

***Periodic Review and Expiration of Existing Rules
(G.S. 150B-21.3A)***

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“An Act to Improve and Streamline the Regulatory Process in Order to Stimulate Job Creation, to Eliminate Unnecessary Regulation, to Make Various Other Statutory Changes, and to Amend Certain Environmental and Natural Resources Laws.”

- Part 1, Section 3.(b)- “Periodic Review and Expiration of Existing Rules”
- Created G.S. 150B-21.3A (Administrative Procedure Act)

Periodic Review and Expiration of Existing Rules

What is it?

- the General Assembly has required the Rules Review Commission (RRC) to implement a process to ensure that agencies subject to the rulemaking requirements of Article 2A of G.S. 150B review all existing rules every 10 years.
- RRC has set this schedule for reviewing all rules by Chapter/Subchapter in Rule 26 NCAC 05.0211.

Periodic Review and Expiration of Existing Rules

The Process

Each rule to be placed in one of three categories:

- Necessary with substantive public interest (G.S. 150B-21.3A(a)(3))
- Necessary without substantive public interest (G.S. 150B-21.3A(a)(4))
- Unnecessary (G.S. 150B-21.3A(a)(6))

- SCC approves the initial determinations in the report.
- Rules and initial determinations go out for 60 day public comment period.
- Rules are posted on agency website,
www.rulesreview.ncdenr.gov.

- Staff provide responses to all comments.
- SCC approves responses and any final determination changes based on comments.
- Report is submitted to RRC and includes all comments.

- RRC reviews the comments received for rules placed in the necessary without substantive public interest and unnecessary categories.
- RRC makes final decision and report.
- RRC submits report to Joint Legislative Administrative Procedures Oversight Committee (APO).

- If APO does not meet within 60 days for a consultation then RRC determinations will become effective on the 61st of submission.
- If the APO does meet then the report will become effective on that day.
- If APO disagrees with a determination in the RRC report, the APO may recommend that the General Assembly direct the agency to conduct a review of specific rule in the following year.

Finalized Report and Next Steps

- Necessary with Substantive Public Interest = Rules are to be readopted
- Necessary without Substantive Public Interest = Rules remain in the Code
- Unnecessary Rules = expire

Where is the SCC scheduled for this review?

- Report is due to the RRC – January 2016
- Submit report to RRC – Dec. 15, 2015
- SCC approves report for submittal to RRC – November 2015?
- 60 comment period –Summer 2015
- SCC approves initial determinations – March?, May? 2015