

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 409

Short Title: Exempt Ports Authority from APA.

(Public)

Sponsors: Senator Sands.

Referred to: Judiciary III.

March 14, 1989

A BILL TO BE ENTITLED

1 AN ACT TO EXEMPT THE NORTH CAROLINA STATE PORTS AUTHORITY
2 FROM THE RULEMAKING REQUIREMENTS OF THE ADMINISTRATIVE
3 PROCEDURE ACT.
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 150B-1(d) reads as rewritten:

7 "(d) The following are specifically exempted from the provisions of this Chapter:
8 the Administrative Rules Review Commission, the Employment Security Commission,
9 the Industrial Commission, the Occupational Safety and Health Review Board in all
10 actions that do not involve agricultural employers, and the Utilities Commission.

11 The North Carolina National Guard is exempt from the provisions of this Chapter in
12 exercising its court-martial jurisdiction.

13 The Department of Human Resources is exempt from this Chapter in exercising its
14 authority over the Camp Butner reservation granted in Article 6 of Chapter 122C of the
15 General Statutes.

16 The Department of Correction is exempt from the provisions of this Chapter, except
17 for Article 5 of this Chapter and G.S. 150B-13 which shall apply.

18 Articles 2 and 3 of this Chapter shall not apply to the Department of Revenue.
19 Except as provided in Chapter 136 of the General Statutes, Articles 2 and 3 of this
20 Chapter do not apply to the Department of Transportation.

21 Article 4 of this Chapter, governing judicial review of final administrative decisions,
22 shall apply to The University of North Carolina and its constituent or affiliated boards,
23 agencies, and institutions, but The University of North Carolina and its constituent or
24 affiliated boards, agencies, and institutions are specifically exempted from the

1 remaining provisions of this Chapter. Article 4 of this Chapter shall not apply to the
2 State Banking Commission, the Commissioner of Banks, the Savings and Loan Division
3 of the Department of Commerce, and the Credit Union Division of the Department of
4 Commerce.

5 Article 3 of this Chapter shall not apply to agencies governed by the provisions of
6 Article 3A of this Chapter, as set out in G.S. 150B-38(a).

7 Articles 3 and 3A of this Chapter shall not apply to the Governor's Waste
8 Management Board in administering the provisions of G.S. 104E-6.2.

9 Article 2 of this Chapter shall not apply to the North Carolina Low-Level
10 Radioactive Waste Management Authority in administering the provisions of G.S.
11 104G-10 and G.S. 104G-11. Articles 3 and 3A of this Chapter shall not apply to the
12 North Carolina Low-Level Radioactive Waste Management Authority in administering
13 the provisions of G.S. 104G-9, 104G-10, and 104G-11.

14 Articles 2 and 5 of this Chapter shall not apply to the North Carolina State Ports
15 Authority.”

16 Sec. 2. This act is effective upon ratification.