

PERIODIC REVIEW AND EXPIRATION OF RULES

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KNOW YOUR DEADLINE!

- The date published in the schedule is the date the rules will be presented to RRC, not the date you submit the rules to RRC
- Deadline to submit is on the 15th day in the previous month
- **WORK BACKWARDS!**

DEADLINE

- **July 2015**
 - Social Work Board
 - Refrigeration Examiners Board

You must submit report, comments & classifications to the RRC on or before June 15, 2015

DEADLINE

- **September 2016**
 - Licensing Board for General Contractors

You must submit report, comments & classifications to the RRC on or before August 15, 2016

DEADLINE

- **November 2017**
 - Onsite Wastewater Board

You must submit report, comments & classifications to the RRC on or before
October 15, 2017

DEADLINE

- **May 2018**
 - Board of Nursing – **submit by April 15, 2018**
- **June 2018**
 - Funeral Services Board – **submit by May 15, 2018**
- **October 2018**
 - Opticians Board – **submit by September 15, 2018**

WHEN DO YOU START YOUR REVIEW?

- **WORK BACKWARDS!**
- 1. Identify deadline to submit
- 2. Identify Board meeting date prior to submission deadline
- 3. Go backwards 60 days (comment period); recommend at least 75-90 days
- 4. Identify Board meeting prior to the start of this 60-90 day window
- 5. At least 30-60 days for staff review/categorizing of rules

STARTING REVIEW

- First Board Meeting – vote to place all rules in 1 of 3 categories
 - Necessary with substantive public interest
 - Necessary without substantive public interest
 - Unnecessary

REMEMBER – build in time for staff review/classification
before first board meeting

CLASSIFICATIONS

- **Necessary with substantive public interest**
- Objection in whole or part within 2 years OR
- Affects the property interest of the regulated public and the agency knows or suspects that someone may object
- These rules will have to go back through rulemaking

CLASSIFICATIONS

- **Necessary w/o substantive public interest**
- No objection within the past 2 years
- Includes readily available info (address, phone)
- If no objection or RRC determines a comment has no merit, that's it!

CLASSIFICATIONS

- **Unnecessary**
- Obsolete, redundant, unneeded
- If no objection, rule expires

CLASSIFICATION TIPS

- After comment period, difficult to classify “down”
- Easy to classify “up”
- If the agency has rec’d no public objection within the past 2 years, strongly consider classifying rules as either
 - Necessary w/o substantive public interest or
 - Unnecessary

PUBLIC COMMENT

- Public Comment is NOT THE SAME as public comment for regular rulemaking
- Public Comment = Objection (in whole or part)
- **Tip:** Ignore positive comments

PUBLIC COMMENT

- Must track & submit comments to RRC in report
- RRC will confirm that agency gave 60+ days for comment (between Board meetings)
- **Respond to objections (in report);**
submit to RRC

WHAT GOES TO RRC?

- **Report** – RRC will provide spreadsheet to agency; review to confirm accuracy & completeness
 - okay to request spreadsheet early
 - Contains initial classification, comment period, other info & final classification

Written Comments – Submit comments (objections) and responses to RRC

EXEMPTION FROM PROCESS

- Good luck!
- See 26 NCAC 05 .0209

WHAT'S THE SAME?

- Work backwards to get to the date you want (e.g. effective dates of regular rules)
- Watch timelines (60 day comment period)
- Build in a cushion (to respond, holidays, staff absences, unexpected events)
- Notices on website

WHAT'S DIFFERENT?

- “Public Comment” = objection
- Must respond to objections
 - Respond in report, not to commenter (.0208)
- Slightly different info to be published on agency website (must include classifications)

FINAL THOUGHT

START EARLY!

