

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 991

Short Title: ALJ Authority to Void Rules. (Public)

Sponsors: Representative Stevens.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

May 19, 2022

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW ADMINISTRATIVE LAW JUDGES TO VOID ADMINISTRATIVE
3 RULES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 150B-33(b) reads as rewritten:

6 "(b) An administrative law judge may:

7 ...

8 (9) Determine that a rule as ~~applied in a particular case~~ is void because (1) it is
9 not within the statutory authority of the agency, (2) is not clear and
10 unambiguous to persons it is intended to direct, guide, or assist, or (3) is not
11 reasonably necessary to enable the agency to fulfill a duty delegated to it by
12 the General Assembly.

13"

14 **SECTION 2.** This act is effective when it becomes law and applies to decisions
15 issued on or after that date.

