

CHAPTER 05 – RULES REVIEW COMMISSION

SECTION .0100 - GENERAL

26 NCAC 05 .0101 DEFINITIONS

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

- (1) "Agency" means as defined in G.S. 150B-2(1b).
- (2) "Commission" or "RRC" means the Rules Review Commission as established in G.S. 143B-30.1.
- (3) "Objection letter" means any letter or other written correspondence from the public pursuant to G.S. 150B-21.3(b2) objecting to a rule and requesting review of the rule by the General Assembly filed with the Rules Review Commission while the rule is under review by the Rules Review Commission.
- (4) "Review" means the statutory "Part 3. Review by Commission" at G.S. 150B-21.8 and following including the RRC action as set out in G.S. 150B-21.10.
- (5) "Rewritten rules" mean rules that have been revised in an attempt to satisfy an objection by the Commission.
- (6) "Technical Changes" mean the changes made by an agency to reply to a request from the Commission or its staff as set out in G.S. 150B-21.10. Technical changes shall not result in a substantive change in the meaning, interpretation, or application of a rule and include the following categories of changes:
 - (a) Correcting errors of a general nature including:
 - (i) obvious typographical errors, misspellings, punctuation, and grammatical errors;
 - (ii) errors in complying with OAH or statutory requirements that are not substantive errors; and
 - (iii) proof of compliance with the legally required process.
 - (b) Correcting errors that would appear to be substantive changes except that they do not change the intended or accepted meaning, interpretation or application of the rule including:
 - (i) changing "should" or "will" to "shall" or "must;"
 - (ii) clarifying the use of "approved;"
 - (iii) clarifying or correcting the use of "and," "or" or "and/or;"
 - (iv) clarifying or deleting commonly used adjectives or adverbs such as "thoroughly," "clearly," "adequately," "appropriate," and "substantial;" and
 - (v) inserting substantive contents of a rule's name into the rule itself.
 - (c) Requesting agencies to rewrite a rule, paragraph, or portions of a rule to more clearly express the intent of the agency when the meaning and application of the rule is known and understood.
 - (d) Acting on agencies' requests on behalf of citizens or agency staff to clarify the intent, requirements, or prohibition of a rule that would not result in a change in the rule's enforcement.
 - (e) Deleting or rewriting portions of rules that are not necessary rather than raising objections.

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