

## TITLE 3 – RULEMAKING PROCESS AND CODIFICATION SYSTEM

### CHAPTER C. CODIFICATION OF RULES

#### SUBCHAPTER 100. GENERAL RULE CODIFICATION PROVISIONS

##### **3C SBCCC 100.1 Citation to Authorities**

- (a) The SBCC shall cite authorities according to the most current edition of the rules of citation contained in "A Uniform System of Citation" except as listed in Paragraph (b) of this Rule. "A Uniform System of Citation" is hereby incorporated by reference and includes subsequent amendments and editions.
- (b) The SBCC shall cite:
- (1) the General Statutes of North Carolina as "G.S. #";
  - (2) the Session Laws of North Carolina as "S.L. 20xx-xxx, s. #";
  - (3) an Executive Order issued by the Governor as "E.O. # ((Governor's name) (year))";
  - (4) the North Carolina Administrative Code as "(Title #) NCAC (Chapter or Subchapter #) (.####)"; and
  - (5) the North Carolina Register as "(Vol. #) NCR (Issue #), (page #)".

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

##### **3C SBCCC 100.2 Illustrations and Notes**

The SBCC may include material in the text of a rule which is an illustration of something in the rule. Illustrations shall be examples or clarifications which, when not read, do not change the meaning of the rule. The material which is meant only as an illustration shall be set aside by preceding it with the word "Note:".

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

### **3C SBCCC 100.3 Codification System**

- (a) All rules shall be codified within the system described in Chapter C.
- (b) The SBCC shall arrange its rules in titles. Within each title, there shall be chapters. Chapters shall be divided into subchapters and subchapters shall be arranged in sections.
- (c) SBCC Code rules shall be cited as “(Title #)(Chapter #) SBCCC (Subchapter #)(.Section #)”.
- (d) The SBCC may reserve in writing a specified chapter, subchapter, or section for future use.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

## **SUBCHAPTER 200. RULE FORMATTING**

### **3C SBCCC 200.1 Rule Formatting Specifications**

The SBCC shall format each rule submitted to the SBCC for initiation and adoption as follows:

(1) Paper Specifications:

- (a) 8½ by 11 inch plain white paper;
- (b) black ink;
- (c) Arial font face;
- (d) 12 point font size;
- (e) portrait print (8½ x 11);
- (f) numbered lines on the left margin with each page starting with line 1;
- (g) 1.5 line spacing;
- (h) page numbers centered at the bottom of the page for each rule that has more than one page of text; and
- (i) no staples.

(2) Tab and Margin Settings:

- (a) tab settings for all rules shall be set relative from the left margin at increments of 0.25; and
  - (b) text shall have one inch margins on all sides and be justified.
- (3) There shall be a brief introductory statement summarizing the status of the rule in the process of initiation and adoption placed in the header and italicized on the first page of any rule.
- (4) Chapter, Subchapter, and Rule Section Names:
- (a) When a new chapter is proposed for adoption, the chapter letter and chapter name shall be in bold print, underlined with all letters capitalized, and centered with one tab following the chapter letter. Two lines shall be skipped between the prior rule and a new chapter name. One line shall be skipped between the chapter name and the subchapter name.
  - (b) When a new subchapter of rules is proposed for adoption, the subchapter name shall be in bold print with all letters capitalized, and centered with one tab following the subchapter number. One line shall be skipped between the prior rule and a new subchapter name.
  - (c) When a new section of rules is proposed for adoption, the section name shall be in bold print with the first letter of each word that is not an article capitalized. One line shall be skipped between the end of one rule section and the beginning of another rule section. No lines shall be skipped between the rule section name and the text of the rule.
- (5) The first digit of the title number shall be placed in position 1. One tab shall be between the rule number and rule name.
- (6) Body of the Rule:
- (a) the body of the rule shall start on the line immediately following the rule name with the following markings:
    - (i) adoptions - new text shall be underlined;
    - (ii) amendments - any text to be deleted shall be struck through and new text shall be underlined; and
    - (iii) repeals - text of the rule shall not be included;
  - (b) there shall be no lines skipped in the body of the rule except before and in tables;

- (c) the first level of text shall be flush left and with one tab after the closing parenthesis if the paragraph is identified by a letter;
  - (d) the second level of text shall start with one tab and one hanging indent after the closing parenthesis;
  - (e) the third level of text shall start with two tabs and one hanging indent after the closing parenthesis;
  - (f) the fourth level of text shall start with three tabs and one hanging indent after the closing parenthesis;
  - (g) the fifth level of text shall start with four tabs and one hanging indent after the closing parenthesis; and
  - (h) the sixth level of text shall start with five tabs and one hanging indent after the closing parenthesis.
- (7) The smallest unit of text to be struck through or underlined shall be an entire word with any punctuation that is part of the word or block of characters separated from other text by a space on each side. Punctuation shall be considered part of the word when there is no space between the punctuation and the word.
- (8) History Note Specifications:
- (a) shall be in italic font;
  - (b) shall start on the second line following the body of the rule;
  - (c) the first line of the History Note shall start in the first position; all lines following shall be two tabs;
  - (d) the first line shall start with the words "History Note:", followed by one tab and the word "Authority". The SBCC shall then cite the authority(ies) in numerical order for that rule;
  - (e) the effective date of the original adoption of the rule shall be the next line following the authority. The abbreviation "Eff." shall be followed by this date;
  - (f) on the line following the "Eff." date, the amended dates shall be preceded with the words "Amended Eff." and the dates shall be listed in chronological order, with the most recent amended date listed first;
  - (g) the repealed date of a rule shall be the last line of the history note and start with the words "Repealed Eff." followed by the date;

- (h) all items in the history note shall be separated by semicolons with the last line ending with a period;
  - (i) all history of a rule shall be in chronological order following the authority for the rule; and
  - (j) all dates in the history note shall be complete with the month spelled out, and shall not contain any abbreviations.
- (9) Numbers within the text shall be as follows:
- (a) numbers from one to nine shall be spelled out;
  - (b) figures shall be used for numbers over nine; and
  - (c) if a phrase contains two numbers, only one of which is over nine, figures shall represent both.
- (10) Monetary figures within the text shall be spelled out followed by the numerical figure in parenthesis. Decimal and zeros shall be used only for even dollar amounts of sums less than one thousand dollars (\$1,000).
- (11) Once the SBCC has adopted a rule, the rule shall be published on the NCCCS website in the SBCC Code section without complying with 3C SBCCC 200.1(1)(g) and (h) and without complying with 3C SBCCC 200.1(6)(a).

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#);*

*Amended Eff. [June 1, 2016](#).*

### **3C SBCCC 200.2 Rule Formatting Specifications for Substantive Changes**

- (a) The SBCC shall prepare for publication on the NCCCS website in the SBCC Code section any permanent rule that does not differ in any way from the proposed rule published on the NCCCS website in the SBCC Code section according to the general format instructions in 3C SBCCC 200.1(6).
- (b) If a permanent rule differs in any way from the proposed rule published on the NCCCS website in the SBCC Code section, the following applies:

- (1) The SBCC shall identify changes in an adopted rule by striking through deleted portions, and underlining added portions. The unchanged text shall not be underlined.
- (2) The SBCC 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 SBCC repeals a rule originally noticed to be amended, then the SBCC shall submit the rule as a permanent repeal.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

### **3C SBCCC 200.3 Chapter Division**

- (a) The SBCC may use the chapter to divide titles into subject areas.
- (b) When subdividing a title into chapters, the SBCC shall subdivide the entire title into at least two chapters.
- (c) A chapter of the SBCC Code shall be represented by a capital letter. Chapter letters shall be lettered alphabetically.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

### **3C SBCCC 200.4 Subchapter Division**

- (a) The SBCC shall place rules in the same subject area in one subchapter. The subchapter is the subdivision that contains rules.
- (b) All subchapters shall be represented as the first three digits preceding a decimal. Subchapters shall be numbered consecutively starting with Subchapter 100. unless a subchapter number has been reserved.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

### **3C SBCCC 200.5 Section Division**

- (a) The section shall be represented by the digits following a decimal. Sections shall be numbered consecutively unless a rule number has been reserved. The last digit of the first section shall be “1”.
- (b) For rule sections adopted by the SBCC, the SBCC shall subdivide a section containing more than one idea into paragraphs labeled: (a), (b), (c), .... Any subdivided paragraphs shall be labeled: (1), (2), (3), ...; (A), (B), (C), ...; (i), (ii), (iii), ...; (I), (II), (III), .... All subdivisions of rules shall be represented by this order, and each label shall be in parentheses.
- (c) For rule sections adopted by the SBCC when the section is not subdivided into paragraphs but contains a list, the sequence of labels for the lists shall be: (1), (2), (3), ...; (a), (b), (c), ...; (i), (ii), (iii), ...; (A), (B), (C), ...; (I), (II), (III), ....
- (d) A rule shall not begin with a list. A list contained within a rule shall be preceded by some form of introductory material.
- (e) If there is a list within a paragraph, the rule shall follow the sequence above in section (b).

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

### **3C SBCCC 200.6 History Note**

- (a) The SBCC shall include a history note for each rule submitted to the SBCC for publication in the SBCC Code, containing the following information:
- (1) the authority for the rule;
  - (2) the effective date of the adoption of the rule;
  - (3) the effective date of the amendments to the rule including the proposed amendment listed in chronological order with the proposed amendment first;
  - (4) the effective date of the repeal; and
  - (5) any other history references pertaining to the rule.
- (b) Notwithstanding Paragraph (a) of this Rule, the SBCC shall combine repealed rules with a single history note if the rules are consecutive numerically in the same section and the effective dates and repealed dates are identical. The SBCC shall combine authority cites and any other dates.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

### **3C SBCCC 200.7 Changes to Title, Chapter, Subchapter, or Section Names and History Notes**

The SBCC may change the name of a section, subchapter, chapter, or title and a history note without complying with Title 3, Chapter B by posting notice of the change on the NCCCS website in the SBCC Code section. The effective date of the change shall be no earlier than ten business days from the date of the notice.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

### **3C SBCCC 200.8 Recodification of Rules**

The SBCC may recodify one or more of its rules without complying with Title 3, Chapter B by posting notice of the change on the NCCCS website in the SBCC Code section. The notice shall contain the citation to the existing rule and the recodified citation, and the



reasons for the recodification. The effective date of the recodification shall be no earlier than ten business days from the date of the notice.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*