

1 26 NCAC 05 .0101 is amended with changes as published in 37:14 NCR 1013-22 as follows:

2
3 **TITLE 26 – OFFICE OF ADMINISTRATIVE HEARINGS**

4
5 **CHAPTER 05 – RULES REVIEW COMMISSION**

6
7 **SECTION .0100 - GENERAL**

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9 **26 NCAC 05 .0101 DEFINITIONS**

10 As used in this Chapter the following terms have the following meanings unless the context indicates otherwise:

11 (1) “Agency” means as defined in G.S. 150B-2(1b).

12 ~~(1)~~(2) "Commission" or "RRC" means the Rules Review Commission as established in G.S. 143B-30.1.

13 ~~(2)~~(3) "Objection letter" means any letter or other written correspondence from the public pursuant to G.S.
14 150B-21.3(b2) objecting to a rule and requesting review of the rule by the General Assembly filed
15 with the Rules Review Commission while the rule is under review by the Rules Review
16 Commission.

17 ~~(3)~~(4) "Review" means the statutory "Part 3. Review by Commission" at G.S. 150B-21.8 and following
18 including the RRC action as set out in G.S. 150B-21.10.

19 ~~(4)~~(5) "Rewritten rules" mean rules that have been revised in an attempt to satisfy an objection by the
20 Commission.

21 ~~(5)~~(6) "Technical Changes" mean the changes made by an agency to reply to a request from the
22 Commission or its staff as set out in G.S. 150B-21.10. Technical changes shall not result in a
23 substantive change in the meaning, interpretation, or application of a rule and include the following
24 categories of changes:

25 (a) Correcting errors of a general nature including:

26 (i) obvious typographical errors, misspellings, punctuation, and grammatical errors;

27 ~~(ii)~~ preferred English or legal usage;

28 ~~(iii)~~(ii) errors in complying with OAH ~~or, perhaps, or~~ statutory requirements that are not
29 substantive errors; and

30 ~~(iv)~~(iii) proof of compliance with the legally required process.

31 (b) Correcting errors that would appear to be substantive changes except that they do not
32 change the intended or accepted meaning, interpretation or application of the rule
33 including:

34 (i) changing "should" or "will" to "shall" or "must;"

35 (ii) clarifying the use of "approved;"

36 (iii) clarifying or correcting the use of "and," "or" or "and/or;"

- 1 (iv) clarifying or deleting commonly used adjectives or adverbs such as "thoroughly,"
- 2 "clearly," "adequately," "appropriate," and "substantial;" and
- 3 (v) inserting substantive contents of a rule's catchline (or title)-name into the rule
- 4 itself.
- 5 (c) Requesting agencies to rewrite a rule, paragraph, or portions of a rule to more clearly
- 6 express the intent of the agency when the meaning and application of the rule is known and
- 7 understood.
- 8 (d) Acting on agencies' requests on behalf of citizens or agency staff to clarify the intent,
- 9 requirements, or prohibition of a rule that would not result in a change in the rule's
- 10 enforcement.
- 11 (e) Deleting or rewriting portions of rules that are not necessary rather than raising objections.
- 12

13 *History Note: Authority G.S. 143B-30.1;*
14 *Eff. August 1, 2008.*
15 *Amended Eff. June 1, 2023.*
16

1 26 NCAC 05 .0102 is repealed as published in 37:14 NCR 1013-22 as follows:

2

3 **26 NCAC 05 .0102 COMMUNICATIONS WITH COMMISSIONERS**

4

5 *History Note: Authority G.S. 143B-30.1;*

6 *Eff. August 1, ~~2008~~-2008;*

7 *Repealed Eff. June 1, 2023.*

8

1 26 NCAC 05 .0101 is amended as published in 37:14 NCR 1013-22 as follows:

2

3 **26 NCAC 05 .0103 SUBMISSION OF WRITTEN COMMENTS CONCERNING PERMANENT**
4 **RULES TO THE RRC**

5 (a) Written comments submitted by any person concerning a permanent rule shall be received by the RRC staff by
6 5:00 p.m. Eastern Time of the fifth business day prior to the RRC meeting at which the permanent rule is to be
7 reviewed. If comments are submitted electronically, the comments shall be sent to rrc.comments@oah.nc.gov.

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

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

13 (d) A person or agency may submit rebuttal comments concerning permanent rules. Comments from a person shall
14 be submitted in the same manner as set out in Paragraph (a) of this Rule prior to 5:00 p.m. Eastern Time of the business
15 day before the RRC meeting at which the rule is to be reviewed. An agency may submit rebuttal comments before or
16 at the RRC meeting.

17 (e) Any person submitting written comments or submitting rebuttal comments at an RRC meeting shall submit
18 sufficient copies for each of the Commissioners, commission counsel, agency rulemaking coordinator, and the
19 permanent record, a total of 16 copies.

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

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

23

24 *History Note: Authority G.S. 143B-30.1;*

25 *Eff. August 1, 2008;*

26 *Amended Eff. June 1, 2023; May 1, 2016.*

27

1 26 NCAC 05 .0104 is amended as published in 37:14 NCR 1013-22 as follows:

2

3 **26 NCAC 05 .0104 SUBMISSION OF WRITTEN COMMENTS CONCERNING TEMPORARY**
4 **RULES TO THE RRC**

5 (a) Written comments submitted by any person concerning a temporary rule shall be received by the RRC staff by
6 5:00 p.m. Eastern Time on the business day prior to the RRC meeting at which the temporary rule is to be reviewed.
7 If comments are submitted electronically, the comments shall be sent to rrc.comments@oah.nc.gov.

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

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

13 (d) A person or agency may submit rebuttal comments concerning temporary rules. An agency may submit rebuttal
14 comments at the RRC meeting.

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

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

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

21

22 *History Note: Authority G.S. 143B-30.1;*

23 *Eff. August 1, 2008;*

24 *Amended Eff. June 1, 2023; May 1, 2016.*

25

1 26 NCAC 05 .0105 is amended with changes as published in 37:14 NCR 1013-22 as follows:

2

3 **26 NCAC 05 .0105 REQUIRED NOTICE PRIOR TO ORAL RRC PRESENTATION**

4 (a) The Chair may allow an agency or any person to make oral statements in support of or in opposition to a **rule rule,**
5 or **to a** report as set forth in Rule .0206 of this Chapter.

6 (b) Any person or agency desiring to make an oral statement concerning a permanent rule shall notify the RRC staff
7 in writing by 5:00 p.m. Eastern Time of the second business day before the RRC meeting. The notice shall identify
8 the rule upon which the oral statement will be made and shall also include the name, address, telephone number, fax
9 number and email address of the individual who will be making the oral statement. If the person did not submit a
10 written comment, the person shall state whether the oral statement will support or oppose the rule or report.

11 (c) Any person or agency desiring to make an oral statement concerning a temporary rule shall notify the RRC staff
12 prior to the start of the RRC meeting or RRC designee meeting at which a temporary rule will be reviewed. The notice
13 shall identify the rule upon which the oral statement will be made and shall also include the name, address, telephone
14 number, fax number and email address of the individual who will be making the oral statement. If the person did not
15 submit a written comment, the person shall state whether the oral statement will support or oppose the rule.

16 (d) At the same time the person notifies the RRC staff, the person shall also notify the rule making coordinator for
17 the agency proposing the rule if the person wishes to speak in opposition to the rule or report. If a person fails to
18 notify the agency in accordance with this rule, the Chair may deny a request to make an oral statement to the RRC.

19 (e) If the Commission asks an individual to address a rule or report, the prior notice required by this Rule does not
20 apply.

21

22 *History Note: Authority G.S. 143B-30.1;*

23 *Eff. August 1, 2008;*

24 *Amended Eff. June 1, 2023; April 1, 2014.*

25

1 26 NCAC 05 .0106 is amended as published in 37:14 NCR 1013-22 as follows:

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3 **26 NCAC 05 .0106 LIMITATIONS ON ORAL PRESENTATIONS**

4 (a) The RRC Chair in open session may set time limits on oral presentations before the Commission.

5 (b) Unless the Chair sets other time limits for oral presentations, the time allowed for presentations shall not exceed
6 ~~ten-five~~ minutes for each requesting person or agency. The Chair may require that oral presentations be limited to
7 representative spokespersons for those advocating or those opposing rule approval by the RRC.

8 (c) Factors that the Chair may use in determining time limits are: ~~include the length of the agenda and time remaining~~
9 ~~in the meeting; the number of contested rules; the complexity of the issues; the public interest in a particular rule or~~
10 ~~report; the number of people desiring to address the RRC concerning the rule or report; the variations in their~~
11 ~~arguments (i.e., whether they are adding additional information to the debate or merely being repetitive of earlier~~
12 ~~speakers or earlier points raised by the same speaker) and the level of agreement within their positions or relationships;~~
13 ~~the nature of the comments in relation to the RRC scope of review; and the amount of notice given to the agency.~~

14 (1) the length of the agenda and of the meeting;

15 (2) the number of rules subject to comment;

16 (3) the complexity of the issues;

17 (4) the public interest in a particular rule or report;

18 (5) the number of people desiring to address the RRC concerning the rule or report;

19 (6) the variations in the speakers' arguments and the level of agreement within their positions or
20 relationships;

21 (7) the nature of the comments in relation to the RRC scope of review; and

22 (8) the amount of notice given to the agency.

23 (d) The agency adopting the rule shall be allowed an opportunity to address the Commission when a person addresses
24 the Commission in opposition to a rule, unless the agency fails to appear after notice of written comments opposing
25 approval of the rule. When a comment in opposition to a rule first occurs by an oral comment at the Commission
26 meeting, the agency shall be allowed an opportunity to address the Commission at the next meeting of the Commission
27 or Commission's designee where the rule is under review.

28
29 *History Note: Authority G.S. 143B-30.1;*
30 *Eff. August 1, 2008;*
31 *Amended Eff. June 1, 2023; April 1, 2014.*
32

1 26 NCAC 05 .0107 is amended with changes as published in 37:14 NCR 1013-22 as follows:

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3 **26 NCAC 05 .0107 WITHDRAWAL OR AMENDMENT OF RULES AFTER FILING WITH RRC**

4 (a) An agency ~~may~~ shall not withdraw a rule after filing with the RRC and before review by the RRC when:

- 5 (1) the rule is ~~an adoption; a readoption; or~~
- 6 (2) the staff recommendation to object to the rule applies to existing language. ~~the amendment to the~~
7 ~~rule and not to the existing language;~~
- 8 (3) ~~there is no staff recommendation to object to the rule; or~~
- 9 (4) ~~the rule was not adopted in accordance with the Administrative Procedure Act.~~

10 (b) An agency shall make no changes to any rule after filing with the RRC and before review by the RRC ~~[except]~~
11 except:

- 12 (1) in response to a request for technical changes from the RRC or from the RRC staff; or
- 13 (2) after notifying RRC staff of the changes in writing, identifying each change, and providing an
14 explanation for each change.

15 (c) ~~[Upon receipt]~~ Following the posting of a staff recommendation to object to a ~~[rule,]~~ rule on the OAH website, the
16 agency shall submit no further changes to the rule before review by the ~~[RRC.]~~ RRC, except:

- 17 (1) where staff has not recommended objection pursuant to G.S. 150B-21.9(a)(1) or
18 G.S. 150B-21.9(a)(4);
- 19 (2) the agency's rulemaking coordinator makes a written representation to RRC staff that any changes
20 made are intended to remedy identified ambiguities or eliminate language that repeats the content
21 of a law, another rule, or a federal regulation; and
- 22 (3) the agency submits the changes no later than 5:00 p.m. Eastern Time on the Monday immediately
23 preceding the RRC meeting at which the rules subject to the staff recommendation are to be
24 reviewed.

25
26 *History Note: Authority G.S. 143B-30.1;*
27 *Eff. August 1, 2008.*
28 *Amended Eff. June 1, 2023.*

1 26 NCAC 05 .0108 is amended with changes as published in 37:14 NCR 1013-22 as follows:

2

3 **26 NCAC 05 .0108 SUBMISSION OF REWRITTEN RULES OR RULES WITH TECHNICAL**
4 **CHANGES**

5 (a) The RRC shall not review rules rewritten rules in response to an objection until the next regular meeting following
6 [an] the objection. the meeting at which a rule was originally reviewed by the RRC.

7 ~~(b) Agencies may submit technical changes prior to the meeting at which a rule is initially reviewed for consideration~~
8 ~~and approval by the Commission at that meeting.~~

9 ~~(b)(e)~~ All rules containing technical changes made in response to a request by the RRC staff shall be submitted to the
10 RRC staff by the earlier of:

11 (1) 5:00 p.m. Eastern Time 10 business days after the Requests for Technical Change are submitted to
12 the agency rulemaking coordinator; or

13 (2) 5:00 p.m. Eastern Time of the Friday before the RRC meeting. If that Friday is a holiday, then the
14 rules shall be submitted on the last business day before the holiday.

15 ~~(c)(d)~~ All rewritten rules shall be submitted to the RRC staff by 5:00 p.m. Eastern Time of the Friday before the RRC
16 meeting. If that Friday is a holiday, then the rewritten rules shall be submitted on the last business day before the
17 holiday.

18 ~~(d)(e)~~ These deadlines may be waived by the RRC staff when an agency ~~which that~~ is a board or commission does
19 not meet until the day of the deadline or later or when the original submission is deficient and requires further changes.

20

21 *History Note: Authority G.S. 143B-30.1; 150B-21.10;*
22 *Eff. August 1, 2008;*
23 *Amended Eff. June 1, 2023; February 1, 2012.*

24

1 26 NCAC 05 .0109 is repealed as published in 37:14 NCR 1013-22 as follows:

2

3 **26 NCAC 05 .0109 COMMUNICATIONS WITH RRC STAFF**

4

5 *History Note: Authority G.S. 143B-30.1;*

6 *Eff. August 1, ~~2008-2008~~;*

7 *Repealed Eff. June 1, 2023.*

1 26 NCAC 05 .0110 is amended with changes as published in 37:14 NCR 1013-22 as follows:

2

3 **26 NCAC 05 .0110 FILING OBJECTION LETTERS**

4 (a) The RRC shall not consider any objection letter which is dated prior to the time the agency adopts the rule.

5 (b) All objection letters shall be [sent] delivered via U.S. Mail, private courier service, or hand delivery to 1711 New
6 Hope Church Road, Raleigh, North Carolina, 27609, or via email to oah.rules@oah.nc.gov.

7

8 *History Note: Authority G.S. 143B-30.1;*

9 *Eff. August 1, ~~2008~~-2008;*

10 *Amended Eff. June 1, 2023.*

11

1 26 NCAC 05 .0114 is amended with changes as published in 37:14 NCR 1013-22 as follows:

2

3 **26 NCAC 05 .0114 RRC RULE APPROVAL CONTINGENT ON TECHNICAL CHANGE**

4 (a) When the Commission approves a rule, ~~the approval is~~ contingent on an agency's making ~~all~~-requested technical
5 ~~changes.~~ changes.

6 ~~(b) The~~ the agency ~~must~~ shall make ~~such~~ change all changes requested by the Commission prior to ~~the close of~~
7 ~~business~~ 5:00 p.m. Eastern Time on the next business day after the rule is approved, or such other date or time as may
8 be set by the Commission. ~~Commission, in order for the rule to take effect on the first day of the following month.~~

9 ~~(c)~~ (b) If the ~~change~~ [is] changes are made as set out in Paragraph ~~[(b)]~~ (a) of this Rule, the rule shall become effective
10 pursuant to G.S. 150B-21.3. If the ~~[change]~~ has changes have not been made as set out in Paragraph ~~[(b)]~~ (a) of this
11 Rule, ~~then~~ the rule shall not become effective and shall be calendared on the Commission's agenda for the following
12 month.

13

14 *History Note: Authority G.S. 143B-30.1; 150B-21.10;*

15 *Eff. February 1, 2012. 2012;*

16 *Amended Eff. June 1, 2023.*

1 26 NCAC 05 .0115 is adopted with changes as published in 37:14 NCR 1013-22 as follows:

2

3 **26 NCAC 05 .0115 EXTENSIONS OF TIME ~~THE PERIOD FOR REVIEW~~**

4 (a) An agency may submit a request for an extension pursuant to G.S. 150B-21.10(3) at or before the RRC meeting
5 at which the agency's rules are reviewed.

6 (b) Any rule subject to an extension shall be reviewed at the second regularly scheduled meeting following the
7 extension unless:

8 (1) the agency provides written notice to RRC staff of ~~its~~ the agency's intent that the rule be reviewed
9 at the first regularly scheduled meeting following the extension; and

10 (2) the agency submits to RRC staff written responses to all Requests for Technical Changes no later
11 than 10 business days prior to the first regularly scheduled RRC meeting following the extension.

12 (c) Submission of written notice pursuant to Subparagraph (b)(1) of this Rule shall not prevent an agency from
13 subsequently informing RRC staff in writing of the agency's intention to have its rules reviewed at the second
14 regularly scheduled meeting following the extension.

15 (d) An agency shall submit responses to all of RRC staff's Requests for Technical Changes no later than 10 business
16 days prior to the second regularly scheduled meeting following the extension.

17

18 *History Note: Authority G.S. 143B-30.1;*

19 *Eff. June 1, 2023.*

1 26 NCAC 05 .0201 is repealed as published in 37:14 NCR 1013-22 as follows:

2

3

SECTION .0200 – PERIODIC REVIEW OF EXISTING RULES

4

26 NCAC 05 .0201 SCOPE

6

7 *History Note: Authority G.S. 150B-21.3A;*

8 *Eff. April 1, ~~2014~~2014;*

9 *Repealed Eff. June 1, 2023.*

10

1 26 NCAC 05 .0202 is amended as published in 37:14 NCR 1013-22 as follows:

2

3 **26 NCAC 05 .0202 DEFINITIONS**

4 In addition to the definitions in G.S. 150B-21.3A and in Rule .0101 of this Chapter, for the purposes of this Section
5 the following definitions apply:

6 (1) "Determination" means a classification of a rule as necessary or unnecessary.

7 ~~(a) unnecessary;~~

8 ~~(b) necessary with substantive public interest; or~~

9 ~~(c) necessary without substantive public interest.~~

10 (2) "Existing rules" means rules currently in the Code as of January 1, 2024 and every 10 years
11 thereafter, at the time the schedule contained in Rule .0211 of this Section becomes effective and
12 are not repealed, transferred, expired, or reserved.

13 (3) "Report" means the report established pursuant to Rule .0206 of this Section, used to implement
14 steps one through three in G.S. 150B-21.3A(c).

15

16 *History Note: Authority G.S. 150B-21.3A;*

17 *Eff. April 1, 2014-2014;*

18 *Amended Eff. June 1, 2023.*

19

1 26 NCAC 05 .0203 is amended as published in 37:14 NCR 1013-22 as follows:

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3 **26 NCAC 05 .0203 DEADLINES**

4 (a) The Commission shall submit by email to the rulemaking coordinator of an agency subject to the review a report
5 containing its existing rules. Agencies shall have 10 business days after the report is sent to review it for accuracy
6 and completeness. An agency shall notify the Commission staff by email at oah.rules@oah.nc.gov of any errors or
7 missing rules within the 10 business days following the date the RRC sent the report.

8 (b) An agency shall complete the report as set out in Rule .0206(b) of this Section. The agency shall then submit its
9 initial report to the Office of Administrative Hearings at the above email address and OAH shall post the report on its
10 website within five business days of receipt.

11 (c) All reports shall be filed on or before the ~~15th~~ 20th day of the month for Commission review of the report at its
12 meeting the following month, using the schedule set forth in Rule .0211 of this Section. Commission counsel shall
13 notify an agency if he or she intends to recommend reviewing this report at a later meeting. The Commission may
14 delay reviewing a report until a later meeting if the workload of the Commission and its staff makes the review
15 impracticable. If the Commission delays reviewing a report, it shall notify the agency. In rescheduling any review,
16 the Commission shall consider the date on which the report was filed with the Commission.

17 (d) All deadlines that require filing or notification as set forth in this Rule shall be by 5:00 p.m. Eastern Time on the
18 business day of the deadline or the next business day following the deadline if the deadline falls on a non-business
19 day.

20

21 *History Note: Authority G.S. 150B-21.3A;*

22 *Eff. April 1, 2014. 2014;*

23 *Amended Eff. June 1, 2023.*

24

1 26 NCAC 05 .0204 is amended with changes as published in 37:14 NCR 1013-22 as follows:

2
3 **26 NCAC 05 .0204 EXTENSION OF TIME**

4 (a) If the agency cannot meet the filing deadline set forth in Rules .0203(c) and .0211 of this Section, the agency head
5 may submit a written request for an extension of time from the Commission. The Commission shall consider the
6 request at its next regularly scheduled meeting. The Commission's decision shall be made on a case by case basis,
7 considering the justification offered by the agency requesting the extension, which may include:

- 8 (1) the efforts of the agency to comply with the review;
9 (2) any illness or incapacity of the staff member assigned responsibility for submitting the report;
10 (3) changes of composition to the agency or its staff that resulted in a delay of the review;
11 (4) whether the agency received a volume of comments that requires additional time to respond; and
12 (5) arguments for or against the delay by members of the public.

13 (b) A request solely citing time constraints to complete the report is insufficient for an extension of time.

14 (c) If an agency head submits a request for an extension, the agency shall post notice on its website and notify its
15 interested persons mailing list maintained pursuant to G.S. 150B-21.2(d) that the RRC will review the request at its
16 next regularly scheduled meeting. The notice shall also inform the public that individuals may contact the Commission
17 to object to the delay.

18 (d) Any person desiring to submit written arguments against the delay proposed by an agency shall submit the
19 comments by email to the individual ~~commissioners and commissioners, to the RRC staff staff, and the agency~~
20 rulemaking coordinator by 5:00 p.m. Eastern Time on the Tuesday prior to the meeting.

21
22 *History Note: Authority G.S. 150B-21.3A;*

23 *Eff. April 1, 2014;*

24 *Amended Eff. June 1, 2023.*

1 26 NCAC 05 .0205 is amended as published in 37:14 NCR 1013-22 as follows:

2
3 **26 NCAC 05 .0205 AGENCY REQUEST TO RESCHEDULE REPORTS FOR EARLIER REVIEW**
4 **AND ADD UNNECESSARY RULES TO THE SCHEDULE**

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

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

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

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

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

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

24 (e) For any requests made pursuant to this Rule, the Commission shall consider a request filed on or before the ~~15th~~
25 20th day of the month at its meeting the next month and shall then place the rule or rules on the schedule. Following
26 the Commission's decision, the Commission shall notify the agency of the date the agency is required to submit the
27 report.

28
29 *History Note: Authority G.S. 150B-21.3A;*
30 *Eff. April 1, 2014;*
31 *Amended Eff. June 1, 2023; December 1, 2016.*
32

26 NCAC 05 .0211 is amended as published in 37:14 NCR 1013-22 as follows

26 NCAC 05 .0211 SCHEDULE

(a) The Commission shall review the report prepared for the identified portion of the Administrative Code pursuant to the schedule found on the OAH website at: <https://www.oah.nc.gov/proposed-periodic-review-schedule>. ~~on the month and year as set forth below:~~

(b) All requests to amend the schedule referenced here shall be made pursuant to Rules .0204 or .0205 of this Section.

(c) All requests to amend the schedule shall be posted on the OAH website within two business days of receipt by the Commission.

(d) The Commission shall post notice of any amendment granted on the OAH website within two business days of the meeting where the amendment is granted.

July 2014	August 2014	September 2014	October 2014	November 2014
03 NCAC 01 21 NCAC 23 21 NCAC 37	04 NCAC 24 21 NCAC 08 21 NCAC 52 25 NCAC 01A 25 NCAC 01B 25 NCAC 01C 25 NCAC 02	04 NCAC 17 15A NCAC 01A 15A NCAC 01S 18 NCAC 03 18 NCAC 05 21 NCAC 01 21 NCAC 30	15A NCAC 02B 15A NCAC 02H 15A NCAC 02T 15A NCAC 02U	04 NCAC 14 11 NCAC 14 11 NCAC 18 11 NCAC 20 11 NCAC 21 11 NCAC 22 13 NCAC 08 13 NCAC 10 15A NCAC 12A 15A NCAC 12B 15A NCAC 12C 15A NCAC 12D 15A NCAC 12F 15A NCAC 12G 15A NCAC 12I 15A NCAC 12J 15A NCAC 12K 15A NCAC 01G 15A NCAC 01H 21 NCAC 20 21 NCAC 21 21 NCAC 28 21 NCAC 69 24 NCAC 03
December 2014	January 2015	February 2015	March 2015	April 2015
10A NCAC 45 21 NCAC 02 21 NCAC 14 21 NCAC 62	02 NCAC 09B 02 NCAC 09C 02 NCAC 09D 02 NCAC 09E 02 NCAC 09F 02 NCAC 09G 02 NCAC 09H 02 NCAC 09J 02 NCAC 09K 02 NCAC 09M 02 NCAC 09N 02 NCAC 09O 02 NCAC 38 02 NCAC 43F 02 NCAC 51 02 NCAC 52A 02 NCAC 52K 02 NCAC 54	09 NCAC 03 09 NCAC 06 10A NCAC 97 15A NCAC 02S 21 NCAC 06 24 NCAC 02	04 NCAC 08 10A NCAC 05 10A NCAC 09 21 NCAC 42	10A NCAC 13L 10A NCAC 13M 10A NCAC 13O 10A NCAC 26A 10A NCAC 26B 10A NCAC 26D 15A NCAC 02R

	10A NCAC 13A 10A NCAC 13D 10A NCAC 14I 15A NCAC 01F			
May 2015	June 2015	July 2015	August 2015	September 2015
07 NCAC 04 15A NCAC 08 15A NCAC 18D 17 NCAC 03 17 NCAC 06	04 NCAC 02R 10A NCAC 21 10A NCAC 22 15A NCAC 07B 21 NCAC 50 21 NCAC 61	02 NCAC 20B 02 NCAC 37 02 NCAC 42 02 NCAC 59A 02 NCAC 59B 02 NCAC 59C 02 NCAC 59E 02 NCAC 59F 02 NCAC 59G 02 NCAC 60A 02 NCAC 60B 15A NCAC 01H 15A NCAC 09 21 NCAC 11 21 NCAC 60 21 NCAC 63	02 NCAC 57 10A NCAC 13H 19A NCAC 01 19A NCAC 04 19A NCAC 05 19A NCAC 06	04 NCAC 15 10A NCAC 63 15A NCAC 18C
October 2015	November 2015	December 2015	January 2016	February 2016
06 NCAC 01 06 NCAC 02 06 NCAC 03 06 NCAC 04 10A NCAC 40 10A NCAC 47 11 NCAC 11 11 NCAC 19 18 NCAC 01 18 NCAC 04 18 NCAC 13 25 NCAC 01D	10A NCAC 14J 10A NCAC 46 10A NCAC 48 13 NCAC 15 13 NCAC 20 15A NCAC 12H	15A NCAC 02D 15A NCAC 02Q	01 NCAC 01 01 NCAC 03 01 NCAC 04 01 NCAC 25 01 NCAC 26 10A NCAC 13P 10A NCAC 26E 10A NCAC 26F 15A NCAC 04 21 NCAC 18 21 NCAC 29	10A NCAC 10 10A NCAC 89 13 NCAC 07 13 NCAC 12 21 NCAC 32 21 NCAC 45
March 2016	April 2016	May 2016	June 2016	July 2016
10A NCAC 70I 10A NCAC 70K 15A NCAC 01L 15A NCAC 01N 20 NCAC 01 20 NCAC 07	10A NCAC 13J 10A NCAC 27A 10A NCAC 27B 10A NCAC 27D 11 NCAC 06 11 NCAC 13 16 NCAC 01 16 NCAC 02 16 NCAC 03 25 NCAC 01F	01 NCAC 05 10A NCAC 23 10A NCAC 25 21 NCAC 12 21 NCAC 38 26 NCAC 01 26 NCAC 02 26 NCAC 03 26 NCAC 04	14B NCAC 15B 17 NCAC 01 17 NCAC 10 17 NCAC 11 17 NCAC 12 25 NCAC 01H 25 NCAC 01I 25 NCAC 01J	04 NCAC 01 19A NCAC 02
August 2016	September 2016	October 2016	November 2016	December 2016
04 NCAC 06 10A NCAC 06 10A NCAC 67 10A NCAC 68 10A NCAC 69 10A NCAC 72 21 NCAC 22	12 NCAC 01 12 NCAC 02 12 NCAC 03 14B NCAC 18 12 NCAC 06 21 NCAC 17 21 NCAC 64 25 NCAC 01E 25 NCAC 01K	10A NCAC 39 10A NCAC 43C 10A NCAC 43E 10A NCAC 43G 10A NCAC 43H 10A NCAC 43I 10A NCAC 43J 18 NCAC 06 18 NCAC 07	10A NCAC 14F 15A NCAC 10F 15A NCAC 10H 20 NCAC 08	01 NCAC 09 01 NCAC 15 01 NCAC 17 01 NCAC 19 01 NCAC 35 08 NCAC 01 08 NCAC 02 08 NCAC 03 08 NCAC 04

	25 NCAC 01L 25 NCAC 01M 25 NCAC 01N	18 NCAC 10		08 NCAC 05 08 NCAC 06 08 NCAC 07 08 NCAC 08 08 NCAC 09 08 NCAC 10 08 NCAC 12 11 NCAC 10 11 NCAC 16 14B NCAC 01 14B NCAC 02 14B NCAC 03 14B NCAC 04 14B NCAC 05 14B NCAC 06 14B NCAC 07 15A NCAC 02A 15A NCAC 02C 15A NCAC 02E
January 2017	February 2017	March 2017	April 2017	May 2017
02 NCAC 48C 02 NCAC 48D 02 NCAC 48F 02 NCAC 52B 02 NCAC 52C 02 NCAC 52D 02 NCAC 52E 02 NCAC 52F 02 NCAC 52G 02 NCAC 52H 02 NCAC 52I 02 NCAC 59D 02 NCAC 59H 10A NCAC 27E 10A NCAC 27F 10A NCAC 27H	10A NCAC 01 15A NCAC 01D 15A NCAC 01E	10A NCAC 17 10A NCAC 71 21 NCAC 04 21 NCAC 31	10A NCAC 27I, Sections .0400 and .0500 10A NCAC 27I, Section .0600 10A NCAC 28A 15A NCAC 01C 15A NCAC 13A 15A NCAC 13B, Sections .0100 .0800, .1000 .1400, and .1600 .1700 15A NCAC 13C	07 NCAC 01 07 NCAC 02G 07 NCAC 02H 07 NCAC 02I 07 NCAC 02J 07 NCAC 03 07 NCAC 05 07 NCAC 06 07 NCAC 07 07 NCAC 08 07 NCAC 09 07 NCAC 10 10A NCAC 13B 15A NCAC 27 21 NCAC 25
June 2017	July 2017	August 2017	September 2017	October 2017
14B NCAC 15C 15A NCAC 07O 17 NCAC 05 21 NCAC 26 21 NCAC 34	02 NCAC 29 02 NCAC 31 02 NCAC 39 02 NCAC 43A 02 NCAC 43B 02 NCAC 43C 02 NCAC 43D 02 NCAC 43E 02 NCAC 43G 02 NCAC 43L 02 NCAC 43M 02 NCAC 53 02 NCAC 58 18 NCAC 02 18 NCAC 08 18 NCAC 11 18 NCAC 12 24 NCAC 01	04 NCAC 12 04 NCAC 22 10A NCAC 70A 10A NCAC 70B 10A NCAC 70C 10A NCAC 70D 10A NCAC 70E 10A NCAC 70F 10A NCAC 70G 10A NCAC 70H 10A NCAC 70J 10A NCAC 70L 10A NCAC 70N 10A NCAC 70O 14B NCAC 17 21 NCAC 57	04 NCAC 03 10A NCAC 43A 10A NCAC 43B 10A NCAC 43F 21 NCAC 46 21 NCAC 54	10A NCAC 13C 10A NCAC 42 10A NCAC 43D 10A NCAC 44 15A NCAC 02K

November 2017	December 2017	January 2018	February 2018	March 2018
10A NCAC 14A 10A NCAC 14G 10A NCAC 14H 11 NCAC 08, Sections .0200, .0400, and .1500 11 NCAC 08, Sections .0500 — .0800 11 NCAC 08, Sections .0900 and .1400 11 NCAC 08, Sections .1000 — .1300 14B NCAC 09 14B NCAC 10 14B NCAC 11 14B NCAC 12 14B NCAC 13 21 NCAC 16 21 NCAC 33 21 NCAC 36 21 NCAC 39 21 NCAC 66	10A NCAC 41A 10A NCAC 41B 10A NCAC 41D 10A NCAC 41E 10A NCAC 41G 10A NCAC 70M 15A NCAC 03 15A NCAC 03Q, Section .0100 15A NCAC 10B 15A NCAC 10C, Section .0100 15A NCAC 10C, Sections .0200 — .0600 15A NCAC 13B, Section .1500 20 NCAC 03 20 NCAC 09	10A NCAC 13F 10A NCAC 28B 10A NCAC 28C 15A NCAC 07A 15A NCAC 07H 15A NCAC 07I 15A NCAC 07J 15A NCAC 07K 15A NCAC 07L 15A NCAC 07M	01 NCAC 38 01 NCAC 39 01 NCAC 40 01 NCAC 41B 01 NCAC 43 01 NCAC 44 04 NCAC 19L 12 NCAC 10 15A NCAC 02L 15A NCAC 02N 15A NCAC 02O 15A NCAC 02P	07 NCAC 13A 07 NCAC 13B 07 NCAC 13C 07 NCAC 13D 07 NCAC 13F 07 NCAC 13G 07 NCAC 13I 07 NCAC 13K 21 NCAC 48 21 NCAC 58
April 2018	May 2018	June 2018	July 2018	August 2018
07 NCAC 14 07 NCAC 15 10A NCAC 26C, Section .0100, Rule .0402, and Section .0500 10A NCAC 26C, Sections .0200, .0300, Rule .0401, and Section .0600 10A NCAC 27C 10A NCAC 28D 10A NCAC 28E 11 NCAC 12 21 NCAC 19	01 NCAC 06 01 NCAC 30 13 NCAC 01 13 NCAC 04 13 NCAC 05 13 NCAC 06 13 NCAC 13 13 NCAC 16 13 NCAC 17 13 NCAC 18 13 NCAC 19 21 NCAC 68	21 NCAC 07	19A NCAC 03	14B NCAC 16 20 NCAC 02 21 NCAC 65
September 2018	October 2018	November 2018	December 2018	January 2019
02 NCAC 09L 02 NCAC 34 04 NCAC 16	10A NCAC 13K 10A NCAC 41H 17 NCAC 04 21 NCAC 40	10A NCAC 14C 11 NCAC 05 11 NCAC 07	01 NCAC 41A 01 NCAC 41C 01 NCAC 41D 01 NCAC 41E 10A NCAC 13G 10A NCAC 41C 15A NCAC 01O 15A NCAC 02G 15A NCAC 02I 15A NCAC 02J 15A NCAC 10A 15A NCAC 10D	02 NCAC 46 02 NCAC 48A 02 NCAC 48B 02 NCAC 52J 02 NCAC 61 11 NCAC 01 11 NCAC 04 11 NCAC 17 15A NCAC 18A, Sections .0100, .0300 .0900 and .3400

			15A NCAC 10E 15A NCAC 10G 15A NCAC 10I 15A NCAC 10J 15A NCAC 10K	
February 2019	March 2019	April 2019	May 2019	June 2019
04 NCAC 20 21 NCAC 03 21 NCAC 10 21 NCAC 53 21 NCAC 56	12 NCAC 09 17 NCAC 07	10A NCAC 15	10A NCAC 27G 15A NCAC 18A	10A NCAC 14E 10A NCAC 28F 10A NCAC 28G 10A NCAC 28H 10A NCAC 28I 10A NCAC 29C 10A NCAC 29D
December 2019	March 2022	December 2023		
04 NCAC 19N 04 NCAC 19O 04 NCAC 19P 04 NCAC 19Q	16 NCAC 06	15A NCAC 05A 15A NCAC 05B 15A NCAC 05C 15A NCAC 05F 15A NCAC 05G		

(b) The report shall be filed in accordance with Rule .0203 of this Chapter.

*History Note: Authority G.S. 150B-21.3A;
Eff. April 1, 2014;
Amended Eff. June 1, 2023; September 1, 2022; August 1, 2021; May 1, 2019; February 1, 2019;
May 1, 2018; March 1, 2018; February 1, 2018; January 1, 2018; December 1, 2017; November 1,
2017; September 1, 2017; July 1, 2017; June 1, 2017; May 1, 2017; April 1, 2017; March 1, 2017;
January 1, 2017; December 1, 2016; November 1, 2016; October 1, 2016; August 1, 2016; June 1,
2016; May 1, 2016; April 1, 2016; March 1, 2016; February 1, 2016; December 1, 2015.*

1 26 NCAC 05 .0212 is adopted with changes as published in 37:14 NCR 1013-22 as follows:

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3 **26 NCAC 05 .0212 READOPTIONS**

4 (a) When setting a readoption deadline pursuant to G.S. 150B-21.3A(d)(2), an agency that is not a board or
5 commission shall, within 60 days of receipt of the Commission's consultation request, submit to the Commission:

6 (1) written documentation of the agency's planned timeline for readoption, providing planned dates for
7 all steps required by G.S. 150B-21.2; and

8 (2) written documentation of any of the agency's rulemaking priorities that the agency determines to be
9 relevant to the timeline for readoption.

10 (b) A board or commission shall take the actions specified in Subparagraphs (a)(1) and (a)(2) within 60 days of receipt
11 of the Commission's consultation request, or within 10 days after the board or commission's next regularly scheduled
12 meeting after receipt of the Commission's consultation request, whichever comes later.

13 ~~(b)(c)~~ To meet the readoption deadline established pursuant to G.S. 150B-21.3A(d)(2) and ~~Paragraph~~ Paragraphs
14 (a) or (b) of this Rule, an ~~agency~~ agency, board, or commission shall:

15 (1) adopt the rule, as defined in G.S. 150B-2(1a), by the date established pursuant to G.S. 150B-
16 21.3A(d)(2) and Paragraph (a) or (b) of this Rule; and

17 (2) file the rule with the Commission within 30 days of adoption.

18

19 *History Note: Authority G.S. 143B-30.1; 150B-21.2(g); 150B-21.3A;*
20 *Eff. June 1, 2023.*