RULEMAKING REFRESHER

Shawn Maier, Assistant Attorney General

*This presentation has not been reviewed by the Attorney General’s Office in accordance with the procedure for issuing an advisory opinion.
STEP ONE?

Agency submits to State Budget

Agency approves fiscal note
*G.S. 150B-19.1(e)*

Agency action to propose text

Submit Notice of Text to OAH
Commission discussion on an issue to be addressed through rulemaking

Staff develops a white paper framing the issue

With guidance from MFC, staff prepares an issue paper- overview of current research, lay out possible rulemaking options

Issue paper presented to MFC

MFC selects its preferred management option
Any rule that requires expenditure of State funds, OR has a substantial economic impact ($1M aggregate impact in 12 months) must have a fiscal note certified by OSBM

Fiscal note must list: description of parties affected by the rule, types of expenditures necessary to comply with the rule, purpose and benefits of the rule, explanation of how the impact was calculated, and at least two alternatives to the proposed rule
STEP ONE!

Agency submits to State Budget

Agency approves fiscal note
*G.S. 150B-19.1(e)*

Agency action to propose text

Submit Notice of Text to OAH
15A NCAC 03M .0509 is proposed for readoption with substantive changes as follows:

15A NCAC 03M .0509   TARPON

(a) It is unlawful to sell, possess, sell, or offer for sale tarpon.
(b) It is unlawful to possess more than one tarpon per person taken in any one day.
(c) It shall be unlawful to take tarpon by any method other than hook and line.

(c) It shall be unlawful to gaff, spear, or puncture a tarpon.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4; 143B-289.52;
Eff. October 1, 1992;
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RULES REVIEW COMMISSION
RRC GROUNDS FOR REJECTION

Is outside the MFC’s authority
Is not clear and unambiguous
Is not reasonably necessary to implement or interpret statute or federal law
Complies with the principles of rulemaking
RRC does NOT consider the quality or efficacy of the rule
NORTH CAROLINA
MARINE FISHERIES COMMISSION
RULES
MAY 1, 2015