

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 681

Short Title: Require Quid Pro Quo for Agency Rule Making. (Public)

Sponsors: Senator Rouzer.

Referred to: Commerce.

April 20, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE AGENCIES ADOPTING RULES THAT INCREASE THE
3 WORKLOAD OF THE AGENCY OR THE PUBLIC OR PRIVATE SECTORS TO
4 SIMULTANEOUSLY ELIMINATE ONE OTHER RULE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 150B-2 is amended by adding a new subdivision to read:

7 "§ 150B-2. Definitions.

8 As used in this Chapter,

9 ...

10 (10) "Workload rule" means any rule that alters the procedure or practice
11 requirements of an agency or person regulated by an agency and that
12 cumulatively, when comparing the requirements as they existed prior to
13 adoption of the rule and after the adoption of the rule, either (i) increases the
14 agency's workload or (ii) places additional burdens or requirements on a
15 person regulated by the agency."

16 SECTION 2. G.S. 150B-21.2 reads as rewritten:

17 "§ 150B-21.2. Procedure for adopting a permanent rule.

18 (a) Steps. – Before an agency adopts a permanent rule, it must take the following
19 actions:

- 20 (1) Publish a notice of text in the North Carolina Register.
21 (2) When required by G.S. 150B-21.4, prepare or obtain a fiscal note for the
22 proposed rule.
23 (3) Repealed by Session Laws 2003-229, s. 4, effective July 1, 2003.
24 (4) When required by subsection (e) of this section, hold a public hearing on the
25 proposed rule after publication of the proposed text of the rule.
26 (5) Accept oral or written comments on the proposed rule as required by
27 subsection (f) of this section.
28 (6) Identify one rule for repeal, if the permanent rule considered for adoption is
29 a workload rule.

30 ...

31 (g1) Workload Rule Adoption. – An agency shall not adopt a workload rule unless the
32 agency has (i) complied with the requirements of subsection (g) of this section and (ii) has
33 included, as part of the proposed text of the rule, a repeal of the rule identified pursuant to
34 subsection (a) of this section.

35"

36 SECTION 3. This act is effective when it becomes law and applies to rules
37 adopted on or after that date.

