

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1597\*

Short Title: Expand APA Oversight.

(Public)

Sponsors: Representatives Redwine; and Barefoot.

Referred to: Ways and Means.

May 18, 2000

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE DUTIES OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO INCLUDE CONSIDERATION OF BILLS WHICH AFFECT THE RULE-MAKING POWER OF AN AGENCY OR OTHERWISE AMEND THE ADMINISTRATIVE PROCEDURE ACT.

The General Assembly of North Carolina enacts:

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

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

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

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

(2) An exemption of any agency from any of the requirements contained in 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.