

# ***NORTH CAROLINA REGISTER***

**VOLUME 34 • ISSUE 04 • Pages 282 – 335**

**August 15, 2019**

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**NORTH CAROLINA REGISTER**  
Publication Schedule for January 2019 – December 2019

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 <sup>th</sup> day from publication in the Register
33:13	01/02/19	12/06/18	01/17/19	03/04/19	03/20/19	04/18/19	05/01/19	09/29/19
33:14	01/15/19	12/19/18	01/30/19	03/18/19	03/20/19	04/18/19	05/01/19	10/12/19
33:15	02/01/19	01/10/19	02/16/19	04/02/19	04/22/19	05/16/19	06/01/19	10/29/19
33:16	02/15/19	01/25/19	03/02/19	04/16/19	04/22/19	05/16/19	06/01/19	11/12/19
33:17	03/01/19	02/08/19	03/16/19	04/30/19	05/20/19	06/20/19	07/01/19	11/26/19
33:18	03/15/19	02/22/19	03/30/19	05/14/19	05/20/19	06/20/19	07/01/19	12/10/19
33:19	04/01/19	03/11/19	04/16/19	05/31/19	06/20/19	07/18/19	08/01/19	12/27/19
33:20	04/15/19	03/25/19	04/30/19	06/14/19	06/20/19	07/18/19	08/01/19	01/10/20
33:21	05/01/19	04/09/19	05/16/19	07/01/19	07/22/19	08/15/19	09/01/19	01/26/20
33:22	05/15/19	04/24/19	05/30/19	07/15/19	07/22/19	08/15/19	09/01/19	02/09/20
33:23	06/03/19	05/10/19	06/18/19	08/02/19	08/20/19	09/19/19	10/01/19	02/28/20
33:24	06/17/19	05/24/19	07/02/19	08/16/19	08/20/19	09/19/19	10/01/19	03/13/20
34:01	07/01/19	06/10/19	07/16/19	08/30/19	09/20/19	10/17/19	11/01/19	03/27/20
34:02	07/15/19	06/21/19	07/30/19	09/13/19	09/20/19	10/17/19	11/01/19	04/10/20
34:03	08/01/19	07/11/19	08/16/19	09/30/19	10/21/19	11/21/19	12/01/19	04/27/20
34:04	08/15/19	07/25/19	08/30/19	10/14/19	10/21/19	11/21/19	12/01/19	05/11/20
34:05	09/03/19	08/12/19	09/18/19	11/04/19	11/20/19	12/19/19	01/01/20	05/30/20
34:06	09/16/19	08/23/19	10/01/19	11/15/19	11/20/19	12/19/19	01/01/20	06/12/20
34:07	10/01/19	09/10/19	10/16/19	12/02/19	12/20/19	01/16/20	02/01/20	06/27/20
34:08	10/15/19	09/24/19	10/30/19	12/16/19	12/20/19	01/16/20	02/01/20	07/11/20
34:09	11/01/19	10/11/19	11/16/19	12/31/19	01/21/20	02/20/20	03/01/20	07/28/20
34:10	11/15/19	10/24/19	11/30/19	01/14/20	01/21/20	02/20/20	03/01/20	08/11/20
34:11	12/02/19	11/06/19	12/17/19	01/31/20	02/20/20	03/19/20	04/01/20	08/28/20
34:12	12/16/19	11/21/19	12/31/19	02/14/20	02/20/20	03/19/20	04/01/20	09/11/20

This document is prepared by the Office of Administrative Hearings as a public service and is not to be deemed binding or controlling.

## **EXPLANATION OF THE PUBLICATION SCHEDULE**

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

### **GENERAL**

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

**COMPUTING TIME:** In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

### **FILING DEADLINES**

**ISSUE DATE:** The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

**LAST DAY FOR FILING:** The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

### **NOTICE OF TEXT**

**EARLIEST DATE FOR PUBLIC HEARING:** The hearing date shall be at least 15 days after the date a notice of the hearing is published.

**END OF REQUIRED COMMENT PERIOD**  
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

**DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION:** The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

1                   NOTICE OF RULE MAKING PROCEEDINGS AND PUBLIC HEARING

2  
3                   NORTH CAROLINA BUILDING CODE COUNCIL

4  
5   **Notice of Rule-making Proceedings** is hereby given by NC Building Code Council in accordance with  
6   *G.S. 150B-21.5(d).*

7  
8   **Citation to Existing Rule Affected by this Rule-Making:** *North Carolina Mechanical, Residential, and*  
9   *Fire Code amendments.*

10  
11   **Authority for Rule-making:** *G.S. 143-136; 143-138.*

12  
13   **Reason for Proposed Action:** *To incorporate changes in the NC State Building Codes as a result of*  
14   *rulemaking petitions filed with the NC Building Code Council and to incorporate changes proposed by the*  
15   *Council.*

16  
17   **Public Hearing:** *Tuesday, September 10, 2019, 9:00AM, Albemarle Building, 325 North Salisbury Street,*  
18   *Raleigh, NC 27603, 2<sup>nd</sup> Floor Training Room 240. Comments on both the proposed rule and any fiscal*  
19   *impact will be accepted.*

20  
21   **Comment Procedures:** *Written comments may be sent to Carl Martin, Secretary, NC Building Code*  
22   *Council, NC Department of Insurance, 1202 Mail Service Center, Raleigh, NC 27699-1202. Comments on*  
23   *both the proposed rule and any fiscal impact will be accepted. Comment period expires on October 14,*  
24   *2019.*

25  
26   **Statement of Subject Matter:**

27  
28  
29   **1. Request by Dan Dittman representing the NC Department of to amend the 2018 NC Mechanical**  
30   **Code, Section 202.**

31  
32   **EXTRA-HEAVY-DUTY COOKING APPLIANCE.** Extra-heavy-duty cooking appliances are those  
33   utilizing open flame combustion of solid fuel at any time.  
34   ~~Shall not use solid fuel to provide source of heat for cooking. Pellets and chips if used as flavoring shall not~~  
35   ~~be in a state of open flame combustion at any time. Smoldering chambers shall not introduce embers into~~  
36   ~~the flue at any time.~~

1 **HEAVY-DUTY COOKING APPLIANCE.** Heavy-duty cooking *appliances* include electric under-fired  
2 broilers, electric chain (conveyor) broilers, gas under-fired broilers, gas chain (conveyor) broilers, gas  
3 open-burner ranges (with or without oven), electric and gas wok ranges, smokers, smoker ovens, and  
4 electric and gas over-fired (upright) broilers and salamanders.

5  
6 Such an appliance shall not use solid fuel to provide source of heat for cooking. Pellets and chips if used as  
7 flavoring shall not be in a state of open flame combustion at any time. Smoldering chambers shall not  
8 introduce embers into the flue at any time.  
9

10 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,  
11 2020 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2021).

12 **Reason Given** – The purpose of this amendment is to relocate the use of smoldering solid fuel for food  
13 flavoring from extra-heavy-duty to heavy-duty cooking appliances where it is applicable.

14 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase  
15 in cost. This rule is not expected to either have a substantial economic impact or increase local and state  
16 funds. A fiscal note has not been prepared.  
17  
18

19 **2. Request by Dan Dittman representing the NC Department of Insurance to amend the 2018 NC Residential**  
20 **Code, Section M1411.3.2.**  
21

22 **M1411.3.2 Drain pipe materials and sizes.** Components of the condensate disposal system shall be ABS,  
23 cast iron, copper, cross-linked polyethylene, CPVC, galvanized steel, PE-RT, polyethylene, polypropylene  
24 or PVC pipe or tubing. Components shall be selected for the pressure and temperature rating of the  
25 installation. Joints and connections shall be made in accordance with the applicable provisions of Chapter  
26 30. Condensate waste and drain line size shall be not less than 3/4 -inch (19 mm) nominal diameter from  
27 the drain pan connection to the place of condensate disposal. Where the drain pipes from more than one  
28 unit are manifolded together for condensate drainage, the pipe or tubing shall be sized in accordance with  
29 an approved method.  
30

31 Provisions shall be made to prevent the formation of condensation on the exterior of primary condensate  
32 drain piping if condensate dripping off the pipe could cause damage to any building component.  
33

34 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,  
35 2020 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2021).

36 **Reason Given** – The purpose of this amendment is to make the section consistent with other sections of the  
37 code.

1 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase  
2 in cost. This rule is not expected to either have a substantial economic impact or increase local and state  
3 funds. A fiscal note has not been prepared.

4  
5  
6 **3. Request by Dan Dittman representing the NC Department of Insurance to amend the 2018 NC Residential**  
7 **Code, Section M1502.1.**

8  
9 **M1502.1 General.** Clothes dryers shall be exhausted in accordance with the manufacturer's instructions.

10  
11 **M1502.1.1 (504.6) Makeup air.**

12 Where a closet is designed for the installation of a clothes dryer, an opening having an area of not less than  
13 100 square inches (0.0645 m<sup>2</sup>) shall be provided in the closet enclosure or *makeup air* shall be provided by  
14 other *approved* means.

15  
16 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,  
17 2020 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2021).

18 **Reason Given** – The purpose of this amendment is to make the section consistent with other sections of the  
19 code.

20 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase  
21 in cost. This rule is not expected to either have a substantial economic impact or increase local and state  
22 funds. A fiscal note has not been prepared.

23  
24  
25 **4. Request by Dan Dittman representing the NC Department of Insurance to amend the 2018 NC Residential**  
26 **Code, Section M1502.4.2.**

27  
28 **M1502.4.2 Duct installation.** Exhaust ducts shall be supported at intervals not to exceed ~~42~~ 4 feet (3658  
29 mm) and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting  
30 in the direction of airflow. Exhaust duct joints shall be sealed in accordance with Section M1601.4.1 and  
31 shall be mechanically fastened... (remainder of paragraph unchanged)

32  
33 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,  
34 2020 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2021).

35 **Reason Given** – The purpose of this amendment is to make the section consistent with other sections of the  
36 code.

**Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

**5. Request by Dan Dittman representing the N.C. Department of Insurance to amend the 2018 NC Residential Code, Section M1602.3.**

**M1602.3 (603.18) Return-air intake (nonengineered systems).** If only one central return-air grille is installed, it shall be of a size sufficient to return a volume of air compatible with the CFM requirements and the temperature rise limitations specified by the equipment manufacturer. The face velocity of return air grilles shall not exceed 450 feet per minute (fpm) (2.3 m/s). At least one separate return shall be installed on each level of a multi-level structure. For split-level and split-foyer structures, one return may serve more than one level if located within the split area and the total area of the levels does not exceed 1,600 square feet (148.6 m<sup>2</sup>). Return-air grilles shall not be located in bathrooms. The return air from one residential living unit shall not be mixed with the return air from other living units.

In dwellings with 1,600 square feet (148.6m<sup>2</sup>) or less of conditioned area, a central return is permitted. When the dwelling contains more than 1,600 square feet (148.6m<sup>2</sup>) of conditioned area, additional returns shall be provided. Each return shall serve not more than 1,600 square feet (148.6 m<sup>2</sup>) of area and shall be located in the area it serves. Return air may travel through the living space to the return-air intake if there are no restrictions, such as solid doors, to the air movement. Undercut doors are allowed. When panned joists are used for return air, the structural integrity shall be maintained. Air capacity for joists 16 inches (406 mm) on center shall be a maximum of 375 cubic feet per minute (0.177 m<sup>3</sup>/s) for 8-inch (203 mm) joists and 525 cubic feet per minute (0.248 m<sup>3</sup>/s) for 10-inch (254 mm) joists. Wiring located in spaces used for return-air ducts shall comply with the *North Carolina Electrical Code*.

**Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1, 2020 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2021).

**Reason Given** – The purpose of this amendment is to make the section consistent with other sections of the code.

**Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

**6. Request by Kevin Schwartz representing Valet Living LLC to amend the**



1 **2018 NC Fire Code, Section 304.4**

2  
3 304.4 Valet Trash Collection Services

4  
5 1. Combustible trash in means of egress. Combustible trash or recyclable materials shall not be placed in exits, exit  
6 passageways, in enclosures for stairways or ramps, in corridors, in elevator lobbies or on egress balconies  
7 except as permitted by the following:

8  
9 2. Combustible trash or recyclable materials in corridors or on egress balconies of Group R-2 occupancies that is  
10 awaiting scheduled valet trash collection in accordance with subsections below.

11  
12 3. Valet Trash collection. Trash or recyclable materials awaiting valet trash collection shall only be placed in a  
13 corridor or on an egress balcony within 5 hours of scheduled pickup and shall not obstruct the minimum egress  
14 width required by Section 1031. Trash or recyclable materials awaiting valet trash collection shall be placed  
15 completely inside of one or more containers with a closed lid that complies with subsections below. Additional trash  
16 or recyclable material placed outside of compliant containers are prohibited in exits, exit passageways, corridors or  
17 egress balconies.

18  
19 4. Valet trash collection containers. Containers used for valet trash collection shall not exceed a capacity of 2.0 cubic  
20 feet (15 gallons, 0.06 cubic meters) and shall be provided with tight-fitting or self-closing lids. Containers and lids  
21 shall comply with the following:

22  
23 a. Containers and lids located in an area that is protected by fire sprinklers in accordance with Item 1 shall be  
24 constructed entirely of noncombustible materials or materials that meet a peak rate of heat release not exceeding 300  
25 kW/m2 when tested in accordance with ASTM E 1354 at an incident heat flux of 50 kW/m2 in the horizontal  
26 orientation. Containers and lids shall be listed or bear the label of an approved agency that validates compliance with  
27 this requirement.

28  
29 b. Containers and lids located in an area that is not protected by fire  
30 sprinklers in accordance with Item 1 shall be constructed entirely of noncombustible materials or materials that meet  
31 a peak rate of heat release not exceeding 150 kW/m2 when tested in accordance with ASTM E 1354 at an incident  
32 heat flux of 50 kW/m2 in the horizontal orientation. Containers and lids shall be listed or bear the label of an  
33 approved agency that validates compliance with this requirement.

34  
35 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,  
36 2020 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2021).

1 **Reason Given** – The purpose of this amendment is to allow the use of valet trash service receptacles in exit  
2 access corridors.

3 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase  
4 in cost. This rule is not expected to either have a substantial economic impact or increase local and state  
5 funds. A fiscal note has not been prepared.

6  
7  
8 **7. Request by Patrick Granson representing the Mecklenburg County Code Enforcement to amend**  
9 **the 2018 NC Fire Code Section 3103.2.**

10  
11 **3103.2 Approval required.** Tents and membrane structures shall not be erected, operated or maintained for  
12 any purpose without first obtaining a permit and approval from the fire and building code official, as  
13 specified in the permit.

14  
15 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,  
16 2020 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2021).

17 **Reason Given** – The purpose of this amendment is to address the use of tents and membrane structures for  
18 short term special events.

19 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase  
20 in cost. This rule is not expected to either have a substantial economic impact or increase local and state  
21 funds. A fiscal note has not been prepared.

22  
23  
24 **8. Request by Keith Rogers representing the North Carolina Building Code Council Mechanical Standing**  
25 **Committee to amend the 2018 NC Residential Code Section P2603.5.**

26  
27 **P2603.5.2 Frost protection.** No traps of soil or waste pipe shall be  
28 installed or permitted outside of a building or concealed in outside walls or  
29 in any place where they may be subjected to freezing temperatures, unless approved provisions are made to protect  
30 them from freezing.

31  
32 **P3201.3 (1002.7) Trap setting and protection.** Trap shall be set level  
33 with respect to their water seals and shall be protected from freezing. Trap  
34 seals shall be protected from siphonage, aspiration or back pressure by an approved system of venting (see Sections  
35 P3101 and P2603.5.2).

1 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,  
2 2020 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2021).

3 **Reason Given** – The purpose of this amendment is to reinstate frost protection for traps in exterior walls.

4 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase  
5 in cost. This rule is not expected to either have a substantial economic impact or increase local and state  
6 funds. A fiscal note has not been prepared.

7  
8  
9 **9. Request by Robert Privott representing the North Carolina Home Builders Association to amend**  
10 **the 2018 Residential Code, Section R506.2.1.**

11  
12 **R506.2.1 Fill.** Fill material shall be free of vegetation and foreign material. The fill shall be compacted to  
13 ensure uniform support of the slab, and except where *approved*, the fill depths shall not exceed 24 inches  
14 (610 mm) for clean sand or gravel and 8 inches (203 mm) for earth.

15  
16 **Exception:** #57 or #67 stone may be used as fill without a compaction test for a maximum depth of 4  
17 feet.

18  
19 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,  
20 2020 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2021).

21 **Reason Given** – The purpose of this amendment is to allow use of certain stone as fill material without a  
22 compaction test because such stone is not compactable.

23 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase  
24 in cost. This rule is not expected to either have a substantial economic impact or increase local and state  
25 funds. A fiscal note has not been prepared.

26  
27  
28 **NOTICE:**

29 **Appeals and Interpretations** of the North Carolina State Building Codes are published online at the  
30 following link.

31 [http://www.ncdoi.com/OSFM/Engineering\\_and\\_Codes/Default.aspx?field1=Code\\_Interpretations&user=C](http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=Code_Interpretations&user=Code_Enforcement_Resources)  
32 [ode\\_Enforcement\\_Resources](http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=Code_Interpretations&user=Code_Enforcement_Resources)

33  
34  
35 **NOTICE:**

36 **Objections and Legislative Review** requests may be made to the NC Office of Administrative Hearings in  
37 accordance with G.S. 150B-21.3(b2) after Rules are adopted by the Building Code Council.

1 <http://www.ncoah.com/rules/>

2

3

**Note from the Codifier:** The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

**TITLE 14B – DEPARTMENT OF PUBLIC SAFETY**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Private Protective Services Board intends to amend the rules cited as 14B NCAC 16 .0114, .0201-.0203, .0205, .0502, .0701, .0702, .0705, .0706, .0801, .0802, .0806, .0902-.0904, .0909-.0912, .1301, .1302, .1306, .1401, .1402, and .1406.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://www.ncdps.gov/about-dps/boards-commissions/private-protective-services-board>

**Proposed Effective Date:** December 1, 2019

**Public Hearing:**

**Date:** August 30, 2019

**Time:** 2:00 p.m.

**Location:** Private Protective Services Board, 3101 Industrial Dr., Suite 104, Raleigh, NC 27609

**Reason for Proposed Action:** *The Board is amending the above-referenced rules to create the ability for new and renewal licensing and registrations to be submitted via online application. The rules include proposed changes to the licensing and registration application fee structure.*

**Comments may be submitted to:** Phil Stephenson, Field Services Supervisor, 3101 Industrial Drive, Suite 104, Raleigh, NC 27609; phone (919) 788-5320; fax (919) 715-0370; email [Phillip.Stephenson@ncdps.gov](mailto:Phillip.Stephenson@ncdps.gov)

**Comment period ends:** October 14, 2019

**Procedure for Subjecting a Proposed Rule to Legislative Review:**

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- ☐ State funds affected
- ☐ Local funds affected
- ☐ Substantial economic impact ( $\geq$  \$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required

**CHAPTER 16 - PRIVATE PROTECTIVE SERVICES BOARD**

**SECTION .0100 - ORGANIZATION AND GENERAL PROVISIONS**

**14B NCAC 16 .0114 APPLICATION COMPLETION DEADLINE**

All necessary photographs, record checks, proof of insurance, explanations, interviews, or requested documents shall be submitted online through the Board's official website by any applicant for a permit, license, registration, or certificate within 60 days of the Board's receipt of the application form or a request from Board staff, whichever is later. Any failure to submit required or requested documents to complete the application process within this 60-day period shall void the application and require re-application.

Authority G.S. 74C-2; 74C-5; 74C-8; 74C-8.1; 74C-12.

**SECTION .0200 - LICENSES: TRAINEE PERMITS**

**14B NCAC 16 .0201 APPLICATION FOR LICENSES AND TRAINEE PERMITS**

(a) Each applicant for a license or trainee permit shall submit an ~~original~~ online application on the website provided by and one copy of the application to the Board. The application shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint ~~card~~; card that shall be mailed separately to the Board's office;
- (2) one head and shoulders digital photograph of the applicant in ~~JPG~~ JPG, JPEG, or PNG format of ~~acceptable~~ sufficient quality for identification, taken within six months prior to ~~submission~~ online application and submitted by ~~e-mail to PPSASL Photos@ncdps.gov or by compact disc~~; uploading the photograph online with the application submission;
- (3) ~~upload online a certified~~ statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;

- (4) the applicant's non-refundable application ~~fee; fee along with a four dollar (\$4.00) convenience fee and credit card transaction fee;~~
- (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board; and
- (6) an Equifax credit check run within 30 days of the license application submission ~~date. date,~~ which will be submitted to the Board's investigator during the application process.

(b) Applications for trainee permits shall be accompanied by a notarized statement on a form provided by the Board and signed by the applicant and his or her prospective supervisor, stating that the trainee applicant shall at all times work with and under the direct supervision of that ~~supervisor.~~ supervisor and the form shall be uploaded as part of the online application process.

(c) Private investigator trainees applying for a license shall make available for inspection a log of experience on a form provided by the Board.

(d) Each applicant must ~~provide~~ upload evidence of high school graduation either by diploma, G.E.D. certificate, or other proof.

(e) Each applicant for a license shall meet personally with either a Board investigator, the Screening Committee, the Director, or a Board representative designated by the Director prior to being issued a license. The applicant shall discuss the provisions of G.S. Chapter 74C and the administrative rules in this Chapter during the personal meeting. The applicant shall sign a form provided by the Board indicating that he or she has reviewed G.S. Chapter 74C and the administrative rules in this Chapter with the ~~board's~~ Board's representative.

*Authority G.S. 74C-2; 74C-5; 74C-8; 74C-8.1; 74C-12.*

#### **14B NCAC 16 .0202 FEES FOR LICENSES AND TRAINEE PERMITS**

- (a) Application, license and trainee permit fees are as follows:
- (1) one hundred and fifty dollars (\$150.00) non-refundable application fee;
  - (2) two hundred fifty dollar (\$250.00) annual fee for a new or renewal license, unless the applicant is requesting a new license be issued because of a transfer to a new company, which shall require a one hundred dollar (\$100.00) fee for issuance of the new license with the original expiration date in the new company name;
  - (3) two hundred fifty dollar (\$250.00) annual trainee permit fee;
  - (4) fifty dollars (\$50.00) new or renewal fee per year of the license term for each license in addition to the basic license;
  - (5) twenty five dollars (\$25.00) duplicate license fee per year of the license term;
  - (6) one hundred dollars (\$100.00) late renewal fee in addition to the renewal fee;
  - (7) one hundred dollars (\$100.00) temporary permit fee;

- (8) fifty dollars (\$50.00) branch office license fee per year of the license term; and
  - (9) fifty dollars (\$50.00) special limited guard and patrol licensee fee.
- (b) Fees shall be paid as follows:
- (1) ~~if the application is submitted by hand delivery, U.S. Mail, or delivery service, payment shall be in the form of a check or money order made payable to the Private Protective Services Board; or~~
  - (2) ~~if the application is submitted online, payment shall be online by credit card, e-check card or other form of electronic funds transfer.~~

*Authority G.S. 74C-9.*

#### **14B NCAC 16 .0203 RENEWAL OR RE-ISSUE OF LICENSES AND TRAINEE PERMITS**

(a) Each applicant for renewal of a license or trainee permit shall submit an ~~original online and one copy of the renewal form.~~ application on the website provided by the Board. This ~~form~~ online application shall be submitted ~~to the Director~~ not less than 30 days prior to expiration of the applicant's current license or trainee permit and shall be accompanied by:

- (1) ~~a one~~ one head and shoulders digital color photograph of the applicant in ~~JPG~~ JPG, JPEG, or PNG format of a quality sufficient for identification, taken within six months of the online application and ~~e-mail to PPSASL-Photos@ncdps.gov or by compact disc;~~ submitted by uploading the photograph online with the application submission;
- (2) upload online a statement ~~statements~~ of the result of a ~~local~~ statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 24 months;
- (3) ~~the applicant's renewal fee; and fee along with~~ a four dollar (\$4.00) convenience fee and credit card transaction fee; and
- (4) proof of liability insurance as set out in G.S. 74C-10(e).

(b) If a licensee has maintained a license at least two years and then allows the license to expire, the license may be re-issued if application is made within three years of the expiration date and the following documentation is submitted to the Board:

- (1) an online Application For Reinstatement of an Expired License;
- (2) one set of classifiable fingerprints on an applicant fingerprint ~~card;~~ card that shall be mailed separately to the Board's office;
- (3) one head and shoulders digital color photograph of the applicant in ~~JPG~~ JPG, JPEG, or PNG format of a quality sufficient for identification, taken within six months of the online application and ~~submitted by e-mail to PPSASL-Photos@ncdps.gov or by compact~~

- ~~disc; submitted by uploading the photograph online with the application submission;~~
- (4) ~~upload online a statement statements~~ of the result of a ~~local~~ statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
  - (5) the applicant's non-refundable application ~~fee;~~ fee along with a four dollar (\$4.00) convenience fee and credit card transaction fee;
  - (6) proof of liability insurance as set out in G.S. 74C-10(e); and
  - (7) ~~a separate check or money order made payable payment~~ to the State Bureau of Investigations to cover the cost of criminal record checks performed by the State Bureau of ~~Investigations;~~ Investigations with payment to be paid online through the Board's online application process.

(c) A member of the armed forces whose license is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the license renewal fee and complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

*Authority G.S. 74C-5; 74C-8; 74C-8.1; 74C-9.*

#### **14B NCAC 16 .0205 COMPANY BUSINESS LICENSE**

(a) Any firm, association, or corporation required to be licensed pursuant to G.S. 74C-2(a) shall ~~submit~~ upload on the website provided by the Board an application for a company business license on a form provided by the Board. Only a sole proprietorship which is owned and operated by an individual licensee shall be exempt from this Rule. This application for license shall call for such information as the firm, association, or corporation name; the address of its principal office within the State; any past conviction for criminal offenses of any company director, or officer; information concerning the past revocation, suspension or denial of a business or professional license to any director, or officer; a list of all directors and officers of the firm, association, or corporation; a list of all persons, firms, associations, corporations or other entities owning ten percent or more of the outstanding shares of any class of stock; and the name and address of the qualifying agent.

(b) In addition to the items required in Paragraph (a) of this Rule, an out-of-state corporation shall further qualify by filing with its application for a license, a copy of its certificate of authority to transact business in this state issued by the North Carolina Secretary of State in accordance with G.S. 55-15-01 and a consent to service of process and pleadings which shall be authenticated by its corporate seal and accompanied by a duly certified copy of the resolution of the board of directors authorizing the proper officer or officers to execute said consent.

(c) After filing a completed written application with the Board, the Board shall conduct a background investigation to ascertain if

the qualifying agent is in a management position. The Board shall also determine if the directors, or officers have the requisite good moral character as defined in G.S. 74C-8(d)(2). It shall be prima facie evidence of good moral character if a director or officer has not been convicted by any local, State, federal, or military court of any crime involving the use, carrying, or possession of a firearm; conviction of any crime involving the use, possession, sale, manufacture, distribution, or transportation of a controlled substance, drug, narcotic, or alcoholic beverage; conviction of a crime involving assault or an act of violence; conviction of a crime involving breaking or entering, burglary, larceny, or any offense involving moral turpitude; or does not have a history of addiction to alcohol or a narcotic drug; provided that, for purposes of this Rule, "conviction" means and includes the entry of a plea of guilty or no contest or a verdict rendered in open court by a judge or jury.

(d) Upon satisfactory completion of the background investigation, a company business license may be issued. This license shall be conspicuously displayed at the principle place of business within the State of North Carolina.

(e) The company business license shall be issued only to the business entity and shall not be construed to extend to the licensing of its officers and employees.

(f) The issuance of the company business license is issued to the firm, association, or corporation in addition to the license issued to the qualifying agent. Therefore, the qualifying agent for the firm, association, or corporation which has been issued the company business license shall be responsible for assuring compliance with G.S. 74C.

*Authority G.S. 74C-2(a); 74C-5.*

#### **SECTION .0500 - POLYGRAPH**

##### **14B NCAC 16 .0502 POLYGRAPH TRAINEE PERMIT REQUIREMENTS**

In addition to the requirements of, Section .0200 of this Chapter the following requirements shall apply to polygraph trainees:

- (1) The applicant shall successfully complete a formal course of instruction at any polygraph school approved by the American Polygraph Association, the American Association of Police Polygraphists or the Board. A list of approved schools can be found at: <http://www.ncdoj.gov/About DOJ/Law Enforcement Training and Standards/Private Protective Services/Licensing Process.aspx>; <https://www.ncdps.gov/list-polygraph-schools>;
- (2) The applicant shall be directly supervised by a polygraph examiner approved by the Board and that examiner shall supervise no more than three trainees at any given time;
- (3) An individual currently enrolled in a polygraph school may conduct examinations as a part of the course curriculum provided such examinations are on school premises, under the direct one-on-one supervision of a polygraph licensee, and the school provides written notice to the client that such examinations are being

- conducted by students and not by licensed polygraph examiners. The school shall maintain a copy of such written notification;
- (4) Trainees who wish to apply for a license must submit an application to the Board in accordance with Rule .0201 of this Chapter. Applicants meeting license qualifications within one year of the issuance of a trainee, permit shall not be required to pay an additional application fee;
- (5) Any request for renewal of a trainee permit or for issuance of a polygraph license shall be accompanied by an evaluation report of the trainee's performance submitted by the trainee's supervisor; and
- (6) In addition to the final evaluation report, supervisors shall submit five monthly evaluation reports over the duration of the traineeship on a checklist provided by the Board.

Authority G.S. 74C-5.

#### **SECTION .0700 - SECURITY GUARD REGISTRATION (UNARMED)**

##### **14B NCAC 16 .0701 APPLICATION FOR UNARMED SECURITY GUARD REGISTRATION**

(a) Each employer or his designee shall submit ~~and sign an application form~~ an online application for the registration of each employee to the Board. This online submission ~~form~~ shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint ~~card; card that shall be mailed separately to the Board's office;~~
- (2) ~~two~~ one head and shoulders color digital photograph ~~photographs~~ of the applicant in JPG, JPEG, or PNG format of acceptable sufficient quality for identification, taken within six months prior to online application submission and submitted by e-mail to PPSASL Photos@ncdps.gov or by compact disc; uploading the photograph online with the application submission;
- (3) ~~a certified statement~~ upload online a statement of the results of a statewide criminal history records search from by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable registration fee; ~~and fee along with a four dollar (\$4.00) convenience fee and credit card transaction fee;~~
- (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services ~~Board. Board;~~

- (6) one original signed SBI release of information form that shall be uploaded online with the original mailed to the Board's administrative office;
- (7) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0707 of this Section if applicable; and
- (8) a completed affidavit form and public notice statement form.

(b) The employer of each applicant for registration shall give the applicant a copy of the application and the completed affidavit form and shall retain a copy of the ~~application~~ application, including affidavit, in the ~~individual's~~ guard's personnel file in the employer's office.

(c) The applicant's copy of the application and completed affidavit form shall serve as a temporary registration card that shall be carried by the applicant when he or she is working within the scope of his or her employment and ~~that~~ shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

~~(d) A statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0707 of this Section shall be submitted to the Director with the online application.~~

~~(e)(d)~~ A copy of the statement specified in Paragraph ~~(d)~~ Subparagraph (a)(7) of this Rule shall be retained by the licensee in the individual applicant's personnel file in the employer's office.

Authority G.S. 74C-5; 74C-8.1; 74C-11.

##### **14B NCAC 16 .0702 FEES FOR UNARMED SECURITY GUARD REGISTRATION**

(a) Fees for unarmed security guards are as ~~follows:~~ follows, to include a four dollar (\$4.00) convenience fee and credit card transaction fee:

- (1) thirty dollar (\$30.00) non-refundable initial registration fee;
- (2) thirty dollar (\$30.00) annual renewal, or reissue fee;
- (3) fifteen dollar (\$15.00) transfer fee; and
- (4) twenty-five dollars (\$25.00) late renewal fee to be paid within 90 days from the date the registration expires and to be paid in addition to the renewal fee.

(b) Fees shall be paid as follows:

- ~~(1) if the application is submitted by hand delivery, U.S. Mail, or delivery service, payment shall be in the form of a check or money order made payable to the Private Protective Services Board; or~~
- (2) if the application is submitted online online, payment shall be by credit card, e-check card or other form of electronic funds transfer.

Authority G.S. 74C-9.



**14B NCAC 16 .0705 UNARMED SECURITY GUARD  
REGISTRATION IDENTIFICATION CARDS**

- (a) The registration identification card shall be carried by the registrant when performing the duties of a private protective services employee.
- (b) The registration identification card shall be exhibited upon the request of any law enforcement officer or any other authorized representative of the Board.
- (c) Registration identification card holders shall immediately notify the Board upon receipt of any information relating to the holder's eligibility to continue holding such a card.
- (d) The guard transfer online form and fee shall be submitted to the Board by the employer within 10 days of the beginning of employment.
- (e) Upon revocation or suspension by the Board, a holder shall return the registration identification card to the administrator within 10 days of the date of the revocation or suspension.

*Authority G.S. 74C-5; 74C-11.*

**14B NCAC 16 .0706 RENEWAL ~~OR REISSUE~~ OF  
UNARMED SECURITY GUARD REGISTRATION**

- (a) Each applicant for renewal of a registration identification card or his or her employer shall complete ~~a~~ an online form on the website provided by the Board. This online form shall be submitted not fewer than ~~30~~ 90 days prior to the expiration of the applicant's current registration and shall be accompanied by:

- (1) ~~two one~~ one head and shoulders color digital photograph ~~photographs~~ of the applicant in JPG, JPEG, or PNG format of acceptable sufficient quality for identification, taken within six months prior to ~~submission~~ online application and submitted by ~~e-mail to PPSASL Photos@ncdps.gov or by compact disc; uploading the photograph online with the application submission;~~
- (2) upload online a statement of the results of a statewide statements of any criminal history records search record obtained from by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
- (3) the applicant's renewal fee; fee along with the four dollar (\$4.00) convenience fee and credit card transactions fee; and
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected by the Private Protective Services Board. upload a completed affidavit form and public notice statement form.

- (b) ~~Each applicant for reissue of a registration identification card shall complete, and his or her employer shall sign, a form provided by the Board. This form shall be submitted to the Board and accompanied by:~~

- (1) ~~two head and shoulders color digital photographs of the applicant in JPG format of~~

~~acceptable quality for identification, taken within six months prior to submission and submitted by e-mail to PPSASL Photos@ncdps.gov or by compact disc; and the applicant's reissue fee.~~

(2)

- (b)(c) The employer of each applicant for a registration renewal ~~or reissue~~ shall give the applicant a copy of the online application ~~that shall~~ and a copy of the completed affidavit form to serve as a record of application for renewal ~~or reissue~~ and shall retain a copy of the ~~application~~ application, including affidavit, in the ~~individual's guard's~~ personnel file in the employer's office.

- (c)(d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

*Authority G.S. 74C-5; 74C-11.*

**SECTION .0800 - ARMED SECURITY GUARD FIREARM  
REGISTRATION PERMIT**

**14B NCAC 16 .0801 APPLICATION/ARMED  
SECURITY GUARD FIREARM REGISTRATION  
PERMIT**

- (a) Each armed security guard employer or his or her designee shall ~~submit and sign~~ complete an online application form for the registration of each armed security guard applicant to the Board. This online form shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint card; card that shall be mailed separately to the Board's office;
- (2) ~~two one~~ one head and shoulders color digital photograph ~~photographs~~ of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to ~~submission~~ online application and submitted by ~~e-mail to PPSASL Photos@ncdps.gov or by compact disc; uploading the photograph online with the application submission;~~
- (3) a certified statement upload online a statement of the results of a statewide criminal history records search from by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable registration fee; and
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of this Section; and
- (6) a certification by the applicant that he or she is at least 21 years of age; age;

- (7) the registration fee required by Rule .0802 of this Section along with a four dollar (\$4.00) convenience fee and credit card transaction fee;
- (8) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board; and
- (9) a completed affidavit form and public notice statement form.

(b) The employer of each applicant for registration shall give the applicant a copy of the online application, the completed affidavit form, and proof of completion of a Board approved firearms course and shall retain a copy of the application application, including affidavit and proof of course completion, in the individual's guard's personnel file in the employer's office.

(c) The applicant's copy of the application application, affidavit, and proof of completion of a Board approved firearms course shall serve as a temporary registration card that shall be carried by the applicant when he or she is working within the scope of his or her employment and ~~that~~ shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(d) Applications submitted without proof of completion of a Board approved firearms training course shall not serve as temporary registration cards.

(e) The provisions of Paragraphs (a), (b), and (c) of this Rule also apply to any employee whose employment is terminated within 30 days of employment.

*Authority G.S. 74C-5; 74 C-9; 74C-13.*

#### **14B NCAC 16 .0802 FEES FOR ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT**

(a) Fees for armed security guard firearm registration permits are as ~~follows:~~ follows, to include a four dollar (\$4.00) convenience fee and credit card transaction fee:

- (1) thirty dollars (\$30.00) non-refundable initial registration fee;
- (2) thirty dollars (\$30.00) annual renewal, or reissue fee; and
- (3) fifteen dollar (\$15.00) application fee.

(b) Fees shall be paid as follows:

- (1) ~~if the application is submitted by hand delivery, U.S. Mail, or delivery service, payment shall be in the form of a check or money order made payable to the Private Protective Services Board; or~~
- (2) ~~if the application is submitted online, payment shall be online by credit card, e-check card or other form of electronic funds transfer.~~

*Authority G.S. 74C-9.*

#### **14B NCAC 16 .0806 RENEWAL OF ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT**

(a) Each applicant for renewal of an armed security guard firearm registration permit identification card or his or her employer shall

complete a an online form on the website provided by the Board. This online form shall be submitted not more than 90 days nor fewer than 30 days prior to expiration of the applicant's current armed registration and shall be accompanied by:

- (1) ~~two~~ one head and shoulders color digital photograph ~~photographs~~ of the applicant in JPG, JPEG, or PNG format of acceptable quality for identification, taken within six months prior to ~~submission~~ online application and submitted by ~~e-mail to PPSL-Photos@ncdps.gov or by compact disc;~~ uploading the photograph online with the application submission;
- (2) ~~statement~~ upload online a statement of the results of a statewide of any criminal record history search obtained ~~from~~ by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
- (3) ~~the applicant's renewal fee, and fee along with the four dollar (\$4.00) convenience fee and credit card transaction fee;~~
- (4) ~~the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board; Board; and~~
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of this Section; and
- (6) a completed affidavit form and public notice statement form.

(b) The employer of each applicant for a registration renewal shall give the applicant a copy of the online application and the completed affidavit form ~~that shall~~ to serve as a record of application for renewal and shall retain a copy of the application in the individual's guard's personnel file in the employer's office.

~~(c) Applications for renewal shall be accompanied by a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of this Section.~~

~~(d)(c)~~ Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

*Authority G.S. 74C-5; 74C-11; 74C-13.*

#### **SECTION .0900 – TRAINER CERTIFICATE**

**14B NCAC 16 .0902 APPLICATION FOR FIREARMS TRAINER CERTIFICATE**

Each applicant for a firearms trainer certificate shall submit an original and one copy of the online application to the Board. The application shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint ~~card~~; card that shall be mailed separately to the Board's office;
- (2) one head and shoulders color digital photograph of the applicant in ~~JPG~~ JPG, JPEG, or PNG format of ~~adequate~~ sufficient quality for identification, taken within six months prior to online submission and submitted by ~~e-mail to PPSASL Photos@ncdps.gov or by compact disc~~ uploading online with the application submission;
- (3) ~~a certified statement~~ upload online a statement of the result results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
- (5) the applicant's non-refundable ~~registration fee;~~ application fee along with a four dollar (\$4.00) convenience fee and credit card transaction fee;
- (6) a certificate of successful completion of the training required by Rule .0901(3) and (4) of this Section. ~~This training shall have been completed~~ Section indicating the training was completed within 60 days of the submission of the application; application and uploaded online as part of the online application process; and
- (7) the actual cost charged to the Private Protective Services Board by the North Carolina Justice Academy to cover the cost of the firearms training course given by the N.C. Justice Academy and collected as part of the online application process by the Private Protective Services Board.

*Authority G.S. 74C-5; 74C-8.1(a); 74C-13.*

**14B NCAC 16 .0903 FEES FOR TRAINER CERTIFICATE**

(a) Trainer certificate fees are as follows:

- (1) forty dollar (\$40.00) non-refundable initial application fee for firearms trainer applicants;
- (2) twenty-five dollar (\$25.00) non-refundable initial application fee for an unarmed trainer applicant;
- (3) twenty-five dollar (\$25.00) biennial fee for a renewal or replacement trainer certificate.

(b) Fees shall be paid as follows:

- (1) ~~if the application is submitted by hand delivery, U.S. Mail, or delivery service, payment shall be in the form of a check or money order made payable to the Private Protective Services Board; or~~
- (2) ~~if the application is submitted online, payment shall be online by credit card, e-check card or other form of electronic funds transfer.~~

*Authority G.S. 74C-9.*

**14B NCAC 16 .0904 RENEWAL OF A FIREARMS TRAINER CERTIFICATE**

(a) Each applicant for renewal of a firearms trainer certificate shall complete ~~a~~ an online renewal form on the website provided by the Board and available on its website at www.ncdps.gov/PPS-Board. This form shall be submitted online not less than 30 days prior to the expiration of the applicant's current certificate and shall be accompanied by:

- (1) ~~certification~~ uploaded online a certificate of the successful completion of a firearms trainer refresher course approved by the Board and the Secretary of Public Safety consisting of a minimum of eight hours of classroom and practical range training in safety and maintenance of the applicable firearm (i.e. handgun, shotgun or rifle), range operations, control and safety procedures, and methods of firing. This training shall be completed within 180 days of the submission of the renewal application;
- (2) ~~a certified statement~~ uploaded online a statement of the result results of a criminal history records search from by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 48 months;
- (3) the applicant's renewal ~~fee;~~ fee along with the four dollar (\$4.00) convenience fee and credit card transaction fee; and
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board.

(b) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the certification renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

*Authority G.S. 74C-5; 74C-8.1(a); 74C-13.*

**14B NCAC 16 .0909 UNARMED TRAINER CERTIFICATE**

(a) To receive an unarmed trainer certificate, an applicant shall meet the following requirements:

- (1) comply with the requirements of Rule .0703 of this Chapter;
- (2) have a minimum of one year of experience in security with a contract security company or proprietary security organization, or one year of experience with any federal, state, county or municipal law enforcement agency;
- (3) successfully complete a training course approved by the Board and the Secretary of Public Safety which shall consist of a minimum of 24 hours classroom instruction to include the following topic areas:
  - (A) civil liability for the security trainer -- (two hours);
  - (B) interpersonal communications in instruction -- (three hours);
  - (C) teaching adults -- (four hours);
  - (D) principles of instruction -- (one hour);
  - (E) methods and strategies of instruction - (one hour);
  - (F) principles of instruction: audio-visual aids -- (three hours); and
  - (G) student performance -- (45 minute presentation);
- (4) receive a favorable recommendation from the employing or contracting licensee; and
- (5) submit the online application required by Rule .0910 of this Section, ~~which is available on the Board's website at [www.ncdps.gov/PPS](http://www.ncdps.gov/PPS).~~ Section.

(b) In lieu of completing the training course set forth in Subparagraph (a)(3) of this Rule, an applicant may submit to the Board:

- (1) a Criminal Justice General Instructor Certificate from the North Carolina Criminal Justice Education and Training Standards Commission; or
- (2) any training certification that meets or exceeds the requirements of Subparagraph (a)(3) of this Rule and is approved by the Director of PPS.

(c) In lieu of the experience requirement of Subparagraph (a)(2) of this Rule and completing the training course set forth in Subparagraph (a)(3) of this Rule, an applicant may establish that the applicant satisfies the conditions set forth in G.S. 93B-15.1(a) for an unarmed trainer and two years of verifiable experience within the past five years in the U.S. Armed forces as an unarmed guard trainer.

(d) In addition to the requirements of Section .0200 of this Chapter, an applicant for an unarmed guard trainer certificate that is the spouse of an active duty member of the U.S. Armed Forces shall establish that the applicant satisfies the conditions set forth in G.S. 93B-15.1(b).

(e) An Unarmed Trainer Certificate shall expire two years after the date of issuance.

*Authority G.S. 74C-8; 74C-9; 74C-11; 93B-15.1.*

**14B NCAC 16 .0910 APPLICATION FOR AN UNARMED TRAINER**

Each applicant for an unarmed trainer certificate shall submit an online application to the Board. The application shall be accompanied by:

- (1) the certified trainer application fee established in Rule .0903(a)(2) of this ~~Section and~~ Section along with a four dollar (\$4.00) convenience fee and credit card transaction fee; and
- (2) a certificate of successful completion of the training required. This training shall have been completed within 120 days of the submission of the application or current certificate of other acceptable certification as set forth in Rule .0909(b) of this Section.

*Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13.*

**14B NCAC 16 .0911 RENEWAL OF AN UNARMED TRAINER CERTIFICATE**

(a) Each applicant for renewal of an unarmed trainer certificate shall complete ~~a board an online renewal form.~~ form on the website provided by the Board. This form shall be submitted online not less than 30 days prior to the expiration of the applicant's current certificate. In addition, the applicant shall include the following:

- (1) the renewal fee set forth in Rule .0903(a)(3) of this ~~Section;~~ Section and collected online as part of the application process;
- (2) ~~certification~~ a certificate of completion of a minimum of 16 hours of Board approved armed or unarmed instruction performed during the current unarmed trainer certification period; and
- (3) a statement verifying the classes taught during the current unarmed trainer certification period on a form ~~prescribed~~ provided by the ~~Board.~~ Board as part of the online application process.

(b) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return are granted that same extension of time to pay the certification renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue must be furnished to the Board.

*Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13.*

**14B NCAC 16 .0912 ROSTERS OF UNARMED TRAINER CLASSES**

Each unarmed trainer shall ~~send to the Board training officer, by e-mail,~~ upload on the Board's website all rosters of classes taught during the current unarmed trainer certification period by June 30 and by December 31 of each year.

*Authority G.S. 74C-5; 74C-13.*

**SECTION .1300 – ARMORED CAR SERVICE GUARD  
REGISTRATION (UNARMED)**

**14B NCAC 16 .1301 APPLICATION FOR UNARMED  
ARMORED CAR SERVICE GUARD REGISTRATION**

(a) Each armored car employer or his designee shall submit ~~and sign~~ an online application form for the registration of each unarmed armored car service guard employee to the Board. This online form shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint ~~card; card that shall be mailed separately to the Board's office;~~
- (2) ~~two one~~ head and shoulders color digital ~~photograph photographs~~ of the applicant in JPG, JPEG, or PNG format of acceptable sufficient quality for identification, taken within six months prior to online ~~submission application~~ and submitted by ~~e-mail to PPSASL Photos@ncdps.gov or by compact disc; uploading the photograph online with the application submission;~~
- (3) ~~a certified statement~~ upload online a statement of the result of a statewide criminal history records search ~~from by~~ the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable registration ~~fee; and fee~~ along with a four dollar (\$4.00) convenience fee and credit card transaction fee;
- (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services ~~Board. Board;~~
- (6) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .1307 of this Section if applicable; and
- (7) a completed affidavit form and public notice statement form.

(b) The employer of each applicant for registration shall give the applicant a copy of the online application and completed affidavit and shall retain a copy of the ~~application~~ application, including affidavit, in the ~~individual's guard's~~ personnel file in the employer's office.

(c) The applicant's copy of the application and completed affidavit form shall serve as a temporary registration card that shall be carried by the applicant when he or she is working is within the scope of his or her employment and ~~that~~ shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

~~(d) A statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .1307 of this Section shall be submitted to the Director with the application.~~

~~(e)(d)~~ A copy of the statement specified in ~~Paragraph (d)~~ Subparagraph (a)(6) of this Rule shall be retained by the licensee

in the individual applicant's personnel file in the employer's office.

*Authority G.S. 74C-3; 74C-5; 74C-8.1(a).*

**14B NCAC 16 .1302 FEES FOR UNARMED  
ARMORED CAR SERVICE GUARD REGISTRATION**

(a) Fees for unarmed armored car service guards are as ~~follows:~~ follows, to include a four dollar (\$4.00) convenience fee and credit card transaction fee:

- (1) thirty dollar (\$30.00) non-refundable initial registration fee;
- (2) thirty dollar (\$30.00) annual renewal, or reissue fee;
- (3) fifteen dollar (\$15.00) transfer fee; and
- (4) twenty-five dollars (\$25.00) late renewal fee to be paid within 90 days from the date the registration expires and to be paid in addition to the renewal fee.

(b) Fees shall be paid ~~as follows:~~

- (1) ~~if the application is submitted by hand delivery, U.S. Mail, or delivery service, payment shall be in the form of a check or money order made payable to the Private Protective Services Board; or~~
- (2) ~~if the application is submitted online, payment shall be and by credit card, e-check card or other form of electronic funds transfer.~~

*Authority G.S. 74C-3; 74C-5; 74C-9.*

**14B NCAC 16 .1306 RENEWAL OR REISSUE OF  
UNARMED ARMORED CAR SERVICE GUARD  
REGISTRATION**

(a) Each applicant for renewal of an unarmed armored car service guard registration identification card or his or her employer shall complete a an online form provided by the Board. This online form shall be submitted not fewer than ~~30~~ 90 days prior to the expiration of the applicant's current registration and shall be accompanied by:

- (1) ~~statements of any~~ upload online a statement of the results of a statewide criminal record history records search obtained from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months; and
- (2) the applicant's renewal ~~fee. fee~~ along with a four dollar (\$4.00) convenience fee and credit card transaction fee.

~~(b) Each applicant for reissue of a registration identification card shall complete, and his or her employer shall sign, a form provided by the Board. This form shall be submitted to the Board and accompanied by:~~

- ~~(1)(3)~~ two one head and shoulders color digital ~~photographs photograph~~ of the applicant in JPG, JPEG, or PNG format of acceptable sufficient quality for identification, taken within six months prior to ~~submission~~ online

application and submitted by ~~e-mail to PPSASL Photos@ncdps.gov or by compact disc~~; uploaded online with application submission; and

(2) ~~the applicant's reissue fee.~~

(4) a completed affidavit form and public notice statement form.

(c) The employer of each applicant for a registration renewal or reissue shall give the applicant a copy of the ~~application online application, including the completed affidavit form~~, that shall serve as a record of application for renewal or reissue and shall retain a copy of the ~~application online application, including affidavit~~, in the ~~individual's guard's~~ personnel file in the employer's office.

(d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

*Authority G.S. 74C-3; 74C-5; 78C-8.1(a).*

## **SECTION .1400 - ARMED ARMORED CAR SERVICE GUARDS FIREARM REGISTRATION PERMIT**

### **14B NCAC 16 .1401 APPLICATION/ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT**

(a) Each armored car employer or his or her designee shall submit ~~and sign~~ an online application form for the registration of each armed armored car service guard applicant to the Board. This online form shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint ~~card~~; card that shall be mailed separately to the Board's office;
- (2) ~~two~~ one head and shoulders color digital photograph ~~photographs~~ of the applicant in JPG, JPEG, or PNG format of acceptable sufficient quality for identification, taken within six months prior to ~~submission~~ online application and submitted by ~~e-mail to PPSASL Photos@ncdps.gov or by compact disc~~; uploading the photograph online with application submission;
- (3) ~~a certified statement~~ upload online a statement of the result of a statewide criminal history records search from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable registration fee; fee along with a four dollar (\$4.00) convenience fee and credit card transaction fee;
- (5) a statement signed by a certified trainer that the applicant has successfully completed the

training requirements of Rule .1407 of this Section; ~~and~~

(6) a certification by the applicant that he or she is at least 18 years of ~~age~~; age;

(7) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board; and

(8) a completed affidavit form and public notice statement form.

(b) The employer of each applicant for registration shall give the applicant a copy of the online application and completed affidavit form and shall retain a copy of the ~~application~~ application, including affidavit, in the ~~individual's guard's~~ personnel file in the employer's office.

(c) The applicant's copy of the ~~application~~ application, affidavit and training certification shall serve as a temporary registration card that shall be carried by the applicant when he or she is working within the scope of his or her employment and ~~that~~ shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(d) ~~Applications~~ Online applications submitted without proof of completion of a Board approved firearms training course shall not serve as temporary registration cards unless the armored car employer has obtained prior approval from the Director. The Director shall grant prior approval if the armored car employer provides proof that the applicant has received prior firearms training.

(e) The provisions of Paragraphs (a), (b), and (c) of this Rule also apply to any employee whose employment is terminated within 30 days of employment.

*Authority G.S. 74C-3; 74C-5; 74C-8.1(a); 74C-13.*

### **14B NCAC 16 .1402 FEES FOR ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT**

(a) Fees for armed armored car service guard firearm registration permits are as ~~follows~~; follows, to include a four dollar (\$4.00) convenience fee and credit card transaction fee:

- (1) thirty dollars (\$30.00) non-refundable initial registration fee;
- (2) thirty dollars (\$30.00) annual renewal, or reissue fee; and
- (3) fifteen dollars (\$15.00) application fee.

(b) Fees shall be paid as follows:

- (1) ~~if the application is submitted by hand delivery, U.S. Mail, or delivery service, payment shall be in the form of a check or money order made payable to the Private Protective Services Board; or~~
- (2) ~~if the application is submitted online, payment shall be by credit card, e-check card or other form of electronic funds transfer.~~

*Authority G.S. 74C-3; 74C-5; 74C-9; 74C-13.*

**14B NCAC 16 .1406 RENEWAL OF ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT**

(a) Each applicant for renewal of an armed armored car service guard firearm registration permit identification card ~~or~~ his or her employer or designee shall complete ~~a~~ an online form provided by the Board. This online form shall be submitted not more than 90 days nor fewer than 30 days prior to expiration of the applicant's current armed registration and shall be accompanied by:

- (1) ~~two one~~ one head and shoulders color digital ~~photograph photographs~~ of the applicant in JPG, JPEG, or PNG format of acceptable sufficient quality for identification, taken within six months prior to submission online application and submitted by ~~e-mail to PPSASL Photos@ncdps.gov or by compact disc; uploading the photograph online with the application submission;~~
- (2) ~~a certified statement~~ upload online a statement of the result of a statewide criminal history records search from by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
- (3) ~~the applicant's renewal fee; and fee along with a four dollar (\$4.00) convenience fee and credit card transaction fee;~~
- (4) ~~the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board.~~ Board;
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of the Section; and
- (6) a completed affidavit form and public notice statement form.

(b) The employer of each applicant for a registration renewal shall give the applicant a copy of the online application that shall and completed application, including affidavit, to serve as a record of application for renewal and shall retain a copy of the application application, including affidavit, in the individual's guard's personnel file in the employer's office.

~~(c) Applications for renewal shall be accompanied by a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .1407 of this Section.~~

~~(d)(c)~~ Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

*Authority G.S. 74C-3; 74C-5; 74C-8.1(a); 74C-13.*

**TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rule cited as 15A NCAC 10F .0336.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
*<https://www.ncwildlife.org/Proposed-Regulations>*

**Proposed Effective Date:** *February 1, 2020*

**Public Hearing:**

**Date:** *September 5, 2019*

**Time:** *10:00 a.m.*

**Location:** *WRC Headquarters, 5th Floor, 1751 Varsity Drive, Raleigh, NC 27606*

**Reason for Proposed Action:** *The Northampton County Board of Commissioners submitted a formal application and resolution requesting a no-wake zone within a portion of Jimmies Creek on Lake Gaston, beginning south of the island and including the prongs of Jimmies Creek to their ends. The no-wake zone is necessary to mitigate hazards to boater and recreationist safety in the creek, parts of which are shallow with submerged rocks and in the prongs of the creek which are very narrow with multiple docks on both sides. Northampton County will bear the expense of purchase and initial placement of no-wake buoys. The Wildlife Resources Commission will be responsible for maintenance of no-wake buoys. A Fiscal Note was submitted to the Office of State Budget and Management and was approved by the Wildlife Resources Commission on July 18, 2019.*

**Comments may be submitted to:** *Rule-making Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email [regulations@ncwildlife.org](mailto:regulations@ncwildlife.org)*

**Comment period ends:** *October 14, 2019*

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- ☒ **State funds affected**
- ☒ **Local funds affected**
- ☐ **Substantial economic impact ( $\geq \$1,000,000$ )**
- ☒ **Approved by OSBM**
- ☐ **No fiscal note required**

**CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY**

**SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY**

**SECTION .0300 - LOCAL WATER SAFETY REGULATIONS**

**15A NCAC 10F .0336 NORTHAMPTON AND WARREN COUNTIES**

(a) Regulated Area. This Rule shall apply to the waters of Lake Gaston ~~the~~ in Northampton and Warren counties.

(b) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked mooring area on the waters of Lake Gaston within Northampton and Warren counties.

(c) Speed Limit Near Shore Facilities. No person shall operate a vessel at greater than no-wake speed within 50 yards of any marked boat launching area, dock, pier, bridge, marina, boat storage structure, or boat service area on the waters of the regulated areas described in Paragraph (a) of this Rule.

(d) Speed Limit in specific waters. No person shall operate a vessel at greater than no-wake speed within the following bodies of water:

- (1) the cove on the north shore of Lake Gaston in Northampton County east of SR 1252 otherwise known as Vincent Lane, shore to shore from a point on the north shore at 36.51660 N, 77.82226 W to a point on the south shore at 36.51578 N, 77.82269 W;
- (2) Big Stone House Creek in Warren County within 50 yards of the culvert under N.C. Highway 903 at 36.48789 N, 77.95009 W;
- (3) Songbird Creek in Warren County within 50 yards of the culvert under N.C. Highway 903 at 36.53260 N, 77.97330 W;
- (4) Sixpound Creek in Warren County within 50 yards of the culvert under ~~SR 1704~~ SR 1704 otherwise known as Nocarva Road at 36.52950 N, 78.07283 W; ~~and~~
- (5) Lizard Creek in Warren County within 50 yards of the culvert under SR 1362 otherwise known as Lizard Creek Road at 36.52501 N, ~~77.94487 W~~ 77.91187 W; ~~and~~
- (6) Jimmies Creek in Northampton County shore to shore, north of a line from a point on the east shore at 36.52450 N, 77.82600 W to a point on the west shore at 36.52445 N, 77.82810 W.

(e) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the waters of Lake Gaston in Northampton and Warren counties.

(f) Placement of Markers. The Boards of Commissioners of Northampton County and Warren County shall be the designated agencies for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and United States Army Corps of Engineers.

*Authority G.S. 75A-3; 75A-15.*

\*\*\*\*\*

*Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10H .0102-.0109, repeal the rule cited as 15A NCAC 10H .0110, and readopt with substantive changes the rule cited as 15A NCAC 10H .0101.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://www.ncwildlife.org/Proposed-Regulations>

**Proposed Effective Date:** April 1, 2020

**Public Hearing:**

**Date:** September 18, 2019

**Time:** 10:00 a.m.

**Location:** WRC Headquarters, 1751 Varsity Drive Raleigh, NC 27606

**Reason for Proposed Action:** Pursuant to 150B-21.3A, the agency is required to review all existing rules on a schedule determined by the Rules Review Commission. Rule 15A NCAC 10H .0101 was required to be readopted as part of this process. It was also updated and includes technical and clarifying changes.

**Rules 15A NCAC 10H .0102 through .0109** are proposed for amendment and include technical, organizational, and clarifying changes.

**Rule 15A NCAC 10H .0110** is proposed for repeal, as the substantive provisions of this rule have been integrated into another rule.

**Comments may be submitted to:** Rule-making Coordinator, 1701 Mail Service Center, Raleigh, NC 27699-1700; email [regulations@ncwildlife.org](mailto:regulations@ncwildlife.org)

**Comment period ends:** October 14, 2019

**Procedure for Subjecting a Proposed Rule to Legislative Review:**

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any



further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- ☐ State funds affected
- ☐ Local funds affected
- ☐ Substantial economic impact ( $\geq \$1,000,000$ )
- ☐ Approved by OSBM
- ☒ No fiscal note required

## CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

### SUBCHAPTER 10H - REGULATED ACTIVITIES

#### SECTION .0100 - CONTROLLED HUNTING PRESERVES FOR DOMESTICALLY RAISED GAME BIRDS

##### 15A NCAC 10H .0101 ~~LICENSE TO OPERATE~~ GENERAL REQUIREMENTS

~~(a) A controlled hunting preserve license entitles the holder or holders thereof, and their guests of that preserve to take or kill by shooting only, and without regard to sex or bag limits, starting October 1 and ending March 31, domestically raised pheasants, chukar partridges, Hungarian partridges, Mallard ducks (as defined by the United States Fish and Wildlife Service) or other domestically raised game birds, except wild turkey. A controlled hunting preserve license also authorizes the holder or holders to purchase, possess, propagate, sell, transport and release propagated migratory game birds and their eggs, and propagated upland game birds, except wild turkey, subject to the limitations and conditions in Section .0900 of this Subchapter. Application for controlled hunting preserve licenses shall be made on standard forms obtainable from the commission. Applicants must be prepared to show proof of ownership of the land contained in the proposed hunting preserve or proof that they have this land under lease for the duration of the license period.~~

~~(b) Controlled hunting preserve operators who release birds must report for the time period of the license the numbers of birds released by species and the counties where those birds were released using a reporting mechanism supplied by the Commission in order to renew their licenses.~~

~~(a) It shall be unlawful to operate a preserve without first obtaining a controlled hunting operator's license from the North Carolina Wildlife Resources Commission.~~

~~(b) A controlled hunting preserve operator's license shall authorize an operator, guest, or customer to take the following:~~

- ~~(1) Mallard Ducks (as defined by the Migratory Bird Treaty Act, 16 U.S.C. 703);~~
- ~~(2) Chukar Partridges;~~
- ~~(3) Hungarian Partridges; and~~
- ~~(4) Other domestically raised game birds, except Wild Turkey.~~

~~(c) The following conditions shall apply to the take of birds on a controlled hunting preserve:~~

- ~~(1) take shall be by shooting, which may include the use of dogs;~~
- ~~(2) there shall be no bag limits or sex restrictions; and~~
- ~~(3) take shall be authorized from October 1 to March 31.~~
- ~~(4) domestically raised migratory gamebirds shall be marked by one of the methods provided in 50 C.F.R. 21.13, all other domestically raised game birds, except Chukar Partridges and Hungarian Partridges, shall be individually marked on one leg with a band imprinted with the propagator's license number.~~

~~(d) Application for a controlled hunting preserve operator's license shall be made on a form available from the Commission online at [www.ncwildlife.org](http://www.ncwildlife.org) or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606-2576. The application shall include the following information:~~

- ~~(1) The applicant's name, mailing address, residence address, telephone number, and date of birth;~~
- ~~(2) The preserve name and address;~~
- ~~(3) GPS coordinates of preserve entrance;~~
- ~~(4) The total preserve acres owned or leased;~~
- ~~(5) The name, address, and telephone number of the landowner, if applicable;~~
- ~~(6) The type of preserve; and~~
- ~~(7) The species of domestically raised game birds to be offered for hunting.~~

~~(e) Applicants shall certify and demonstrate ownership or proof of lease of the land for the license period and for the operation of a controlled hunting preserve.~~

~~(f) Unless otherwise indicated, a controlled hunting preserve operator's license is valid from July 1st through June 31st of the following year.~~

~~(g) A licensed controlled hunting preserve operator shall be authorized to purchase, possess, propagate, sell, transport, and release propagated migratory game birds, their eggs, and propagated upland game birds, except for wild turkey, subject to limitations in Section .0900 of this Subchapter.~~

~~(h) Representatives of the Commission shall be permitted to enter the premises upon request or during business hours for inspection, enforcement, or scientific purposes.~~

*Authority G.S. 113-134; 113-273.*

##### 15A NCAC 10H .0102 ~~ESTABLISHMENT AND~~ OPERATION

~~(a) Size of Preserve. Controlled hunting preserves licensed under these regulations shall consist of not less than be at least 100 acres and shall be in one contiguous block of land.~~

~~(b) Boundary of Preserve. The boundary of each controlled hunting preserve shall be posted with printed signs that face both outward and inward from the preserve boundary and that are supplied and posted by the preserve owner as follows: and meet the following requirements:~~

- ~~(1) Size and color. Signs shall be at least 12 inches wide and at least nine inches tall with white~~

background and black lettering of uniform and legible font.

- (2) Signs shall be placed along the boundaries of the controlled hunting preserve, not more than 150 feet apart.

- (2)(3) Text for of signs that face facing outward from the boundary shall bear contain the following information: information in font no less than ¼ of an inch in height:

(A)(i) the words "Controlled Hunting Preserve" in font size no less than ¼ of an inch in height; Preserve";

(B)(ii) the words, "The owner or lessee of this property is operating by authority of a license issued by the N.C. Wildlife Resources Commission. All hunting Hunting on this preserve shall be in accordance with special regulations adopted by of the Commission" Commission."; in font size no less than ¼ of an inch in height;

(C)(iii) the words, "state hunting license is required" in font size no less than ¼ inches in height; required"; and

(D)(iv) the name of the licensed operator of the controlled hunting preserve in font size no less than ¼ of an inch in height. preserve.

- (3)(4) Text for of signs that face facing inward from the boundary shall bear the words "Controlled Hunting Preserve" in font size no less than ¾ of an inch in height.

- (4) Location. Signs shall be placed along the boundaries of the controlled hunting preserve, spaced not more than 150 feet apart.

(e) Stocking Preserve with Game. An applicant for a controlled hunting preserve license shall present satisfactory evidence of his ability to raise, or purchase, for release on the preserve during the year at least the minimum number herein designated of each species he plans to advertise as being available on his preserve for hunting in accordance with the following formula:

- (1) ring necked pheasants (and other nonnative game birds except Mallard ducks) 100 birds of each species for first 300 acres, or fraction thereof, and 100 birds for each additional 200 acres, or fraction thereof, included in the hunting preserve;
- (2) bobwhite quail 1,000 quail for the first 300 acres, or fraction thereof, and 500 quail for each additional 200 acres, or fraction thereof, included in the hunting preserve;
- (3) Mallard ducks (one generation removed from the wild) 100 minimum for each preserve.

Authority G.S. 113-134; 113-273.

## 15A NCAC 10H .0103 LABELING OF HARVESTED BIRDS

(a) ~~When any person takes game birds, it~~ It shall be unlawful to remove such harvested birds from the hunting preserve or to possess harvested birds the same thereafter unless the entire bag of such birds is are packaged and marked with a label provided by the hunting preserve operator. preserve. Such The label shall contain: contain the following information:

- (1) the name and address of the hunting preserve, preserve;
- (2) the name and address of the possessor of the bird carcasses, harvested birds;
- (3) the number of bird carcasses harvested birds contained therein, in the package;
- (4) a statement that the package may be opened for inspection by an enforcement officer, officer; and
- (5) the signature of the preserve owner or operator. licensed operator or his or her designee.

(b) The package must packaged and marked harvested birds shall be accompanied at all times by the hunter's receipt receipt, which shall be completed and signed by the preserve operator or his or her agent designee as described in Rule .0105 of this Section.

Authority G.S. 113-134; 113-273; 113-274.

## 15A NCAC 10H .0104 QUALITY OF BIRDS RELEASED

All birds purchased or raised for release on controlled hunting preserves shall be ~~healthy and~~ free from disease. Possession of ~~unhealthy or~~ diseased birds is may be grounds for ~~revocation the~~ suspension, revocation, or denial of a controlled hunting preserve license.

Authority G.S. 113-134; 113-273.

## 15A NCAC 10H .0105 RECORDS REQUIRED AND REPORTING REQUIREMENTS

(a) The controlled hunting preserve operator shall maintain a daily written record of each hunter using the controlled hunting preserve. This record shall be kept on forms provided by the preserve operator. A sample form will be provided by the Wildlife Resources Commission to the preserve operator. This record shall bear the name, address, and license number of the preserve; the name, address and state hunting license number of each hunter using the preserve, the date of the hunt, and the number of each species of game bird killed by the hunter on the preserve. contain the following information:

- (1) name, address, and license number of the preserve;
- (2) the name, address, and state hunting license number of each hunter using the preserve;
- (3) the date(s) of the hunt;
- (4) the number and species of each bird harvested by the hunter on the preserve; and
- (5) the signature of the operator.

The record shall bear the signature of the operator of the preserve and shall be prepared in duplicate; the original to be given to the hunter to serve as a receipt for birds killed on the preserve, and the duplicate copy to be retained by the licensee for 12 months

~~and which copy shall be available for inspection by authorized Commission personnel upon demand. This record shall be executed in duplicate. The original record shall be given to the hunter to serve as a receipt for birds harvested on the preserve as required in Rule .0103 of this Section. The duplicate record shall be retained by the operator for 12 months after the date(s) of the hunt and shall remain open and available for inspection by the Commission. It is shall be unlawful for a person to possess native or nonnative game birds killed harvested on controlled hunting preserves, unless the said birds are accompanied by preserves without an approved a receipt as described in this Rule.~~

~~(b) The licensee operator shall maintain a daily written record of each game bird species liberated released on the preserve. This record shall include the number and species of each bird released and the date of the release. This record shall be open for inspection by authorized Commission personnel upon demand. Representatives of the Commission shall be permitted to enter the premises at reasonable times for inspection, enforcement, or scientific purposes.~~

~~(c) The records required by this Rule shall be available for inspection at the request of the Commission.~~

~~(d) Licensed operators that release birds shall report the number released, the species of the birds released, and the county where the release occurred to renew their operator's license. This reporting requirement shall be limited to those birds released during the time period of the operator's current valid license or last valid license and shall be reported on the Controlled Shooting Preserve Game Birds Report Form found online at [www.ncwildlife.org](http://www.ncwildlife.org) or at the Commission headquarters.~~

*Authority G.S. 113-134; 113-273; 113.274.*

#### **15A NCAC 10H .0106 HUNTING LICENSE REQUIRED**

~~Every person hunting on a controlled hunting preserve shall have in his possession a proper resident or nonresident hunting license or a special controlled hunting preserve hunting license for the current year as required by law. A valid North Carolina hunting license or controlled hunting preserve hunting license shall be required of all persons hunting domestically raised birds on controlled hunting preserves, unless otherwise exempted by law.~~

*Authority G.S. 113-134; 113-270.2; 113-273.*

#### **15A NCAC 10H .0107 REVOCATION OF LICENSE TO OPERATE**

~~In accordance with provisions of As authorized in G.S. 113-276.2, the Wildlife Resources Commission Executive Director of the Commission or his or her designee may revoke or suspend revoke, suspend, or deny the renewal of the license of any controlled hunting preserve operator upon violation of these the rules and regulations. in this Section. When there is evidence of such a violation, the executive director or his designee shall give the said operator 20 days notice in writing to show cause to the executive director or his designee why said license should not be suspended or revoked. The determination whether to revoke, suspend, or deny a controlled hunting preserve operator license shall be based upon the seriousness of the violation and any previous violations.~~

*Authority G.S. 113-134; 113-273; 113-276.2.*

#### **15A NCAC 10H .0108 BIRD FEEDERS FEEDING OF STOCKED BIRDS**

~~(a) Purpose of Rule. The purpose of this Rule is to prescribe criteria governing the types and locations of bird feeders on controlled hunting preserves in the vicinity of which properly licensed hunters may take game birds as provided by law.~~

~~(b)(a) Types of Feeders. For the purposes of this Rule, bird Bird feeders may used on controlled hunting preserves shall be either of commercial design or of domestic manufacture, provided that in either case they are not designed to disperse grain or other food on the ground around the feeders and are sheltered so as to protect such grain or food from dampness and precipitation. meet the following conditions:~~

- ~~(1) shall not disperse grain or other food on the ground around the feeders; and~~
- ~~(2) shall be sheltered to protect the grain or other food from dampness and precipitation.~~

~~(e)(b) Location of Feeders. For the purposes of this Rule, no No bird feeder shall be placed within 100 yards of any boundary of a controlled hunting preserve; otherwise the locations of such feeders shall be in the discretion of the hunting preserve operator. preserve.~~

~~(c) Supplemental feeding. Licensed operators shall be authorized to broadcast supplemental feed on the preserve. It shall be lawful for licensed hunters to take all birds authorized in 15A NCAC 10H .0101(b) in supplemented areas. Wild birds may not be taken with the use or aid of bait, including in supplemental feeding areas.~~

*Authority G.S. 113-134; 113-273.*

#### **15A NCAC 10H .0109 QUAIL CALL-PEN TRAPS**

~~(a) Conditions of use. A licensed Licensed controlled hunting preserve operator who operators that releases release pen-raised quail for hunting or dog training purposes may, between September 1 and April 30, operate one or more quail call pen traps in accordance with the requirements of this Rule for the purpose of recovering any such quail that are not killed. shall be authorized to use quail call-pen traps, between September 1 and April 30, to recover released quail, subject to the following requirements:~~

- ~~(1) all traps shall have a weather-resistant permanent tag attached with the operator's name and address written legibly;~~

~~(b)(2) Location of Traps. No quail call pen trap shall no trap shall be located within 100 yards of any external boundary of the hunting preserve. preserve; and~~

~~(c) Identification of Traps. All traps shall have a weather-resistant permanent tag attached with the propagator's name and address legibly written on it.~~

- ~~(3) no trapped, unbanded quail shall be retained.~~

*Authority G.S. 113-134; 113-291.1.*

#### **15A NCAC 10H .0110 SUPPLEMENTAL FEEDING**

~~A controlled hunting preserve operator may broadcast supplemental grain feed on the preserve. Licensed hunters may take domestically raised pheasants, chukar partridges, Hungarian~~

~~partridges, or other domestically raised upland game birds, except wild turkey, in supplemented areas.~~

*Authority G.S. 113-134; 113-273.*

## TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

### CHAPTER 38 – BOARD OF OCCUPATIONAL THERAPY

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Occupational Therapy intends to amend the rules cited as 21 NCAC 38 .0801, .0804, and .0805.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
[http://www.ncbot.org/otpages/news\\_and\\_announcements.html](http://www.ncbot.org/otpages/news_and_announcements.html)

**Proposed Effective Date:** *January 1, 2020*

**Public Hearing:**

**Date:** *September 16, 2019*

**Time:** *11:00 am*

**Location:** *Wells Fargo Capitol Center, 13th Floor Conference Room, 150 Fayetteville Street, Raleigh, NC 27601*

**Reason for Proposed Action:** *The amendments to Rule .0801, .0804 and .0805 are being submitted to clarify continuing competence activity requirements.*

**Comments may be submitted to:** *Charles P. Wilkins, PO Box 2280, Raleigh, NC 27602; phone (919) 832-1380; email cwilkins@bws-law.com*

**Comment period ends:** *October 14, 2019*

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- ☐ **State funds affected**  
☐ **Local funds affected**  
☐ **Substantial economic impact (>= \$1,000,000)**  
☐ **Approved by OSBM**

☒ **No fiscal note required**

## SECTION .0800 – CONTINUING COMPETENCE ACTIVITY

### 21 NCAC 38 .0801 CONTINUING COMPETENCE DEFINITIONS

As used in this Section:

- (1) "AOTA Approved Provider Program" refers to a voluntary process of review and approval of continuing education (CE) providers by the American Occupational Therapy Association (AOTA) based on criteria and guidelines that assess a provider's ability to develop and implement CE activities that are relevant to the practice of occupational therapy.
- (2) "Contact Hour" means a unit of measure for a continuing education activity. One contact hour equals 60 minutes in a learning activity, excluding meals and breaks. One contact hour equals one point.
- (3) "Continuing Competence" means a process in which an occupational therapist or an occupational therapy assistant develops and maintains the knowledge, performance skills, interpersonal abilities, critical reasoning skills, and ethical practice reasoning skills necessary to perform his or her occupational therapy professional responsibilities.
- (4) "Continuing Education" means structured educational experiences beyond entry-level academic degree work that are intended to provide advanced or enhanced knowledge in a particular area.
- (5) "Continuing Education Credit" means credit given for a formalized activity in the form of contact hours or continuing education units.
- (6) "Continuing Education Unit (CEU)" means a unit of measure for continuing education. One CEU is defined as 10 contact hours of participation in a learning activity excluding meals and breaks.
- (7) "Peer Reviewed" means any written work that is blind reviewed by more than one person.
- (8) "Points" means an assigned unit of measure for each continuing competence activity as defined in Rule .0805 of this Section.

*Authority G.S. 90-270.69; 90-270.75(a).*

### 21 NCAC 38 .0804 SCOPE OF QUALIFIED ACTIVITIES FOR MAINTAINING CONTINUING COMPETENCE

- (a) To be approved by the Board, activities must be related to the licensee's current or anticipated roles and responsibilities in occupational therapy and must serve to protect the public by enhancing the licensee's continuing competence.
- (b) Subject matter for approved activities include research; theoretical or practical content related to the practice of

occupational therapy; or the development, administration, supervision, and teaching of clinical practice or service delivery programs by occupational therapists or occupational therapy assistants.

*Authority G.S. 90-270.69; 90-270.75(a).*

**21 NCAC 38 .0805 QUALIFIED ACTIVITIES FOR MAINTAINING CONTINUING COMPETENCE**

Activities that qualify for maintaining continuing competence are:

- (1) Continuing Education:
  - (a) Includes attendance and participation at a live presentation such as a workshop, seminar, conference, or in-service educational program. May also include participation in other continuing education activities that require a formal assessment of learning. Examples include electronic or Web-based courses, AOTA Self-Paced Clinical Courses or other formalized self-study courses, or AOTA Continuing Education Articles;
  - (b) A licensee may earn one point for each contact hour or equivalent unit that is awarded by the provider. There are no maximum points in this category; and
  - (c) Documentation shall include a certificate of completion or similar documentation including name of course, date, author/instructor, sponsoring organization, location, and number of hours attended.
- (2) Academic Coursework:
  - (a) Includes participation in on-site or distance learning academic courses from a university, college, or vocational technical adult education course related to the practice of occupational therapy;
  - (b) A licensee may earn one point for each contact hour, up to a maximum of six points;
  - (c) A licensee enrolled in a graduate or post-graduate OT curriculum has no maximum points in this category; and
  - (d) Documentation shall include an original official transcript indicating successful completion of the course, date, and a description of the course from the school catalogue or course syllabus.
- (3) Small Group Study:
  - (a) Includes review and discussion of journal articles, clinical videotapes or audiotapes by at least two licensed practitioners;

- (b) A licensee may earn one point for ~~one hour~~ three contact hours ~~spent in an independent study activity~~, up to a maximum of three points; and
- (c) Documentation shall include title, author, publisher, time spent, and date of completion. Licensee must complete the Small Group Study Form provided by the NCBOT and include a statement that describes how the activity relates to a licensee's current or anticipated roles and responsibilities.

(4) Mentorship Agreement:

- (a) Participation as a Mentee:
  - (i) Participation in a formalized mentorship agreement with a mentor as defined by a signed contract between the mentor and mentee that outlines specific goals and objectives and designates the plan of activities that are to be met by the mentee. These activities must be related to the development of new occupational therapy skills outside current required job performance;
  - (ii) A licensee may earn one point for each ~~four~~ 10 contact hours spent in activities directly related to achievement of goals and objectives up to a maximum of ~~five~~ two points; and
  - (iii) Documentation shall include name of mentor and mentee, copy of signed contract, dates, hours spent and focus of mentorship activities, and outcomes of mentorship agreement.
- (b) Participation as Mentor:
  - (i) Participation in a formalized mentorship agreement with ~~a~~ an occupational therapy practitioner or post Level II fieldwork student mentee as defined by a signed contract between the mentor and mentee that designates the responsibilities of the mentor and specific goals and objectives that are to be met by the mentee. These activities must be related to the development of ~~new~~ occupational therapy skills

- for the ~~mentee~~ mentee. The mentorship must not be part of the mentor's that are outside current required job performance; responsibilities;
- (ii) A licensee may earn one point for each four hours spent in mentorship activities as a mentor up to a maximum of five points; and
  - (iii) Documentation shall include name of mentor and mentee, copy of signed contract, dates, hours spent and focus of mentorship activities, and outcomes of mentorship agreement.
- (5) Fieldwork Supervision:
- (a) Participation as the primary clinical fieldwork educator for Level I or Level II OT or OTA fieldwork students;
  - (b) A licensee may earn one-half point for each ~~40~~ 20 hours of fieldwork, up to a maximum of ~~six~~ 12 points; points for Level I may not exceed six.
  - (c) Documentation shall include verification provided by the school to the fieldwork educator with the name of student, school, and dates of fieldwork or the signature page of the completed student evaluation form. Evaluation scores and comments shall be deleted or blocked out; and
  - (d) If fieldwork spans two licensure years, credit shall be given only for the year it is completed.
- (6) Professional Writing:
- (a) Publication of a peer-reviewed book, chapter, article or contracted review of occupational therapy resource material;
  - (b) During the year written, edited or reviewed a licensee may earn;
    - (i) 15 points as author of a book;
    - (ii) 10 points as author of a chapter;
    - (iii) Five points as author of a peer-reviewed article;
    - (iv) Five points as a contracted reviewer of a print or multimedia occupational therapy resource; or
    - (v) 10 points as listed editor of a book.
  - (c) Documentation shall consist of full reference for publication including title, author, editor, and date of publication; or copy of acceptance letter, if not yet published; and
- (d) Credit for submitted items shall be given for one licensure period only.
- (7) Presentation and Instruction:
- (a) Presentation of an academic course or peer-reviewed or non peer-reviewed workshop, seminar, in-service, electronic or Web-based course for the first time or for which more than 50% of the material has been ~~revised;~~ revised related to occupational therapy;
  - (b) A licensee may earn two points for ~~each one contact hour of credit~~ that is awarded for an activity, up to a maximum of six points; and
  - (c) Documentation shall include a copy of official program, schedule, or syllabus including presentation title, date, hours of presentation, and type of audience or verification of such, signed by the sponsor.
- (8) Professional Meetings and Activities:
- (a) Consistent with Rule .0804 of this Section, participation in board or committee work with agencies or organizations to promote and enhance the practice of occupational therapy;
  - (b) A licensee may earn one point for five hours or two points for 10 or more hours for participation on committees or boards; and
  - (c) Documentation must include name of committee or board, name of agency or organization, purpose of service, and description of licensee's role. Participation and hours must be validated by an officer or representative of the organization or committee.
- (9) Board Certification or Specialty Certification:
- (a) The Board shall recognize completion of activities that result in board certification or specialty certification by AOTA during the current licensure period;
  - (b) A licensee may earn 15 points for each board certification or specialty certification credential earned or re-certified during the current licensure period; and
  - (c) Documentation shall include certificate of completion or other documentation from the recognized certifying body that identifies satisfactory completion of requirements for obtaining board

- (10) Research and Grants:
- (a) ~~certification or specialty certification.~~  
certification or recertification. Development of or participation in a research project or grant ~~proposal~~; proposal relevant to occupational therapy;
- (b) A licensee may earn one point for each three hours spent working on a research project or grant proposal, up to a maximum of five points; and
- (c) Documentation includes verification from the primary investigator
- indicating the name of the research project, dates of participation, major hypotheses or objectives of the project, and licensee's role in the project or name of grant proposal, name of grant source, purpose and objectives of the project, and verification from the grant author regarding licensee's role in the development of the grant if not the author.
- Authority G.S. 90-270.69; 90-270.75(a).*

**Note from the Codifier:** The rules published in this Section of the NC Register are emergency rules reviewed by the Codifier of Rules and entered in the North Carolina Administrative Code. The agency must subsequently publish a proposed temporary rule on the OAH website ([www.ncoah.com/rules](http://www.ncoah.com/rules)) and submit that adopted temporary rule to the Rules Review Commission within 60 days from publication of the emergency rule or the emergency rule will expire on the 60<sup>th</sup> day from publication. This section of the Register may also include, from time to time, a listing of emergency rules that have expired. See G.S. 150B-21.1A and 26 NCAC 02C .0600 for adoption and filing requirements.

**TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY**

**Rule-making Agency:** *Wildlife Resources Commission*

**Rule Citation:** *15A NCAC 10F .0317 and .0327*

**Effective Date:** *July 30, 2019*

**Findings Reviewed and Approved by the Codifier:** *July 19, 2019*

**Reason for Action:** *A No Wake Zone, shore to shore, within 85 yards north and south of the NC Hwy 24/27/73 bridge eastbound and westbound spans, is needed to mitigate water safety hazards during an NC DOT bridge construction project. The construction project includes the use of cranes, barges, construction curtains, and other materials that pose a hazard to boaters. Additionally, this bridge traverses county lines and necessitates emergency rulemaking in both 15A NCAC 10F .0317 and .0327. The NC WRC has statutory authority pursuant to G.S. 150B-21.1(a) to establish No Wake Zones through temporary rule. However, the breadth and complexity of the project, as well as potential danger to the public, is great enough to warrant the immediate establishment and designation of a no wake zone.*

**CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY**

**SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY**

**SECTION .0300 - LOCAL WATER SAFETY REGULATIONS**

**15A NCAC 10F .0317 STANLY COUNTY**

(a) Regulated Areas. This Rule shall apply to the following waters and portions of waters described as follows:

- (1) Narrows Reservoir, otherwise known as Badin Lake; and
- (2) Lake Tillery: Turner Beach Cove shore to shore, south of a point at 35.22529 N, 80.09318 W.

(b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any public boat launching ramp while on the waters of a regulated area described in Paragraph (a) of this Rule.

(c) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the waters of a regulated area described in Paragraph (a) of this Rule.

(d) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any of the regulated area described in Paragraph (a) of this Rule:

(e) Placement of Markers. The Board of Commissioners of Stanly County shall be the designated agency for placement of markers implementing this Rule.

(f) Notwithstanding Paragraphs (a) through (e) of this Rule, no person shall operate a vessel at greater than no-wake speed in the waters of Lake Tillery shore to shore, within 85 yards north and 85 yards south of the NC Hwy 24/27/73 bridge eastbound and westbound spans, otherwise known as the James B. Garrison Bridge. The North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of markers for this regulated area.

*History Note: Authority G.S. 75A-3; 75A-15; Eff. February 1, 1976; Amended Eff. July 1, 1995; March 25, 1978; November 1, 1977; Temporary Amendment Eff. June 1, 1998; Amended Eff. July 1, 2000; April 1, 1999; July 1, 1998; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. October 1, ~~2018~~ 2018; Emergency Amendment Eff. July 30, 2019.*

**15A NCAC 10F .0327 MONTGOMERY COUNTY**

(a) Regulated Areas. This Rule shall apply to the waters and portions of waters described as follows:

- (1) Badin Lake.
  - (A) the cove west of Lakeshore Drive and east of Strand Drive, southeast of a line at the mouth of the cove from a point on the east shore at 35.49242 N, 80.09241 W to a point on the west shore at 35.49242 N, 80.09241 W;
  - (B) Lake Forest Drive Cove shore to shore, west of a point 50 yards east of the fueling site at the marina at 35.48739 N, 80.10918 W;
  - (C) Garr Creek shore to shore, north of a line beginning at a point on the east shore at 35.47952 N, 80.13633 W to a point on the west shore at 35.47946 N, 80.13932 W; and
  - (D) the channel between Beyer's Island and the mainland, shore to shore beginning at a line from a point on Beyer's Island at 35.49102 N, 80.10221 W to a point on the mainland at 35.49230 N, 80.10241 W, ending at a line westward, from a point on Beyer's Island at 35.48988 N,



- 80.10573 W to a point on the mainland at 35.49077 N, 80.10702 W.
- (2) Lake Tillery.
- (A) the waters within 50 yards of the boat ramp in the south end of Woodrun Cove at 35.33113 N, 80.06277 W;
- (B) Carolina Forest Cove shore to shore and the waters within 50 yards of the boat ramps and boat slips at the end of Arroyo Drive in Carolina Forest Community, from a point on the south shore at 35.36276 N, 80.05386 W, northeast to a point on the north shore at 35.36405 N, 80.05304 W; and
- (C) Lilly's Bridge Boating Access Area shore to shore, from line 25 feet north of the SR 1110 bridge otherwise known as Lillys Bridge Road at a point on the east shore at 35.23223 N, 80.06166 W, to a point on the west shore at 35.23289 N, 80.06318 W, to a line 200 feet southwest of the Lilly's Bridge Boating Access Area, from a point on the east shore at 35.23067 N; 80.06262 W, to a point on the west shore at 35.23156 N; 80.06437 W.

(3) Tuckertown Reservoir.

(b) Speed Limit Near Shore Facilities. No person shall operate a vessel at greater than no-wake speed within 50 yards of any marked boat launching area, dock, pier, bridge, marina, boat storage structure, or boat service area on the waters of the regulated areas described in Paragraph (a) of this Rule.

(c) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any regulated area described in Paragraph (a) of this Rule.

(d) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the waters of the regulated areas described in Paragraph (a) of this Rule.

(e) Placement of Markers. The Board of Commissioners of Montgomery County shall be the designated agency for placement of the markers implementing Parts (a)(1)(A), (B), (C), (2)(A) and (B), and Subparagraph (a)(3) of this Rule. The North Carolina Wildlife Resources Commission is the designated agency for placement and maintenance of the markers implementing Part (a)(2)(C) of this Rule.

(f) Notwithstanding Paragraphs (a) through (e) of this Rule, no person shall operate a vessel at greater than no-wake speed in the waters of Lake Tillery shore to shore, within 85 yards north and 85 yards south of the NC Hwy 24/27/73 bridge eastbound and westbound spans, otherwise known as the James B. Garrison Bridge. The North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of markers for this regulated area.

*History Note: Authority G.S. 75A-3; 75A-15; Eff. November 1, 1977; Amended Eff. December 1, 1990; May 1, 1989; March 25, 1978; Temporary Amendment Eff. June 1, 1998;*

*Amended Eff. April 1, 1999; July 1, 1998; Temporary Amendment Eff. July 1, 2002; Amended Eff. August 1, 2006; June 1, 2005; April 1, 2003; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. October 1, 2018; April 1, ~~2017~~ 2017; Emergency Amendment Eff. July 30, 2019.*

## **TITLE 16 – DEPARTMENT OF PUBLIC INSTRUCTION**

**Rule-making Agency:** *State Board of Education*

**Rule Citation:** *16 NCAC 06C .0314 and .0315*

**Effective Date:** *July 23, 2019*

**Findings Reviewed and Approved by the Codifier:** *July 15, 2019*

**Reason for Action:** *Session Law 2019-71, "An Act to Modify Teacher Licensure Requirements," requires the North Carolina Board of Education to adopt emergency rules for the implementation of the Law within 10 days of its effective date. Session Law 2019-71 became effective on July 1, 2019. Among other things, the law changes the existing approach for educators to obtain certain professional educator licenses and creates certain obligations for the State Board of Education and the North Carolina Department of Education in the licensure process. In order to protect the rights of teachers under the new law and further define responsibilities of the State Board and Department in time for the 2019-2020 school year, it is necessary for the State Board to enact rules that clarify licensure procedures.*

## **CHAPTER 06 - ELEMENTARY AND SECONDARY EDUCATION**

### **SUBCHAPTER 06C - PERSONNEL**

### **SECTION .0300 - CERTIFICATION**

#### **16 NCAC 06C .0314 INITIAL PROFESSIONAL LICENSE: NOTIFICATION OF NON-COMPLIANCE AND SUBMISSION OF EXAMINATION REQUIREMENTS**

(a) When the holder of an initial professional license is not in compliance with the requirements of G.S. 115C-270.15, the Department of Public Instruction satisfies its statutory duty to notify the teacher of such deficiencies by transmitting at least one communication to the teacher through either:

- (1) electronic mail to the applicant's last known email address as reported to the Department's Licensure Office; or
- (2) regular mail to the applicant's last known physical address as reported to the Department's Licensure Office.

The Department shall provide notification of noncompliance with first-year licensure examination requirements by July 31 each year. A teacher's failure to receive actual notice of noncompliance

shall not constitute grounds for an extension of time to complete licensure examination requirements.

(b) Teachers seeking to convert an initial professional license to a continuing professional license shall submit to the Department all documentation required to show compliance with the examination requirements.

*History Note: Authority G.S. 115C-270.15(d); 115C-270.15(e); N.C. Constitution, Article IX, s. 5;*

*Emergency Adoption Eff. July 23, 2019, pursuant to S.L. 2019-71.*

**16 NCAC 06C .0315 EVIDENCE OF TEACHER EFFECTIVENESS TO BE SUBMITTED BY LICENSED OUT-OF-STATE TEACHERS SEEKING A CONTINUING PROFESSIONAL LICENSE**

A teacher who possesses three or more years of teaching experience and currently holds an initial professional license or its equivalent in a state other than North Carolina shall be eligible for a continuing license, provided that he or she submits to the Department of Public Instruction evidence of his or her effectiveness, which shall include at least the following:

- (1) a copy of a current, valid out-of-state teaching license in good standing;
- (2) information identifying all of the schools and school systems in which the educator is teaching or has taught;

(3) documentation of effective instructional practice in the form of a written classroom observation evaluation; and

(4) the following:

- (a) documentation of teacher effectiveness as measured by the evaluation system used in that applicant's state of current licensure at the time of application, including any growth measures included in that state or school district's evaluation system along with relevant documentation, corresponding to each submitted item of evidence indicating the scale by which effectiveness is measured; or
- (b) an official letter from the State Education Agency (SEA) affirming that the teacher was deemed effective according to that state's educator effectiveness model.

*History Note: Authority G.S. 115C-270.25; N.C. Constitution, Article IX, s. 5;*

*Emergency Adoption Eff. July 23, 2019, pursuant to S.L. 2019-71.*

**Note from the Codifier:** The rules published in this Section of the NC Register are temporary rules reviewed and approved by the Rules Review Commission (RRC) and have been delivered to the Codifier of Rules for entry into the North Carolina Administrative Code. A temporary rule expires on the 270<sup>th</sup> day from publication in the Register unless the agency submits the permanent rule to the Rules Review Commission by the 270<sup>th</sup> day.  
This section of the Register may also include, from time to time, a listing of temporary rules that have expired. See G.S. 150B-21.1 and 26 NCAC 02C .0500 for adoption and filing requirements.

## TITLE 08 – STATE BOARD OF ELECTIONS

**Rule-making Agency:** State Board of Elections

**Rule Citation:** 08 NCAC 17 .0108

**Effective Date:** July 26, 2019

**Date Approved by the Rules Review Commission:** July 18, 2019

**Reason for Action:** The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: NC Session Law 2018-144 sec. 1.1.(a) and 1.1.(b) and Session Law 2019-22 sec. 4. Effective date: December 19, 2018 and June 3, 2019.  
Section 4 of SL 2019-22 requires rulemaking regarding reasonable security measures for use of student and employee identification cards by September 15, 2019.

### CHAPTER 17 - PHOTO IDENTIFICATION

#### 08 NCAC 17 .0108 REQUESTS FOR APPROVAL OF STUDENT IDENTIFICATION CARDS AND EMPLOYEE IDENTIFICATION CARDS

(a) Request for Approval. An institution requesting the State Board of Elections' approval of an identification card for voting purposes pursuant to G.S. 163A-1145.2 or 163A-1145.3 shall submit to the State Board the form that certifies statutory compliance posted on the State Board's ~~website completed, executed, and returned in the manner specified therein.~~ website. The request shall be submitted at least five business days prior to the deadline for State Board approval of identification cards as specified in G.S. 163A-1145.2(b), 163A-1145.3(b), and Section 1.2.(f) of Session Law 2018-144, S.L. 2019-22 s. 2, G.S. 163A-1145.2(b), and G.S. 163A-1145.3(b), and every two years thereafter.

(b) Image of Sample Identification. An institution submitting a request under Paragraph (a) of this Rule shall provide the State Board a digital image representative of the layout, coloring, and insignia appearing on the front and back of the identification card(s). The images shall be submitted with the request for

approval required under Paragraph (a). ~~The images may be used to publicize acceptable forms of photo identification, educate the public, and instruct elections officials on the enforcement of photo identification requirements in G.S. 163A-1145.1, 163A-1307, and 163A-1309, and submission of the images shall grant a royalty-free, perpetual, irrevocable right to use, reproduce, modify, adapt, publish, translate, create derivative works, distribute, and display the images or derivative images in any medium or platform. Submission of the digital images required under this section shall waive any cause of action against the State Board arising from or associated with the State Board's use of the images.~~

(c) Notice of Altered Procedures or Images. The institution requesting approval under Paragraph (a) and submitting images under Paragraph (b) shall notify the Executive Director of the State Board of Elections in writing if it alters its procedures in a manner that violates the requirements in G.S. 163A-1145.2(a) or 163A-1145.3(a) or if it alters its identification cards from the images previously submitted. Timing of the notification shall occur as follows:

- (1) If the alteration is made fewer than 90 days before the date of an election in the State, the institution shall provide notice within five business days after implementation of the alteration; and
- (2) If the alteration is made more than 90 days before the date of an election in the State, the institution shall provide notice within 30 calendar days after implementation of the ~~alternation.~~ alteration.

(d) Approval Process. The Executive Director shall approve the use of identification cards from an institution ~~the~~ that meets the requirements of this Rule and of G.S. 163A-1145.2 or 163A-1145.3. The Executive Director shall produce a list of approved institution and shall cause the list to be published on the State Board's website and to the county boards of elections.

*History Note:* Authority G.S. 163A-741; 163A-1145.2; 163A-1145.3; S.L. 2018-144 s. 1.2.(f); S.L. 2018-146 s. 3.2.(e); S.L. 2019-22 s. 2.

Temporary Adoption Eff. July 26, 2019.

*This Section contains information for the meeting of the Rules Review Commission July 18, 2019 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-431-3000. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2<sup>nd</sup> business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.*

**RULES REVIEW COMMISSION MEMBERS****Appointed by Senate**

Jeff Hyde (1<sup>st</sup> Vice Chair)  
Robert A. Bryan, Jr.  
Margaret Currin  
Brian P. LiVecchi

**Appointed by House**

Garth Dunklin (Chair)  
Andrew P. Atkins  
Anna Baird Choi  
Paul Powell  
Jeanette Doran (2<sup>nd</sup> Vice Chair)

**COMMISSION COUNSEL**

Amber Cronk May (919) 431-3074  
Amanda Reeder (919) 431-3079  
Ashley Snyder (919) 431-3081

**RULES REVIEW COMMISSION MEETING DATES**

August 15, 2019      September 19, 2019  
October 17, 2019      November 21, 2019

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**RULES REVIEW COMMISSION MEETING  
MINUTES****July 18, 2019**

The Rules Review Commission met on Thursday, July 18, 2019, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Bobby Bryan, Margaret Currin, Garth Dunklin, Jeff Hyde, Brian LiVecchi, and Paul Powell; and Jeanette Doran present via telephone.

Staff members present were Commission Counsel Amber Cronk May, Ashley Snyder, and Amanda Reeder; and Julie Brincefield, Alex Burgos, and Dana McGhee.

The meeting was called to order at 9:05 a.m. with Chairman Dunklin presiding and with Commissioner Doran present via telephone.

Commissioner LiVecchi joined the meeting at 9:06 a.m.

Commissioner Doran was advised quorum was established with the arrival of Commissioner LiVecchi. Commissioner Doran left the meeting at 9:07 a.m.

The Chair introduced OAH extern Stokes Lassiter to the Commission.

Chairman Dunklin read the notice required by G.S. 163A-159 and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearances of conflicts of interest.

**APPROVAL OF MINUTES**

Chairman Dunklin asked for any discussion, comments, or corrections concerning the minutes of the June 20, 2019 meeting. There were none and the minutes were approved as distributed.

The Chairman notified the Commissioners that the following items on the agenda would be taken up out of order at the end of the agenda: Follow up matter for DHHS/Division of Health Benefits and Permanent Rules for Board of Dietetics/Nutrition.

**FOLLOW UP MATTERS**

**Board of Elections**

The agency is addressing the objections for 08 NCAC 10B .0101, .0102, .0103, .0104, .0105, .0106, and .0107. No action was required by the Commission.

**Social Services Commission**

10A NCAC 06R .0101, .0102, .0201, .0302, .0304, .0305, .0401, .0403, .0501, .0502, .0503, .0504, .0506, .0508, .0509, .0601, .0801, .0802, .0804, .0806, .0902, .0904; 06S .0101, .0102, .0203, .0204, .0301, .0302, .0402, .0403, .0404, .0405, .0501, .0508; and 06T .0201 - The agency is addressing the technical change requests from the June meeting. No action was required by the Commission.

**DHHS/ Division of Health Benefits**

The Commission unanimously waived Rule 26 NCAC 05 .0103 and allowed the speaker to submit written comments opposing the rules at the meeting.

Matthew Cochran, with Ott Cone and Redpath, speaking in opposition to the rules, addressed the Commission.

Shazia Keller, the rulemaking coordinator for the agency, addressed the Commission.

Brenda Edy, with the Attorney General's Office and representing DHHS, addressed the Commission.

Dana Lee, with the Attorney General's Office, addressed the Commission.

10A NCAC 23E .0105, .0202; 23G .0203; and 23H .0109 were unanimously approved.

The Commission objected to 10A NCAC 23G .0304 for ambiguity. Specifically, the Commission found that the rule is unclear regarding whether the individuals addressed in Paragraph (b) will receive the notice required by Paragraph (a). In addition, it is unclear if the term "change of situation" is intended to apply to Paragraph (b), as that term is not used in the Paragraph; instead, Paragraph (b) refers to "a change in the budget unit's situation."

**Commission for the Blind**

The agency is addressing the objections for 10A NCAC 63C .0203, .0204, .0403, and .0601. No action was required by the Commission.

**Social Services Commission**

10A NCAC 67A .0101, .0103 .0105, .0106, .0107, .0108, .0201, .0202, .0203, .0204, .0205, .0206; 68 .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0202, .0203, .0204, .0205, .0206, .0208, .0301, .0302, .0303; 69 .0101, .0102, .0201, .0202, .0203, .0204, .0205, .0301, .0302, .0303, .0304, .0305, .0306, .0401, .0402, .0403, .0404, .0405, .0406, .0501, .0502, .0503, .0504, .0505, .0506, .0507, .0508, .0601, .0602, .0603, .0604, .0605; 72 .0101, .0102, .0201, .0202, .0203, and .0301 - The agency is addressing the technical change requests from the June meeting. No action was required by the Commission.

**Department of Justice**

The agency is addressing the objections for 12 NCAC 02I .0213 and .0306.

At the June meeting, the RRC voted pursuant to G.S. 150B-21.9 to ask the Office of State Budget to determine if 12 NCAC 02I .0306 has a substantial economic impact and therefore requires a fiscal note. The RRC is awaiting a response from the Office of State Budget. No action was required by the Commission.

**Environmental Management Commission**

The agency is addressing the objections for 15A NCAC 02B .0402, .0403, .0404, .0406, .0407, .0408, .0501, .0502, .0503, .0504, .0505, .0506, .0508, .0511; 02H .0101, .0102, .0103, .0105, .0106, .0107, .0108, .0109, .0111, .0112, .0113, .0114, .0115, .0116, .0117, .0118, .0120, .0121, .0124, .0125, .0127, .0138, .0139, .0140, .0141, .0142, .0143, .0401, .0402, .0403, .0404, .0405, .0406, .0407, .1201, .1202, .1203, .1204, .1205, and .1206. No action was required by the Commission.

**Environmental Management Commission**

15A NCAC 02C .0101, .0102, .0105, .0107, .0108, .0109, .0110, .0111, .0112, .0113, .0114, .0116, .0117, .0118, .0119, .0201, .0202, .0203, .0204, .0206, .0207, .0208, .0209, .0210, .0211, .0217, .0218, .0219, .0220, .0221, .0222, .0223, .0224, .0225, .0226, .0227, .0228, .0229, .0230, .0240, .0241, and .0242 - The agency is addressing the technical change requests from the June meeting. No action was required by the Commission.

**Environmental Management Commission**

15A NCAC 02T .1601, .1602, .1604, .1605, .1606, .1607, and .1608 - The agency is addressing the technical change requests from the June meeting. No action was required by the Commission.

**Coastal Resources Commission**

15A NCAC 07J .0409 - The agency is addressing the technical change requests from the June meeting. No action was required by the Commission.

**State Human Resources Commission**

25 NCAC 01E .0210; 01I .1702, .1805, .1902, .1903, .1905, .2003, .2105, .2302, .2303, .2304, .2305, .2306, .2307, and .2310 - The agency is addressing the technical change requests from the June meeting. No action was required by the Commission.

**LOG OF FILINGS (PERMANENT RULES)****Department of Administration**

All rules were unanimously approved.

**Criminal Justice Education and Training Standards Commission**

All rules were unanimously approved.

**Sheriffs' Education and Training Standards Commission**

All rules were unanimously approved.

**Department of Transportation**

All rules were unanimously approved.

The Chair called the meeting into recess at 11:10 a.m.

The meeting resumed at 11:21 a.m.

**Board of Dietetics/Nutrition**

The Commission unanimously waived Rule 26 NCAC 05 .0103 and allowed the submission of untimely written comments opposing the rules at the meeting.

All rules were unanimously approved with the following exceptions:

The Commission objected to 21 NCAC 17 .0101 for lack of statutory authority. Specifically, the Commission found that the agency lacks statutory authority to narrow the terms to solely "medical nutrition therapy" in Subparagraphs (a)(2) and (3). Further, the Commission noted that Paragraph (b) contains both acronyms and initialisms.

The Commission objected to 21 NCAC 17 .0303 for lack of statutory authority. The Commission found that the agency lacks authority to contradict G.S. 90-368(2), which allows for supervision by those meeting the criteria in G.S. 90-357.5(a)(1)b and (c)(2).

Sabra Faires, with Bailey & Dixon, speaking in opposition to the rules, addressed the Commission.

Charla Burill, the rulemaking coordinator for the agency, addressed the Commission.

**LOG OF FILINGS (TEMPORARY RULES)****State Board of Elections**

08 NCAC 17 .0108 was unanimously approved.

**EXISTING RULES REVIEW****Radiation Protection Commission**

10A NCAC 15 - As reflected in the attached letter, the Commission voted to schedule readoption of the rules no later than February 28, 2027 pursuant to G.S. 150B-21.3A(d)(2).

**Department of Health and Human Services**

10A NCAC 15 (Section .1100) - As reflected in the attached letter, the Commission voted to schedule readoption of the rules no later than June 30, 2021 pursuant to G.S. 150B-21.3A(d)(2).

**COMMISSION BUSINESS**

The meeting adjourned at 12:42 p.m.

The next regularly scheduled meeting of the Commission is Thursday, August 15, 2019 at 9:00 a.m.

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Alexander Burgos, Paralegal

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Minutes approved by the Rules Review Commission:  
Garth Dunklin, Chair

**July 18, 2019**

Rules Review Commission  
Meeting  
Please Print Legibly

Name	Agency
Shazia Keller	DHB
Jennifer Everett	DEQ
Hannah Jennings	DOT
Charminique Williams	CJETS
Matthew Jordan Cochran	Off Cone + Redpath, P.A.
Marie Enitt	NCDOT - Sheriffs
Clancy Phillips	NCDOT
Charla Burill	NCDNR
Nadine Pfeiffer	NC DHHS - DH SR
Misty Parker-McWilliams	NC DHHS
Kyu Eun (Dana) Lee	DOJ.
Paris Penny	NC DHHS
Stokes Lassiter	OAH Extern
Ryan Eppenberger	DHB
Shanon Gierger	DOA
Sabra Faires	Bailey Dixon
James Albright	DAHS DH SR RPS
Kelly Tomlin	NCSBE
Gloria Cates	DAHS-DAAS
Katelyn Love	SBE
Tom Casper	SPO



## ***RULES REVIEW COMMISSION***

July 18, 2019

Rules Review Commission  
Meeting  
Please Print Legibly

[illegible]



STATE OF NORTH CAROLINA  
**OFFICE OF ADMINISTRATIVE HEARINGS**

Mailing address:  
6714 Mail Service Center  
Raleigh, NC 27699-6700

Street address:  
1711 New Hope Church Rd  
Raleigh, NC 27609-6285

July 18, 2019

Nadine Pfeiffer, Rulemaking Coordinator  
Radiation Protection Commission  
2701 Mail Service Center  
Raleigh, North Carolina 27699-2701

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **10A NCAC 15**

Dear Ms. Pfeiffer:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the July 18, 2019 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than February 28, 2027.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Amber May  
Commission Counsel

Administration 919/431-3000 fax 919/431-3100	Rules Division 919/431-3000 fax 919/431-3104	Judges and Assistants 919/431-3000 fax 919/431-3100	Clerk's Office 919/431-3000 fax 919/431-3100	Rules Review Commission 919/431-3000 fax 919/431-3104	Civil Rights Division 919/431-3036 fax 919/431-3103
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An Equal Employment Opportunity Employer

**RRC DETERMINATION  
PERIODIC RULE REVIEW**

**April 18, 2019**

**APO Review: June 22, 2019**

**Radiation Protection Commission**

**Total: 257**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>
<u>10A NCAC 15 .0101</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0102</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0103</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0104</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0105</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0106</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0107</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0108</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0109</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0110</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0113</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0114</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0115</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0116</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0117</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0118</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0202</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0203</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0204</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0205</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0206</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0207</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0209</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0210</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0213</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0214</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0301</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0302</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0303</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0304</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0305</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0306</u>	Necessary with substantive public interest
<u>10A NCAC 15 .0307</u>	Necessary with substantive public interest

<a href="#"><u>10A NCAC 15 .0308</u></a>	Necessary with substantive public interest
<a href="#"><u>10A NCAC 15 .0309</u></a>	Necessary with substantive public interest
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<a href="#"><u>10A NCAC 15 .0318</u></a>	Necessary with substantive public interest
<a href="#"><u>10A NCAC 15 .0319</u></a>	Necessary with substantive public interest
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<a href="#"><u>10A NCAC 15 .0321</u></a>	Necessary with substantive public interest
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<a href="#"><u>10A NCAC 15 .0339</u></a>	Necessary with substantive public interest
<a href="#"><u>10A NCAC 15 .0340</u></a>	Necessary with substantive public interest
<a href="#"><u>10A NCAC 15 .0341</u></a>	Necessary with substantive public interest
<a href="#"><u>10A NCAC 15 .0342</u></a>	Necessary with substantive public interest
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<a href="#"><u>10A NCAC 15 .0344</u></a>	Necessary with substantive public interest
<a href="#"><u>10A NCAC 15 .0345</u></a>	Necessary with substantive public interest
<a href="#"><u>10A NCAC 15 .0346</u></a>	Necessary with substantive public interest
<a href="#"><u>10A NCAC 15 .0348</u></a>	Necessary with substantive public interest
<a href="#"><u>10A NCAC 15 .0349</u></a>	Necessary with substantive public interest
<a href="#"><u>10A NCAC 15 .0351</u></a>	Necessary with substantive public interest
<a href="#"><u>10A NCAC 15 .0352</u></a>	Necessary with substantive public interest
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<u>10A NCAC 15 .1653</u>	Necessary with substantive public interest



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

Mailing address:  
6714 Mail Service Center  
Raleigh, NC 27699-6700

Street address:  
1711 New Hope Church Rd  
Raleigh, NC 27609-6285

July 18, 2019

Joel Johnson, Rulemaking Coordinator  
Department of Health and Human Services  
2001 Mail Service Center  
Raleigh, North Carolina 27699-2001

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **10A NCAC 15 - Section .1100**

Dear Mr. Johnson:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the July 18, 2019 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than June 30, 2021.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber May".

Amber May  
Commission Counsel

Administration  
919/431-3000  
fax 919/431-3100

Rules Division  
919/431-3000  
fax 919/431-3104

Judges and  
Assistants  
919/431-3000  
fax 919/431-3100

Clerk's Office  
919/431-3000  
fax 919/431-3100

Rules Review  
Commission  
919/431-3000  
fax 919/431-3104

Civil Rights  
Division  
919/431-3036  
fax 919/431-3103

An Equal Employment Opportunity Employer

**RRC DETERMINATION  
PERIODIC RULE REVIEW**

**April 18, 2019**

**APO Review: June 22, 2019**

**Health and Human Services, Department of**  
**Total: 2**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>
<u>10A NCAC 15 .1102</u>	Necessary with substantive public interest
<u>10A NCAC 15 .1106</u>	Necessary with substantive public interest

**LIST OF APPROVED TEMPORARY RULES**

**July 18, 2019 Meeting**

**ELECTIONS, STATE BOARD OF**

Requests for Approval of Student Identification Cards and... 08 NCAC 17 .0108

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**LIST OF APPROVED PERMANENT RULES**

**July 18, 2019 Meeting**

**ADMINISTRATION, DEPARTMENT OF**

<u>Definitions</u>	01 NCAC 06F .0101
<u>Application</u>	01 NCAC 06F .0102
<u>Procedures</u>	01 NCAC 06F .0103
<u>Terms and Conditions</u>	01 NCAC 06F .0104
<u>Termination</u>	01 NCAC 06F .0105
<u>Function</u>	01 NCAC 09 .0501
<u>Applicant Review</u>	01 NCAC 09 .0502

**HHS - HEALTH BENEFITS, DIVISION OF**

<u>Disability</u>	10A NCAC 23E .0105
<u>What Resources are Counted</u>	10A NCAC 23E .0202
<u>Time Limits for Corrections</u>	10A NCAC 23G .0203
<u>Procedure for Review of Records</u>	10A NCAC 23H .0109

**CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION**

<u>Rule-Making and Administrative Hearing Procedures</u>	12 NCAC 09A .0107
<u>Administrative Hearing Procedures</u>	12 NCAC 09A .0207
<u>Certification of Instructors</u>	12 NCAC 09B .0301
<u>Terms and Conditions of General Instructor Certification</u>	12 NCAC 09B .0303
<u>Terms and Conditions of Specialized Instructor Certification</u>	12 NCAC 09B .0305
<u>Terms and Conditions of Specialized Instructor Certification</u>	12 NCAC 09B .0305
<u>Suspension: Revocation: Denial/School Dir. Certification</u>	12 NCAC 09B .0503
<u>Certification of Qualified Assistant</u>	12 NCAC 09B .0504
<u>Terms and Conditions of Qualified Assistant</u>	12 NCAC 09B .0505
<u>Agency Retention of Records of Certification</u>	12 NCAC 09C .0307
<u>Minimum Training Specifications: Annual In-Service Training</u>	12 NCAC 09E .0105
<u>Instructor Responsibilities</u>	12 NCAC 09F .0105
<u>Retention of Records of Certification</u>	12 NCAC 09G .0306
<u>Certification of Instructors</u>	12 NCAC 09G .0307
<u>Terms and Conditions of Specialized Instructor Certification</u>	12 NCAC 09G .0311
<u>Suspension: Revocation: Denial/School Dir. Certification</u>	12 NCAC 09G .0407
<u>Certification of Qualified Assistant</u>	12 NCAC 09G .0417
<u>Terms and Conditions of Qualified Assistant Certification</u>	12 NCAC 09G .0418

**SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

<u>Documentation of Educational Requirements</u>	12 NCAC 10B .0302
<u>Basic Law Enforcement Certificate</u>	12 NCAC 10B .1003

<u>Basic Detention Officer Professional Certificate</u>	12 NCAC 10B .1203
<u>Basic Reserve Deputy Sheriff Professional Certificate</u>	12 NCAC 10B .1403
<u>Basic Telecommunicator Certificate</u>	12 NCAC 10B .1603
<u>Minimum Training Requirements</u>	12 NCAC 10B .2005

**TRANSPORTATION, DEPARTMENT OF**

<u>Fees</u>	19A NCAC 02E .0221
<u>Location Of TODS</u>	19A NCAC 02E .1103
<u>Composition of Signs</u>	19A NCAC 02E .1105
<u>Fees</u>	19A NCAC 02E .1106

**DIETETICS/NUTRITION, BOARD OF**

<u>Applications</u>	21 NCAC 17 .0104
<u>Examination for Licensure</u>	21 NCAC 17 .0105
<u>Provisional License</u>	21 NCAC 17 .0107
<u>Issuance and Renewal of License</u>	21 NCAC 17 .0109

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**CONTESTED CASE DECISIONS**

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*This Section contains a listing of recently issued Administrative Law Judge decisions for contested cases that are non-confidential. Published decisions are available for viewing on the OAH website at <http://www.ncoah.com/hearings/decisions/>. If you are having problems accessing the text of the decisions online or for other questions regarding contested cases or case decisions, please contact the Clerk's office by email: [oah.clerks@oah.nc.gov](mailto:oah.clerks@oah.nc.gov) or phone 919-431-3000.*

**OFFICE OF ADMINISTRATIVE HEARINGS****Chief Administrative Law Judge****JULIAN MANN, III****Senior Administrative Law Judge****FRED G. MORRISON JR.****ADMINISTRATIVE LAW JUDGES**

Melissa Owens Lassiter  
Don Overby  
J. Randall May  
David Sutton  
Tenisha Jacobs

A. B. Elkins II  
Selina Malherbe  
J. Randolph Ward  
Stacey Bawtinheimer

Year	Code	Number	Date Decision Filed	Petitioner		Respondent	ALJ
				<b><u>Published</u></b>			
18	CPS	01781	6/19/2019	Danielle Carter	v.	Department of Public Safety Victim Services	Elkins
18	CPS	04205	6/10/2019	Tamer Sorial	v.	NC Department of Public Safety	Elkins
18	CPS	06487	6/18/2019	Jim H Roberts	v.	NC DPS NC Crime Victims Compensation Commission	Overby
19	CPS	00658	6/19/2019	James Douglas Kirby	v.	NDPS NC Crime Victims Compensation Commission	Malherbe
19	DHR	01710	6/27/2019	Agustin Del Real (Owner) Luz Del Real (Owner) Vicente Del Real (Owner)	v.	Nutrition Services Branch WIC Vender Unit	Malherbe
18	DOJ	04462	6/4/2019	Douglas Eugene Harwell	v.	NC Department of Justice, Company Police Program	Ward
18	DOJ	04479	6/3/2019	David Price	v.	NC Sheriffs Education and Training Standards Commission	Ward
18	DOJ	07493	6/14/2019	Matthew Jason Lee	v.	NC Sheriffs Education and Training Standards Commission	Overby
19	DOJ	01471	6/20/2019	Janet Davidson Barringer	v.	NC Private Protective Services Board	Jacobs
19	DOJ	01635	6/21/2019	Semper Fidelis Security Services LLC and Dakota Jermaine Covil Qualifying Agency		NC Private Protective Services Board	Jacobs

**CONTESTED CASE DECISIONS**

18	OSP	04611	12/14/2018; 6/7/2019	Natalynn P Tollison	v.	North Carolina State University and North Carolina State University College of Veterinary Medicine	Ward
19	OSP	00461	6/24/2019	Marvin Franklin	v.	NC Department of Public Safety	Lassiter
18	SOS	05952	6/7/2019	Tyrell Elliott	v.	State of North Carolina Department of the Secretary of State	Elkins
19	SOS	01708	6/27/2019	Kurtis Lee Vanscoy	v.	Secretary of State Notary Division	Lassiter
				<b><u>Unpublished</u></b>			
19	ABC	00356	6/4/2019	NC Alcoholic Beverage Control Commission	v.	Lorette Dempsey Maiori T/A Rens Js Lounge	Overby
18	CPS	06549	6/27/2019	Kyla E Millar	v.	Crime Victims Compensation Commission	Lassiter
19	CPS	01745	6/4/2019	Aaron M Little	v.	NC Department of Public Safety Victim Services Liddie Shrophire	Jacobs
18	CSE	06236	6/12/2019	George L Bullock Jr	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Elkins
18	CSE	06419	6/25/2019	Rodney D Gooch	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Elkins
18	CSE	06546	6/12/2019	Frederick Dixon	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Elkins
18	CSE	06674	6/4/2019	Jon Lofthouse	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinheimer
18	CSE	06766	6/18/2019	Rodrick Barnwell	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Malherbe
18	CSE	06864	6/4/2019	Curtis Joe Davis	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Sutton
18	CSE	06964	6/19/2019	Brooklyn Cabbil	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Overby
18	CSE	07216	6/19/2019	Mour Mamadou Diop	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Overby
18	CSE	07326	6/4/2019	Jeremy Jerod Collins	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby

**CONTESTED CASE DECISIONS**

18	CSE	07339	6/4/2019	Derrick A Gee	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinheimer
18	CSE	07340	6/5/2019	Chauncey Anderson	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinheimer
18	CSE	07357	6/4/2019	June Pressley	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby
18	CSE	07381	6/18/2019	Kelvin Jamison	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Sutton
18	CSE	07386	6/19/2019	Paul Ghiraldi	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Sutton
18	CSE	07387	6/3/2019	Kirk F Foster	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
18	CSE	07421	6/10/2019	Anthony L Hargrove	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby
19	CSE	00466	6/11/2019	Gwendolyn B Jenness	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
19	CSE	00834	6/18/2019	Sean J Harstine	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Overby
19	CSE	01098	6/10/2019	Micheal T Holloway	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Ward
19	CSE	01107	6/11/2019	Bobby Collis	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Lassiter
19	CSE	01529	6/26/2019	Daniel L Brannon	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Ward
19	CSE	01864	6/5/2019	Kenya N Halterman	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Ward
18	DHR	07286	6/10/2019	Jennifer Yvonne Powell	v.	North Carolina Health Care Registry	Elkins
19	DHR	00829	6/7/2019	Shannon Marie Marchi	v.	NC Department of Health and Human Services Lisa G Corbett	Lassiter



**CONTESTED CASE DECISIONS**

19	DHR	01080	6/18/2019	Robert Simmons	v.	NC Department of Health and Human Services, Division of Health Service Regulation	May
19	DHR	01111	6/13/2019	Rebecca Parks Health Care Registry	v.	Lisa G Corbett Department of Health & Human Services	Bawtinheimer
19	DHR	01310	6/13/2019	Ray Felton Executive Officer The Blacknall Felton Group LLC	v.	Megan Lamphere MSW Chief Adultcare Licensure Section NC Department of Health and Human Services and Division of Health Service Regulation NC Department of Health and Human Services	Bawtinheimer
19	DHR	01311	6/3/2019	Ray Felton Executive Officer Ther Blacknall Felton Group LLC	v.	Megan Lamphere MSW Chief Adultcare Licensure Section NC Department of Health and Human Services and Division of Health Service Regulation NC Department of Health and Human Services	Overby
19	DHR	01324; 01327	6/4/2019	Thomas L Ollis Jr	v.	Burke County DSS	Bawtinheimer
19	DHR	01596	6/11/2019	Kristen Howard	v.	Healthcare Personal Registry	Lassiter
19	DHR	01638	6/13/2019	Leicester Heights Family Care Inc Martha A Plemmons	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Bawtinheimer
19	DHR	01643	6/13/2019	Kimberly Jenkins	v.	NC Department of Health and Human Services, Division of Health Service Regulation Health Care Personnel Registry	Overby
19	DHR	01980	6/5/2019	Sayed H Hosseini Custom Paint & Remodeling Inc	v.	NC Department of Health and Human Services	Jacobs
19	DHR	02179	6/5/2019	Eugenie Caroline Aurelie Vedrine	v.	NC Department of Health and Human Services	Jacobs
19	DHR	02191	6/10/2019	Timeka Mebane Lucas	v.	Department of Health and Human Services, Division of Health Service Regulation	May
19	DHR	02232	6/10/2019	Delilah A Cucci	v.	The Department of Health and Human Services	May
19	DHR	02234	6/13/2019	Tracey Deputy	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Malherbe
19	DHR	02280	6/24/2019	Jamie Hudson	v.	Health Care Personnel Registry	May
19	DHR	02376	6/11/2019	Amy Lloyd	v.	NC Department of Health and Human Services	May
19	DHR	02484	6/24/2019	Keisa Faye Corado	v.	Department of Health and Human Services Division of Health Service Regulation	May
19	DHR	02589	6/4/2019	Basem K Sara DBA Tommys Mini Mart	v.	NC Dept of Health & Human Services	Bawtinheimer
19	DHR	02753	6/13/2019	Kandice T Stigger	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Elkins
18	DOJ	07361	6/4/2019	Albert Lee Davis	v.	NC Criminal Justice Education and Training Standards Commission	Jacobs

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**CONTESTED CASE DECISIONS**

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18	DOJ	07362	6/21/2019	Jatobia L Jordan	v.	NC Criminal Justice Education and Training Standards Commission	Ward
19	DSC	02193	6/7/2019	Barbra Stanley	v.	Brunswick County DSS Health and Human Services Medicaid	Elkins
19	INS	01876	6/4/2019	Larry S Offenhauser	v.	State Health Plan of North Carolina	Jacobs
19	INS	01983	6/4/2019	Wayman Anthony Bunch Jr	v.	North Carolina State Health Plan Department of State Treasurer	Jacobs
19	MIS	01981	6/4/2019	Kristie L Sluder Foster parent	v.	NC Administrative Offices of the Courts Division of the Guardian Ad Litem	Sutton
19	OSP	01616	6/12/2019	Sabrina Murchinson	v.	Bladen County Department of Social Services	Lassiter
19	OSP	02562	6/18/2019	Mary Simmons	v.	Cumberland County Department of Social Services	Sutton