

Rule 26 NCAC 05 .0103 is proposed for amendment as published in 30:16 NCR 1822 with changes as follows:

26 NCAC 05 .0103 SUBMISSION OF WRITTEN COMMENTS CONCERNING PERMANENT RULES TO THE RRC

- (a) Written comments submitted by any ~~Any person desiring to submit written comments~~ concerning a permanent rule ~~shall submit the comments to the individual commissioners and two copies (unless submitted by email in which case one copy is sufficient) to~~ shall be received by the RRC staff by 5:00 p.m. noon of the Tuesday of the week [second] fourth business day prior to the next RRC meeting. ~~meeting at which the permanent rule is to be reviewed. Written comments may be submitted electronically to the individual commissioners who accept delivery in an electronic format. If comments are submitted electronically, the comments shall be sent to rrc.comments@oah.nc.gov.~~
- (b) ~~Written submissions~~ comments shall ~~specify state~~ how a rule either complies with or fails to comply with the statutory grounds for the RRC's review set out in G.S. 150B-21.9.
- (c) Persons submitting comments shall also submit a copy of the comments at the same time and in the same manner to the ~~agency~~ agency's rulemaking coordinator. Rulemaking coordinator contact information is located at www.ncoah.com/rules.
- (d) A person or agency may submit rebuttal comments ~~to comments~~ concerning permanent rules. ~~The comments~~ Comments from a person shall be submitted in the same manner as set out in Paragraph (a) of this Rule prior up to 5:00 p.m. of the business day before the RRC meeting at which the rule is to be reviewed. ~~A person or An~~ An agency may submit rebuttal comments before or at the RRC meeting.
- (e) Any person submitting written comments ~~at an RRC meeting~~ or submitting rebuttal comments at an RRC meeting shall submit ~~at the meeting~~ sufficient copies for all each of the members attending, Commissioners, commission counsel, agency rulemaking coordinator, and the permanent record, ~~a maximum of 14~~ a total of 16 copies.
- (f) The Chair may waive the requirements of this Rule based on the factors in Rule .0112 of this Chapter.
- (g) Written comments not submitted in accordance with this Rule are subject to being excluded from the record by the Commission.
- ~~(h) The RRC staff shall maintain a list of commissioners and rulemaking coordinators with their contact information.~~

*History Note: Authority G.S. 143B-30.1;
Eff. August 1, 2008.*

Rule 26 NCAC 05 .0104 is proposed for amendment as published in 30:16 NCR 1822 as follows:

26 NCAC 05 .0104 SUBMISSION OF WRITTEN COMMENTS CONCERNING TEMPORARY RULES TO THE RRC

(a) ~~Written comments submitted by any~~ Any person ~~desiring to submit written comments~~ concerning a temporary rule ~~shall submit the comments to the individual commissioners and two copies (unless submitted by email in which case one copy is sufficient) to~~ shall be received by the RRC staff by 5:00 p.m. the business day prior to ~~or at~~ the RRC meeting ~~or RRC designee meeting~~ at which the temporary rule shall is to be reviewed. If comments are submitted electronically, the comments shall be sent to rrc.comments@oah.nc.gov.

(b) Written ~~submissions~~ comments shall ~~specify state~~ how a rule either complies with or fails to comply with the statutory grounds for the RRC's review set out in G.S. 150B-21.1 and G.S. 150B-21.9.

(c) Persons submitting comments shall also submit a copy of the comments at the same time and in the same manner to the ~~agency~~ agency's rulemaking coordinator. Rulemaking coordinator contact information is located at www.ncoah.com/rules.

(d) A person or agency may submit rebuttal comments ~~to comments~~ concerning temporary rules.

~~(e) Any comments and rebuttal comments~~ An agency may submit rebuttal comments at the RRC meeting.

~~(f)(e)~~ Any person submitting written comments or rebuttal comments at an RRC meeting shall submit ~~at the meeting~~ sufficient copies for ~~all~~ each of the ~~members attending~~, Commissioners, commission counsel, agency rulemaking coordinator, and the permanent record, a ~~maximum of 14~~ total of 16 copies.

~~(g)(f)~~ The Chair may waive the requirements of this Rule based on the factors in Rule .0112 of this Chapter.

~~(h)(g)~~ Written comments not submitted in accordance with this Rule are subject to being excluded from the record by the Commission.

~~(i) The RRC staff shall maintain a list of commissioners and rulemaking coordinators with their contact information.~~

*History Note: Authority G.S. 143B-30.1;
Eff. August 1, 2008.*

1 Rule 26 NCAC 05 .0301 is proposed for adoption as published in 30:16 NCR 1822 as follows:
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3 **SECTION .0300 - TEMPORARY RULES FOR RRC REVIEW**
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5 **26 NCAC 05 .0301 FORMATTING REQUIREMENTS**

6 An agency submitting temporary rules to be reviewed by the Commission shall comply with the requirements in 26
7 NCAC 02C .0100, .0200, and .0400, which are hereby incorporated by reference, including subsequent amendments
8 and editions.

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10 *History Note: Authority G.S. 143B-30.1; 150B-21.1;*
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Rule 26 NCAC 05 .0302 is proposed for adoption as published in 30:16 NCR 1822 with changes as follows:

26 NCAC 05 .0302 TEMPORARY RULEMAKING FINDINGS OF NEED FORM

(a) An agency shall submit a completed typed original Temporary Rulemaking Findings of Need form for each rule when filing a temporary rule for Commission review. The form may be accessed at no cost at www.ncoah.com/rules.

(b) The form sets forth the requirements of G.S. 150B-21.1 to allow the Commission to determine whether the temporary rule meets the statutory requirements.

(c) The agency head shall sign the original ~~form.~~ form pursuant to G.S. 150B-21.1(a4). If the agency head has delegated this authority to another person pursuant to ~~G.S. 143B-10(a); statute,~~ then the agency shall submit a copy of the ~~delegation.~~ delegation and cite the statutory authority that authorizes the delegation.

(d) ~~Pursuant to G.S. 143B-10(a), only the following agency heads may delegate signing of the form:~~

(1) ~~the Secretary of the Department of Natural and Cultural Resources;~~

(2) ~~the Secretary of the Department of Health and Human Services;~~

(3) ~~the Secretary of the Department of Revenue;~~

(4) ~~the Secretary of the Department of Public Safety;~~

(5) ~~the Secretary of the Department of Environmental Quality;~~

(6) ~~the Secretary of the Department of Transportation;~~

(7) ~~the Secretary of the Department of Administration; and~~

(8) ~~the Secretary of the Department of Commerce.~~

(e) ~~For all other agencies, the head of an agency shall not delegate signature authority for signing the form pursuant to G.S. 150B-21.1(a)(4).~~

History Note: Authority G.S. 143B-2; 143B-10(a); 143B-30.1; 150B-21.1(a4);

Rule 26 NCAC 05 .0303 is proposed for adoption as published in 30:16 NCR 1822 with changes as follows:

26 NCAC 05 .0303 FILING A TEMPORARY RULE

For each temporary rule, the agency shall file the following:

- (1) an original and two copies of the Temporary Rulemaking Findings of Need form. The original form shall be signed by the agency head or designee, as set forth in Rule .0302 of this Section;
- (2) if designation authority is invoked, ~~invoked under G.S. 143B-10~~, a letter delegating the authority for the signature on the form, as set forth in Rule .0302 of this Section;
- (3) a copy of the relevant portion of the authority cited that authorizes the promulgation of the temporary rule;
- (4) an original and two copies of the temporary rule prepared in accordance with 26 NCAC 02C .0108, containing:
 - (a) an introductory statement that states the rule was adopted under temporary rulemaking procedures;
 - (b) the text of the rule, showing any changes made after publication as set forth in 26 NCAC 02C .0405; and
 - (c) the history note, as set forth in 26 NCAC 02C .0406; and
- (5) an electronic version of the Rule, as set forth in 26 NCAC 02C .0105.

History Note: Authority G.S. 143B-30.1; 150B-21.1; 150B-21.19;