

RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Department of Administration

RULE CITATION: 25 NCAC 02

DATE: July 29, 2024

No action is needed since the rules automatically expired on July 21, 2024, the date established by the RRC pursuant to G.S. 150B-21.3A(d).

COMMENT:

Pursuant to G.S. 150B-21.3A, all agencies subject to rulemaking under Article 2A of the North Carolina Administrative Procedure Act are required to review all existing rules in the North Carolina Administrative Code (NCAC). The Department of Administration is subject to rulemaking under Article 2A. The RRC was given authority by the General Assembly to set the schedule for each agency to conduct the review and the schedule is contained in Rule 26 NCAC 05 .0211

Periodic review is governed by G.S. 150B 21.3A(c)(1) and it directs each agency to prepare a report categorizing rules as necessary or unnecessary, take public comments on the report, and respond to those public comments.

The Department of Administration (DOA) is scheduled for review by the RRC at the August 2024 meeting. The deadline for the DOA to file the report was July 20, 2024. The DOA did not file the report by the deadline. The DOA has communicated to RRC Staff their wish for the above cited rules to expire from the Code (see attached email).

Pursuant to G.S. 150B-21.3A(b), the above-referenced rules automatically expired on July 21, 2024, and they will be deemed repealed as of that date. The Codifier of Rules will remove the rules from the North Carolina Administrative Code.

Travis Wiggs
Commission Counsel