**FISCAL NOTE**
Office of Administrative Hearing – Technical Changes

**Agency:** NC Office of Administrative Hearing/ Rules Review Commission (RRC)

**Rule Citation:**
- 26 NCAC 05 .0108 Submission of Rewritten Rules or Rules with Technical Changes
- 26 NCAC 05 .0114 RRC Rule Approval Contingent on Technical Change

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**Impact Summary:**
- State government: No
- Local government: No
- Substantial economic impact: No
- Federal government: No
- Small businesses: No

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

**Rule Summary**
The Rules Review Commission is proposing changes in its rules in order to clarify the process for approval or rules with technical changes (see the Appendix for proposed rule text). The amendment to rule .0108 changes the deadline for submitting technical changes requested by RRC staff. The deadline in Rule .0108 is being changed to give commission staff and members more time to review the responses and prepare materials for the commission meeting. The proposed adoption of rule .0114 simply codifies the position and practice of the RRC. This will establish by law that any rule for which the technical changes have not been made are not approved. The proposed rule clearly states that all rule approvals are always contingent on the RRC receiving the requested technical change. The rule specifies a date that change must be received by and specifies the consequence if an agency does not comply.

**Impact**
The proposed rule changes would only affect agencies that perform rulemaking, but would not have a fiscal impact. Rule .0108 does not change the nature of the task agencies need to perform regarding rules with technical changes, but just the deadlines for those tasks. Although the rule might give agency a different timeframe to work with, it would not add any budgetary cost to the agency. Rule .0114 also does not add any work to what the agencies are already required by statute to do in the course of the rulemaking process. The agencies would actually benefit from having the RRC procedure for dealing with technical changes clearly laid out in rule.
26 NCAC 05 .0108 SUBMISSION OF REWRITTEN RULES OR RULES WITH TECHNICAL CHANGES
(a) The RRC shall not review rewritten rules until the next regular meeting following the meeting at which a rule was originally reviewed by the RRC.
(b) Agencies may submit technical changes prior to the meeting at which a rule is initially reviewed for consideration and approval by the Commission at that meeting.
(c) All rules containing technical changes shall be submitted to the RRC staff by 5:00 p.m. of the second business day before the RRC meeting, the earlier of:
   (1) 5:00 p.m. 10 business days after the Requests for Technical Change are submitted to the agency rulemaking coordinator; or
   (2) 5:00 p.m. of the Friday before the RRC meeting. If that Friday is a holiday, then the rules shall be submitted on the last business day before the holiday.
(d) All rewritten rules shall be submitted to the RRC staff by 5:00 p.m. of the Friday before the RRC meeting. If that Friday is a holiday, then the rewritten rules shall be submitted on the last business day before the holiday.
(e) This deadline may be waived by RRC staff when an agency which is a board or commission does not meet until the day of this deadline or later or when the original submission is deficient and requires further changes.

History Note: Authority G.S. 143B-30.1; 150B-21.10;
Amended eff. February 1, 2012.

26 NCAC 05 .0114 RRC RULE APPROVAL CONTINGENT ON TECHNICAL CHANGE
(a) When the Commission approves a rule, the approval is contingent on an agency’s making all requested technical changes.
(b) The agency must make such change prior to the close of business on the next business day after the rule is approved, or such other date or time as may be set by the Commission, in order for the rule to take effect on the first day of the following month.
(c) If the change has not been made as set out in (b), then the rule shall be calendared on the Commission’s agenda for the following month.

History Note: Authority G.S. 143B-30.1; 150B-21.10;
Eff. February 1, 2012.