

The Rulemaking Coordinators' "Cheat Sheet" for the Existing Rules Review Process:

From the End to the Beginning

Key Points before beginning:

"Agency" means an agency or an officer in the executive branch of the government of this State ***and includes*** the **Council of State, the Governor's Office, a board, a commission, a department, a division, a council, and any other unit of government in the executive branch**. A local unit of government is not an agency. See G.S. 150B-2(1a).

The "Agency" is the rulemaking body and **not** the staff of that body. The agency itself, be it a commission, board or the Department Secretary, is the decision maker and voting body.

Step 2:

The rules in my Agency's Chapter/Subchapter are being reviewed by the RRC at its meeting in: _____ See 26 NCAC 05 .0211.

My Agency should have a representative available to address any questions regarding the report, or the review may be deferred to a subsequent meeting. See 26 NCAC 05 .0210.

Step 1(e):

My Agency needs to file the rules the month before the RRC meeting takes place. The filing deadline for my Agency's rules is _____ 15th, 201___. See 26 NCAC 05 .0203(c).

- When I file the report, I need to send:
 - The report with the following fields filled in by me:
 - The initial determination;
 - If the rule implements or conforms to federal law;
 - If it does, the Agency must give the citation!
 - Whether comment was received for each rule; and
 - The final classification of each rule.
 - A copy of all comments received, including those that aren't objections
 - The responses to all comments that are objecting to a rule

My Agency **must** vote to approve the report before that date. See 26 NCAC 05 .0206.

Step 1(d): See 26 NCAC 05 .0206.

The Agency meeting that takes place prior to the filing date will occur on _____ . At that meeting, my Agency will:

- Review all comments received.
- Respond to all comments that are objections to a Rule. That response will be in the report itself. The Agency is not required to respond to the individual commenter.
- Make final determinations for every rule.

Step 1(c): See 26 NCAC 05 .0206.

Before the Agency can approve the final report, it must be posted for at least 60 calendar days.

The Agency will publish the report for the following period: _____

- The report must be published on our website and the OAH website for 60 days.
- The Agency must provide notice to interested persons.

OAH requires that the report be filed five business days before posting. So, I need to submit the report to OAH five business days before my comment period begins. I need to submit to OAH on _____.

Step 1(b): See 26 NCAC 05 .0203.

My Agency must vote to approve the report before the report may be posted on the Agency's and OAH's websites. The Board or Commission meeting that takes place prior to the publication date is _____ . At that meeting, the Agency will:

- Make an initial determination to classify each rule; and
- State whether each rule implements or conforms to federal law.
- Classifications are the following:
 - unnecessary;
 - necessary without substantive public interest; or
 - necessary with substantive public interest.

Step 1(a): See 26 NCAC 05 .0203.

Before my Agency may take any formal action, I need to see the report prepared for my Agency's rules by OAH. OAH will send me my report by email so that I can review the report (an Excel spreadsheet) to make sure it lists all active rules. Once I get it, I have 10 business days to review it for accuracy.