

1 Rule 26 NCAC 05 .0205 is amended as published in 31:5 NCR 394-395 as follows:

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3 **26 NCAC 05 .0205 AGENCY REQUEST TO RESCHEDULE REPORTS FOR EARLIER REVIEW**
4 **AND ADD UNNECESSARY RULES TO THE SCHEDULE**
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6 (a) If an agency wishes to reschedule a report for review before the date set forth in Rule .0211 of this Section, the
7 agency shall send a written request to the Commission. The request shall contain:

- 8 (1) the Title and Chapter of the Report;
9 (2) the reason for the request;
10 (3) if the report was already posted, a copy of the report and any public comments received;
11 (4) the date the report was originally scheduled for review; and
12 (5) the date that the agency seeks for Commission review.

13 (b) An agency seeking earlier review shall, on the date of submission of the request to the Commission, post notice
14 on its website and notify its interested persons mailing list maintained pursuant to G.S. 150B-21.2(d) of the meeting
15 date on which the Commission will review its request as set forth in Paragraph (e) of this Rule. The notice shall also
16 inform the public that the individuals may contact the Commission to object to the rescheduling.

17 (c) The Commission's decision to grant the request for earlier review shall be made on a case-by-case basis,
18 considering the following:

- 19 (1) the reason offered by the agency;
20 (2) the workload of the Commission; and
21 (3) arguments against the rescheduling by members of the public.

22 ~~(d)~~ If an agency designates a rule as unnecessary and places it on the current year schedule as set forth in G.S.
23 150B-21.3A(e), it shall file written notice of this designation with the Commission. The Commission shall consider
24 the notice at its next regularly scheduled meeting.

25 ~~(e)~~ For any requests made pursuant to this Rule, the ~~The~~ Commission shall consider a request filed on or before
26 the 15th day of the month at its meeting the next month and shall then place the rule or rules on the schedule. Following
27 the Commission's decision, the ~~The~~ Commission shall notify the agency of the date the agency is required to submit
28 ~~the report to the Commission.~~ report.

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30 *History Note: Authority G.S. 150B-21.3A;*
31 *Eff. April 1, 2014;*
32 *Amended Eff. December 1, 2016.*
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TITLE 26 – OFFICE OF ADMINISTRATIVE HEARINGS

Notice is hereby given that the North Carolina Rules Review Commission intends to amend the rule cited as 26 NCAC 05 .0205.

Link to agency website pursuant to G.S. 150B-19.1(c): www.ncoah.com/rules/

Proposed Effective Date: *December 1, 2016*

Public Hearing:

Date: *October 20, 2016*

Time: *10 a.m. or at the end of the RRC meeting, whichever is later*

Location: *NC Office of Administrative Hearings, Commission Room, 1711 New Hope Church Road, Raleigh, NC 27609*

Reason for Proposed Action: *The RRC proposes to amend Rule 26 NCAC 05 .0205 to provide a process for agencies to request that Rule 26 NCAC 05 .0211, "Schedule," which establishes the schedule for the existing rule review, be modified so that completed reports may be reviewed earlier than set forth in the Rule.*

Comments may be submitted to: *Amanda J. Reeder, 6714 MSC, Raleigh, NC 27699-6700, phone (919) 431-3079, email Amanda.Reeder@oah.nc.gov*

Comment period ends: *October 31, 2016*

CHAPTER 05 – RULES REVIEW COMMISSION

SECTION .0200 – PERIODIC REVIEW OF EXISTING RULES

26 NCAC 05 .0205 AGENCY REQUEST TO RESCHEDULE REPORTS FOR EARLIER REVIEW AND ADD UNNECESSARY RULES TO THE SCHEDULE

(a) If an agency wishes to reschedule a report for review before the date set forth in Rule .0211 of this Section, the agency shall send a written request to the Commission. The request shall contain:

- (1) the Title and Chapter of the Report;
- (2) the reason for the request;
- (3) if the report was already posted, a copy of the report and any public comments received;
- (4) the date the report was originally scheduled for review; and
- (5) the date that the agency seeks for Commission review.

(b) An agency seeking earlier review shall, on the date of submission of the request to the Commission, post notice on its website and notify its interested persons mailing list maintained pursuant to G.S. 150B-21.2(d) of the meeting date on which the Commission will review its request as set forth in Paragraph (e) of this Rule. The notice shall also inform the public that the individuals may contact the Commission to object to the rescheduling.

(c) The Commission's decision to grant the request for earlier review shall be made on a case-by-case basis, considering the following:

- (1) the reason offered by the agency;
- (2) the workload of the Commission; and
- (3) arguments against the rescheduling by members of the public.

~~(a)~~(d) If an agency designates a rule as unnecessary and places it on the current year schedule as set forth in G.S. 150B-21.3A(e), it shall file written notice of this designation with the Commission. The Commission shall consider the notice at its next regularly scheduled meeting.

~~(b)~~(e) For any requests made pursuant to this Rule, the Commission shall consider a request filed on or before the 15th day of the month at its meeting the next month and shall then place the rule or rules on the schedule. Following the Commission's decision, the Commission shall notify the agency of the date the agency is required to submit the report to the Commission report.

Authority G.S. 150B-21.3A.