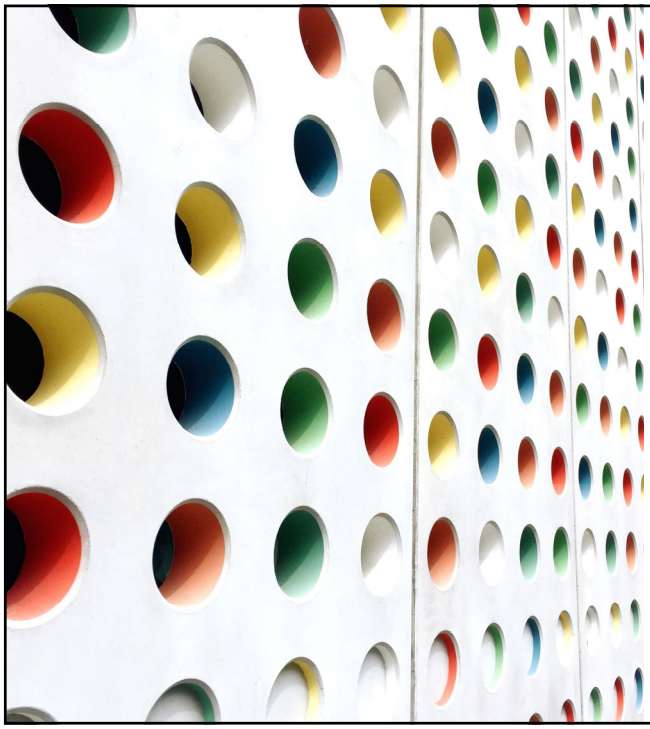

Before you get to RRC… a definitive guide

JULIE B. EDDINS

BRIAN LIEBMAN

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General Formatting Requirements

26 NCAC 02C .0108

- 10 point font
- Times New Roman
- 1.5 line spacing
- Numbered Lines
- Page numbers

2

Four Parts to a Rule

- INTRODUCTORY STATEMENT
- RULE NAME
- BODY
- HISTORY NOTE

3

Introductory Statements

Starts on page 1, line 1 of each rule.

Contains the rule citation and the action taken.

4

Introductory Statements: Proposed Rules

26 NCAC 02C .0108 is proposed for adoption/amendment/repeal as follows:

26 NCAC 02C .0101-.0108 are proposed for repeal as follows:

26 NCAC 02C .0108 is proposed for adoption/amendment/repeal under temporary procedures as follows:

26 NCAC 02C .0101-.0108 are proposed for repeal under temporary procedures as follows:

26 NCAC 02C .0108 is proposed for repeal through readoption as follows:

26 NCAC 02C .0108 is proposed for readoption with substantive changes as follows:

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Introductory Statements: After Adoption

26 NCAC 02C .0108 is adopted/amended/repealed as published in ## NCR # as follows:

26 NCAC 02C .0101-.0108 are repealed as published in ## NCR # as follows:

26 NCAC 02C .0108 is adopted/amended with changes as published in ## NCR # as follows:

26 NCAC 02C .0108 is amended/repealed without notice pursuant G.S. # as follows:

26 NCAC 02C .0101-.0108 are repealed without notice pursuant to G.S. # as follows:

26 NCAC 02C .0108 is readopted as published in ## NCR # as follows:

26 NCAC 02C .0108 is readopted with changes as published in ## NCR # as follows:

26 NCAC 02C .0108 is repealed through readoption as follows:

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Introductory Statements: After Adoption

26 NCAC 02C .0108 is adopted/amended/repealed under temporary procedures as follows:

26 NCAC 02C .0101-.0108 are repealed under temporary procedures as follows:

26 NCAC 02C .0108 is adopted/amended under temporary procedures with changes as follows:

26 NCAC 02C .0108 is adopted/amended/repealed under emergency procedures as follows:

26 NCAC 02C .0101-.0108 are repealed under emergency procedures as follows:

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Rule Name

One line shall be skipped before starting the line that provides the rule citation and rule name. The first digit of the title number shall be placed in position 1. One tab shall be between the rule number and rule name. The rule name shall be in capital letters and the rule number and name shall be bold print.

Example:

26 NCAC 02C .0108 GENERAL FORMAT INSTRUCTIONS

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Body of Rule

The body of the rule shall start on the line immediately following the rule name with the following markings:

- **Adoptions** – new text shall be underlined
- **Amendments** – any text to be deleted shall be struck through and new text underline
- **Repeals** – text of rule shall not be included

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Body: Paragraphs vs. Lists

Rule subdivided into Paragraphs

26 NCAC 02C .0405 BODY OF THE RULE

(a) An agency shall prepare for publication in the Code any permanent rule not published in the Register or that does not differ in any way from the proposed rule published in the Register according to the general format instructions in Rule .0108 of this Subchapter.

(b) If a permanent rule differs in any way from the proposed rule published in the Register, the following applies:

(1) An agency shall identify changes in an adopted rule by striking through deleted portions, and underlining added portions. The unchanged text shall not be underlined.

(2) An agency shall identify changes in an amended rule as follows:

(A) when text has been added, the text added shall be underlined and highlighted;

(B) when existing text has been deleted, the text deleted shall be struck through and highlighted;

(C) when text that was proposed to be deleted has been restored, the restored text shall be highlighted, but not underlined or struck through;

(D) when text that was proposed to be added has been deleted, the deleted proposed text shall be enclosed in brackets, struck through and highlighted; and

(E) when text is required to be highlighted, the highlighting shall be by highlight marker or shall be computer generated. The text shall show through the highlight and be clear and legible when reproduced.

(3) If the agency repeals a rule originally noticed to be amended, then the agency shall submit the rule as a permanent repeal.

History Note: *Authority G.S. 150B-21.19;*
Temporary Adoption Eff. November 1, 1995;
Eff. April 1, 1996;
Amended Eff. June 1, 2011; January 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016.

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Body: Paragraphs vs. Lists

Listing within Rules

26 NCAC 02C .0402 PUBLICATION OF A PERMANENT RULE

An agency must submit a permanent rule for publication in the Code with the following:

(1) An original submission form and copy (Rule .0403 of this Section).
(2) If applicable, a letter delegating authority for the signature on the submission form (Rule .0113 of this Subchapter).
(3) An original and copies of the permanent rule (Rule .0103 of this Subchapter) prepared in accordance with Rule .0108 of this Subchapter containing:
  (a) an introductory statement (Rule .0404 of this Section);
  (b) the body of the rule (Rule .0405 of this Section);
  (c) any changes in the rule (Rule .0405 of this Section);
  (d) the history note (Rule .0406 of this Section).
(4) An electronic version of the rule prepared in accordance with Rule .0105 of this Subchapter.

History Note: *Authority G.S. 150B-21.19;*
Temporary Adoption Eff. November 1, 1995;
Eff. April 1, 1996;
Amended Eff. June 1, 2011; November 1, 2006; April 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016.

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Body: Rule Subdivision

- Rule adopted by agency before July 1, 2004

00·NCAC·02C·.0101 → BODY·OF·THE·RULE¶
(a)··First·level·of·text¶
  (1) → Second·level·of·text¶
  (2) → Second·level·of·text¶
    (A) → Third·level·of·text¶
    (B) → Third·level·of·text¶
      (i) → Fourth·level·of·text¶
      (ii) → Fourth·level·of·text¶
        (I) → Fifth·level·of·text¶
        (II) → Fifth·level·of·text¶
        ¶

- Rule adopted by agency on or after July 1, 2004

00·NCAC·02C·.0101 → BODY·OF·RULE¶
(a)··First·level·of·text·¶
  (1) → Second·level·of·text¶
  (2) → Second·level·of·text¶
    (A) → Third·level·of·text¶
    (B) → Third·level·of·text¶

26 NCAC 02C .0206

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Body: Listing Within Rule

- Rule adopted by agency before July 1, 2004

00·NCAC·02C·.0101 → BODY·OF·THE·RULE¶
First·level·of·text¶
(1) → Second·level·of·text¶
(2) → Second·level·of·text¶
(a) → Third·level·of·text¶
(b) → Third·level·of·text¶
(i) → Fourth·level·of·text¶
(ii) → Fourth·level·of·text¶
(A) → Fifth·level·of·text¶
(B) → Fifth·level·of·text¶
(I) → Sixth·level·of·text¶
(II) → Sixth·level·of·text¶
¶

- Rule adopted by agency on or after July 1, 2004

00·NCAC·02C·.0101 → BODY·OF·RULE¶
First·level·of·text·¶
(1) → Second·level·of·text¶
(2) → Second·level·of·text¶
(a) → Third·level·of·text¶
(b) → Third·level·of·text¶
(i) → Fourth·level·of·text¶
(ii) → Fourth·level·of·text¶

26 NCAC 02C .0207

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History Note

FOR PUBLICATION IN THE NC REGISTER

History Note: Authority G.S; 17C-6; 17C-10.

FOR PUBLICATION IN THE CODE

History·Note: → *Authority·G.S.·150B-21.17;·150B-21.18;*¶
Temporary·Adoption·Eff.·November·1,·1995;¶
Eff.·April·1,·1996;¶
Amended·Eff.·April·1,·1997;¶
Temporary·Amendment·Eff.·July·1,·2003;¶
Amended·Eff.·June·1,·2011;·April·1,·2004;¶
Pursuant· to· G.S.· 150B-21.3A,· rule· is· necessary· without· substantive·public·interest·Eff.·July·23,·2016.¶
¶

26 NCAC 02C .0406

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History Note: Effective Date

For permanent rules:

- 1st of the month following RRC approval
- can ask for delayed effective date
- Cannot make effective date earlier than proposed effective date published in Register

For temporary rules:

- 6th business day following RRC approval

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Administrative Rule Style Guide

HTTPS://WWW.OAH.NC.GOV/MEDIA/11404/DOWNLOAD

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File Formats

For the Register:

- If filing through the portal:
  - Rule - Word
- If filing through oah.rules email:
  - Form 0300 – PDF
  - Rule - Word

For RRC:

- Form 0400 – PDF
- Rule - Word

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Version Control

For the Register:

- When preparing an amendment to an existing rule in the Code, please be sure to use the correct version of the Rule.
  - Word versions of each Rule are available on the Code website
- Please use the Rules template when preparing your filing for publication

For RRC:

- If you are not making post-publication changes, feel free to use the version of the rule publications staff formatted for you when you published in the Register
- Even if you are making post-publication changes, use that version of the Rule to make your changes.
- Do not create a new version of the Rule, or use an old version you have from a prior rulemaking; use the version that you published

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Filing Tips

For the Register:

- Only ONE Form 0300 is necessary when filing multiple rules
- If your public hearing is online (Zoom, Teams, WebEx, etc.), please provide the most direct link to the hearing possible.

For RRC:

- Don't forget to file your rule within 30 days of adoption!

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Non-rulemaking Amendments

150B-21.5(a)	150B-21.20
• Reletter/renumber rule or subparts • Substitute one name for another when an organization or position is renamed • Correct a citation to a rule or law when it has become inaccurate "because of the repeal or renumbering of the cited rule or law" • Change information readily available to the public (contact info, URLs, etc) • Typos	• Rearrange order in Code, or order of subsections, subdivisions, or subparts • Catch line or heading • Rearrange definitions and lists • Other changes in "arrangement or in form that do not change the substance of the rule" and promote a clear and orderly arrangement of the Code • Omit maps, diagrams, illustrations, charts, etc.

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Non-rulemaking Amendments

150B-21.5(a)	150B-21.20
• Changes originate with the agency	• Changes originate with the Codifier, after consultation with the agency
• Effective date is the first day of the next month after submission	• Effective date is not affected
• No need to publish, hold a hearing, submit to the Commission	• Again, no need to publish, hold a hearing, or submit to the Commission.
• File with oah.rules@oah.nc.gov, copy the Codifier	• Codifier will send a copy of the revised rule to the agency rulemaking coordinator
• Introductory statements • "[RULE] is amended pursuant to G.S. 150B-21.5(a)(1) as follows:"	

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Changes to the Code… allowed by the Code?

- Reusing Rule Numbers – 26 NCAC 02C .0102(13)
  - "When a rule is repealed, that rule number shall not be used again."
  - Waiver – request in writing to Codifier, provide info showing the new rule is substantially similar to the repealed rule, and keep the original history note in the Rule
- Changes to the name of a chapter, section, or rule or the History Note - 26 NCAC 02C .0407
  - Notify OAH in writing, citing the chapter/section/rule, identifying the changes, and be signed by the rulemaking coordinator or agency head
- Recodification - 26 NCAC 02C .0408
  - Submit a letter to OAH containing the citation, the recodified citation, and reasons for the recodification, signed by the rulemaking coordinator or agency head
  - Effective upon approval
  - Crosswalk – request from me or Julie

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Exempt from Rulemaking? G.S. 150B-21.21

- Agencies that are exempt from rulemaking pursuant to 150B-1 or agency specific statute must still comply with G.S. 150B-21.21
  - State Bar
  - Building Code/Residential Code
  - Utilities Commission
- Exempt agencies "must submit a temporary or permanent rule adopted…to the Codifier of Rules within 30 days after adopting the rule"
- "A rule submitted to the Codifier of Rules under this section must be in the physical form specified by the Codifier."
- G.S. 12-3.1 – fee consults
- A rule submitted under this section becomes effective on the first day of the month following submission.

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Questions??

Contact Staff with any questions.

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