

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Council of State

RULE CITATION: 06 NCAC 01 .0108

DEADLINE FOR RECEIPT: April 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

No comments.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 9, 2026

1 06 NCAC 01 .0108 is adopted as published in 40:11 NCR 858-859 as follows:

2

3

CHAPTER 01 - DEPARTMENTAL RULES

4

06 NCAC 01 .0108 ADMINISTRATION

6 The Council shall be served by a secretary who shall be appointed by the Governor. In the absence of the Governor,
7 the Lieutenant Governor shall preside. In the absence of the Lieutenant Governor, the Council shall be chaired by a
8 member of the Council to be determined by the order in which members are listed in Article III, Section 7 of the North
9 Carolina Constitution.

10

11 *History Note: Authority North Carolina Constitution, Article III, Section 2,7,8;*
12 *Eff. May 1, 2026.*

13

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Council of State

RULE CITATION: 06 NCAC 01 .0109

DEADLINE FOR RECEIPT: April 20, 2026

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In reviewing this Rule, the staff recommends the following changes be made:

General Comment: The RRC generally frowns upon Purpose rules as they can be unnecessary and more akin to statements of policy. Is this rule necessary? And if so, why?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 9, 2026

1 06 NCAC 01 .0109 is adopted as published in 40:11 NCR 858-859 as follows:

2

3 **06 NCAC 01 .0109 PURPOSE**

4 The Council of State shall function as an executive advisory committee to aid in the establishment and implementation
5 of policy. It shall also act as statutorily mandated.

6

7 *History Note: Authority North Carolina Constitution, Article III, Section 8;*

8

Eff. May 1, 2026.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Council of State

RULE CITATION: 06 NCAC 01 .0110

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In reviewing this Rule, the staff recommends the following changes be made:

No comments.

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Christopher S. Miller
Commission Counsel
Date submitted to agency: April 9, 2026

1 06 NCAC 01 .0110 is adopted as published in 40:11 NCR 858-859 as follows:

2

3 **06 NCAC 01 .0110 MEETINGS**

4 The Council of State shall convene at such times and places, as the Governor shall deem necessary.

5

6 *History Note: Authority G.S. 147-13;*

7

Eff. May 1, 2026.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Council of State

RULE CITATION: 06 NCAC 01 .0111

DEADLINE FOR RECEIPT: April 20, 2026

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 4: "Should" expresses a value judgment about whether a situation is desirable or undesirable. Never use "should" in rules absent a specific statutory directive. Use "shall" or "may" instead.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 9, 2026

1 06 NCAC 01 .0111 is adopted as published in 40:11 NCR 858-859 as follows:

2

3 **06 NCAC 01 .0111 LOCATION**

4 The Council of State has no permanent office or staff. Matters to be brought before the Council of State should be
5 submitted to the Council's Secretary through the Office of the Governor unless by statute or specific rule they must
6 first be presented to an executive department for transmittal to the Council.

7

8 *History Note: Authority G.S. 147-13;*

9

Eff. May 1, 2026.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Council of State

RULE CITATION: 06 NCAC 01 .0112

DEADLINE FOR RECEIPT: April 20, 2026

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 4: Consider changing "will" to "shall". "Will" expresses the simple future. It is used to indicate prediction, in contrast to "shall," which indicates command.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 9, 2026

1 06 NCAC 01 .0112 is adopted as published in 40:11 NCR 858-859 as follows:

2

3 **06 NCAC 01 .0112 PROXIES**

4 No proxies will be counted in order to establish a quorum for conducting business.

5

6 *History Note: Authority G.S. 147-13;*

7

Eff. May 1, 2026.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Council of State

RULE CITATION: 06 NCAC 01 .0113

DEADLINE FOR RECEIPT: April 20, 2026

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No comments.

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Christopher S. Miller
Commission Counsel
Date submitted to agency: April 9, 2026

1 06 NCAC 01 .0113 is adopted as published in 40:11 NCR 858-859 as follows:

2

3 **06 NCAC 01 .0113 AGENDA**

4 The agenda for each Council of State meeting shall be compiled by the Council's Secretary. The Secretary is
5 authorized to make sufficient inquiries and request sufficient information to insure that the Council will have adequate
6 information with which to consider any agenda item. On each agenda there shall be an occasion provided for any
7 individual Council of State member to bring before the Council any other matter desired.

8

9 *History Note: Authority G.S. 147-13;*

10 *Eff. May 1, 2026.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Council of State

RULE CITATION: 06 NCAC 01 .0114

DEADLINE FOR RECEIPT: April 20, 2026

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In reviewing this Rule, the staff recommends the following changes be made:

General Comment: Is the journal also made available online/in electronic format for public inspection? If so, consider including a URL here in your rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 9, 2026

1 06 NCAC 01 .0114 is adopted as published in 40:11 NCR 858-859 as follows:

2

3 **06 NCAC 01 .0114 RECORDS OF MEETINGS**

4 The minutes of the Council of State meetings shall be kept by the Secretary and shall be compiled into the journal of
5 the Council of State. The journal shall be kept in the Office of the Governor and shall be open to public inspection
6 during regular business hours.

7

8 *History Note: Authority G.S. 132-1; 147-13;*

9

Eff. May 1, 2026.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Council of State

RULE CITATION: 06 NCAC 02 .0105

DEADLINE FOR RECEIPT: April 20, 2026

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In reviewing this Rule, the staff recommends the following changes be made:

No comments.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 9, 2026

1 06 NCAC 02 .0105 is adopted as published in 40:11 NCR 858-859 as follows:

2

3

CHAPTER 2 - RULE-MAKING PROCEDURES

4

06 NCAC 02 .0105 PRELIMINARY STEPS FOR RULE-MAKING

6 In those instances where the Council of State must approve a rule adopted by an executive department or when it

7 adopts a rule itself, proposed text for the rule must be submitted to the Council for review beforehand. The proposed

8 text shall be submitted by the executive department responsible for administering the statute to which the proposed

9 rule relates. The executive department must follow Chapter 150B of the General Statutes on rule-making before

10 submitting its recommendation to the Council. The hearing procedures applicable to that executive department apply.

11 The Council may initiate rule-making in those matters which require its approval.

12

13 *History Note: Authority G.S. 126-12; 143-260.8(g); 143-341(4),(8)(k); 143-345.1; 146-1;*

14

Eff. May 1, 2026.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Council of State

RULE CITATION: 06 NCAC 02 .0106

DEADLINE FOR RECEIPT: April 20, 2026

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

General Comment, lines 6-8: G.S. 150B-20(d) states, "Denial of a rulemaking petition is a final agency decision and is subject to judicial review under Article 4 of this Chapter." Where does the Council's authority to review appeals of rulemaking determinations made by other departments come from? I did not see anything in the statutes cited in the Authority section of the rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 9, 2026

1 06 NCAC 02 .0106 is adopted as published in 40:11 NCR 858-859 as follows:

2

3 **06 NCAC 02 .0106 PETITIONS FOR RULE-MAKING HEARINGS**

4 Whenever any person submits a petition for rule-making relating to matters for which the Council of State must
5 approve or promulgate rules, the chief executive official of the responsible department shall determine if the public
6 interest will be served by granting the request. If the request is denied, the petitioning party may appeal that decision
7 to the Council of State by filing a request for review of the denial decision with the secretary to the Council within 15
8 days after receipt of the notice of denial. If the Council determines that a hearing would serve the public interest, it
9 may direct the chief executive official of the responsible executive department to designate a hearing officer and
10 conduct a rule-making hearing or the Council itself may conduct a rule-making hearing.

11

12 *History Note: Authority G.S. 126-12; 143-260.8(g); 143-341(4),(8)(k); 143-345.1; 146-1; 150B-20;*
13 *Eff. May 1, 2026.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Council of State

RULE CITATION: 06 NCAC 02 .0107

DEADLINE FOR RECEIPT: April 20, 2026

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In reviewing this Rule, the staff recommends the following changes be made:

Line 4: Change "will" to "shall".

History Note, Authority: It looks as if you previously had 150B-9 in here (now repealed). Is there a different APA provision relevant here?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 9, 2026

1 06 NCAC 02 .0107 is adopted as published in 40:11 NCR 858-859 as follows:

2

3 **06 NCAC 02 .0107 ADOPTION OR APPROVAL OF RULES**

4 Upon completion of the departmental rule-making process, the department will forward proposed rules which must
5 be approved or adopted by the Council, along with a record or minutes of the rule-making hearing and any other
6 written submissions desired, to the Council's secretary for inclusion on the agenda of the Council's next meeting. The
7 Council may request such other information as it deems necessary and appropriate from the department.

8

9 *History Note: Authority G.S. 126-12; 143-260.8(g); 143-341(4),(8)(k); 143-345.1; 146-1; 147-13;*

10 *Eff. May 1, 2026.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Council of State

RULE CITATION: 06 NCAC 02 .0108

DEADLINE FOR RECEIPT: April 20, 2026

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In reviewing this Rule, the staff recommends the following changes be made:

Line 5: Add a legal cite following "the North Carolina Administrative Procedure Act".

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 9, 2026

1 06 NCAC 02 .0108 is adopted as published in 40:11 NCR 858-859 as follows:

2

3 **06 NCAC 02 .0108 FILING OF RULES**

4 Rules adopted by the Council of State are recorded in the journal of the Council and are codified pursuant to the
5 provisions of the North Carolina Administrative Procedure Act with the rules of the executive department responsible
6 for administering the rules and related statutes.

7

8 *History Note: Authority G.S. 147-13; 150B-21.18; 150B-21.19;*

9

Eff. May 1, 2026.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Council of State

RULE CITATION: 06 NCAC 04 .0103

DEADLINE FOR RECEIPT: April 20, 2026

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In reviewing this Rule, the staff recommends the following changes be made:

Line 6: What does “substantially affected by a rule” mean? Can you be more clear in your rule? § 150B-4 states, “On request of a person aggrieved ...”. These appear to be two different standards.

Lines 14-16: You indicate that the Council will exercise discretion as to when the Council will review/amend rulings. How and when are these discretionary decisions made by the Council? Is there a process or standard? Are there factors considered? As written, the rule does not provide clear explanation as to what will guide the agency in deciding whether to act.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 9, 2026

1 06 NCAC 04 .0103 is adopted as published in 40:11 NCR 858-859 as follows:

2
3 **CHAPTER 4 - DECLARATORY RULINGS**

4
5 **06 NCAC 04 .0103 DECLARATORY RULING PROCESS**

6 Any person substantially affected by a rule approved or adopted by the Council of State may request a declaratory
7 ruling as to either the manner in which the rule applies to a given factual situation, if at all, or as to whether a particular
8 rule of the Council is valid. Such persons may also request either type of declaratory ruling concerning the statute
9 under which the rule was adopted. All requests for declaratory rulings shall be submitted to the executive department
10 responsible for administering the statute to which the rule relates. All such requests shall be in accordance with the
11 administrative procedures of the responsible executive department. The chief executive officer of the responsible
12 executive department shall respond to the request in accord with the applicable administrative procedures of the
13 department. The chief executive officer of the responsible department shall also notify the Council of any such request
14 received and the department's proposed disposition thereof. The Council may, in its discretion, review and amend
15 any such proposed departmental declaratory rulings. It may also take such other action in regard thereto as it deems
16 necessary.

17
18 *History Note: Authority G.S. 147-13; 150B-4;*
19 *Eff. May 1, 2026.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Council of State

RULE CITATION: 06 NCAC 04 .0104

DEADLINE FOR RECEIPT: April 20, 2026

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In reviewing this Rule, the staff recommends the following changes be made:

No comments.

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Christopher S. Miller
Commission Counsel
Date submitted to agency: April 9, 2026

1 06 NCAC 04 .0104 is adopted as published in 40:11 NCR 858-859 as follows:

2

3 **06 NCAC 04 .0104 RECORDS OF DECLARATORY RULINGS**

4 A record of all declaratory ruling proceedings shall be maintained in the executive department responsible for
5 administering the statute to which the questioned rule relates. The record shall be maintained in accordance with the
6 department's administrative procedures. Also, a record of the dispositions of all such declaratory ruling proceedings
7 shall be kept in the Council journal.

8

9 *History Note: Authority G.S. 147-13; 150B-4;*

10

Eff. May 1, 2026.