

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 768

Short Title: APA Rules: Federal Rule Restriction Ceiling. (Public)

Sponsors: Representatives West and McElraft (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Environment, if favorable, Judiciary.

April 7, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO LIMIT NEW AGENCY REGULATORY REQUIREMENTS.

3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 150B-19 is amended by adding a new subdivision to read:  
5 "§ 150B-19. Restrictions on what can be adopted as a rule.

6 An agency may not adopt a rule that does one or more of the following:

7 ...

8 (7) Imposes a more restrictive standard or limitation than those imposed by  
9 federal law or rule if a federal law or rule pertaining to the same subject  
10 matter has been adopted, unless adoption of the rule is required by a  
11 sub-subdivision of this subdivision. It is the intent of the General Assembly  
12 that the standards and limitations adopted by agencies shall be no more  
13 restrictive than the most nearly applicable federal standards and limitations.  
14 Adoption of a rule with more restrictive standards or limitations is permitted  
15 to respond to at least one of the following:

- 16 a. A serious and unforeseen threat to the public health, safety, or  
17 welfare.  
18 b. An act of the General Assembly or United States Congress that  
19 expressly requires the agency to adopt rules.  
20 c. A change in federal or State budgetary policy.  
21 d. A federal regulation.  
22 e. A court order."

23 SECTION 2. This act is effective when it becomes law and applies to rules  
24 adopted by an agency on or after that date.

