

G.S. 150B-21.3A Report for 14B NCAC 02, THE NATIONAL GUARD									
Agency - Department of Public Safety									
Comment Period -August 1, 2026 - September 30, 2026									
Date Submitted to APO - Filled in by RRC staff									
Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
	SECTION .0100 - GENERAL PROVISIONS	14B NCAC 02 .0101	LOCATION AND HOURS OF OPERATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 201	Necessary	No		Yes	Necessary
		14b NCAC 02 .0102	PURPOSES AND POLICIES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 201	Necessary	No		Yes	Necessary
		14B NCAC 02 .0103	FUNCTIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 201	Necessary	No		No	Necessary
		14B NCAC 02 .0104	ORGANIZATIONAL STRUCTURE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 201	Necessary	No		Yes	Necessary
		14B NCAC 02 .0105	RENTALS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 201	Necessary	No		No	Necessary
		14B NCAC 02 .0106	BASIC MEMBERSHIP INFORMATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 201	Necessary	No		No	Necessary

Agency	Rule	Name	Type of Comment	Comment	Agency Response
Department of Public Safety	14B NCAC 02 .0101	LOCATION AND HOURS OF OPERATION	Public Coment as defined in G.S. 150B-21.3A(a)(5)	Rule .0101 identifies the National Guard headquarters and states that a list of armories may be obtained from the "Secretary of Crime Control and Public Safety" or the Adjutant General. The Department of Crime Control and Public Safety no longer exists under that name. Current statutes Institutional Authority Dynamics 2 refer to the Department and Secretary of Public Safety. Retaining an obsolete office title in a rule governing location and public contact is not sufficiently clear for a member of the public attempting to identify the responsible institution. Paragraph (b) also states that all offices are open to the public during normal business hours and during an emergency called by the Governor or President. That language may conflate public administrative access with military or emergency operational activity. Public access during an activation may be limited by security, continuity-of-operations, or emergency conditions. The rule should distinguish public business access from operational availability. I recommend that Rule .0101 be amended to: ☐ Replace the obsolete department and secretary titles with the current institutional titles. ☐ Identify a durable public contact method, such as the current Department website or designated public-information office, rather than relying only on a static physical-location description. ☐ Distinguish normal public administrative business hours from emergency military operations, restricted facilities, and continuity-of-operations requirements. ☐ State that public access remains subject to applicable security, emergency, records, and facility-access	The Department agrees that Rule .0101 warrants review. The comment does not demonstrate that the rule as a whole is unnecessary. The Department therefore continues to classify the rule as necessary and will consider the suggested amendment during the subsequent readoption process.

Department of Public Safety	14b NCAC 02 .0102	PURPOSES AND POLICIES	Public Coment as defined in G.S. 150B-21.3A(a)(5) Rule .0102 correctly recognizes the National Guard's dual role, but its description is too general to tell the public where command authority and accountability reside when status changes. The rule states that the Guard is subject to the call of the Governor and the President, yet it does not distinguish state active duty, federally funded service under Title 32 while remaining under state command, and federal service under Title 10. A public rule need not reproduce federal operational law. It should, however, provide a concise authority map or current cross-reference explaining that command source, funding, personnel status, legal protections, and accountability may change with the governing status. Without that distinction, the rule identifies duality but does not clearly preserve the provenance of authority. I recommend that Rule .0102 be amended to: ☐ Identify the principal public status categories: state active duty, Title 32 status under state command, and Title 10 federal service. ☐ State that activation orders and governing law determine the applicable chain of command, legal authority, accountability, and personnel status. ☐ Provide current cross-references to the controlling state statutes and federal authorities rather than relying on a generalized reference to departments of the Army and Air Force. ☐ Preserve a clear distinction between state sovereignty, state administration, federal standards, and federal command.	The Department agrees that Rule .0102 warrants review to ensure clarity. The comment does not demonstrate that the rule as a whole is unnecessary. The Department therefore continues to classify the rule as necessary and will consider the suggested amendment during the subsequent readoption process.
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Department of Public Safety	14B NCAC 02 .0104	ORGANIZATIONAL STRUCTURE	Public Coment as defined in G.S. 150B-21.3A(a)(5) Rule .0104 describes the Adjutant General's appointment and supervision but continues to refer to the "Secretary of the Department of Crime Control and Public Safety." Current G.S. 127A-19 and G.S. 127A-20 use the title Secretary of Public Safety. This is a direct inconsistency between the Administrative Code and current statutory terminology. The organizational rule also does not reflect the 2026 statutory change governing confirmation and vacancies in the office of Adjutant General. Session Law 2026-53 amended G.S. 127A-19 to require the Governor to submit a successor to the General Assembly within 60 days after a vacancy and to establish limits on the service of an acting Adjutant General. Because Rule .0104 affirmatively describes the appointment and organizational standing of the Adjutant General, omission of the current confirmation and acting-authority structure leaves the public rule materially incomplete. I recommend that Rule .0104 be amended to: ❏ Replace every reference to the Department of Crime Control and Public Safety with the Department of Public Safety and replace the obsolete secretary title accordingly. ❏ Conform the appointment description to current G.S. 127A-19, including consultation, confirmation, vacancy, and acting-service requirements. ❏ Identify the Adjutant General's state administrative and operational responsibility under G.S. 127A-20 without implying that the same command relationship governs a federalized force under Title 10. ❏ Clarify that authority over mixed state and federal personnel remains subject to the applicable employment status, federal law, military chain of command, and state law. The Department agrees that Rule .0104 warrants review to ensure clarity. The comment does not demonstrate that the rule as a whole is unnecessary. The Department therefore continues to classify the rule as necessary and will consider the suggested amendment during the subsequent readoption process.
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