

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 35
SENATE BILL 305

AN ACT TO CLARIFY THE OWNERSHIP OF PROPERTY USED BY THE
ADMINISTRATIVE RULES REVIEW COMMISSION AND TO GIVE THE
COMMISSION COMPUTER ACCESS TO THE ADMINISTRATIVE CODE.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 1111 of the 1987 Session Laws reads as rewritten:

"Section 1. (a) The persons employed by the Office of Administrative Hearings on July 9, 1988, who were performing functions for the Administrative Rules Review Commission shall be employed by the Administrative Rules Review Commission at the same salary as they were earning on July 9, 1988, and their salary shall remain the same through June 30, 1989. Ownership of the assets used by or allocated to the Administrative Rules Review Commission and its staff as of July 9, 1988, is transferred from the Office of Administrative Hearings to the Commission.

(b) The Administrative Rules Review Commission shall submit to the Office of State Budget and Management a proposed budget in line-item format for the 1989-91 biennium."

Sec. 2. G.S. 143B-30.1 reads as rewritten:

"§ 143B-30.1. Administrative Rules Review Commission created.

The Administrative Rules Review Commission is created. The Commission shall consist of eight members to be appointed by the General Assembly, four upon the recommendation of the President of the Senate, and four upon the recommendation of the Speaker of the House of Representatives. These appointments shall be made in accordance with G.S. 120-121, and vacancies in these appointments shall be filled in accordance with G.S. 120-122. All appointees shall serve two-year terms. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, ineligibility, death, or disability of any member shall be for the balance of the unexpired term. The chairman shall be elected by the Commission, and he shall designate the times and places at which the Commission shall meet. The Commission shall meet at least once a month. A quorum of the Commission shall consist of five members of the Commission. The Commission is an independent agency under Article III, Section 11 of the Constitution.

Members of the Commission who are not officers or employees of the State shall receive compensation of two hundred dollars (\$200.00) for each day or part of a day of service plus reimbursement for travel and subsistence expenses at the rates specified in

G.S. 138-5. Members of the Commission who are officers or employees of the State shall receive reimbursement for travel and subsistence at the rate set out in G.S. 138-6.

Any other provision of the General Statutes notwithstanding, the appointment of employees of the Commission shall be made by the Commission. Nothing in this Article shall be construed to exempt employees of the Commission from the State Personnel Act.

The Commission shall prescribe procedures and forms to be used in submitting rules to the Commission for review. The Commission may have computer access to the North Carolina Administrative Code to enable the Commission and its staff to view and copy rules in the Code."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 30th day of March, 1989.