

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 535  
Judiciary III Committee Substitute Adopted 4/24/89

Short Title: Simplify APA Rule-Making Process.

(Public)

Sponsors:

Referred to:

March 20, 1989

1 A BILL TO BE ENTITLED  
2 AN ACT TO TRANSFER THE RESPONSIBILITY FOR THE NORTH CAROLINA  
3 ADMINISTRATIVE CODE AND THE NORTH CAROLINA REGISTER TO THE  
4 SECRETARY OF STATE AND TO ESTABLISH A STUDY COMMISSION ON  
5 THE SIMPLIFICATION OF THE ADMINISTRATIVE RULE-MAKING  
6 PROCESS.

7 The General Assembly of North Carolina enacts:  
8 Section 1. G.S. 7A-750 reads as rewritten:

9 "§ 7A-750. Creation; status; purpose.

10 There is created an Office of Administrative Hearings. The Office of Administrative  
11 Hearings is an independent, quasi-judicial agency under Article III, Sec. 11 of the  
12 Constitution and, in accordance with Article IV, Sec. 3 of the Constitution, has such  
13 judicial powers as may be reasonably necessary as an incident to the accomplishment of  
14 the purposes for which it is created. The Office of Administrative Hearings is  
15 established to provide a source of independent hearing officers to preside in  
16 administrative cases and thereby prevent the commingling of legislative, executive, and  
17 judicial functions in the administrative process. It shall also maintain dockets and  
18 records of contested cases ~~and shall codify and publish all administrative rules.~~"

19 Sec. 2. G.S. 143B-30.2 reads as rewritten:

20 "§ 143B-30.2. Review of rules.

21 (a) Rules adopted by an agency on or after September 1, 1986, shall be submitted  
22 to the Administrative Rules Review Commission, which shall review the rule to  
23 determine whether it:

- 1 (1) Is within the authority delegated to the agency by the General  
2 Assembly;
- 3 (2) Is clear and unambiguous;
- 4 (3) Is reasonably necessary to enable the administrative agency to perform  
5 a function assigned to it by statute or to enable or facilitate the  
6 implementation of a program or policy in aid of which the rule was  
7 adopted.

8 Any rule filed by the 20th of a month shall be reviewed by the Commission by the  
9 last day of the next calendar month. Any rule filed after the 20th of a month shall be  
10 reviewed by the Commission by the last day of the second subsequent calendar month.  
11 The Commission may extend the time for review of a rule by a period of up to 70 days  
12 to obtain additional information on the rule. The Commission shall file notice of the  
13 extension of time for review of a rule with the agency and the ~~Director of the Office of~~  
14 ~~Administrative Hearings~~ Secretary of State, as Codifier of Rules. A rule may not be  
15 presented for filing with the ~~Director of the Office of Administrative Hearings~~ Codifier of  
16 Rules under G.S. 150B-59 unless the rule has been reviewed by the Commission as  
17 provided in this section.

18 (b) If the Commission reviews a rule and determines that it is within the authority  
19 delegated to the agency, is clear and unambiguous, and is reasonably necessary, the  
20 Commission shall note its approval, notify the agency, and file the rule with the ~~Director~~  
21 ~~of the Office of Administrative Hearings~~ Codifier of Rules under G.S. 150B-59, and the  
22 rule shall become effective as provided in that section.

23 (c) If the Commission finds that an agency did not act within the authority  
24 delegated to it in promulgating a rule or a part of a rule, or that a rule is not clear and  
25 unambiguous, or that a rule is unnecessary, the Commission shall object and delay the  
26 filing of the rule or part of the rule under G.S. 150B-59 for a period not to exceed 90  
27 days. The Commission shall send to the agency, the Governor, the President of the  
28 Senate, the Speaker of the House of Representatives, and the ~~Director of the Office of~~  
29 ~~Administrative Hearings~~ Codifier of Rules, a written report of the objection and delay of  
30 the rule or its part and the reasons for the delay. An agency may not present a rule or  
31 part of a rule that has been delayed to the ~~Director of the Office of Administrative Hearings~~  
32 Codifier of Rules for filing under G.S. 150B-59, and a rule or its part that is delayed is  
33 not 'effective,' as defined in G.S. 150B- 2(2a).

34 (d) Within 30 days after receipt of the Commission's written report as authorized  
35 by (c), the agency shall either (1) revise the rule to remove the cause of the objections of  
36 the Commission and return the revised rule to the Commission or (2) return the rule to  
37 the Commission without change with the Commission's objections attached; provided,  
38 however, that in the case of a board, committee, council, or commission the response is  
39 due within 30 days after receipt of the Commission's written report or within 10 days  
40 following the next regularly scheduled meeting of the board, committee, council, or  
41 commission, whichever time period is greater. The Commission shall determine  
42 whether a revision removes its objections to the rule.

43 (e) If the Commission determines that a revision of a rule has removed the  
44 Commission's objections, the Commission shall note its approval and return the rule to

1 the agency. The agency may then file the rule with the ~~Director of the Office of~~  
2 ~~Administrative Hearings-Codifier of Rules~~ under G.S. 150B-59, and the rule shall become  
3 effective as provided in that section.

4 (f) Regardless of whether the agency returns the rule to the Commission without  
5 change instead of revising the rule to remove the Commission's objections or whether  
6 the Commission determines that a revision of a rule has not removed its objections, the  
7 Commission shall note its review of and objection to the rule once 90 days have passed  
8 since the Commission objected and delayed the filing of the rule or part of the rule  
9 pursuant to G.S. 143B-30.2(c) and shall return the rule to the agency. The agency may  
10 then file the rule with the ~~Director of the Office of Administrative Hearings-Codifier of~~  
11 ~~Rules~~ under G.S. 150B-59, and the rule shall become effective as provided in that  
12 section. If the agency did not remove the Commission's objections to the rule or part of  
13 the rule, the Commission may send to the President of the Senate and the Speaker of the  
14 House of Representatives a written report of its objections to the rule. Thereafter, if the  
15 General Assembly enacts legislation disapproving the rule, the rule shall no longer be  
16 effective.

17 The Legislative Services Officer shall send a copy of any law disapproving a rule to  
18 the agency and the ~~Director of the Office of Administrative Hearings-Codifier of Rules~~ as  
19 soon as a copy is available.

20 (g) While the filing of a rule or its part is delayed, the agency that promulgated it  
21 may not adopt another rule, including a temporary rule, that has substantially identical  
22 provisions to those for which the Commission delayed the filing of the original rule or  
23 part of a rule.

24 (h) The filing of an amendment to a rule places the entire rule before the  
25 Commission for its review.

26 (i) Rules adopted in accordance with the procedure in G.S. 150B-13 shall be  
27 reviewed by the Commission and are subject to objection as provided in (c).

28 The Commission shall review the reasons given for the adoption of a temporary rule  
29 and may object to the rule due to the agency's failure to make the finding required by  
30 G.S. 150B-13."

31 Sec. 3. G.S. 150B-2 is amended by adding a new subsection to read:

32 "(1a) 'Codifier of Rules' means the Secretary of State or his designee."

33 Sec. 4. G.S. 150B-10 is rewritten to read:

34 "**§ 150B-10. Statements of organization and means of access to be published.**

35 To assist interested persons dealing with it, each agency shall, in a manner  
36 prescribed by the ~~Director of the Office of Administrative Hearings~~Codifier of Rules,  
37 prepare a description of its organization, stating the process whereby the public may  
38 obtain information or make submissions or requests. The ~~Director of the Office of~~  
39 ~~Administrative Hearings-Codifier of Rules~~ shall publish these descriptions annually."

40 Sec. 5. G.S. 150B-12(g) is rewritten to read:

41 "(g) No rulemaking hearing is required if the ~~Director of the Office of Administrative~~  
42 ~~Hearings-Codifier of Rules~~ determines that the amendment to a rule does not change the  
43 substance of the rule and that the amendment is:

44 (1) A relettering or renumbering instruction; or

- 1 (2) The substitution of one name for another when an organization or  
2 position is renamed; or  
3 (3) The correction of a citation to rules or laws which has become  
4 inaccurate since the rule was adopted because of repealing or  
5 renumbering of the rule or law cited; or  
6 (4) The correction of a similar formal defect; or  
7 (5) A change in information that is readily available to the public such as  
8 addresses and telephone numbers."

9 Sec. 6. G.S. 150B-13 reads as rewritten:

10 **"§ 150B-13. Temporary rules.**

11 (a) Except as provided in subsection (b) of this section, if an agency which is not  
12 exempted from the notice and hearing requirements of this Article by G.S. 150B-1  
13 determines in writing that:

- 14 (1) Adherence to the notice and hearing requirements of this Article would  
15 be contrary to the public interest; and that  
16 (2) The immediate adoption, amendment, or repeal of a rule is  
17 necessitated by and related to:  
18 a. A serious and unforeseeable threat to public health, safety, or  
19 welfare;  
20 b. The effective date of a recent act of the General Assembly or  
21 the United States Congress;  
22 c. A recent change in federal or State budgetary policy;  
23 d. A federal regulation; or  
24 e. A court order, the agency may adopt, amend, or repeal the rule  
25 without prior notice or hearing or upon any abbreviated notice  
26 or hearing the agency finds practicable. The agency must  
27 accompany its rules filing with the ~~Director of the Office of~~  
28 ~~Administrative Hearings-Codifier of Rules~~ and the Governor with  
29 the agency's written certification of the finding of need for the  
30 temporary rule, together with the reasons for that finding and a  
31 copy of the notice of hearing on the proposed permanent rule.

32 (a1) The written certification of the finding of need for the temporary rule shall be  
33 signed by:

- 34 (1) The member of the Council of State in the case of the Departments of  
35 Justice, Insurance, Public Education, Labor, Agriculture, Treasurer,  
36 State Auditor, or Secretary of State.  
37 (2) The chairman of the board in the case of an occupational licensing  
38 board or the Director of the Office of Administrative Hearings in the  
39 case of that agency.  
40 (3) The Governor in the case of all other agencies.

41 (b) If the Department of Crime Control and Public Safety, Transportation,  
42 Revenue, or Correction determines in writing that the immediate adoption, amendment,  
43 or repeal of a rule is necessitated by:

- 44 (1) The public health, safety, or welfare;

- 1           (2) The effective date of a recent act of the General Assembly or the  
2 United States Congress;
- 3           (3) A federal regulation; or
- 4           (4) A court order, the agency may adopt, amend, or repeal the rule. The  
5 agency must accompany its rule filing with the ~~Director of the Office of~~  
6 ~~Administrative Hearings~~ Codifier of Rules and the Governor with the  
7 agency's written certification of the finding of need for the temporary  
8 rule signed by the Governor together with the reasons for that finding.  
9 In the case of the Department of Correction, in addition to the reasons  
10 set forth in subdivisions (1) through (4) of this subsection, the  
11 Department may file a temporary rule when necessary for the  
12 management and control of persons under the custody or supervision  
13 of the Department in extraordinary circumstances as certified by the  
14 Secretary. The Department shall file any temporary rule within two  
15 working days of its adoption by the Secretary under G.S. 148-11.

16       (c) Rules filed under subsections (a) and (b) of this section shall be effective for a  
17 period of not longer than 180 days and are subject to review as provided in G.S. 143B-  
18 30.2(i). An agency adopting a temporary rule shall begin normal rule-making  
19 procedures on the permanent rule under this Article at the same time the temporary rule  
20 is adopted."

21           Sec. 7. G.S. 150B-59 reads as rewritten:

22 **"§ 150B-59. Filing of rules and executive orders.**

23       (a) Rules adopted by an agency and executive orders of the Governor shall be  
24 filed with the ~~Director of the Office of Administrative Hearings~~ Codifier of Rules no sooner  
25 than 90 days before their effective date. No rule, except temporary rules adopted under  
26 the provisions of G.S. 150B-13 or rules approved under G.S. 143B- 30.2(e) or reviewed  
27 and objected to under (f) [G.S. 143B-30.2(f)], shall become effective earlier than the  
28 first day of the second calendar month after that filing.

29       (b) The acceptance for filing of a rule by the ~~Director~~ Codifier of Rules, by his  
30 notation on its face, shall constitute **prima facie** evidence of compliance with this  
31 Article.

32       (c) Rules adopted by an agency subject to the provisions of Article 2 of this  
33 Chapter in effect on January 1, 1986, that conflict with or violate the provisions of G.S.  
34 150B-9(c) are repealed. Rules adopted by an agency subject to the provisions of Article  
35 2 of this Chapter in effect on September 1, 1986, that do not conflict with or violate the  
36 provisions of G.S. 150B-9(c) shall remain in effect until July 15, 1988. These rules are  
37 repealed effective July 16, 1988, unless the Administrative Rules Review Commission  
38 determines that a rule complies with G.S. 143B-30.2(a). Provided, however, that:

- 39           (1) The rules of the Office of State Personnel and the occupational  
40 licensing boards shall remain in effect until February 28, 1989, but are  
41 repealed effective March 1, 1989, unless approved by the  
42 Administrative Rules Review Commission.
- 43           (2) The rules of the Department of Human Resources shall remain in  
44 effect until June 30, 1989, but are repealed effective July 1, ~~1989~~,

1                   1990, unless approved by the Administrative Rules Review  
2 Commission.

3           (3) Although the Department of Cultural Resources, the Office of the  
4 Governor, and the Council of State did not file the reports required  
5 under Chapter 746, Session Laws of 1985, nevertheless the rules of  
6 these three agencies shall remain in effect until February 28, 1989, but  
7 are repealed effective March 1, 1989, unless approved by the  
8 Administrative Rules Review Commission.

9           Review of these rules shall be carried out in the manner prescribed in G.S. 143B-  
10 30.2 except that a rule determined to be in compliance shall remain in effect. In the  
11 event of rules which the Commission determines do not comply with G.S. 143B-30.2,  
12 such rules may be revised or repealed by the agency without a rulemaking hearing in  
13 accordance with G.S. 150B-12(h). Revised rules shall be returned to the Commission. If  
14 the Commission approves the rules, the Commission shall notify the agency and file the  
15 rules with the Office of Administrative Hearings. Rules adopted on or after January 1,  
16 1986, shall become effective as provided in this Chapter."

17           Sec. 8. G.S. 150B-60 reads as rewritten:

18 **"§ 150B-60. Form of rules; responsibilities of agencies; assistance to agencies.**

19           (a) In order to be acceptable for filing, the rule must:

- 20           (1) Cite the statute or other authority pursuant to which the rule is  
21 adopted;  
22           (2) Bear a certification by the agency of its adoption;  
23           (3) Cite any prior rule or rules of the agency or its predecessor in authority  
24 which it rescinds, amends, supersedes, or supplements;  
25           (4) Be in the physical form specified by the ~~Director of the Office of~~  
26 ~~Administrative Hearings~~Codifier of Rules; and  
27           (5) Bear a notation from the Administrative Rules Review Commission  
28 that it has reviewed the rule in accordance with G.S. 143B-30.2.

29           (b) Each agency shall designate one or more administrative procedure  
30 coordinators whose duties shall be to oversee all departmental functions required by this  
31 Chapter. The coordinator's duties shall include providing notice of public hearings;  
32 serving as liaison between the agency and the ~~Office of Administrative Hearings~~Codifier  
33 of Rules, the Administrative Rules Review Commission and the public; and  
34 coordinating access to agency rules.

35           (c) The ~~Director of the Office of Administrative Hearings~~Codifier of Rules  
36 shall:

- 37           (1) Maintain an agency rule-drafting section in the ~~Office of Administrative~~  
38 ~~Hearings~~Codifier of Rules to draft or aid in the drafting of rules or  
39 amendments to rules for any agency; and  
40           (2) Prepare and publish an agency rule-drafting guide which sets out the  
41 form and method for drafting rules and amendments to rules, and to  
42 which all rules shall comply."

43           Sec. 9. G.S. 150B-61 reads as rewritten:

44 **"§ 150B-61. Authority to revise form.**

1 (a) The ~~Director of the Office of Administrative Hearings~~ Codifier of Rules shall  
2 have the authority, following acceptance of a rule for filing, to revise the form of the  
3 rule as follows:

- 4 (1) To rearrange the order of rules, Chapters, Subchapters, Articles,  
5 sections, paragraphs, and other divisions or subdivisions;
- 6 (2) To provide or revise titles or catchlines;
- 7 (3) To reletter or renumber the rules and various subdivisions in  
8 accordance with a uniform system;
- 9 (4) To rearrange definitions and lists; and
- 10 (5) To make other changes in arrangement or in form that do not alter the  
11 substance of the rule and that are necessary or desirable for an  
12 accurate, clear, and orderly arrangement of the rules.

13 Revision of form by the ~~Director~~ Codifier of Rules shall not alter the effective date of  
14 a rule, nor shall revision require the agency to readopt or to refile the rule. No later than  
15 the close of the fifth working day after the filing of a rule by an agency, the ~~Director~~  
16 Codifier of Rules shall return to the agency that filed the rule a copy of the rule in any  
17 revised form made by the ~~Director~~ Codifier of Rules, together with his certification of the  
18 date of the rule's filing.

19 The rule so revised as to form shall be substituted for and shall bear the date of the  
20 rule originally filed, and shall be the official rule of the agency.

21 (b) In determining the drafting form of rules the ~~Director~~ Codifier of Rules shall:

- 22 (1) Minimize duplication of statutory language;
- 23 (2) Not permit incorporations into the rules by reference to publications or  
24 other documents which are not conveniently available to the public;  
25 and
- 26 (3) To the extent practicable, use plain language in rules and avoid  
27 technical language.

28 (c) The agency shall be responsible for notifying the ~~Director~~ Codifier of Rules  
29 within 30 days after a rule becomes effective of any typographical or technical error in  
30 the rule as codified. The ~~Director~~ Codifier of Rules shall correct the codified rule if it  
31 differs from the rule as adopted by the agency. Errors in any rule discovered more than  
32 30 days after codification shall be changed only by the procedures established by  
33 Article 2 of this Chapter."

34 Sec. 10. G.S. 150B-62 reads as rewritten:

35 "**§ 150B-62. Public inspection and notification of current and replaced rules.**

36 (a) Immediately upon notation of a filing as specified in G.S. 150B-59(b), the  
37 ~~Director of the Office of Administrative Hearings~~ Codifier of Rules shall make the rule  
38 available for public inspection during regular office hours. Superseded, amended,  
39 revised, and rescinded rules filed in accordance with the provisions of this Article shall  
40 remain available for public inspection. The current and the prior rules so filed shall be  
41 separately arranged in compliance with the provisions of G.S. 150B-61(a).

42 (b) The ~~Director~~ Codifier of Rules shall make copies of current and prior rules,  
43 filed in accordance with the provisions of this Article, available to the public at a cost to  
44 be determined by him.

1 (c) Within 50 days of the acceptance by the ~~Director~~ Codifier of Rules of a rule  
2 for filing, the agency filing the rule:

3 (1) Shall publish the rule as prescribed in any applicable statute; and

4 (2) May distribute the rule in a manner selected by the agency as best  
5 calculated to give notice to persons likely to be affected by the rule.

6 The rule so published or distributed shall contain the legend: "The form of this rule  
7 may be revised by the ~~Director~~ Codifier of Rules pursuant to the provisions of G.S.  
8 150B-61."

9 Sec 11. G.S. 150B-63 reads as rewritten:

10 **"§ 50B-63. Publication of executive orders and rules; the North Carolina Register.**

11 (a) The ~~Director of the Office of Administrative Hearings~~ Codifier of Rules shall  
12 compile, index and publish executive orders of the Governor and all rules filed and  
13 effective pursuant to the provisions of this Article.

14 (b) As nearly as practicable the compilation shall, in classification, arrangement,  
15 numbering, and indexing, conform to the organization of the General Statutes.

16 (c) If the ~~Director~~ Codifier of Rules determines that publication of any rule would  
17 be impracticable, he shall substitute a summary with specific reference to the official  
18 rule on file in his office.

19 (d) As soon as practicable after July 1, 1985, the ~~Director~~ Codifier of Rules shall  
20 publish, in print or other form, a compilation of all rules in force pursuant to the  
21 provisions of this Article. Cumulative supplements shall be published annually or more  
22 frequently in the discretion of the ~~Director~~ Codifier of Rules. Recompilations shall be  
23 made in the ~~Director's~~ Codifier of Rules' discretion.

24 (d1) The ~~Director~~ Codifier of Rules shall also publish at periodic intervals, but not  
25 less often than once each month, the North Carolina Register which shall contain  
26 information required by law to be published in it, and information relating to agency,  
27 executive, legislative or judicial actions that are performed under the authority of, or are  
28 required by, or are issued to interpret, or that otherwise affect, this Chapter. The North  
29 Carolina Register shall also contain notices under G.S. 120-165(a).

30 (d2) In publishing proposed amendments to rules, the ~~Director~~ Codifier of Rules  
31 shall show the portion of the rule being amended as it is to the degree necessary to  
32 provide adequate notice of the nature of the proposed amendment, with changes shown  
33 by striking through portions to be deleted and underlining portions to be added.

34 (e) Notwithstanding Article 1A of Chapter 125 of the General Statutes, reference  
35 copies of the compilation, supplements, and recom compilations of the rules, and the North  
36 Carolina Register shall be distributed by the ~~Director~~ Codifier of Rules as soon after  
37 publication as practicable, without charge, only to the following officials and  
38 departments:

39 (1) One copy to each county of the State, which copy may be maintained  
40 for public inspection in the county in a place determined by the county  
41 commissioners; one copy to the Administrative Rules Review  
42 Commission; one copy each to the clerk of the Supreme Court of  
43 North Carolina and the clerk of the North Carolina Court of Appeals;  
44 one copy each to the libraries of the Supreme Court of North Carolina



1 and the North Carolina Court of Appeals; one copy to the  
2 Administrative Office of the Courts; one copy to the office of the  
3 Governor; ~~and five copies to the Legislative Services Commission for~~  
4 ~~the use of the General Assembly; and one copy to the Office of~~  
5 ~~Administrative Hearings;~~

6 (2) Upon request, one copy to each State official and department to which  
7 copies of the appellate division reports are furnished under G.S. 7A-  
8 343.1;

9 (3) Five copies to the Division of State Library of the Department of  
10 Cultural Resources, pursuant to G.S. 125-11.7; and

11 (4) Upon request, one copy of the North Carolina Register to each  
12 member of the General Assembly.

13 (f) The ~~Director-Codifier of Rules~~ shall make available to persons not listed in  
14 subsection (e) copies of the compilation, supplements, and recom compilations of the rules  
15 and the North Carolina Register, ~~and shall make available to all persons copies of other~~  
16 ~~public documents filed in the Office of Administrative Hearings.~~ The ~~Director-Codifier of~~  
17 ~~Rules~~ shall set a fee to be charged for publications and documents made available under  
18 this subsection at an amount that covers publication, copying, and mailing costs. All  
19 moneys received by the ~~Office of Administrative Hearings-Codifier of Rules~~ pursuant to  
20 this subsection shall be deposited in the State treasury in a special funds account to be  
21 held in trust for the ~~Office of Administrative Hearings-Codifier of Rules~~ to defray the  
22 expense of future recompilation, publication, and distribution of such documents. All  
23 moneys involved shall be subject to audit by the State Auditor.

24 (g) Notwithstanding any other provision of law, the Employment Security  
25 Commission shall, within 15 days of adoption, file all rules adopted by it with the  
26 ~~Director-Codifier of Rules~~ for public inspection and publication purposes only. The  
27 ~~Director-Codifier of Rules~~ shall compile, make available for inspection, and publish the  
28 rules filed under this subsection in the same manner as is provided for other rules."

29 Sec. 12. The assets used by or allocated the Office of Administrative  
30 Hearings for publication of the North Carolina Register and the North Carolina  
31 Administrative Code and the personnel positions used for those purposes are transferred  
32 from the Office of Administrative Hearings to the Department of Secretary of State.

33 Sec. 13. There is created a Study Commission on the Simplification of the  
34 Administrative Procedure Act Rule-Making Process.

35 The Commission shall consist of 12 members. The President Pro Tempore of  
36 the Senate shall appoint six members, including one member recommended by the  
37 North Carolina State Bar and one member recommended by the Attorney General. The  
38 Speaker of the House shall appoint six members, including one member from State  
39 government who is familiar with the Administrative Procedure Act, and one member  
40 recommended by the State Auditor.

41 The Commission may call upon other agencies of State government,  
42 including the Office of Administrative Hearings and the Administrative Rules Review  
43 Commission to assist in the work of the Commission.

1 All appointments shall be made no later than October 1, 1989. The President  
2 Pro Tempore of the Senate and the Speaker of the House shall each appoint a  
3 cochairman from the membership of the Commission. Either cochairman may call the  
4 first meeting.

5 The Commission shall examine the existing statutes and rules governing the  
6 administrative rule-making and hearings process, and the operation and organization of  
7 the Office of Administrative Hearings and the Administrative Rules Review  
8 Commission. The Commission may recommend legislation to improve the  
9 administrative rule-making and hearings process.

10 The Commission shall submit a written report to the 1991 General Assembly  
11 upon its convening. Upon submitting the findings of the report, the Study Commission  
12 shall terminate.

13 With the prior approval of the Legislative Services Commission, necessary  
14 professional and clerical assistance shall be provided by the Legislative Services  
15 Commission. The Legislative Services Commission may also enter into contracts for  
16 the provision of technical assistance it finds necessary for the performance of its  
17 responsibilities under this section.

18 Members of the Commission who are also members of the General Assembly  
19 shall be paid subsistence and travel expenses in accordance with G.S. 120-3.1. All other  
20 members of the Commission shall be paid the per diem allowances in accordance with  
21 G.S. 138-5.

22 Sec. 14. There is appropriated from the General Fund to the General  
23 Assembly \$20,000 for the 1989-90 fiscal year to fund the study authorized by this act.

24 Sec. 15. This act shall become effective October 1, 1989, except for Sections  
25 13 and 14, which are effective upon ratification.