

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

2

SENATE BILL 367
Judiciary I Committee Substitute Adopted 4/25/01

Short Title: Low-Income Housing Credit Program Exempt/APA. (Public)

Sponsors:

Referred to:

March 7, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO EXEMPT THE NORTH CAROLINA FEDERAL TAX REFORM
3 ALLOCATION COMMITTEE AND THE NORTH CAROLINA HOUSING
4 FINANCE AGENCY FROM THE RULE-MAKING REQUIREMENTS OF THE
5 ADMINISTRATIVE PROCEDURE ACT WITH REGARD TO ADOPTION OF
6 THE QUALIFIED ALLOCATION PLAN, AND TO AUTHORIZE THE JOINT
7 LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE
8 TO STUDY THE APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE
9 ACT TO THESE AGENCIES.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** G.S. 150B-1(d) reads as rewritten:

12 "(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to
13 the following:

- 14 (1) The Commission.
- 15 (2) Repealed by Session Laws 2000-189, s. 14, effective July 1, 2000.
- 16 (3) The North Carolina Hazardous Waste Management Commission in
17 administering the provisions of G.S. 130B-13 and G.S. 130B-14.
- 18 (4) The Department of Revenue, with respect to the notice and hearing
19 requirements contained in Part 2 of Article 2A.
- 20 (5) The North Carolina Global TransPark Authority with respect to the
21 acquisition, construction, operation, or use, including fees or charges,
22 of any portion of a cargo airport complex.
- 23 (6) The Department of Correction, with respect to matters relating solely
24 to persons in its custody or under its supervision, including prisoners,
25 probationers, and parolees.
- 26 (7) The North Carolina Teachers' and State Employees' Comprehensive
27 Major Medical Plan in administering the provisions of Parts 2 and 3 of
28 Article 3 of Chapter 135 of the General Statutes.

1 (8) The North Carolina Federal Tax Reform Allocation Committee, with
2 respect to the adoption of the annual qualified allocation plan required
3 by 26 U.S.C. § 42(m), and any agency designated by the Committee to
4 the extent necessary to administer the annual qualified allocation
5 plan."

6 **SECTION 2.** The Joint Legislative Administrative Procedure Oversight
7 Committee shall study the applicability of the Administrative Procedure Act to the
8 North Carolina Federal Tax Reform Allocation Committee and the North Carolina
9 Housing Finance Agency and may report to the 2002 Regular Session of the 2001
10 General Assembly and to the 2003 General Assembly.

11 **SECTION 3.** This act is effective when it becomes law.