

## Existing Rules Review FAQs

Here are some answers to questions about the Existing Rules Review Process and how the public can participate. We provide this for informational purposes only. It does not constitute legal advice

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### 1. What is the “existing rules review”?

The “existing rules review” is a process the General Assembly set up in 2013. Click [here](#) to go to a copy of the law. State agencies are now required to review all rules every 10 years. The NC Rules Review Commission (RRC) is in charge of the process. They decided that the first review would take place in 5 years instead of 10. Click [here](#) for their website. [Return to top](#)

### 2. When will you review your rules?

Here is the schedule the RRC set for review of our rules:

Title	Chapter	Year of Review
18 NCAC	Chapter 03 Publications Division	2014
18 NCAC	Chapter 05 Uniform Commercial Code Division	2014
18 NCAC	Chapter 01 Departmental Rules	2015
18 NCAC	Chapter 04 Corporations Division	2015
18 NCAC	Chapter 13 State Franchise for Cable Television Service	2015
18 NCAC	Chapter 06 Securities Division	2016
18 NCAC	Chapter 07 Notary Public Division	2016

Title	Chapter	Year of Review
18 NCAC	Chapter 10 Electronic Commerce Section	2016
18 NCAC	Chapter 02 General Administration Division	2017
18 NCAC	Chapter 12 Lobbying	2017
18 NCAC	Chapter 08 Land Records Management Division	2018
18 NCAC	Chapter 11 Solicitation Licensing Program	2018

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### 3. What does “NCAC” mean in the schedule?

“NCAC” means North Carolina Administrative Code. It’s where almost all the rules for state agencies are published. Click [here](#) to go to the NCAC.

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### 4. How does the existing rules review process work?

1<sup>st</sup>, we review our rules. We classify each rule into 1 of 3 categories:

Category 1: Unnecessary

Category 2: Necessary without substantive public interest

Category 3: Necessary with substantive public interest

Then we post our classifications on our website for the public to see. The classifications will also be posted on the RRC website. The public can comment on our classifications for 60 days. We review the comments and decide if we need to change any of the classifications.

Then we submit a report to the RRC with all the final classifications of the rules and all the comments we received.

The RRC decides whether it wants to change any of the classifications. Then the RRC reports to a General Assembly Committee.

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### 5. What’s the end result of the existing rules review process?

Rules that are classified as unnecessary will be repealed at the end of the process.

Rules that are classified as necessary without substantive public interest stay in the NCAC.

Rules that are classified as necessary with substantive public interest have to be readopted.

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## 6. Are there any definitions for the classifications?

Yes, the 3 classifications are defined in the new law. Here are the definitions:

**Unnecessary rule.** - Means a rule that the agency determines to be obsolete, redundant, or otherwise not needed.

**Necessary without substantive public interest.** - Means a rule for which the agency has not received a public comment concerning the rule within the past two years. A "necessary without substantive public interest" rule includes a rule that merely identifies information that is readily available to the public, such as an address or a telephone number.

**Necessary with substantive public interest.** - Means any rule for which the agency has received public comments within the past two years. A rule is also "necessary with substantive public interest" 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.

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## 7. What can I comment on?

The definition of public comment is “written comments objecting to the rule, in whole or in part”.

You can comment on the rules and on how we classified the rules. So if you think we put a rule into the wrong classification, you would need to say so. You would also need to tell us why you think we classified the rule incorrectly.

When the Rules Review Commission (RRC) looks at our classifications of the rules it will evaluate whether the comment has merit. A comment has merit if it “addresses the specific substance of the rule and relates to any of the standards for review by the Commission”. Click [here](#) to see the RRC standards for review.

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## **8. Will I get an answer to my comments?**

You will not get a direct answer to your comments.

However, our final report to RRC will include a brief response to each comment we received. Each response to a comment in the final report will address the merits of the comment. The final report (including comments and responses) will be posted on our website and on the RRC website.

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## **9. Will anyone else look at my comments?**

Yes, the RRC will look at all the comments on our rules. We will also give RRC all of our responses to comments. In addition, the RRC will report to a General Assembly committee. The RRC's report will include the comments and our responses.

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## **10. Do my comments have to be negative? What if I think a rule is needed or is a good rule, can I say that?**

Of course. We will consider and respond to all comments. The RRC will only consider comments objecting to the rules.

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## **11. How can I find out when you do something related to the existing rules review process?**

If you sign up for our rulemaking interested persons list, we'll send you an email when we take a rulemaking related action, including the existing rules review process. Click [here](#) for information on how to sign up for the list.

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## **12. Where can I find the law and rules about the existing rules review process?**

Click [here](#) for the Rules Review Commission website.

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