

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 1266
HOUSE BILL 1572

AN ACT TO AMEND THE PUBLICATION REQUIREMENTS OF "THE REGISTRATION OF STATE ADMINISTRATIVE RULES ACT" TO PROVIDE FOR THE EXPEDITIOUS PUBLICATION OF THE NORTH CAROLINA ADMINISTRATIVE CODE.

Whereas, the 1973 General Assembly enacted the "Administrative Procedure Act," G.S. Chapter 150A; and

Whereas, one important purpose of the Administrative Procedure Act is to provide public access to rules of State agencies; and

Whereas, the volume of rules adopted by State agencies has far exceeded any expectations, with the North Carolina Administrative Code now consisting of more than eighteen thousand (18,000) pages of rules; and

Whereas, the costs of traditional modes of publication are soaring ever higher; and

Whereas, the North Carolina Court of Appeals, in *Orange County v. Department of Transportation*, recognized that citizens presently suffer from their lack of access to the Code; and, because of that lack of access, considerations of due process of law will hinder if not prevent agencies from enforcing their rules; and

Whereas, the collection and publication of the North Carolina Administrative Code are essential to citizen understanding of and access to the programs of State agencies; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Subsection (d) of G.S. 150A-63, as it appears in the 1978 Replacement Volume 3C of the General Statutes, is amended by adding after the word "publish" in line 2, and before the phrase "a compilation", a comma and the phrase "in print, microfiche, or other form,".

Sec. 2. Subsection (e) of G.S. 150A-63, as it appears in the 1978 Replacement Volume 3C of the General Statutes, is amended to read as follows:

"(e) reference copies of the compilation, supplements, and recom compilations shall be distributed by the Attorney General as soon after publication as practicable, without charge, to the following officials and departments in the following quantities:

- (1) one copy to each county of the State, which may be maintained for public inspection in the county in a place determined by the County Commissioners; one copy each to the clerk of the Supreme Court of North Carolina and the clerk of the North Carolina Court of Appeals; one copy each to the libraries of the Supreme Court of North Carolina and the North Carolina Court of Appeals; one copy for the Office of the Governor; and one copy to the Legislative Research Commission for the use of the General Assembly;
- (2) five copies to the Division of State Library of the Department of Cultural Resources, pursuant to G.S. 147-50.1."

Sec. 3. Subsection (f) of G.S. 150A-63, as it appears in the 1978 Replacement Volume 3C of the General Statutes, is amended by adding, after the existing text, a new last sentence, as follows:

"Any money received by the Department of Justice pursuant to this section from the sale of copies of the compilation, and of all supplements, shall be deposited in the State Treasury in a special funds account to be held in trust for the Department of Justice to defray the expense of future recompilation, publication, and distribution of the Code. All moneys involved shall be subject to audit by the State Auditor."

Sec. 4. There is appropriated from the General Fund of the State to the Department of Justice the sum of seventy thousand two hundred dollars (\$70,200) for fiscal year 1980-81 for the preparation, publication, and distribution of the North Carolina Administrative Code and for the distribution of microfiche reading equipment to those counties and agencies listed in G.S. 150A-63(e)(1), as amended by Section 2 of this act. To facilitate the accomplishment of the compilation, indexing, and publication of the Code, this appropriation shall be used, in part, to establish permanent positions of Clerk-Typist IV and Secretary IV within the Administrative Procedures Section of the Attorney General's Office, and shall be in addition to all funds appropriated to the Department of Justice for any program.

Sec. 5. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.