

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1308*

Short Title: Expand APA Oversight.

(Public)

Sponsors: Senator Kerr.

Referred to: Judiciary II.

May 18, 2000

A BILL TO BE ENTITLED

1 AN ACT TO EXPAND THE DUTIES OF THE JOINT LEGISLATIVE
2 ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO INCLUDE
3 CONSIDERATION OF BILLS WHICH AFFECT THE RULE-MAKING POWER
4 OF AN AGENCY OR OTHERWISE AMEND THE ADMINISTRATIVE
5 PROCEDURE ACT.
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7 The General Assembly of North Carolina enacts:

8 Section 1. Article 12K of Chapter 120 of the General Statutes is amended by
9 adding a new section to read:

10 "**§ 120-70.104. Analysis of legislation.**

11 (a) Any legislative proposal introduced in the General Assembly proposing any of
12 the following shall not be eligible for consideration on the floor of either house (other
13 than first reading) or before any committee of either house of the General Assembly until
14 a report has been issued by the Joint Legislative Administrative Procedure Oversight
15 Committee in accordance with subsection (b) of this section with a copy of the report
16 accompanying the proposal in accordance with the rules of the appropriate house:

17 (1) Any amendment of Chapter 150B of the General Statutes;

18 (2) An exemption of any agency from any of the requirements contained in
19 Chapter 150B of the General Statutes;

- 1 (3) An exception to the temporary or permanent rule-making authority or
2 procedure; or
3 (4) Any other change to administrative procedure in connection with
4 agencies subject to Chapter 150B whether made in Chapter 150B or not.
5 (b) The Joint Legislative Administrative Procedure Oversight Committee shall
6 review any legislative proposal referred to in subsection (a) of this section to determine
7 whether the proposal is consistent with the purpose of the Administrative Procedure Act
8 as set forth in G.S. 150B-1(a). The Committee shall only review so much of the
9 legislative proposal as deals with issues of administrative law and shall not review any
10 substantive policy affected by the proposed change to administrative law. The
11 Committee shall also consider whether:
12 (1) The proposal will result in an increase in administrative rules;
13 (2) The proposal adheres to the public notice and hearing requirements of
14 Chapter 150B, or otherwise provides adequate notice and hearing
15 opportunities to the public;
16 (3) The proposal is designed to improve the public's understanding of the
17 administrative process; and
18 (4) Any exemptions or exceptions contained in the proposal are necessary
19 to accomplish the policy or program assigned to the agency and are in
20 the public interest.
21 The Committee's report shall include a recommendation on whether the General
22 Assembly should approve the portion of the proposed legislation which relates to
23 administrative law. The Committee may also recommend any appropriate amendments.
24 An unfavorable recommendation shall not bar further consideration of the proposal on the
25 floor or by any committee of either house.
26 (c) For purposes of this section, the Joint Legislative Administrative Procedure
27 Oversight Committee may meet at any time upon the call of either chair, whether or not
28 the General Assembly is in session."
29 Section 2. This act becomes effective January 15, 2001.