 (2) It is clear and unambiguous.

22 (3) It is reasonably necessary to fulfill a duty delegated to the agency by the  
23 General Assembly. Assembly, when considered in light of the  
24 cumulative effect of all rules adopted by the agency related to the  
25 specific purpose for which the rule is proposed and the legislative intent  
26 of the General Assembly in delegating the duty.

27 The Commission may determine if a rule submitted to it was adopted in accordance  
28 with Part 2 of this Article. The Commission may ask the Office of State Budget and  
29 Management to determine if a rule has a substantial economic impact and is therefore  
30 required to have a fiscal note. The Commission must ask that Office to make this  
31 determination if a fiscal note was not prepared for a rule and the Commission receives a  
32 written request for a determination of whether the rule has a substantial economic impact.

33 The Commission must notify the agency that adopted the rule if it determines that a  
34 rule was not adopted in accordance with Part 2 of this Article and must return the rule to  
35 the agency. Entry of a rule in the North Carolina Administrative Code after review by  
36 the Commission is conclusive evidence that the rule was adopted in accordance with Part  
37 2 of this Article."

38 Sec. 3. [Utilities Commission] G.S. 62-31 reads as rewritten:

39 "**§ 62-31. Power to make and enforce rules and regulations for public utilities.**

40 The Commission shall have and exercise full power and authority to administer and  
41 enforce the provisions of this Chapter, and to make and enforce reasonable and necessary  
42 rules and regulations to that end. The Commission shall request the Office of State  
43 Budget and Management to prepare a fiscal note for a proposed new or amended rule or

1 regulation that has a substantial economic impact, as defined in G.S. 150B-21.4(b1). The  
2 Commission shall not take final action on a proposed rule change that has a substantial  
3 economic impact until at least 60 days after the fiscal note has been prepared."

4 Sec. 4. [Employment Security Commission] G.S. 96-4(b) reads as rewritten:

5 "(b) Regulations and General and Special Rules. – General and special rules may be  
6 adopted, amended, or rescinded by the Commission only after public hearing or  
7 opportunity to be heard thereon, of which proper notice has been given by mail to the last  
8 known address in cases of special rules, or by publication as herein provided, and by one  
9 publication as herein provided as to general rules. The Commission may not take final  
10 action on a general or special rule that has a substantial economic impact, as defined in  
11 G.S. 150B-21.4(b1), until 60 days after the fiscal note has been prepared. General rules  
12 shall become effective 10 days after filing with the Secretary of State and publication in  
13 one or more newspapers of general circulation in this State. Special rules shall become  
14 effective 10 days after notification to or mailing to the last known address of the  
15 individuals or concerns affected thereby. Before the adoption, amendment, or repeal of  
16 any permanent regulation, the Commission shall publish notice of the public hearing and  
17 offer any person an opportunity to present data, opinions, and arguments. The notice  
18 shall be published in one or more newspapers of general circulation in this State at least  
19 10 days before the public hearing and at least 20 days prior to the proposed effective date  
20 of the proposed permanent regulation. The published notice of public hearing shall  
21 include the time and place of the public hearing; a statement of the manner in which data,  
22 opinions, and arguments may be submitted to or before the Commission; a statement of  
23 the terms or substance of the proposed regulation; a statement of whether a fiscal note has  
24 been or will be prepared for the proposed regulation and the proposed effective date of  
25 the regulation. Any permanent regulation adopted after following the above procedure  
26 shall become effective on its effective date and after it is published in the manner  
27 provided for in subsection (c) as well as such additional publication as the Commission  
28 deems appropriate. Additionally, the Commission shall provide notice of adoption by  
29 mail to the last known addresses of all persons who submitted data, opinions, or  
30 arguments to the Commission with respect to the regulation. Temporary regulations may  
31 be adopted, amended, or rescinded by the Commission and shall become effective in the  
32 manner and at the time prescribed by the Commission but shall remain in force for no  
33 longer than 120 days."

34 Sec. 5. [Industrial Commission] G.S. 97-80(a) reads as rewritten:

35 "(a) The Commission may make rules, not inconsistent with this Article, for  
36 carrying out the provisions of this Article. The Commission shall request the Office of  
37 State Budget and Management to prepare a fiscal note for a proposed new or amended  
38 rule that has a substantial economic impact, as defined in G.S. 150B-21.4(b1). The  
39 Commission shall not take final action on a proposed rule change that has a substantial  
40 economic impact until at least 60 days after the fiscal note has been prepared.

41 Processes, procedure, and discovery under this Article shall be as summary and  
42 simple as reasonably may be."

43 Sec. 6. [Department of Revenue] G.S. 105-262 reads as rewritten:

1 **"§ 105-262. Rules.**

2 The Secretary of Revenue may adopt rules needed to administer a tax collected by the  
3 Secretary or to fulfill another duty delegated to the Secretary. The Tax Review Board  
4 shall review a new rule or a change to a rule before it is filed in the North Carolina  
5 Administrative Code.

6 The Secretary must ask the Office of State Budget and Management to prepare a  
7 fiscal note for a proposed new rule or a proposed change to a rule that has a substantial  
8 economic impact, as defined in G.S. 150B-21.4(b1). The Secretary may not take final  
9 action on a proposed rule change that has a substantial economic impact until at least 60  
10 days after the fiscal note has been prepared."

11 Sec. 6.1. G.S.143-214.7(c) reads as rewritten:

12 "~~(c) The Commission shall hold public hearings in accordance with~~  
13 ~~Article 2 of Chapter 150B. Prior to implementation of the rules, the Administrative Rules~~  
14 ~~Review Commission shall review the rule pursuant to G.S. 143B 30.2 to determine~~  
15 ~~whether the rule:~~

16 ~~(1) Is within the authority delegated to the agency by the General~~  
17 ~~Assembly;~~

18 ~~(2) Is clear and unambiguous;~~

19 ~~(3) Is reasonably necessary to enable the administrative agency to perform a~~  
20 ~~function assigned to it by statute or to enable or facilitate the~~  
21 ~~implementation of a program or policy in aid of which the rule was~~  
22 ~~adopted. Chapter 150B of the General Statutes governs adoption of rules~~  
23 ~~by the Commission."~~

24 Sec. 7. G.S. 150B-1(d) reads as rewritten:

25 "(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to  
26 the following:

27 (1) The Commission.

28 (2) The North Carolina Low-Level Radioactive Waste Management  
29 Authority in administering the provisions of G.S. 104G-10 and G.S.  
30 104G-11.

31 (3) The North Carolina Hazardous Waste Management Commission in  
32 administering the provisions of G.S. 130B-13 and G.S. 130B-14.

33 (4) The Department of Revenue, ~~except that Parts 3 and 4 of Article 2A apply~~  
34 ~~to the Department. with respect to the notice and hearing requirements~~  
35 ~~contained in Part 2 of Article 2A.~~

36 (5) The North Carolina Global TransPark Authority with respect to the  
37 acquisition, construction, operation, or use, including fees or charges, of  
38 any portion of a cargo airport complex."

39 Sec. 8. [Building Code Council] G.S. 143-138(a) reads as rewritten:

40 "(a) Preparation and Adoption. – The Building Code Council is hereby empowered  
41 to prepare and adopt, in accordance with the provisions of this Article, a North Carolina  
42 State Building Code. Prior to the adoption of this Code, or any part thereof, the Council  
43 shall hold at least one public hearing. A notice of such public hearing shall be given once

1 a week for two successive calendar weeks in a newspaper published in Raleigh, said  
2 notice to be published the first time not less than 15 days prior to the date fixed for said  
3 hearing. The Council may hold such other public hearings and give such other notice as  
4 it may deem necessary.

5 The Council shall request the Office of State Budget and Management to prepare a  
6 fiscal note for a proposed Code change that has a substantial economic impact, as defined  
7 in G.S. 150B-21.4(b1). The Commission shall not take final action on a proposed Code  
8 change that has a substantial economic impact until at least 60 days after the fiscal note  
9 has been prepared."

10 Sec. 9. G.S. 150B-21.1 reads as rewritten:

11 "**§ 150B-21.1. Procedure for adopting a temporary rule.**

12 (a) Adoption. – An agency may adopt a temporary rule without prior notice or  
13 hearing or upon any abbreviated notice or hearing the agency finds practical when it finds  
14 that adherence to the notice and hearing requirements of this Part would be contrary to  
15 the public interest and that the immediate adoption of the rule is required by one or more  
16 of the following:

- 17 (1) A serious and unforeseen threat to the public health, safety, or welfare.
- 18 (2) The effective date of a recent act of the General Assembly or the United  
19 States Congress.
- 20 (3) A recent change in federal or State budgetary policy.
- 21 (4) A federal regulation.
- 22 (5) A court order.
- 23 (6) The need for the rule to become effective the same date as the State  
24 Medical Facilities Plan approved by the Governor, if the rule addresses  
25 a matter included in the State Medical Facilities Plan.

26 An agency must prepare a written statement of its findings of need for a temporary  
27 rule. The statement must be signed by the head of the agency adopting the rule.

28 ~~An agency must begin rule-making proceedings for a permanent rule by the day it~~  
29 ~~adopts a temporary rule. An agency begins rule-making proceedings for a permanent rule~~  
30 ~~by submitting to the Codifier of Rules written notice of its intent to adopt a permanent~~  
31 ~~rule.~~

32 (b) Review. – When an agency adopts a temporary rule it must submit the ~~rule,~~  
33 ~~rule and the~~ agency's written statement of its findings of need for the ~~rule, and the notice of~~  
34 ~~intent to adopt a permanent rule~~ to the Codifier of Rules. Within one business day after an  
35 agency submits a temporary rule, the Codifier of Rules must review the agency's written  
36 statement of findings of need for the rule to determine whether the statement of need  
37 meets the criteria listed in subsection (a). In reviewing the statement, the Codifier of  
38 Rules may consider any information submitted by the agency or another person. If the  
39 Codifier of Rules finds that the statement meets the criteria, the Codifier of Rules must  
40 notify the head of the agency and enter the rule in the North Carolina Administrative  
41 Code.

42 If the Codifier of Rules finds that the statement does not meet the criteria, the Codifier  
43 of Rules must immediately notify the head of the agency. The agency may supplement its

1 statement of need with additional findings or submit a new statement. If the agency  
2 provides additional findings or submits a new statement, the Codifier of Rules must  
3 review the additional findings or new statement within one business day after the agency  
4 submits the additional findings or new statement. If the Codifier of Rules again finds that  
5 the statement does not meet the criteria listed in subsection (a), the Codifier of Rules  
6 must immediately notify the head of the agency.

7 If an agency decides not to provide additional findings or submit a new statement  
8 when notified by the Codifier of Rules that the agency's findings of need for a rule do not  
9 meet the required criteria, the agency must notify the Codifier of Rules of its decision.  
10 The Codifier of Rules must then enter the rule in the North Carolina Administrative Code  
11 on the sixth business day after receiving notice of the agency's decision.

12 (c) Standing. – A person aggrieved by a temporary rule adopted by an agency may  
13 file an action for declaratory judgment in Wake County Superior Court pursuant to  
14 Article 26 of Chapter 1 of the General Statutes. In the action, the court shall determine  
15 whether the agency's written statement of findings of need for the rule meets the criteria  
16 listed in subsection (a) and whether the rule meets the standards in G.S. 150B-21.9 that  
17 apply to review of a permanent rule. The court may not grant an ex parte temporary  
18 restraining order.

19 Filing a petition for rule making or a request for a declaratory ruling with the agency  
20 that adopted the rule is not a prerequisite to filing an action under this subsection. A  
21 person who files an action for declaratory judgment under this subsection must serve a  
22 copy of the complaint on the agency that adopted the rule being contested, the Codifier of  
23 Rules, and the Commission.

24 (d) Effective Date and Expiration. – A temporary rule becomes effective on the  
25 date specified in G.S. 150B-21.3. A temporary rule expires on the date specified in the  
26 rule or ~~180~~240 days from the date the rule becomes effective, whichever comes first.

27 (e) Publication. – When the Codifier of Rules enters a temporary rule in the North  
28 Carolina Administrative Code, the Codifier must publish the rule in the North Carolina  
29 Register. Publication of a temporary rule in the North Carolina Register serves as a  
30 notice of rule-making proceedings for a permanent rule that does not differ substantially  
31 from the published temporary rule."

32 Sec. 10. G.S. 150B-21.2 reads as rewritten:

33 "**§ 150B-21.2. Procedure for adopting a permanent rule.**

34 (a) Steps. – Before an agency adopts a permanent rule, it must take the following  
35 actions:

36 (1) Publish a notice of rule-making proceedings in the North Carolina  
37 Register, unless the proposed rule is substantially the same as a  
38 temporary rule published in the North Carolina Register.

39 (2) When required by G.S. 150B-21.4, prepare or obtain a fiscal note for the  
40 proposed rule.

41 (3) Publish the text of the proposed rule in the North Carolina Register.

42 (4) When required by subsection (e) of this section, hold a public hearing  
43 on the proposed rule after publication of the proposed text of the rule.

1           (5) Accept oral or written comments on the proposed rule as required by  
2           subsection (f) of this section.

3 Notice.—~~Before an agency adopts a permanent rule, it must publish notice of its intent to~~  
4 ~~adopt a permanent rule in the North Carolina Register and as required by any other law.~~  
5 ~~The notice published in the North Carolina Register must include all of the following:~~

6           (1) ~~Either the text of the proposed rule or a statement of the subject matter~~  
7           ~~of the proposed rule making.~~

8           (2) ~~A short explanation of the reason for the proposed action.~~

9           (3) ~~A citation to the law that gives the agency the authority to adopt the~~  
10           ~~proposed rule, if the notice includes the text of the proposed rule, or a~~  
11           ~~citation to the law that gives the agency the authority to adopt a rule on~~  
12           ~~the subject matter of the proposed rule making, if the notice includes~~  
13           ~~only a statement of the subject matter of the proposed rule making.~~

14           (4) ~~The proposed effective date of the proposed rule, if the notice includes~~  
15           ~~the text of the proposed rule, or the proposed effective date of a rule~~  
16           ~~adopted on the subject matter of the proposed rule making, if the notice~~  
17           ~~includes only a statement of the subject matter of the proposed rule~~  
18           ~~making.~~

19           (5) ~~The date, time, and place of any public hearing scheduled on the~~  
20           ~~proposed rule or subject matter of the proposed rule making.~~

21           (6) ~~Instructions on how a person may demand a public hearing on a~~  
22           ~~proposed rule if the notice does not schedule a public hearing on the~~  
23           ~~proposed rule and subsection (c) requires the agency to hold a public~~  
24           ~~hearing on the proposed rule when requested to do so.~~

25           (7) ~~The period of time during which and the person to whom written~~  
26           ~~comments may be submitted on the proposed rule or subject matter of~~  
27           ~~the proposed rule making.~~

28           (8) ~~If a fiscal note has been prepared for the proposed rule or will be~~  
29           ~~prepared when a rule is proposed on the subject matter of the proposed~~  
30           ~~rule making, a statement that a copy of the fiscal note can be obtained~~  
31           ~~from the agency.~~

32           (b) Notice of Rule-Making Proceedings. – A notice of rule-making proceedings  
33 published in the North Carolina Register must include all of the following:

34           (1) A statement of the subject matter of the proposed rule making.

35           (2) A short explanation of the reason for the proposed action.

36           (3) A citation to the law that gives the agency the authority to adopt a rule  
37 on the subject matter of the proposed rule making.

38           (4) The person to whom questions or written comments may be submitted  
39 on the subject matter of the proposed rule making.

40           Publication in the North Carolina Register of an agency's rule-making agenda satisfies  
41 the requirements of this subsection if the agenda includes the information required by this  
42 subsection.

1 (c) Text After Notice of Rule-Making Proceedings. – A notice of the proposed text  
2 of a rule must include all of the following:

- 3 (1) The text of the proposed rule.  
4 (2) A short explanation of the reason for the proposed rule.  
5 (3) A citation to the law that gives the agency the authority to adopt the  
6 rule.  
7 (4) The proposed effective date of the rule.  
8 (5) The date, time, and place of any public hearing scheduled on the rule.  
9 (6) Instructions on how a person may demand a public hearing on a  
10 proposed rule if the notice does not schedule a public hearing on the  
11 proposed rule and subsection (e) of this section requires the agency to  
12 hold a public hearing on the proposed rule when requested to do so.  
13 (7) The period of time during which and the person to whom written  
14 comments may be submitted on the proposed rule.  
15 (8) If a fiscal note has been prepared for the rule, a statement that a copy of  
16 the fiscal note can be obtained from the agency.

17 An agency may not publish the proposed text of a rule until at least 60 days after the  
18 date the notice of rule-making proceedings for the proposed rule was published in the  
19 North Carolina Register.

20 (b) (d) Mailing List. – An agency must maintain a mailing list of persons who have  
21 requested notice of rule making. When an agency publishes a ~~rule-making notice~~ in the  
22 North Carolina Register, ~~Register a notice of rule-making proceedings or the text of a~~  
23 proposed rule, it must mail a copy of the notice or text to each person on the mailing list  
24 who has requested notice of rule-making proceedings on the ~~rule or the subject matter for~~  
25 ~~rule-making~~ described in the notice. ~~notice or the rule affected.~~ An agency may charge an  
26 annual fee to each person on the agency's mailing list to cover copying and mailing costs.

27 (e) (e) Hearing. – An agency must hold a public hearing on a rule it proposes to  
28 adopt ~~in two circumstances and may hold a public hearing in other circumstances.~~ When  
29 ~~an agency is required to hold a public hearing on a proposed rule or decides to hold a~~  
30 ~~public hearing on a proposed rule when it is not required to do so, the agency must~~  
31 ~~publish in the North Carolina Register a notice of the date, time, and place of the public~~  
32 ~~hearing.~~ The hearing date of a public hearing held after the agency publishes notice of  
33 the hearing in the North Carolina Register must be at least 15 days after the date the  
34 notice is published.

35 ~~An agency must hold a public hearing on a rule it proposes to adopt in the following~~  
36 ~~two circumstances:~~

- 37 (1) ~~The agency publishes a statement of the subject matter of the proposed~~  
38 ~~rule making in the notice in the North Carolina Register.~~  
39 (2) ~~The~~ when the agency publishes the text of the  
40 proposed rule in the notice in the North Carolina Register and all the following apply:  
41 a.(1) The notice does not schedule a public hearing on the proposed rule.  
42 b.(2) Within 15 days after the notice is published, the agency receives a  
43 written request for a public hearing on the proposed rule.



1 e. ~~The proposed rule is not part of a rule-making proceeding the agency~~  
2 ~~initiated by publishing a statement of the subject matter of proposed rule~~  
3 ~~making.~~

4 ~~(3)~~ The proposed text is not a changed version of proposed text the agency  
5 previously published in the course of rule-making proceedings but did  
6 not adopt.

7 An agency may hold a public hearing on a proposed rule in other circumstances.  
8 When an agency is required to hold a public hearing on a proposed rule or decides to hold  
9 a public hearing on a proposed rule when it is not required to do so, the agency must  
10 publish in the North Carolina Register a notice of the date, time, and place of the public  
11 hearing. The hearing date of a public hearing held after the agency publishes notice of  
12 the hearing in the North Carolina Register must be at least 15 days after the date the  
13 notice is published.

14 ~~(d) Text After Subject Matter Notice. — When an agency publishes notice of the~~  
15 ~~subject matter of proposed rule making in the North Carolina Register, it must~~  
16 ~~subsequently publish in the North Carolina Register the text of the rule it proposes to~~  
17 ~~adopt as a result of the public hearing and of any comments received on the subject~~  
18 ~~matter. An agency may not publish the proposed text of a rule for which it published a~~  
19 ~~subject matter notice before the public hearing on the subject matter.~~

20 ~~(e)~~ (f) Comments. — An agency must accept comments on a notice of proposed  
21 rule-making proceedings published in the North Carolina Register until the text of the  
22 proposed rule that results from the notice is published. An agency must accept comments  
23 on the text of a proposed rule that is published in the North Carolina Register and  
24 requires a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after the text is  
25 published or until the date of any public hearing held on the proposed rule, whichever is  
26 longer. An agency must accept comments on the text of a any other proposed rule  
27 published in the North Carolina Register for at least 30 days after the text is published or  
28 until the date of any public hearing held on the proposed rule, whichever is longer. An  
29 agency must accept comments on a statement of the subject matter of proposed rule making until  
30 the public hearing on the subject matter. — An agency must consider fully all written and oral  
31 comments received.

32 ~~(f)~~ (g) Adoption. — An agency may not adopt a rule until the time for commenting  
33 on the proposed text of the rule has elapsed and may not adopt a rule if more than 12  
34 months have elapsed since the end of the time for commenting on the proposed text of the  
35 rule. An agency may not adopt a rule that differs substantially from the text of a  
36 proposed rule published in the North Carolina Register unless the agency publishes the  
37 text of the proposed different rule in the North Carolina Register and accepts comments  
38 on the proposed different rule for the time set in subsection ~~(e)~~-(f) of this section.

39 An adopted rule differs substantially from a proposed rule if it does one or more of the  
40 following:

41 (1) Affects the interests of persons who, based on either the notice published  
42 in the North Carolina Register of rule-making proceedings or the proposed

1 text of the ~~rule~~, rule published in the North Carolina Register, could not  
2 reasonably have determined that the rule would affect their interests.

3 (2) Addresses a subject matter or an issue that is not addressed in the  
4 proposed text of the rule.

5 (3) Produces an effect that could not reasonably have been expected based  
6 on the proposed text of the rule.

7 When an agency adopts a rule, it may not take subsequent action on the rule without  
8 following the procedures in this Part.

9 ~~(g)~~ (h) Explanation. – An agency must issue a concise written statement explaining  
10 why the agency adopted a rule if, within 30 days after the agency adopts the rule, a  
11 person asks the agency to do so. The explanation must state the principal reasons for and  
12 against adopting the rule and must discuss why the agency rejected any arguments made  
13 or considerations urged against the adoption of the rule.

14 ~~(h)~~ (i) Record. – An agency must keep a record of a rule-making proceeding. The  
15 record must include all written comments received, a transcript or recording of any public  
16 hearing held on the rule, and any written explanation made by the agency for adopting the  
17 rule."

18 Sec. 11. G.S. 150B-21.17(a) reads as rewritten:

19 "(a) Content. – The Codifier of Rules must publish the North Carolina Register.  
20 The North Carolina Register must be published at least two times a month and must  
21 contain the following:

22 (1) Temporary rules entered in the North Carolina Administrative Code.

23 ~~(1a)~~ Notices of proposed adoptions rule-making proceedings and of the text of  
24 proposed rules.

25 (2) Notices of receipt of a petition for municipal incorporation, as required  
26 by G.S. 120-165.

27 (3) Executive orders of the Governor.

28 (4) Final decision letters from the United States Attorney General  
29 concerning changes in laws that affect voting in a jurisdiction subject to  
30 section 5 of the Voting Rights Act of 1965, as required by G.S. 120-  
31 30.9H.

32 (5) Orders of the Tax Review Board issued under G.S. 105-241.2.

33 (6) Other information the Codifier determines to be helpful to the public."

34 Sec. 12. There is appropriated from the General Fund to the Office of State  
35 Budget and Management the sum of four hundred fifty thousand dollars (\$450,000) for  
36 fiscal year 1995-96 and the sum of nine hundred thousand dollars (\$900,000) for fiscal  
37 year 1996-97 to implement this act.

38 Sec. 13. This act becomes effective October 1, 1995. It applies to rules for  
39 which a notice of rule making is published in the North Carolina Register on or after the  
40 effective date and to rule and Building Code changes that are initiated on or after that  
41 date and are not subject to the procedures in Chapter 150B of the General Statutes, the  
42 Administrative Procedure Act.