

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 76
SENATE BILL 47

AN ACT TO CLARIFY THE AUTHORITY OF DEPARTMENTAL HEADS TO
ADOPT RULES AND POLICIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-10(j) is rewritten to read:

"(j) Departmental Rules and Policies. The head of each principal State department and the Director of the Office of State Personnel may adopt:

- (1) rules consistent with law for the custody, use, and preservation of any public records, as defined in G.S. 132-1, which pertain to department business;
- (2) rules, approved by the Governor, to govern the management of the department, which shall include the functions of planning, organizing, staffing, directing, coordinating, reporting, budgeting, and budget preparation which affect private rights or procedures available to the public;
- (3) policies, consistent with law and with rules established by the Governor and with rules of the State Personnel Commission, which reflect internal management procedures within the department. These may include policies governing the conduct of employees of the department, the distribution and performance of business, and internal management procedures which do not affect private rights or procedures available to the public and which are listed in (e) of this section. However, such policies shall not be filed as rules pursuant to G.S. 150A-59.

Rules adopted under (1) and (2) of this subsection shall be subject to the provisions of Chapter 150A of the General Statutes.

This subsection shall not be construed as a legislative grant of authority to an agency to make and promulgate rules concerning any policies and procedures other than as set forth herein."

Sec. 2. G.S. 143B-10(f) is amended by rewriting the last two lines to read: "legal custody of all public records as defined in G.S. 132-1."

Sec. 3. Section 1 of this act shall become effective upon ratification with regard to any rules or policies made effective on or after that date and shall apply on October 1, 1984, to rules and policies made effective prior to ratification. Sections 2 and 3 of this act are effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1983.