

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 193*

Short Title: Strengthen Standards for RRC.

(Public)

Sponsors: Representatives Redwine, Holmes; Sexton, Buchanan, and Ives.

Referred to: Judiciary I.

February 15, 1995

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN THE AUTHORITY OF THE RULES REVIEW COMMISSION TO DETERMINE THE NECESSITY OF A PROPOSED RULE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 150B-21.9(a) reads as rewritten:

"(a) Standards. – The Commission must determine whether a rule meets all of the following criteria:

- (1) It is within the authority delegated to the agency by the General Assembly.
- (2) It is clear and unambiguous.
- (3) It is reasonably necessary to fulfill a duty delegated to the agency by the General Assembly. Assembly, when considered in light of the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed and the legislative intent of the General Assembly in delegating the duty.

The Commission may determine if a rule submitted to it was adopted in accordance with Part 2 of this Article. The Commission must notify the agency that adopted the rule if it determines that a rule was not adopted in accordance with Part 2 of this Article and must return the rule to the agency. Entry of a rule in the North Carolina Administrative

- 1 Code after review by the Commission is conclusive evidence that the rule was adopted in
- 2 accordance with Part 2 of this Article."
- 3 Sec. 2. This act is effective upon ratification.