

To: Rules Review Commissioners
From: William W. Peaslee
Date: December 11, 2023
Re: Commission meeting calendar

Pursuant to G.S.150B-21.9(b), “the Commission must review a permanent rule submitted to it on or before the twentieth of a month by the last day of the next month. The Commission must review a rule submitted to it after the twentieth of a month by the last day of the second subsequent month.”

The General Assembly has provided the RRC with an average minimum of twenty-eight business days every month to consider rules.

Historically, the RRC has held its meetings on the third Thursday of each month. This appears to be an arbitrary decision which is not connected to the number of business days provided for review. Using the 2024 calendar year as an example, it creates a differential in the number of days rules will be considered month to month. For example, in January 2024 there will be fourteen business days to consider rules using the current system. In December 2024, there will be 19 days. As an average there will be 16 days per month in 2024 for RRC staff to review submitted rules, issue request for changes, review revisions, issues opinions, and for the RRC proper to review and consider the final revised rules and opinions thereon.

If the RRC continues to arbitrarily set its hearing dates on the third Thursday of each month, there will be an average of 8.4 business days per month provided to the RRC for review which it will not use reviewing rules filed the 20th of the preceding month. That’s 29%.

In short, staff recommends that the RRC use more of the business days allotted to it to review rules.

While simply moving meeting days back to the fourth Thursday would increase the number of days for rule consideration, it would not maximize the usage of the day provided by the General Assembly. For example, a meeting on the fourth Thursday of August 2024 (August 22, 2024) would leave six business days unutilized. That’s 21%.

Staff recommends abandoning the arbitrary calendaring method and calendaring the meetings based upon a set number of business days in the 28-business-day cycle. For example, the RRC meetings would be held on the 24th business day following the 20th calendar day of the preceding month.

Key to the RRC’s calendar is how many calendar days the RRC proper would like to consider final rules and opinions. From this a calendar could be developed backwards setting dates for opinions, final rule revisions, etc. Once the RRC has made this determination, staff can develop a calendar which specifies all relevant dates.

A change in method of calendaring the meetings may necessitate changes in the RRC Rules. For example, staff would recommend amending 26 NCAC 05 .0108 which currently requires final rule submissions post technical changes to be submitted on the Friday before the RRC meeting. Moving the RRC meeting date without amending this rule would not increase the amount of time for the RRC proper to consider final rules and opinions.