



Administrative Code: Proposed Rule

NC ABLE Program Board of Trustees

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NC ABLE

National ABLE Alliance Member



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What is the Administrative Procedures Act (APA)?

- The APA regulates agencies' discretion in the implementation of their statutory authority
- The APA restricts:
 1. Agencies' ability to act without a rule; and
 2. The scope of the state's regulatory regime
- The APA establishes a process for agencies to adopt rules
 1. Publication
 2. Comment
 3. Review

What is Staff's Proposal?

- NCGS § 147.86-73(c) allows the State Treasurer to establish an administrative fee for the NC ABLE Program
- DST staff proposes to codify the current administrative fee as a rule of the Department of State Treasurer (*i.e.*, include the administrative fee in NC Administrative Code)
- The rule will consist of the administrative fee plus the process for waiving the fee for a specific period of time

What is the Process?

- Proposal: DST staff proposes rule and receives comments from Office of Administrative Hearings (OAH)
- Publication and comment: Draft rule is published in *North Carolina Register* (January 15) and public comment period is held (Ends March 18)
- Review #1: Draft rule is reviewed and approved by Joint Legislative Commission on Governmental Operations (JLCGO)
- Final: DST adopts final rule
- Review #2: Final rule is reviewed and approved by Rules Review Commission (RRC) (April 18)
- Effect: Rule takes effect (Target May 1)

Timeline is subject to feedback from OAH, RRC, JLCGO, public, and others

Questions



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Thank you



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