

Readoption of Rules GS 150B-21.3A(d)

Notice of Text (GS 150B-21.2(c)(1))

1 - Agency proposes to readopt rule with changes and agency determined changes in rule require publication of text. This includes the readoption of a rule as a repeal.

Introductory Statement (26 NCAC 02C .0306)

Examples:

29 NCAC 01 .0101 is proposed for readoption with substantive changes as follows:

29 NCAC 01 .0101 is proposed for readoption as a repeal as follows:

2 – Agency proposes to readopt rule with no change or without substantive change.

The text of a rule proposed for readoption with no change or without substantive change is not required to be published in the NC Register. However, the rule citation shall be provided on the Notice of Text form. OAH will include the rule citation and name of the rule in the published notice.

3 – The Notice of Text form may include other rules that are proposed by the agency.

Submission for Permanent Rule

1 – The text of all readopted rules shall be filed for RRC review and approval

2 – One Submission for Permanent Rule form for each rule (exception for repeals)

3 – Block 3 of form – check READOPTION unless the rule is being repealed

4 – Reason for Action should reference the readoption process (along with any other reason for changes)

Introductory Statement (26 NCAC 02C .0404)

Examples:

29 NCAC 01 .0101 is readopted as published in 30:14 NCR 1410 as follows:

29 NCAC 01 .0101 is readopted with changes as published in 30:14 NCR 1410 as follows:

29 NCAC 01 .0101 is repealed through readoption as published in 30:14 NCR 1410 as follows:

History Note (26 NCAC 02C .0406)

*History Note: Authority G.S. 90-280; 90-285;
Eff. April 1, 1996;
Amended Eff. July 1, 2014; July 1, 2004;
Readopted Eff. October 1, 2015.*

*History Note: Authority G.S. 90-280; 90-285;
Eff. April 1, 1996;
Amended Eff. July 1, 2014; July 1, 2004;
Repealed Eff. October 1, 2015.*

Periodic Review of Existing Rules - OAH updates history notes

OAH will update the history notes of rules that have final determinations of necessary without substantive public interest and will remove the rules with final determinations of unnecessary.

Example of a history note for a rule with final determination as necessary without substantive public interest:

*History Note: Authority G.S. 106-503;
Eff. February 1, 1976;
Amended Eff. October 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff.
September 19, 2015.*

Example of a history note for a rule with final determination as unnecessary:

*History Note: Authority G.S. 18B-207; 18B-800(c);
Eff. January 1, 1982;
Amended Eff. July 1, 1992; May 1, 1984;
Expired Eff. September 1, 2015 pursuant to G.S. 150B-21.3A.*

OAH will remove a rule from the NCAC when an agency did not conduct a review.

Example of history note:

*History Note: Authority G.S. 143A-24; 147-64.1 through 147-64.14; 147-64.9;
Eff. February 1, 1976;
Amended Eff. October 1, 1983;
Expired Eff. July 17, 2014 for failure to report pursuant to G.S. 150B-21.3A.(b).*