

**Periodic Review of Existing Rules
21 NCAC 04B**

During its 2013 legislative session, the North Carolina General Assembly enacted N.C. Session Law 2013-413, which created N.C.G.S. § 150B-21.3A, captioned “Periodic Review and Expiration of Existing Rules”. This new law requires all state agencies and commissions to review all of their existing rules at least once every 10 years.

Pursuant to the requirements of N.C.G.S. § 150B-21.3A(c), the North Carolina Auctioneer Licensing Board (Board) has completed a preliminary review of the existing Auctioneer Licensing Rules and has made an initial determination of whether each rule is:

- “Necessary with substantive public interest,” meaning that the agency has determined that the rule is needed and that:
(a) the agency has received public comments on the rule within the past two years; or (b) the rule affects the property interest of the regulated public and the agency knows or suspects that someone may object to the rule; or
- “Necessary without substantive public interest,” meaning that the agency has determined that the rule is needed and that the agency has not received public comments on the rule within the past two years. This category includes rules that provide information that is readily available to the public, such as an address or telephone number; or
- “Unnecessary,” meaning that the agency has determined that the rule is obsolete, redundant or otherwise not needed.

As defined in N.C.G.S. § 150B-21.3A(a)(5) and as used above, the term “public comment” means “written comments objecting to the rule, in whole or in part, received by an agency from any member of the public, including an association or other organization representing the regulated community or other members of the public.”

The results of the Board’s initial review are listed in a separate document, and have been posted online and can be viewed at the NCALB website at www.ncalb.org and at the NC Office of Administrative Hearings website at <http://www.ncuah.com/rules/>. The rules currently composing 21 NCAC 4B are also listed for reference, and can be viewed at www.ncalb.org. The Board hereby invites and encourages you to review and comment on the existing Auctioneer Rules and the results of the Board’s preliminary review. You may send your comments via email to:

via electronic mail addressed to: info@ncalb.org

via facsimile to: (919) 567-2865

or via U.S. Mail to the following address:

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When commenting on a rule, please specify the number and title of the rule; e.g., “*I have a comment on Rule 21 NCAC 04 .0101, Purpose.*” The Board will not send individual responses to each commenter; however a response will be submitted to the Rules Review Commission with the final report as required by 26 NCAC 05 .0208. All written comments will be accepted October 28, 2016 through January 5, 2017. 26 NCAC 05 .0207 specifies that a comment must address the content of the rule in question to be considered by the Rules Review Commission.

"Public comment" is defined by G.S. 150B-21.3A(a)(5) as a written objection to all or part of a rule. Additionally, pursuant to G.S. 150B-21.3A(c)(2), in order for the Rules Review Commission to determine whether the public comment has merit, the public comment must address the specific substance of the rule and address any of the standards of Commission review, as set forth in G.S. 150B-21.9(a).

Comments submitted to the Board are considered public record and may be disclosed to parties requesting such records, including any identifiable information provided.