

# Periodic Review and Expiration of Existing Rules

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# What is the Periodic Review Process?

- Prior to 2013, North Carolina's Administrative Procedure Act did not have expiration dates for rules.
- Session Law 2013-413
- G.S. 150B-21.3A requires that all rules adopted under G.S. 150B, Article 2A, be reviewed every 10 years by the agency that promulgated the rules to ensure rules are necessary and within the agency's statutory authority.



# Who is subject to the review?

- Agencies who are subject to Article 2A of Chapter 150B, the Administrative Procedure Act including:
  - many state agencies;
  - many licensing boards; and
  - the Building Code.
- Exemptions in G.S. 150B and other statutes.



# Overview of the Process



# Old Classifications

## Necessary with Substantive Public Interest

- Must be readopted as if new rules using the permanent rulemaking process, pursuant to G.S. 150B, Article 2A.

## Necessary without Substantive Public Interest

- Stays in the Code
- Agencies are free to amend the rules under the permanent rulemaking process, pursuant to G.S. 150B, Article 2A.

## Unnecessary

- Removed from the Code

# New Classifications

S.L. 2019-140

- The General Assembly changed the classifications for agency reports submitted on or after October 1, 2019.
- **Unnecessary**
  - “A rule the agency determines to be obsolete, redundant, or otherwise not needed.” G.S. 150B-21.3A(a)(6).
  - Removed from the Code.
- **Necessary**
  - “Any rule other than an unnecessary rule.” G.S. 150B-21.3A(a)(2a).
  - Must be readopted as if they are new rules using the permanent rulemaking process, pursuant to G.S. 150B, Article 2A.



# 2014 Periodic Review Cycle

- Necessary with substantive public interest 5,449 (28.4%)
- Necessary without substantive public interest 11,668 (60.8%)
- Unnecessary 2,072 (10.8%)
- Remaining items
  - One agency report scheduled for RRC review February 28, 2024
  - 803 outstanding readoptions



# 2024 Periodic Review Cycle

- Report schedule set by RRC and available [on the OAH website](#)
- Reports all scheduled within first three years of the decennial cycle
- Rules previously classified as “necessary without substantive public interest” given priority at beginning of the schedule
- First reports due July 2024
- Readoptions will be set within the decennial cycle





# Questions

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