

Regulatory Review Underway

By Sarah Williams, Pine Knoll Shores Deputy Clerk

Pursuant to the Regulatory Reform Act of 2013, the Rules Review Commission (RRC), a 10-member executive agency created by the North Carolina General Assembly in 1986 for the purpose of reviewing and approving rules adopted by state agencies, has announced its timeline for the biggest regulatory review in the history of North Carolina. Though given 10 years to review thousands of rules, the commission has set a five-year schedule for completion of its work. Rules will be examined to ensure that they were passed in compliance with state laws, using proper procedures, and that they are still appropriate and necessary. Members of the RRC are appointed by the General Assembly.

The rules review process is as follows:

1. Issuing agencies conduct an analysis of existing rules to determine if they are:

- *Necessary with substantive public interest* (any rule for which the agency has received public comment in the last two years; this also applies if the rule affects the property interest of the regulated public and the agency knows or suspects that any person may object to the rule), a determination which would require the board or agency to readopt the rule;
- *Necessary without substantive public interest* (any rule that has not received public comment in the last two years), a determination which would allow the rule to remain in place as is;
- *Unnecessary* (any rule determined to be obsolete, redundant or not needed), a determination which would cause the rule to expire.

2. Public comment period

As agencies begin their review, a 60-day public comment period will be open. At this stage, citizens can offer their input on certain rules. If you are interested in a certain category, the best course of action would be to ask to join the particular agency's listserv. The listserv is an email address list to which updates will be sent (similar to the emails you receive from the town).

3. Agency determinations are sent to the Rules Review Commission.

After review of the agency finding and any public comment, the RRC issues a determination on the rule in the same categories as those used by the agency, with the associated recommendations.

4. The RRC sends a report to the Joint Legislative Administrative Procedure Oversight Committee.

The committee may take one of three actions:

- If the committee reviews the determination of the RRC and agrees, it becomes effective on the date of the committee's review (Rules that are deemed unnecessary will expire on the first day of the month following the committee's review.);
- If the committee does not review the RRC's determination, it becomes effective on day 61;
- If the committee disagrees with the RRC's determination, it may recommend that the General Assembly direct a rule review.

Rules that are required by federal law will not expire.

Of importance to cities and towns, the majority of the rules that regulate water, wastewater and stormwater services were promulgated by the North Carolina Environmental Management Commission (EMC). The legislature chose many of these water quality rules as the first group of rules queued up to receive a review, and the EMC already categorized 375 of those rules as "necessary with substantive public interest" last month.

If the RRC agrees with the EMC's determination—and the Joint Legislative Administrative Procedure Oversight Committee refuses its opportunity to make a different judgment—the EMC will begin the lengthy task of re-adopting all 375 of those rules, likely beginning this fall.

The town staff will continue to follow the RRC closely and stay in contact with the North Carolina League of Municipalities; they are closely monitoring this regulatory review—and their research was very helpful in sorting through the details to write this article. Again, if there are rules that you are concerned about, be sure to join the agency's listserv so that you can follow them and know when the public comment opens. This process will really get started next year.


Of note to coastal towns, the following are on the calendar:

- December 2015: Coastal Area Management Act (CAMA) land use planning
- January 2018: CAMA
- December 2018: State participation in beach renourishment projects.

To read more about these rules, visit the N.C. Administrative Code online at

<http://reports.oah.state.nc.us/ncac.asp>.

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RE Broker Relationships & Responsibilities	04-08-14	04-17-14
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Art - Mixed Media	04-10-14	05-15-14
Real Estate Update & Elective	04-11-14	04-11-14
Vehicle Escort Driver Certification	04-11-14	04-11-14
Wastewater Treatment Plant Operator C.E.	04-12-14	04-12-14
Certified Pool and Spa Operator	04-14-14	04-15-14
Yoga - Gentle/De-Stress	04-15-14	05-20-14
Waterfowl Carving	04-28-14	07-21-14
ServSafe: Sanitation & Food Safety	04-28-14	04-30-14
Parenting: Love & Logic	04-28-14	06-16-14
Small Business Ownership Basics	04-29-14	05-22-14
Medical Front Office Skills	04-29-14	06-26-14
Dance - Shag	04-29-14	05-20-14
Medical Lab Assistant Skills	04-29-14	08-14-14
Nursing Assistant I Refresher	05-05-14	05-15-14
Veterinary Assistant	05-05-14	08-13-14
Physical Therapy Aide	05-05-14	06-30-14
Marine Assistance Towing Endorsement	05-06-14	05-06-14
Pharmacy Technician	05-07-14	08-13-14
Notary Public	05-12-14	05-14-14
Applications, Resumes and More	05-12-14	05-15-14
Home Care Aide	05-12-14	08-11-14

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