

Burgos, Alexander N

From: Peaslee, William W
Sent: Monday, February 19, 2024 4:52 PM
To: Dismukes, Leslie; Harvey E. Morse
Cc: Burgos, Alexander N
Subject: RE: [External] RE: Question

Thank you for your email.

If the RRC objects to a rule, the adopting agency has 30 days to revise the rule. If it does not satisfy the objection, the RRC will continue the objection.

The rule is subject to legislative review if the Rule Review Commission (RRC) approves the rule and the RRC has received 10 or more letters pursuant to G.S. 150B-21.3(b2) which I have attached below.

To date, the RRC has only received 10 or more letters requesting legislative review of 12 NCAC 09F .0105. The letters are available on the RRC website. [open \(nc.gov\)](https://open.nc.gov)

As always if you have any questions please feel free to contact me.

150B-21.3(b2) Objection. - Any person who objects to the adoption of a permanent rule may submit written comments to the agency. If the objection is not resolved prior to adoption of the rule, a person may submit written objections to the Commission. If the Commission receives written objections from 10 or more persons, no later than 5:00 P.M. of the day following the day the Commission approves the rule, clearly requesting review by the legislature in accordance with instructions posted on the agency's Web site pursuant to G.S. 150B-19.1(c)(4), and the Commission approves the rule, the rule will become effective as provided in subsection (b1) of this section. The Commission shall notify the agency that the rule is subject to legislative disapproval on the day following the day it receives 10 or more written objections. When the requirements of this subsection have been met and a rule is subject to legislative disapproval, the agency may adopt the rule as a temporary rule if the rule would have met the criteria listed in G.S. 150B-21.1(a) at the time the notice of text for the permanent rule was published in the North Carolina Register. If the Commission receives objections from 10 or more persons clearly requesting review by the legislature, and the rule objected to is one of a group of related rules adopted by the agency at the same time, the agency that adopted the rule may cause any of the other rules in the group to become effective as provided in subsection (b1) of this section by submitting a written statement to that effect to the Commission before the other rules become effective.

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From: Cooley Dismukes, Leslie <LDismukes@ncdoj.gov>
Sent: Monday, February 19, 2024 12:39 PM
To: Harvey E. Morse <harvey@probate.com>
Cc: Peaslee, William W <bill.peaslee@oah.nc.gov>
Subject: [External] RE: Question

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Hi Harvey,

Apologies for the delay, I have been out with COVID and then on leave for the past week. I am not the expert in this procedural space, but I have copied RRC attorney Bill Peaslee in hopes he can assist.

Best,
Leslie

From: Harvey E. Morse <harvey@probate.com>
Sent: Tuesday, February 13, 2024 11:54 AM
To: Cooley Dismukes, Leslie <LDismukes@ncdoj.gov>
Subject: Question

Good morning!

I am unfamiliar with the NC governmental procedures, as mentioned previously. The attorney for the Rules Revision Commission has opined that there is a lack of authority for implementing the proposed rules 103, 104, and 105; if the commission agrees, what happens next? Do the proposals automatically revert to the General Assembly? Are they withdrawn, or does something else take place?

I would appreciate any information you can share with me.

Thank you,

Harvey