

21 RB R KFN/7434 / 103/1007

The NORTH CAROLINA REGISTER

RECEIVED
OCT 18 1989
LAW LIBRARY

IN THIS ISSUE

EXECUTIVE ORDER

FINAL DECISION LETTERS

PROPOSED RULES

Cultural Resources

ECD

Education

EHNR

Electrical Contractors

Human Resources

Landscape Architects

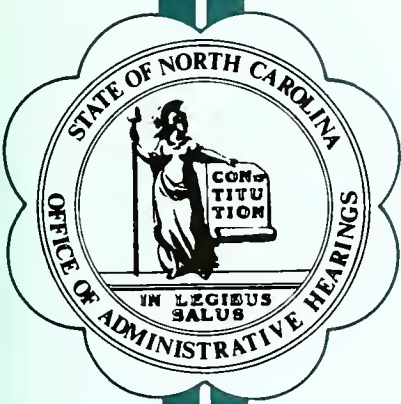
Plumbing & Heating Contractors

FINAL RULES

Correction

ISSUE DATE: OCTOBER 16, 1989

Volume 4 • Issue 14 • Pages 713-765



INFORMATION ABOUT THE NORTH CAROLINA REGISTER AND ADMINISTRATIVE CODE

NORTH CAROLINA REGISTER

The *North Carolina Register* is published bi-monthly and contains information relating to agency, executive, legislative and judicial actions required by or affecting Chapter 150B of the General Statutes. All proposed, administrative rules and amendments filed under Chapter 150B must be published in the Register. The Register will typically comprise approximately fifty pages per issue of legal text.

State law requires that a copy of each issue be provided free of charge to each county in the state and to various state officials and institutions. The *North Carolina Register* is available by yearly subscription at a cost of one hundred and five dollars (\$105.00) for 24 issues.

Requests for subscriptions to the *North Carolina Register* should be directed to the Office of Administrative Hearings, P. O. Drawer 11666, Raleigh, N. C. 27604, Attn: *Subscriptions*.

ADOPTION, AMENDMENT, AND REPEAL OF RULES

An agency intending to adopt, amend, or repeal a rule must first publish notice of the proposed action in the *North Carolina Register*. The notice must include the time and place of the public hearing; a statement of how public comments may be submitted to the agency either at the hearing or otherwise; the text of the proposed rule or amendment; a reference to the Statutory Authority for the action and the proposed effective date.

The Director of the Office of Administrative Hearings has authority to publish a summary, rather than the full text, of any **amendment** which is considered to be too lengthy. In such case, the full text of the rule containing the proposed amendment will be available for public inspection at the Rules Division of the Office of Administrative Hearings and at the office of the promulgating agency.

Unless a specific statute provides otherwise, at least 30 days must elapse following publication of the proposal in the *North Carolina Register* before the agency may conduct the required public hearing and take action on the proposed adoption, amendment or repeal.

When final action is taken, the promulgating agency must file any adopted or amended rule for approval by the Administrative Rules Review Commission. Upon approval of ARRC, the adopted or amended rule must be filed with the Office of Administrative Hearings. If it differs substantially from the proposed form published as part of the public notice, upon request by the agency, the adopted version will again be published in the *North Carolina Register*.

A rule, or amended rule cannot become effective earlier than the first day of the second calendar month after the adoption is filed with the Office of Administrative Hearings for publication in the NCAC.

Proposed action on rules may be withdrawn by the promulgating agency at any time before final action is taken by the agency.

TEMPORARY RULES

Under certain conditions of an emergency nature, some agencies may issue temporary rules. A temporary rule becomes effective when adopted and remains in

effect for the period specified in the rule or 180 days, whichever is less. An agency adopting a temporary rule must begin normal rule-making procedures on the permanent rule at the same time the temporary rule is adopted.

NORTH CAROLINA ADMINISTRATIVE CODE

The North Carolina Administrative Code (NCAC) is a compilation and index of the administrative rules of 25 state agencies and 38 occupational licensing boards. The NCAC comprises approximately 15,000 letter size, single spaced pages of material of which approximately 35% is changed annually. Compilation and publication of the NCAC is mandated by G.S. 150B-63(b).

The Code is divided into Titles and Chapters. Each state agency is assigned a separate title which is further broken down by chapters. Title 21 is designated for occupational licensing boards.

The NCAC is available in two formats.

- (1) Single pages may be obtained at a minimum cost of two dollars and 50 cents (\$2.50) for 10 pages or less, plus fifteen cents (\$.15) per each additional page.
- (2) The full publication consists of 52 volumes, totaling in excess of 15,000 pages. It is supplemented monthly with replacement pages. A one year subscription to the full publication including supplements can be purchased for seven hundred and fifty dollars (\$750.00). Individual volumes may also be purchased with supplement service. Renewal subscriptions for supplements to the initial publication available.

Requests for pages of rules or volumes of the NCAC should be directed to the Office of Administrative Hearings.

NOTE

The foregoing is a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Articles 2 and 5 of Chapter 150B of the General Statutes be examined carefully.

CITATION TO THE NORTH CAROLINA REGISTER

The *North Carolina Register* is cited by volume, issue, page number and date. **1:1 NCR 101-201, April 1, 1986** refers to Volume 1, Issue 1, pages 101 through 201 of the *North Carolina Register* issued on April 1, 1986.

North Carolina Register. Published bi-monthly by the Office of Administrative Hearings, P.O. Drawer 11666, Raleigh, North Carolina 27604, pursuant to Chapter 150B of the General Statutes. Subscriptions one hundred and five dollars (\$105.00) per year.

North Carolina Administrative Code. Published in looseleaf notebooks with supplement service by the Office of Administrative Hearings, P.O. Drawer 11666, Raleigh, North Carolina 27604, pursuant to Chapter 150B of the General Statutes. Subscriptions seven hundred and fifty dollars (\$750.00). Individual volumes available.

ISSUE CONTENTS

**NORTH
CAROLINA
REGISTER**



*Office of Administrative Hearings
P. O. Drawer 11666
Raleigh, NC 27604
(919) 733 - 2678*

James R. Scarcella Sr.,
Deputy Director
Molly Masich,
Director APA Services

Staff:
Ruby Creech,
Publications Coordinator
Teresa Kilpatrick,
Editorial Assistant
Jean Shirley,
Editorial Assistant

I. EXECUTIVE ORDER

Executive Order 97.....713

II. FINAL DECISION LETTERS

Voting Rights Act.....714

III. PROPOSED RULES

Cultural Resources

Archives and History.....720

ECD

Hazardous Waste Management
Commission716

Education

Elementary and
Secondary Education739

EHNR

Coastal Management.....735
Environmental Management
Commission730
Wildlife Resources
Commission738

Human Resources

Medical Assistance722

Licensing Boards

Electrical Contractors.....741
Landscape Architects.....756
Plumbing and Heating
Contractors757

IV. FINAL RULES

Correction

Division of Prisons.....759

V. CUMULATIVE INDEX.....763

NORTH CAROLINA REGISTER
Publication Deadlines and Schedules
 (January 1989 - May 1990)

Issue Date	Last Day for Filing	Last Day for Electronic Filing	Earliest Date for Public Hearing & Adoption by Agency	* Earliest Effective Date
*****	*****	*****	*****	*****
01/02/89	12/08/88	12/15/88	02/01/89	05/01/89
01/16/89	12/27/88	01/03/89	02/15/89	05/01/89
02/01/89	01/10/89	01/17/89	03/03/89	06/01/89
02/15/89	01/26/89	02/02/89	03/17/89	06/01/89
03/01/89	02/08/89	02/15/89	03/31/89	07/01/89
03/15/89	02/21/89	03/02/89	04/14/89	07/01/89
04/03/89	03/10/89	03/17/89	05/03/89	08/01/89
04/14/89	03/23/89	03/31/89	05/14/89	08/01/89
05/01/89	04/10/89	04/17/89	05/31/89	09/01/89
05/15/89	04/24/89	05/01/89	06/14/89	09/01/89
06/01/89	05/10/89	05/17/89	07/01/89	10/01/89
06/15/89	05/24/89	06/01/89	07/15/89	10/01/89
07/03/89	06/12/89	06/19/89	08/01/89	11/01/89
07/14/89	06/22/89	06/29/89	08/13/89	11/01/89
08/01/89	07/11/89	07/18/89	08/31/89	12/01/89
08/15/89	07/25/89	08/01/89	09/14/89	12/01/89
09/01/89	08/11/89	08/18/89	10/01/89	01/01/90
09/15/89	08/24/89	08/31/89	10/15/89	01/01/90
10/02/89	09/11/89	09/18/89	11/01/89	02/01/90
10/16/89	09/25/89	10/02/89	11/15/89	02/01/90
11/01/89	10/11/89	10/18/89	12/01/89	03/01/90
11/15/89	10/24/89	10/31/89	12/15/89	03/01/90
12/01/89	11/07/89	11/15/89	12/31/89	04/01/90
12/15/89	11/22/89	12/01/89	01/14/90	04/01/90
01/02/90	12/07/89	12/14/89	02/01/90	05/01/90
01/16/90	12/20/89	12/29/89	02/15/90	05/01/90
02/01/90	01/10/90	01/18/90	03/03/90	06/01/90
02/15/90	01/25/90	02/01/90	03/17/90	06/01/90
03/01/90	02/08/90	02/15/90	03/31/90	07/01/90
03/15/90	02/22/90	03/01/90	04/14/90	07/01/90
04/02/90	03/12/90	03/19/90	05/02/90	08/01/90
04/16/90	03/23/90	03/30/90	05/16/90	08/01/90
05/01/90	04/09/90	04/17/90	05/31/90	09/01/90
05/15/90	04/24/90	05/01/90	06/14/90	09/01/90

* The "Earliest Effective Date" is computed assuming that the public hearing and adoption occur in the calendar month immediately following the "Issue Date", that the agency files the rule with The Administrative Rules Review Commission by the 20th of the same calendar month and that ARRC approves the rule at the next calendar month meeting.

EXECUTIVE ORDER

EXECUTIVE ORDER NUMBER 97

**AMENDMENT TO EXECUTIVE
ORDER NUMBER 80
NORTH CAROLINA DRUG CABINET**

By authority vested in me as Governor by the Constitution and laws of North Carolina, IT IS ORDERED:

Section 2 of Executive Order Number 80 entitled "North Carolina Drug Cabinet" is amended by adding to the membership of the Cabinet the

Secretary of Environment, Health and Natural Resources.

All other sections and provisions of Executive Order Number 80 shall remain in effect.

This order shall be effective immediately and shall remain in effect until terminated.

Done in Raleigh, North Carolina, this the 26th day of September, 1989.

VOTING RIGHTS ACT FINAL DECISION LETTERS

[G.S. 120-30.9H, effective July 16, 1986, requires that all letters and other documents issued by the Attorney General of the United States in which a final decision is made concerning a "change affecting voting" under Section 5 of the Voting Rights Act of 1965 be published in the North Carolina Register.]

U.S. Department of Justice
Civil Rights Division

JPT:RJW:FIID:lry
DJ 166-012-03
Z0470

Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128

September 28, 1989

Robert J. Cogswell, Jr., Esq.
City Attorney
P.O. Box 1513
Fayetteville, North Carolina 28302-1513

Dear Mr. Cogswell:

This refers to the increase in compensation for the mayor, mayor pro-tem and councilmembers for the City of Fayetteville in Cumberland County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submission on July 31, 1989.

The Attorney General does not interpose any objection to the change in question. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

James P. Turner
Acting Assistant Attorney General
Civil Rights Division

By:

Barry H. Weinberg
Acting Chief, Voting Section

VOTING RIGHTS ACT FINAL DECISION LETTERS

U.S. Department of Justice
Civil Rights Division

Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128

JPT:MAP:JCC:lrj
DJ 166-012-3
Z0401

September 29, 1989

George A. Weaver, Esq.
Lee, Reece & Weaver
P.O. Box 2047
Wilson, North Carolina 27894-2047

Dear Mr. Weaver:

This refers to the absentee voting procedures for the Town of Sims in Wilson County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submission on August 3, 1989.

The Attorney General does not interpose any objection to the change in question. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

James P. Turner
Acting Assistant Attorney General
Civil Rights Division

By:

Barry H. Weinberg
Acting Chief, Voting Section

TITLE 4 - DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

Notice is hereby given in accordance with G.S. 150B-12 that the Hazardous Waste Management Commission intends to adopt rules cited as 4 NCAC 18 .0101 - .0104, .0201 - .0202, .0301 - .0307.

The proposed effective date of this action is March 1, 1990.

The public hearing will be conducted at 7:00 p.m. at the following locations and dates:

November 16, 1989
Charlotte, NC
UNC-Charlotte
Room 148 McEniry
(park in parking deck)

November 28, 1989
Morganton, NC
N.C. School for the Deaf
Main Building Auditorium
517 West Fleming Drive

December 5, 1989
Elon College, NC
Yeager Recital Hall
Fine Arts Building
Williamson Avenue

December 6, 1989
Raleigh, NC
Utilities Commission Hearing Room
Dobbs Building, Second Floor
430 North Salisbury Street

Comment Procedures: Any interested person may present written comments for consideration by the Commission. The hearing record will remain open for receipt of comments from September 25, 1989, through December 6, 1989. Written comments should be received by the Commission by midnight on December 6, 1989, to be considered as part of the hearing record. Comments should be addressed to:

*Ms. Cindy Trinks
N.C. Hazardous Waste Management
Commission
430 North Salisbury Street
Raleigh, NC 27611*

Any person may present oral comments at the hearings. Requests to speak should be presented

in writing to Ms. Cindy Trinks at the above address no later than five days before the date of the respective hearing. Additional comments may be allowed by the Commission by sign up at the public hearings as time allows. All presentations will be limited to five minutes. A fiscal note covering these rules has been prepared by the Commission and may be obtained by written request addressed to Ms. Trinks at the address above. A draft justification document has been prepared by the Commission in accordance with G.S. 130B-11(b) and may be obtained by written request addressed to Ms. Trinks at the address above.

CHAPTER 18 - N.C. HAZARDOUS WASTE MANAGEMENT COMMISSION

SECTION .0100 - GENERAL INFORMATION

.0101 PURPOSE

The purpose of this Chapter is to provide procedures for the N.C. Hazardous Waste Management Commission to site, design, finance, construct, operate, oversee, acquire, hold, sell, lease, or convey needed hazardous waste facilities to the extent that private enterprise fails to provide such facilities, in accordance with G.S. 130B and 10 NCAC 10F.

It is the purpose of the Commission to provide the citizens of North Carolina with an opportunity to participate in decisions concerning the state's management of hazardous waste. The Commission supports active participation of the public in the decision-making process by encouraging comments and suggestions from all citizens. It is the Commission's goal to provide a forum for study and input which will enable citizens to become knowledgeable about the establishment of hazardous waste facilities in North Carolina.

The Commission strongly supports the waste minimization efforts of the businesses and industries of North Carolina. The Commission believes that such efforts should be expanded wherever possible. However, the Commission is authorized only to review and consider current and projected waste minimization efforts in making its recommendations to the Governor and the General Assembly. The Commission encourages additional support for the waste minimization and waste reduction programs of the Pollution Prevention Pays office, the Department of Environment, Health, and Natural Resources, and the Governor's Waste Management Board, and all other state agencies and departments authorized to direct activities in this regard.

Statutory Authority G.S. 130B-4; 130B-7 (a) (24); 150B-13.

.0102 DEFINITIONS

(a) Unless a different meaning is required by the context, the definitions contained in G.S. 130A-290, G.S. 130B-2, and 10 NCAC 10F .0002 apply to the rules contained in this Chapter.

(b) As used in this Chapter, "facility" means a hazardous waste facility authorized by the Governor as defined in G.S. 130B-5(a) and G.S. 130B-5(b)(1).

(c) The term "proximity" means distance from a location or activity that could involve an impact, either positive or negative, or beneficial or detrimental.

Statutory Authority G.S. 130B-2; 130B-7 (a) (24); 150B-13.

.0103 MAILING LIST

The Commission maintains mailing lists for its rulemaking and public meeting activities. Individuals wishing to be notified of these activities should send a letter to:

N.C. Hazardous Waste Management
Commission
Mailing List
430 N. Salisbury St.
Raleigh, NC 27611

stating the particular activity or activities for which notice is requested and the name, address and phone number of requester. A fee may be charged to cover the actual cost of providing this notice.

Statutory Authority G.S. 12-3.1; 130B-6; 130B-7(a)(24); 143-318.12; 150B-13.

.0104 WRITTEN MATERIAL DEPOSITORIES

The Commission understands and supports fully the public's right to participate in the process leading to the siting of a facility. The Commission wishes to assist in the public's ability to participate by providing access to the Commission's written materials at information depositories throughout the state. The depositories will be maintained in public libraries in all 100 North Carolina counties and in libraries of member institutions of the North Carolina Community College System. These depositories shall contain information relating to the Commission's rulemaking and site-selection process, and other written materials pertinent to the Commission's work, to be used as reference material by the

general public. The Commission's written materials need not be furnished to any depository located in any county in which the entire area of the county and all adjacent counties have been eliminated from consideration as a suitable site unless the depository specifically requests in writing continued receipt of materials.

Statutory Authority G.S. 12-3.1; 130B-6; 130B-7(a)(24); 150B-13.

SECTION .0200 - SITE SELECTION CRITERIA

.0201 INTRODUCTION

The rules contained in this Section set forth the criteria which the Commission will consider in selecting a site for the location of a facility. In selecting this site the Commission must comply with the siting criteria set forth in 10 NCAC 10F and G.S. 130B. The rules contained in this Section set forth additional criteria to be considered by the Commission in evaluating and selecting a site for the facility in accordance with G.S. 130B. The written justification for the criteria contained in these rules is available from the Commission at the mailing address set out in 4 NCAC 18 .0103.

Statutory Authority G.S. 130B-7(a)(5); 150B-13.

.0202 SITE LOCATION EXCLUSIONS

(a) Prior to consideration of the factors set out at G.S. 130B-11(b)(1) through (8), the Commission shall exclude areas of the state for consideration in the selection of suitable sites for a facility, based upon and consistent with all applicable federal and state law, including statutes, regulations and rules. The Commission shall consider the following criteria which are consistent with G.S. 130B-11(c), 10 NCAC 10F and Subchapter I of Title 40 of the Code of Federal Regulations, as part of the statewide screening process:

- (1) A location shall not be selected to be placed upon an inland lake. Lakes of 200 acres or more will be indicated and removed from further consideration during the first statewide screening process;
- (2) A location shall not be selected to be placed upon an upland bog or pocosin as identified or mapped by Duke University Wetlands Center, or upon marsh or swamp as shown by United States Geological Service 1:100,000 series topographic maps. Locations of 200 acres or more will be indicated and removed from further consideration during the first statewide screening process;

- (3) A location shall not be selected to be placed in a coastal hurricane storm surge or inundation area, defined as the maximum hurricane storm surge or inundation area in the Hurricane Evacuation Study for Coastal North Carolina (U.S. Army Corps of Engineers, 1987);
 - (4) A location shall not be selected to be placed within 25 miles of an existing polychlorinated biphenyl (PCB) landfill;
 - (5) A location shall not be selected to be placed greater than 60 miles, measured in a straight line, from the Interstate Highway System in North Carolina;
 - (6) A location shall not be selected to be placed within 0.25 miles of a fault which has had displacement during Holocene time as determined under 10 NCAC 10F .0032(c) and Appendix VI of 40 CFR Part 264, or within 0.25 miles of the epicenter of a seismic event of a magnitude greater than three as measured by the Modified Mercalli Intensity Scale of 1931;
 - (7) A location shall not be selected to be placed upon a 100-year floodplain;
 - (8) A location shall not be selected to be placed upon wetlands within the meaning of Section 404 of the federal Clean Water Act, 33 U.S.C. 1251, et seq., and defined at 33 C.F.R. 328.3;
 - (9) A location shall not be selected to be placed within 0.25 miles of licensed and existing prisons, jails, hospitals, nursing homes, day care centers, nurseries and schools. Existing shall mean in operation prior to September 25, 1989.
- (b) For purposes of G.S. 130B-11(c)(1) and (2) and this Section, Interstate Highway System shall mean those existing as of September 25, 1989, and those with a proposed completion date on or before the first day of operation of the facility.
- (c) For purposes of G.S. 130B-11(c)(3):
- (1) Existing state or national parks or forests shall be those areas which are in existence as of September 25, 1989, and shall include wilderness areas, the State Nature and Historic Preserve, public recreation areas or areas which the state may be authorized to preserve, conserve, or protect under Article XIV, Section 5 of the North Carolina Constitution; existing sites that have been acquired for any of the same, as identified by the Secretary of the Department of Environment, Health, and Natural Resources; and proposed sites for any of the same, as identified by the Secretary of the Department of Environment, Health, and Natural Resources, provided

that the proposed site has been formally designated for acquisition by the governmental agency having jurisdiction on or before September 25, 1989;

- (2) Existing wildlife refuges shall include preserves or management areas, and proposed sites for the same, as identified by the Wildlife Resources Commission, provided that the proposed site has been formally designated for acquisition or for inclusion in a cooperative agreement by the governmental agency having jurisdiction on or before September 25, 1989;
- (3) Existing historical sites are historic places that are listed, or have been approved for listing prior to September 25, 1989, by the North Carolina Historical Commission, in the National Register of Historic Places; historical, archaeological, and other places and properties owned, managed or assisted by the State of North Carolina pursuant to Chapter 121; and properties or areas that are designated prior to September 25, 1989, by the Secretary of the Interior as registered natural landmarks or as national historic landmarks.

Statutory Authority G.S. 130B-7(a)(5); 130B-7(a)(24); 150B-13.

SECTION .0300 - SITE SELECTION PROCEDURE

.0301 GENERAL

The site selection procedure is outlined in G.S. 130B-11. Additional procedures relating to the site selection process are contained in the rules in this Section.

Statutory Authority G.S. 130B-7(a)(5); 150B-13.

.0302 COMMUNITIES INTERESTED IN HOSTING FACILITIES

(a) The Commission shall actively seek communities interested in hosting hazardous waste facilities in accordance with G.S. 130B-11(a) and the procedures contained in this Rule.

(b) The Commission may evaluate other areas while actively seeking communities interested in hosting hazardous waste facilities.

(c) If a suitable site is identified in a volunteer county, the Commission may cease other efforts to locate a suitable site, in accordance with G.S. 130B-23.

(d) The Commission shall suggest that a community interested in hosting a hazardous waste facility form a Community Site Review Committee.

(c) The Commission shall provide information to communities interested in hosting a facility concerning:

- (1) the opportunities for involvement in the site selection process through the Community Site Review Committee, and through the local government advisory process;
- (2) the means available to minimize risk to health, safety, and the environment; and
- (3) the economic benefits available to the host community.

(f) A county which wishes to volunteer, and has taken a vote pursuant to G.S. 130B-23(a), shall notify the Commission in writing.

(g) The Commission may, at the request of the county commissioners, assist a volunteer county in holding public meetings or public hearings.

Statutory Authority G.S. 130B-7(a)(24); 130B-11(a); 130B-11(c1); 130B-23(a); 150B-13.

.0303 STATEWIDE SCREENING FOR SUITABLE SITES

(a) The Commission shall institute a statewide screening process to identify suitable sites in accordance with G.S. 130B-11(b) and the procedures contained in this Rule.

(b) The identification shall be made based on technical siting criteria set out in G.S. 130B-11 and 4 NCAC 18 .0200, including meteorological factors, and shall use readily available data.

(c) The statewide screening process to be used by the Commission is a search of the entire state which will be accomplished by successively eliminating unsuitable areas. The first screening process will exclude general areas under the criteria set out at 4 NCAC 18 .0202. The Commission will develop other sets of site selection criteria which will be done through the rulemaking procedures set out at G.S. 150B. Following each set of criteria, another screening process will be initiated to eliminate more unsuitable areas.

Statutory Authority G.S. 130B-7(a)(24); 130B-11(b); 150B-13.

.0304 SELECTION OF SUITABLE SITES

(a) The Commission shall formally designate two or three suitable sites in accordance with G.S. 130B-11(e) and the procedures contained in this Rule.

(b) In making these selections, the Commission shall evaluate sites using the criteria set out in 4 NCAC 18 .0202, with special attention to social, economic, and environmental factors.

(c) The Commission shall conduct at least one public meeting in each area where a suitable site has been selected. Notice of the meeting shall be published at least 30 days in advance of the meeting. Notice of the meeting shall be published in a newspaper of general circulation in the area and shall be sent to the chairman of the county commissioners, the county manager and the county health director of any county in which a potential site has been identified; the mayor, the manager and the chairman of the council of any municipality in which a potential site has been identified, and any person who has requested a copy of the notice in accordance with the procedure set out in 4 NCAC 18 .0103. The notice shall include the date, time and place of the meeting; topics to be addressed at the meeting; the manner in which public comment will be accepted; and the name, phone number, mailing address and location of the individual to contact for further information.

(d) Public comment shall include information received at public meetings, information provided by community advisory groups, information provided by local government representatives, or information provided by other individuals or groups.

Statutory Authority G.S. 130B-7(a)(24); 130B-11(a); 130B-11(b); 150B-13.

.0305 SITE DESIGNATION REVIEW COMMITTEES

(a) After the Commission has designated two or three suitable sites in accordance with 4 NCAC 18 .0304, notice of this selection shall be provided to the county manager, chairman of the county commissioners and public health director of any county in which a suitable site has been identified, and any county adjacent thereto; and any person who has requested notice in accordance with 4 NCAC 18 .0103.

(b) The Commission shall suggest that the county commissioners appoint a site designation review committee in accordance with G.S. 130B-19.

(c) The Commission shall present to the site designation review committees all data relating to the selection of the site in their county; shall provide the committee with data concerning the economic incentives related to the location of a facility within the county; and shall receive and consider comments from the committee as may be transmitted by the county board of commissioners concerning the suitability of the site for the location of a facility in accordance with the criteria set forth in 4 NCAC 18 .0200.

(d) Site designation review committees are eligible to receive technical assistance grants from the Governor's Waste Management Board, in accordance with G.S. 130B-19(d).

Statutory Authority G.S. 130B-7(a)(24); 130B-19; 150B-13.

.0306 PREFERRED SITE

(a) The Commission shall select a preferred site in accordance with G.S. 130B-11(d) and the procedures contained in this Rule.

(b) The site shall be selected in accordance with the criteria set out in 4 NCAC 18 .0200.

(c) Prior to the selection of a preferred site, the Commission shall conduct at least one public meeting in each county where a suitable site has been designated. Notice of the meeting shall be published at least 30 days in advance of the meeting. Notice of the meeting shall be published in a newspaper of general circulation in the county and shall be sent to the chairman of the county commissioners, the county manager and the county health director of any county in which a suitable site has been identified; the mayor, the manager and the chairman of the council of any municipality in which a suitable site has been identified, and any person who has requested a copy of the notice in accordance with the procedure set out in 4 NCAC 18 .0103. The notice shall include the date, time and place of the meeting; topics to be addressed at the meeting; the manner in which public comment will be accepted; and the name, phone number, mailing address and location of the individual to contact for further information.

(d) Information considered during the selection process shall include information provided by the site designation review committees and information obtained at the public meetings, and may include additional information which the Commission deems appropriate.

Statutory Authority G.S. 130B-7(a)(24); 130B-20; 150B-13.

.0307 PREFERRED SITE LOCAL ADVISORY COMMITTEE

(a) Upon selection of a preferred site, the Commission shall notify the county manager, the chairman of the county commissioners and public health director in the county in which the site is located and suggest the establishment of a preferred site local advisory committee in accordance with G.S. 130B-20. The Commission shall also notify any person who has requested a copy of the notice in accordance with the procedure set out in 4 NCAC 18 .0103.

(b) The Commission shall provide the preferred site local advisory committee with all information requested concerning the facility including permit applications, compensation available to local government, and environmental and socioeconomic impact of the proposed facility.

(c) The Commission shall consider all information provided by the preferred site local advisory committee in the Commission's negotiations with any local government or its designee in accordance with G.S. 130B-21.

(d) The preferred site local advisory committee is eligible to receive funds from the local application fee through the Governor's Waste Management Board in accordance with G.S. 130B-20(c) and G.S. 130B-20(d).

Statutory Authority G.S. 130B-7(a)(24); 130B-11; 150B-13.

TITLE 7 - DEPARTMENT OF CULTURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-12 that the Cultural Resources/Archives and History intends to adopt rule(s) cited as 7 NCAC 4V .0101 - .0105, .0201 - .0202.

The proposed effective date of this action is March 1, 1990.

The public hearing will be conducted at 10:00 a.m. on November 15, 1989 at 109 E. Jones Street (Archives and History - State Library Building), Room 305.

Comment Procedures: Written comments to Dr. William S. Price, Jr., Director, Division of Archives and History, no later than 5:00, Tuesday, November 14.

CHAPTER 4 - DIVISION OF ARCHIVES AND HISTORY

SUBCHAPTER 4V - OUTER BANKS HISTORY CENTER

SECTION .0100 - OUTER BANKS HISTORY CENTER: USE AND SERVICES

.0101 STATEMENT OF PURPOSE

The purpose of the Outer Banks History Center is to promote and safeguard the documentary and cultural heritage of the state by collecting, preserving, and cataloging published works, manuscripts, audio-visual, and graphic materials relevant to the history of North Carolina and the

Outer Banks; to make these materials available to the public on a regularly-scheduled basis; to sponsor research projects in North Carolina coastal history; to provide professional and technical assistance to patrons; and to operate a public history gallery.

Statutory Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a..

**.0102 OUTER BANKS HISTORY CENTER
SEARCH ROOM HOURS**

(a) The Outer Banks History Center Search Room is open to the public from 9:00 a.m. to 5:00 p.m. Monday through Friday.

(b) The Outer Banks History Center Search Room is closed on Saturdays, Sundays, official state holidays, and two days in January for inventory.

Statutory Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a..

**.0103 OUTER BANKS HISTORY CENTER
REFERENCE AND TECHNICAL
SERVICES**

Reference and technical services available to the public are outlined in a brochure available in the lobby of the Outer Banks History Center.

Statutory Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a..

**.0104 ADMISSION TO OUTER BANKS
HISTORY CENTER STACKS**

Permission for extended access to the Outer Banks History Center stacks may be obtained from the Curator, provided that a letter of application is submitted stating the material to be consulted and the reason why the research cannot be conducted from the Search Room. Upon verbal request, stack access not to exceed two hours may be granted by the Curator or his designated representative, provided that the person granted this access is accompanied by a member of the Outer Banks History Center staff.

Statutory Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a..

**.0105 OUTER BANKS HISTORY CENTER
SEARCH ROOM REGULATIONS**

Regulations governing public use of the Outer Banks History Center Search Room are as follows:

(1) Briefcases, coats, privately-owned books, papers, and similar materials considered inappropriate by the Outer Banks History Center Curator may not be carried into the

Search Room. Lockers are provided in the lobby for such materials.

- (2) Admission to the Search Room shall be granted only after proper identification is provided to the attending staff member. Researchers may be registered by either a daily admission slip or by a permanent patron identification card. The initial permanent identification card is provided free-of-charge to any requesting patron; a charge of one dollar (\$1.00) is assessed for a replacement card.
- (3) Researchers will request materials by filling in call slips and surrendering their admission slip or patron card to the Search Room staff.
- (4) When a researcher has completed use of the materials, a Search Room staff member must be notified. The staff member may inspect these materials and any personal property carried into the Search Room before returning the researcher's patron card or daily admission slip.
- (5) Researchers must exercise care in the use of materials, specifically observing the following:
 - (a) Materials may not be marked or otherwise altered or defaced.
 - (b) Pencils are the only writing instruments permitted in the Search Room.
 - (c) All materials are to be placed flat on tables or on stands; materials may not be held in the lap or propped against the edge of a table.
 - (d) Materials, including those from the Search Room reference case, may not be removed from the Search Room area.
 - (e) To avoid possible mixing of records, only one box or folder of loose material may be opened at one time.
 - (6) Smoking, eating, and drinking are not permitted in the Search Room when any materials from the stacks are present.
 - (7) Use of Outer Banks History Center computers is restricted to scheduled time periods; researchers may perform only on-line database searches and produce only terminal display reports; printouts and graphic reproductions may be made only by the center staff.
 - (8) Printouts, graphic reproductions, and photocopies will be made on an "as you wait" basis if the equipment and operator are available. Descriptions of these and similar services, the procedures for requesting these services, and their current costs, are described in an informational brochure available in the Outer Banks History Center Lobby.

Statutory Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a..

SECTION .0200 - PUBLIC HISTORY GALLERY USE

.0201 PUBLIC HISTORY GALLERY HOURS

(a) The Public History Gallery of the Outer Banks History Center is open to the public from 10:00 a.m. to 4:00 p.m. Monday through Friday.

(b) The Public History Gallery is closed on Saturdays, Sundays, official state holidays, and upon occasion, for announced meetings, special events, or exhibit preparation.

Statutory Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a..

.0202 PUBLIC HISTORY GALLERY REGULATIONS

(a) Eating, drinking, and smoking are not permitted in the Gallery.

(b) Visitors may not touch art works or graphics.

(c) Children under 12 years of age must be accompanied by an adult.

Statutory Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a..

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

Notice is hereby given in accordance with G.S. 150B-12 that the Department of Human Resources/Division of Medical Assistance intends to adopt rule(s) cited as 10 NCAC 26B .0120 - .0121.

The proposed effective date of this action is February 1, 1990.

The public hearing will be conducted at 1:30 p.m. on November 15, 1989 at North Carolina Division of Medical Assistance, 1985 Umstead Drive, Room 201, Raleigh, North Carolina 27603.

Comment Procedures: Written comments concerning these proposed adoptions must be submitted by November 15, 1989, to: Division of Medical Assistance, 1985 Umstead Drive, Raleigh, N.C. 27603, ATTN.: Bill Hottel, APA Coordinator. Oral comments may be presented at the hearing. In addition, a fiscal impact statement is available upon written request from the same address.

CHAPTER 26 - MEDICAL ASSISTANCE

SUBCHAPTER 26B - MEDICAL ASSISTANCE PROVIDED

SECTION .0100 - GENERAL

.0120 DURABLE MEDICAL EQUIPMENT

(a) Medically necessary durable medical equipment (DME) is covered by the Medicaid program when it is prescribed by a physician. Prior approval must be obtained from the Division of Medical Assistance.

(b) Payment for durable medical equipment is limited to the official, approved DME list established by the Division of Medical Assistance. Additions, deletions or revisions to the DME list are approved by the Director of the Division of Medical Assistance upon recommendation of DMA staff and/or consultants. Only items determined to be medically necessary, effective and efficient may be included.

(c) Providers of durable medical equipment must demonstrate the capacity to train recipients in the use of equipment provided. Providers must demonstrate the capacity to repair and maintain equipment provided. Providers must warranty to industry standards equipment provided. Providers must possess a state business license and be certified to participate in Medicare as a DME supplier, and meet additional certification standards if invasive equipment is part of the equipment supplied.

Authority G.S. 108A-25(b); 42 C.F.R. 440.70(b)(3).

.0121 PRIVATE DUTY NURSING

(a) Medically necessary private duty nursing (PDN) services are provided when prescribed by a physician and approved by the Division of Medical Assistance or its agent.

(b) Private duty nursing services are covered only when provided in the client's own home.

(c) Private duty nursing services are approvable when other Medicaid services, such as home health services, cannot adequately meet the needs of the client.

(d) Medicaid payments for PDN are made only to agencies which are accredited in the provision of in-home nursing care by the Joint Committee on the Accreditation of Hospital Organizations (JCAHO), the National League for Nursing or who are state licensed and/or Medicare certified as a home health agency.

Authority G.S. 108A-25(b); 108A-54; 42 C.F.R. 440.80.

PROPOSED RULES

Notice is hereby given in accordance with G.S. 150B-12 that the Department of Human Resources/Division of Medical Assistance intends to amend rule(s) cited as 10 NCAC 50A .0201; 10 NCAC 50B .0311, .0313, .0403.

The proposed effective date of this action is February 1, 1990.

The public hearing will be conducted at 1:30 p.m. on November 15, 1989 at North Carolina Division of Medical Assistance, 1985 Umstead Drive, Room 201, Raleigh, North Carolina 27603.

Comment Procedures: Written comments concerning these amendments must be submitted by November 15, 1989, to: Director, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, N.C. 27603. Oral comments presented at the hearing may be time limited at the discretion of the hearing officer. Submittal of written copies of oral statements is encouraged. In addition, a fiscal impact statement on these proposed rule amendments is available upon written request from the same address.

CHAPTER 50 - MEDICAL ASSISTANCE

SUBCHAPTER 50A - GENERAL PROGRAM ADMINISTRATION

SECTION .0200 - DEFINITIONS

.0201 DEFINITIONS

For purpose of this Chapter, are the following definitions:

- (1) "M-AA" means a program of medical assistance to persons 65 years of age and older, and also means the assistance itself.
(2) "M-AB" means a program of medical assistance to blind persons, and also means the assistance itself.
(3) "M-AD" means a program of medical assistance to disabled persons less than 65 years of age, and also means the assistance itself.
(4) "AFDC" means a program of assistance for families with dependent children, and also means the assistance itself.
(5) "AFDC-MA" means a program of medical assistance for families with dependent children, and also means the assistance itself.
(6) "Appeal" means an oral or written request from a client for a hearing to review the action of a county department of social ser-

vices or the disability decision when the client is dissatisfied with the decision in his case.

- (7) "Applicant" means an individual who applies for assistance through the Medicaid program.
(8) "Application" means a written request for assistance on a form prescribed by the state which is signed by an applicant or his authorized representative under penalty for perjury.
(9) "Authorization Period" means the period for which all factors of eligibility have been established and for which the client is authorized to receive a Medicaid card and benefits.
(10) "Award Letter" means a statement to an individual from a governmental or private agency indicating benefits for which he is eligible.
(11) "BENDEX" means beneficiary data exchange with the Social Security Administration for social security status and amount of benefits.
(12) "Budget Unit" means all persons considered in the determination of eligibility for Medicaid.
(13) "Certification Period" means the months for which eligibility is being established.
(14) "Client" means an applicant or recipient of medical assistance.
(15) "Collateral" means a person/agency who can substantiate or verify information necessary to establish eligibility.
(16) "Community Spouse" means the spouse of an institutionalized spouse.
(17) (16) "Contiguous Property" means real property with boundaries joining the homestead of the client.
(18) (17) "Deductible" means the amount which the client must personally spend or incur for medical expenses before he can be authorized to receive a Medicaid card and services which may be billed to the Medicaid program.
(19) (18) "Deprivation" means the lack of support or care from one or both parents (including adoptive parents) of a dependent child, as a result of the absence, incapacity, or death of either parent.
(20) (19) "Disabled Adult Child" means an individual who is blind or permanently and totally disabled who is unable to become self-supporting after age eighteen.
(21) (20) "Disregard of Earned Income" means the procedure for exempting certain portions of earned income as a resource when determining the amount of payment.

- (22) ~~(21)~~ "Documentary Evidence" means information or records which can be relied on to prove the client's statements of fact.
- (23) ~~(22)~~ "Effective Date" means the date on which an action will take effect.
- (24) ~~(23)~~ "EPSDT (Early and Periodic Screening, Diagnosis, and Treatment)" means a program which provides health care for AFDC related clients from birth to age 19.
- (25) ~~(24)~~ "Equity" means the tax value of a resource less the amount of debts, liens or other encumbrances.
- (26) ~~(25)~~ "Excluded Income" means money received by a member of the budget unit which is not counted in determining eligibility for assistance.
- (27) ~~(26)~~ "Greater Weight of Evidence" means evidence of such quality as to persuade an ordinary and prudent person of the truth or falsity of a statement.
- (28) ~~(27)~~ "Foster Care Resource" means any private home or facility licensed to provide full time care to children.
- (29) ~~(28)~~ "Fraud" means a criminal act in which an applicant/recipient makes false statements and/or withholds information willfully and knowingly with the intent to deceive and as a result obtains assistance for which he/she is not eligible.
- (30) ~~(29)~~ "Full-Time Student" means a student so designated by the school in which he is enrolled.
- (31) ~~(30)~~ "Good Cause" means an acceptable reason for failure to comply with a regulation.
- (32) "Guardian" means an individual, corporation, or disinterested public agent appointed by the clerk of superior court to replace an individual's authority to make decisions about his person, family, or property when the individual does not have adequate capacity to make such decisions and has been adjudicated incompetent. A guardian can be a guardian of the person, a guardian of the estate, or a general guardian which is guardian of both the person and the estate.
- (33) ~~(31)~~ "Incapacity" means a physical or mental defect, illness or impairment which substantially reduces or eliminates a person's ability to support or care for an otherwise eligible child, and which is expected to last at least 30 days.
- (34) ~~(32)~~ "Income" means money which is available to members of the budget unit for their needs.
- (35) ~~(33)~~ "Income, Earned" means money received as a result of employment.
- (36) ~~(34)~~ "Income, Gross" means total income before allowable deductions.
- (37) ~~(35)~~ q. "Income, Net" means income after all allowable deductions.
- (38) ~~(36)~~ "Income, Unearned" means money received from any source other than employment.
- (39) ~~(37)~~ "Inmate of a Public Institution" means a person who lives in an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control and which provides treatment or services, food and shelter.
- (40) "Incompetent Adult" means an adult who lacks sufficient capacity to manage his own affairs or to make or communicate important decisions concerning his person, family, or property whether such lack of capacity is due to mental illness, mental retardation, epilepsy, cerebral palsy, autism, inebriety, senility, disease, injury, or similar cause or condition who has been adjudicated incompetent by the clerk of superior court.
- (41) "Institutionalized Spouse" means an individual in a medical institution or nursing facility or who is described under 42 USC 1396A (a)(10)(A)(ii)(VI) and who is married to an individual who is not in a medical institution or nursing facility.
- (42) ~~(38)~~ "Life Estate Interest" means the right to use property and receive income from the property for the remainder of one's life.
- (43) ~~(39)~~ "Long Term Care" means care in:
- (a) a general or specialty hospital in excess of 60 continuous days,
 - (b) a state mental hospital,
 - (c) a skilled nursing facility, or
 - (d) an intermediate care facility.
- (44) ~~(40)~~ "Patient's Monthly Liability" means the amount of a long term care patient's income that must be paid towards his cost of care.
- (45) ~~(41)~~ "Reasonable Classification" means a grouping of individuals under age 19 who do not meet the AFDC dependent child definition, but are in need of assistance in foster homes or institutions or medical facilities.
- (46) ~~(42)~~ "Remainder Interest" means ownership interest in property which will be inherited in full or jointly with other remainder interest holders at a life interest holder's death.
- (47) ~~(43)~~ "Representative" means a person who acts on behalf of a client.
- (48) ~~(44)~~ "Reserve" means assets owned by members of the budget unit and which have a market value.

- (49) ~~(45)~~ "Residence" means the county or state where a client lives with intent to remain for an indefinite time. Also, a child has the residence of the person with whom he resides unless he is in the custody of a social services agency.
- (50) ~~(46)~~ "Revocable Trust" means funds held in trust which are available for the client's use.
- (51) ~~(47)~~ "RSDI (Retirement, Survivors, Disability Insurance)" means Social Security benefits.
- (52) ~~(48)~~ "SDX" means State Data Exchange with the Social Security Administration for the purpose of providing a listing of all persons receiving supplemental security income, their current payment status and amount of SSI and other sources of income.
- (53) ~~(49)~~ "Specified Relative" means a parent or a person in one of the following groups:
- (a) any blood relative, including those of half-blood, and including first cousins, nephews, or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;
 - (b) stepfather, stepmother, stepbrother, and stepsister;
 - (c) persons who legally adopt a child, their parents as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;
 - (d) spouses of any persons named in the above groups even after the marriage is terminated by death or divorce.
- (54) ~~(50)~~ "SSI" means Supplemental Security Income - A federal assistance payment for aged, blind and disabled persons administered by the Social Security Administration.
- (55) ~~(51)~~ "Stepparent" means a person legally married to the parent of a child in the Medicaid budget unit.
- (56) ~~(52)~~ "Timely Notice" means a written notice to inform the recipient of intended action. No action can be taken to reduce or terminate assistance until 10 work days following the date of the notice.
- (57) ~~(53)~~ "Time Standard" means the requirement to process an application within 45 or 60 days from the date of application unless there is applicant or collateral delay in providing information.
- (58) ~~(54)~~ "Verification" means the confirmation of facts and information used in determining eligibility.

Statutory Authority G.S. 108A-25(b); 108A-54; P.L. 100-360; P.L. 100-485.

SUBCHAPTER 50B - ELIGIBILITY
DETERMINATION

SECTION .0300 - CONDITIONS FOR
ELIGIBILITY

.0311 RESERVE

North Carolina has elected the option under Section 1902(f) of the Social Security Act to limit Medicaid eligibility for the aged, blind or the disabled to individuals who meet eligibility requirements more restrictive than those under Supplemental Security Income. Applicants for and recipients of Medicaid are expected to use their own resources to meet their needs for living costs and medical care to the extent that such resources can be made available. Certain resources are protected to meet specific needs such as burial and transportation and a limited amount of resources are protected for emergencies.

- (1) The value of resources that are currently available to any budget unit member is considered in determining financial eligibility. A resource is considered available when it is actually available and when the budget unit member has a legal interest in the resource and he, or someone acting in his behalf, can take any necessary action to make it available;
 - (a) When a representative alleges that an applicant/recipient with excess resources is mentally incompetent (and the allegation can be supported by a physician's statement) and the applicant/recipient does not have a legal representative appointed to act in his behalf that can access the applicant's/recipient's resources, the resources held solely by the applicant/recipient, or resources held jointly when the applicant's/recipient's consent and participation are required to access the resource, shall be excluded in determining countable reserve provided the following two conditions are met:
 - (i) The petition to have an applicant/recipient declared incompetent is filed with the court within 30 calendar days from the date the applicant's/recipient's representative is informed of the requirement; and
 - (ii) The petition to have a legal guardian appointed is filed with the court within 30 calendar days of the date the applicant's/recipient's representative is informed of the requirement.
 - (b) When the conditions in Subparagraphs (a)(i) and (ii) are met, the resource is ex-

- cluded provided all other conditions of eligibility are met.
- (c) The county department of social services shall petition the court for incompetency and appointment of a guardian if:
- (i) The applicant recipient has no representative willing or able to act in his behalf or the representative refuses to take the required action to petition the court. The county shall petition the court to have the applicant recipient declared incompetent and to have a guardian appointed within 30 calendar days from the date it learns of the representative's refusal or unwillingness to petition the court, whichever occurs first; or
- (ii) The applicant's recipient's representative fails to take the required action defined in Subparagraphs (a)(i) and (ii) within 30 calendar days of the date he was informed of the requirement. The county shall petition the court within 15 calendar days from this date to have the applicant recipient declared incompetent and to have a legal guardian appointed.
- (d) When the county department of social services is required to act under Subparagraph (c)(i) or (ii), then the resource is excluded in determining countable reserve provided all other conditions of eligibility are met.
- (e) If the applicant recipient is alleged to be incompetent during any prior month or months, the resource shall be excluded for that month or those months provided the conditions in Subparagraphs (a) or (c) are met.
- (f) When the court declares the applicant recipient incompetent and appoints a guardian, if the action to convert or expend the resource must first be approved by the clerk of court, exclude the resource until the clerk of court approves the action to be taken by the guardian provided the guardian petitions the court to expend or convert the resource within 30 calendar days following his appointment as guardian.
- (i) If the guardian petitions the court to expend or convert the resource with 30 calendar days, the resource, if otherwise includable, shall be counted in reserve beginning the first day of the month following the month the action is approved by the clerk of court.
- (ii) If the guardian does not petition the court to expend or convert the resource
- within 30 calendar days, within 15 calendar days from this date the county department of social services shall determine if the guardian is acting appropriately under the terms of the guardianship.
- (A) If the guardian is not acting appropriately in the judgement of the county department of social services, the county department of social services shall notify the clerk of court to review the actions of the guardian. The recipient's resource shall continue to be excluded until the month following the month the clerk of court renders a decision regarding the guardian or until the clerk of court appoints another guardian, whichever shall occur last; or
- (B) If the guardian is acting appropriately in the judgement of the county department of social services, the resource shall be counted in reserve beginning the first day of the month following the month in which this decision is made by the county department of social services.
- (g) When the court declares the applicant recipient incompetent and appoints a guardian, the guardian shall take appropriate action to convert or expend a resource that does not require approval of the court within 30 calendar days of his appointment. If the guardian does not take the required action, the county department of social services shall determine, within 15 calendar days from the 30th day, if the guardian is acting appropriately under the terms of the guardianship.
- (i) If the guardian is not acting appropriately in the judgement of the county department of social services, the county department of social services shall notify the clerk of court to review the actions of the guardian. The recipient's resource shall continue to be excluded until the month following the month the clerk of court renders a decision regarding the guardian or until the clerk of court appoints another guardian, whichever shall occur last; or
- (ii) If the guardian is acting appropriately in the judgement of the county department of social services, the resource shall be counted in reserve beginning the first day of the month following the month in which the decision is made by the county department of social services.

- (h) When the court rules that the applicant recipient is competent, his resources shall be counted as follows:
- (i) When an applicant is ruled to be competent and the application is still pending, his resources shall be counted in determining his eligibility for all months in which assistance is requested;
 - (ii) When a recipient is ruled to be competent and:
 - (A) The case has been authorized, his resources shall be counted beginning the first day of the month following the month he is declared competent;
 - (B) The case is pending with an unmet deductible, his resources shall be counted in determining his eligibility for all unauthorized months in the certification period.
- (2) The limitation of resources held for reserve for the budget unit are as follows:
- (a) For AFDC related categorically needy cases, one thousand dollars (\$1,000);
 - (b) For aged, blind and disabled cases and AFDC related medically needy cases, one thousand five hundred dollars (\$1,500) for a budget unit of one person, two thousand two hundred fifty dollars (\$2,250) for a budget unit of two persons and increases of one hundred dollars (\$100.00) for each additional person in the budget unit over two, not to exceed a total of three thousand, fifty dollars (\$3,050);
 - (c) For AFDC related medically needy cases, one thousand five hundred dollars (\$1,500) for a budget unit of one person, two thousand two hundred fifty dollars (\$2,250) for a budget unit of two persons and increases of one hundred dollars (\$100.00) for each additional person in the budget unit over two, not to exceed a total of three thousand, fifty dollars (\$3,050);
- (3) If the value of countable resources of the budget unit exceeds the reserve allowance for the unit, the case is ineligible:
- (a) For AFDC related cases and aged, blind and disabled cases protected by grandfathered provisions, and medically needy cases not protected by grandfathered provision, eligibility begins on the day countable resources are reduced to allowable limits or excess income is spent down, whichever occurs later;
 - (b) For categorically needy aged, blind and disabled cases not protected by grandfathered provision, eligibility can begin no earlier than the month countable resources are reduced to allowable limits as of the first moment of the first day of the month.
- (4) Resources counted in the determination of financial eligibility for aid to the aged, blind, and disabled cases protected by grandfathered provisions are:
- (a) Cash on hand;
 - (b) The current balance of savings accounts, except savings of a student saving his earnings for educational purposes;
 - (c) The current balance of checking accounts;
 - (d) Cash value of life insurance policies when the total face value of all policies that accrue cash value exceeds one thousand five hundred dollars (\$1,500);
 - (e) Equity in motor vehicles, including motor homes, determined to be non-essential according to Rule .0403 of this Subchapter;
 - (f) Equity in excess of one thousand dollars (\$1,000) in motor vehicles, including motor homes, determined to be essential according to Rule .0403 of this Subchapter;
 - (g) Stocks, bonds, mutual fund shares, certificates of deposit and other liquid assets;
 - (h) Promissory notes which are negotiable and salable;
 - (i) Trust funds;
 - (j) The portion of lump sum payments remaining after the month of receipt;
 - (k) Any investment which can convert to cash;
 - (l) Equity in real property not used as the homesite or not producing an income;
 - (m) Value of burial spaces other than spaces designated for the eligible individual, the eligible individual's spouse, and the eligible individual's immediate family which includes the eligible individual's minor and adult children, stepchildren, and adopted children, brothers, sisters, parents, adoptive parents, and the spouses of those persons;
 - (n) Salable remainder interest in life-estate property not used as the budget unit's homesite;
 - (o) Patient accounts in long term care facilities.
- (5) Resources counted in the determination of financial eligibility for aid to the aged, blind and disabled cases not protected by grandfathered provisions are:
- (a) Cash on hand;
 - (b) The balance of savings accounts, except savings of a student saving his earnings for educational purposes;
 - (c) The balance of checking accounts less the current monthly income which had been

deposited to meet the budget unit's needs when reserve was verified or lump sum income from self-employment deposited to pay annual expenses;

- (d) Cash value of life insurance policies when the total face value of all policies that accrue cash value exceeds one thousand five hundred dollars (\$1,500);
- (c) Trust funds;
- (f) Stocks, bonds, mutual fund shares, certificates of deposit and other liquid assets;
- (g) Promissory notes which are negotiable and salable;
- (h) Revocable burial contracts and burial trusts;
- (i) The portion of lump sum payments remaining after the month of receipt;
- (j) Any investment which can convert to cash;
- (k) Patient accounts in long term care facilities;
- (l) Equity in motor vehicles determined to be non-essential under Rule .0403 of this Subchapter or, if no motor vehicle is excluded as essential, any equity in excess of four thousand five hundred dollars (\$4,500) in a motor vehicle;
- (m) Equity in real and/or personal property when the combined equities is six thousand dollars (\$6,000) or less and the property does not yield a net annual income of at least six percent of the equities; For categorically needy cases:
 - (i) Equity in real and/or personal property when the combined equities is six thousand dollars (\$6,000) or less and the property does not yield a net annual income of at least six percent of the equities;
 - (ii) Equity in real and/or personal property when the combined equities exceed six thousand dollars (\$6,000);
 - (iii) Equity in personal property, subject to (5)(m)(i) and (ii) of this Rule, is limited to:
 - (A) Mobile homes not used as homesite,
 - (B) Boats, boat trailers and boat motors,
 - (C) Campers,
 - (D) Farm and business equipment;
 - (iv) Equity in real property, subject to (5)(m)(i) and (ii) of this Rule, is limited to interest in real estate other than that used as the budget unit's homesite and includes:
 - (A) Fee simple interest;
 - (B) Salable remainder interest;
 - (C) Tenancy by the entireties interest;
and
 - (D) Value of burial spaces other than spaces designated for the eligible indi-

vidual, the eligible individual's spouse, and the eligible individual's immediate family which includes the eligible individual's minor and adult children, stepchildren, and adopted children, brothers, sisters, parents, adoptive parents, and the spouses of those persons.

- (n) Equity in real and/or personal property when the combined equities exceed six thousand dollars (\$6,000); For medically needy cases:
 - (i) Equity in real and/or personal property that does not produce a net annual income;
 - (ii) Equity in personal property, subject to (5)(n)(i) of this Rule, is limited to:
 - (A) Mobile homes not used as homesite,
 - (B) Boats, boat trailers and boat motors,
 - (C) Campers,
 - (D) Farm and business equipment;
 - (iii) Equity in real property, subject to (5)(n)(i) of this Rule, is limited to interest in real estate other than that used as the budget unit's homesite and includes:
 - (A) Fee simple interest;
 - (B) Tenancy by the entireties interest;
 - (C) Salable remainder interest; and
 - (D) Value of burial spaces other than spaces designated for the eligible individual, the eligible individual's spouse, and the eligible individual's immediate family which includes the eligible individual's minor and adult children, stepchildren, and adopted children, brothers, sisters, parents, adoptive parents, and the spouses of those persons.
 - (o) Equity in personal property, subject to (5)(m) and (n) of this Rule, is limited to:
 - (i) Mobile homes not used as homesite,
 - (ii) Boats, boat trailers and boat motors,
 - (iii) Campers,
 - (iv) Farm and business equipment;
 - (p) Equity in real property, subject to (5)(m) and (n) of this Rule, is limited to interest in real estate other than that used as the budget unit's homesite and includes:
 - (i) Value of burial spaces other than spaces designated for the eligible individual, the eligible individual's spouse, and the eligible individual's immediate family which includes the eligible individual's minor and adult children, stepchildren, and adopted children, brothers, sisters, parents, adoptive parents, and the spouses of those persons;
 - (ii) Salable life estate interest,
 - (iii) Remainder interest,

PROPOSED RULES

- (iv) ~~non-excludable interest in a probated estate;~~
- (v) ~~Holdings in land, business property or rental housing;~~
- (6) Resources counted in the determination of financial eligibility for categorically needy AFDC related cases are:
 - (a) Cash on hand;
 - (b) The balance of savings accounts;
 - (c) The balance of checking accounts less the current monthly income which had been deposited to meet the budget unit's monthly needs when reserve was verified;
 - (d) The portion of lump sum payments remaining after the month of receipt;
 - (e) Cash value of life insurance policies owned by the budget unit;
 - (f) Revocable trust funds;
 - (g) Stocks, bonds, mutual fund shares, certificates of deposit and other liquid assets;
 - (h) Promissory notes which are negotiable and salable;
 - (i) Revocable pre-paid burial contracts;
 - (j) Patient accounts in long term care facilities;
 - (k) Any other investment which can convert to cash;
 - (l) Equity in non-essential personal property limited to:
 - (i) Mobile homes not used as home,
 - (ii) Boats, boat trailers and boat motors,
 - (iii) Campers,
 - (iv) Farm and business equipment;
 - (v) Equity in excess of one thousand five hundred dollars (\$1,500) in one motor vehicle determined to be essential under Rule .0403 of this Subchapter;
 - (vi) Equity in motor vehicles determined to be non-essential under Rule .0403 of this Subchapter;
 - (m) Equity in real property, including income producing property, not used as the budget unit's homesite; Equity in real property is limited to interest in real estate other than that used as the budget unit's homesite and is limited to:
 - (i) Fee simple interest;
 - (ii) Tenancy by the entireties interest;
 - (iii) Salable remainder interest; and
 - (iv) Value of burial plots.
 - (n) Remainder interest in life estate property not used as the budget unit's homesite, if salable;
 - (o) Life estate interest in property not used as the budget unit's homesite, if salable; and
 - (p) Value of burial plots;
- (7) Resources counted in the determination of financial eligibility for medically needy AFDC related cases are:
 - (a) Cash on hand;
 - (b) The balance of savings accounts;
 - (c) The balance of checking accounts less the currently monthly income which had been deposited to meet the budget unit's monthly needs when reserve was verified or lump sum income from self-employment deposited to pay annual expenses;
 - (d) Cash value of life insurance policies when the total face value of all policies that accrue cash value exceeds one thousand five hundred dollars (\$1,500);
 - (e) Trust funds;
 - (f) Stocks, bonds, mutual fund shares, certificates of deposit and other liquid assets;
 - (g) Promissory notes which are negotiable and salable;
 - (h) Revocable prepaid burial contracts;
 - (i) patient accounts in long term care facilities;
 - (j) Any other investment which can convert to cash;
 - (k) Equity in non-essential, non-income producing personal property limited to:
 - (i) Mobile home not used as home,
 - (ii) Boats, boat trailers and boat motors,
 - (iii) Campers,
 - (iv) Farm and business equipment,
 - (v) Equity in motor vehicles determined to be non-essential under Rule .0403 of this Subchapter;
 - (l) Equity in real property not used as the budget unit's homesite or not producing income, if salable; Equity in real property not used as the budget unit's homesite or not producing a net annual income is limited to:
 - (i) Fee simple interest;
 - (ii) Tenancy by the entireties interest;
 - (iii) Salable remainder interest; and
 - (iv) Value of burial plots.
 - (m) Remainder interest in life estate property not used as the budget unit's homesite or not producing income, if salable;
 - (n) Life estate interest not used as the budget unit's homesite or not producing income, if salable;
 - (o) Value of burial plots;
- (8) Resources for reserve must be verified and documented in client's case record.
- (9) For aged, blind and disabled cases, the minimum amount of the "community spouse resource allowance" as defined in 42 U.S.C. 1396 r-5(f)(2) is the least amount allowed under 42 U.S.C. 1396 r-5(f)(2)(A)(i).

Authority G.S. 108A-54; 108A-55; 108A-58; P.L. 100-360; P.L. 100-485; 42 U.S.C. 703, 704, 1396; 42 C.F.R. 435.121; 42 C.F.R. 435.210; 42 C.F.R. 435.711; 42 C.F.R. 435.712; 42 C.F.R. 435.734; 42 C.F.R. 435.823; 42 C.F.R. 435.840; 42 C.F.R. 435.841; 42 C.F.R. 435-845; 42 C.F.R. 445.850; 42 C.F.R. 435.851; 45 C.F.R. 233.20; 45 C.F.R. 233.51.

.0313 INCOME

(b) Income from the following sources is not counted in the calculation of Medicaid eligibility:

- (18) In-kind shelter and utility contributions paid directly to the supplier and shelter, utility. ~~For AFDC-MA cases, shelter, utilities,~~ or household furnishings made available to the client at no cost;
- (19) ~~Food clothing contributions in AFDC-MA cases~~ Contributions of food, clothing and personal items except for food allowance for persons temporarily absent in medical facilities up to 12 months in AFDC-MA cases;

Authority G.S. 108A-25(b); 108A-61; 42 C.F.R. 435.731; 42 C.F.R. 435.732; 42 C.F.R. 435.733; 42 C.F.R. 435.811; 42 C.F.R. 435.812; 42 C.F.R. 435.831; 42 C.F.R. 435.832; 42 C.F.R. 435.1007; 45 C.F.R. 233.20; P.L. 99-272; Section 12202.

SECTION .0400 - BUDGETING PRINCIPALS

.0403 RESERVE

(g) For categorically needy aged, blind and disabled cases without grandfathered protection, nonhome property and personal property that is income producing is excluded from resources when the budget unit's equity in the property does not exceed six thousand dollars (\$6,000) and the property produces a net annual return of at least six percent of the excludable equity value for each income producing activity.

(h) For ~~AFDC~~ medically needy AFDC cases and medically needy aged blind and disabled cases without grandfathered protection, if the applicant/recipient or any member of the budget unit has ownership in a probated estate, the value of the individual's proportionate share of the countable property is a countable resource unless the property can be excluded as the homesite or as income producing property, as stated in (e) and (f) of this Rule.

(m) The current market value of a remainder interest in life estate is determined by applying the life estate value remainder interest percentage from the chart in ~~MA-2460~~ of the Medicaid Eligibility Manual to the tax value of the property. ~~If the life estate is held by more than one person,~~

~~check the life estate percentage for each and use the higher value.~~ A lower current market value for life estate remainder interest may be established by offering the interest for sale and the highest offer received, if any, is less than the value determined by application of the values chart to the tax value.

~~(n) The current market value of remainder interest in a life estate will be determined by applying the remainder interest percentage from the chart in MA-2460 of the Medicaid Eligibility Manual to the tax value of the property.~~

~~(n) (e)~~ For all aged, blind and disabled cases, up to one thousand five hundred dollars (\$1,500) may be excluded from countable resources for the applicant/recipient and his spouse under the burial exclusion. Apply the one thousand five hundred dollar (\$1,500) burial exclusion for each individual separately. Only the following resources may be excluded and they must be excluded in the following order:

- (1) Irrevocable pre-need burial contracts, burial trusts, or other irrevocable arrangements established for burial expenses;
- (2) Face value of life insurance policies that accrue cash value when the total face value of all policies for the budget unit is one thousand five hundred dollars (\$1,500) or less and the cash value was not counted in reserve;
- (3) Revocable burial contracts or trusts established for burial expenses. Any excess remains a countable resource;
- (4) Cash value of life insurance that has been designated for burial expenses if the cash value was considered in determining countable reserve. Any cash value in excess of one thousand five hundred dollars (\$1,500) remains a countable resource.

~~(o) (p)~~ For all aged, blind and disabled cases and medically needy AFDC related cases, the value of trust funds established for the applicant/recipient or for any member of the budget unit is a countable resource unless it is determined by the courts that the funds are not available for the beneficiary of the trust.

Authority G.S. 108A-54; 108A-55; S.L. 1983, c. 1116; 42 C.F.R. 435.602; 42 C.F.R. 435.711; 42 C.F.R. 435.712; 42 C.F.R. 435.734; 42 C.F.R. 435.821; 42 C.F.R. 435.822; 42 C.F.R. 435.823; 42 C.F.R. 435.845; 45 C.F.R. 233.20; 45 C.F.R. 233.51; Deficit Reduction Act of 1984 (P.L. 98-369), Section 2373.

**TITLE 15 - DEPARTMENT OF HEALTH,
ENVIRONMENT, AND NATURAL
RESOURCES**

Notice is hereby given in accordance with G.S. 150B-12 that the Environmental Management Commission intends to amend rules cited as 15 NCAC 2B .0101, .0201 - .0202, .0301 - .0305, .0307 - .0312, .0315 - .0317.

The proposed effective date of this action is May 1, 1990.

The public hearings will be conducted at 7:00 p.m. at the following dates and locations:

November 21, 1989

Asheville, NC
Simpson Administration Bldg.
Asheville-Buncombe Tech. Inst.

November 27, 1989

New Bern, NC
New Bern Senior High School
2000 Clarendon Blvd.

November 28, 1989

Wilmington, NC
Bryan Auditorium, Morton Hall
UNC-Wilmington

Comment Procedures: All persons interested in this matter are invited to attend. Comments, statements, data, and other information may be submitted in writing prior to, during, or within 30 days after the hearing or may be presented orally at the hearing. Oral statements may be limited at the discretion of the hearing officer. Submittal of written copies of oral statements is encouraged. The information package including the lists of waters being considered for reclassification as High Quality Waters (HQW) and other information relevant to these hearings may be obtained by writing or calling:

Gregory J. Thorpe, PhD
Division of Environmental Management
512 North Salisbury Street
Raleigh, North Carolina 27611
(919) 733-5083

CHAPTER 2 - ENVIRONMENTAL
MANAGEMENT

SUBCHAPTER 2B - SURFACE WATER
STANDARDS: MONITORING

SECTION .0100 - PROCEDURES FOR
ASSIGNMENT OF WATER QUALITY
STANDARDS

.0101 GENERAL PROCEDURES

(e) Supplemental Classifications.

- (5) High Quality Waters (IIQW); waters which are rated as excellent based on biological and physical/chemical characteristics through division monitoring or special studies, ~~all~~ native and special native trout waters (and their tributaries) designated by the Wildlife Resources Commission, ~~all~~ primary nursery areas (PNA) designated by the Marine Fisheries Commission and other functional nursery areas ~~recognized~~ designated by the Wildlife Resources Commission or other appropriate agencies, critical habitat areas designated by the Wildlife Resources Commission, all water supply watersheds which are either classified as WS-I or WS-II or those for which a formal petition for reclassification as WS-I or WS-II has been received from the appropriate local government and accepted by the Division of Environmental Management and all Class SA waters.

Statutory Authority G.S. 143-214.1;
143-215.3(a)(1).

SECTION .0200 - CLASSIFICATIONS AND
WATER QUALITY STANDARDS APPLICABLE
TO SURFACE WATERS OF NORTH CAROLINA

.0201 ANTIDegradation POLICY

(d) The Commission shall consider the present and anticipated usage of High Quality Waters (IIQW), including any uses not specified by the assigned classification (such as outstanding national resource waters or waters of exceptional water quality) and will not allow degradation of the quality of High Quality Waters below the water quality necessary to maintain existing and anticipated uses of those waters. High Quality Waters are a subset of waters with quality higher than the standards and are as described by 15 NCAC 2B .0101(e)(5). The following procedures will be implemented in order to meet the requirements of this part:

- (2) Development activities in High Quality Water watersheds which require a Sedimentation/Erosion Control Plan in accordance with rules (15 NCAC, Chapter 4) established by the NC Sedimentation Control Commission, and which drain to and are within one mile of High Quality Waters (IIQW) will be required to control runoff from the one inch design storm as follows:

(A) Low Density Option: Developments which limit single family developments to

one acre lots and other type developments to 12 percent built-upon area, have no stormwater collection system as defined in 15 NCAC 2H .1002(13), and have built-upon areas at least 30 feet from surface waters will be deemed to comply with this requirement. Activities conforming to the requirements described in 15 NCAC 2H .1003(a)(2), (3) will also be deemed to comply with this requirement. More stringent requirements may be required on a case-by-case basis in very sensitive areas.

(B) High Density Option: Higher density developments will be allowed if stormwater control systems utilizing wet detention ponds as described in 15 NCAC 2H .1003(i), (k) and (l) are installed, operated and maintained which control the runoff from all built-upon areas generated from one inch of rainfall. The size of the control system must take into account the runoff from any pervious surfaces draining to the system. More stringent requirements may be required on a case-by-case basis in very sensitive areas.

(C) All waters classified WS-I or WS-II and all waters located in the 20 coastal counties as defined in Rule 15 NCAC 2H .1002(9) are excluded from this requirement since they already have requirements for nonpoint source controls.

If an applicant objects to the requirements to protect high quality waters and believes degradation is necessary to accommodate important social and economic development, the applicant can contest these requirements according to the provisions of G.S. 143-215.1(e) and 150B-23.

Statutory Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

.0202 DEFINITIONS

The definition of any word or phrase used in these rules shall be the same as given in Article 21, Chapter 143 of the General Statutes of North Carolina. The following words and phrases, which are not defined in this article, will be interpreted as follows:

(1 - 11) No Change

(12) Critical habitat areas are defined for the purposes of the rules of this Section as those waters which are considered to be essential for the continued existence of an endangered or threatened species, and which are so designated by the NC Wildlife Resources Commission.

(12 - 39) To be renumbered (13 - 40)

Statutory Authority G.S. 143-214.1; 143-215.3(a)(1).

SECTION .0300 - ASSIGNMENT OF STREAM CLASSIFICATIONS

.0301 CLASSIFICATIONS: GENERAL

(c) Classifications. The classifications assigned to the waters of North Carolina are denoted by the letters WS-I, WS-II, WS-III, B, C, SA, SB, and SC in the column headed "class." A brief explanation of the "best usage" for which the waters in each class must be protected is given as follows:

Fresh Waters

Class WS-I: waters protected as water supplies which are in natural and uninhabited or predominantly undeveloped (not urbanized) watersheds; no point source discharges are permitted, except those existing discharges qualifying for a General Permit according to the requirements of 15 NCAC 2H .0131 specifically approved by the Commission at the time of classification; and local land management programs to control nonpoint source pollution are required; suitable for all Class C uses;

Class WS-II: waters protected as water supplies which are in low to moderately developed (urbanized) watersheds; discharges are restricted to primarily domestic wastewaters or industrial non-process waters specifically approved by the Commission; local land management programs to control nonpoint source pollution are required; suitable for all Class C uses;

Class WS-III: water supply segment with no categorical restrictions on watershed development or discharges; suitable for all Class C uses;

Class B: primary recreation and



- (2) March 1, 1977;
- (3) August 12, 1979;
- (4) April 1, 1983;
- (5) August 1, 1984;
- (6) August 1, 1985;
- (7) February 1, 1986;
- (8) May 1, 1987;
- (9) March 1, 1989;
- (10) October 1, 1989;
- (11) February 1, 1990.

Statutory Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

.0305 WATAUGA RIVER BASIN

(c) The Watauga River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) August 12, 1979;
- (2) February 1, 1986;
- (3) October 1, 1987;
- (4) July 1, 1989;
- (5) February 1, 1990.

Statutory Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

.0307 NEW RIVER BASIN

(c) The New River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) August 10, 1980;
- (2) April 1, 1983;
- (3) February 1, 1986;
- (4) July 1, 1989;
- (5) February 1, 1990.

Statutory Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

.0308 CATAWBA RIVER BASIN

(c) The Catawba River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) March 1, 1977;
- (2) August 12, 1979;
- (3) April 1, 1982;
- (4) January 1, 1985;
- (5) August 1, 1985;
- (6) February 1, 1986;
- (7) March 1, 1989;
- (8) May 1, 1989;
- (9) February 1, 1990.

Statutory Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

.0309 YADKIN-PEE DEE RIVER BASIN

(c) The Yadkin-Pee Dee River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) February 12, 1979;
- (2) March 1, 1983;
- (3) August 1, 1985;
- (4) February 1, 1986;
- (5) October 1, 1988;
- (6) March 1, 1989;
- (7) February 1, 1990.

Statutory Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

.0310 LUMBER RIVER BASIN

(c) The Lumber River Basin Schedule of Classification and Water Quality Standards was amended effective:

- (1) March 1, 1977;
- (2) December 13, 1979;
- (3) September 14, 1980;
- (4) April 12, 1981;
- (5) April 1, 1982;
- (6) February 1, 1986;
- (7) February 1, 1990.

Statutory Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

.0311 CAPE FEAR RIVER BASIN

(b) The Cape Fear River Basin Schedule of Classification and Water Quality Standards was amended effective:

- (1) March 1, 1977;
- (2) December 13, 1979;
- (3) December 14, 1980;
- (4) August 9, 1981;
- (5) April 1, 1982;
- (6) December 1, 1983;
- (7) January 1, 1985;
- (8) August 1, 1985;
- (9) December 1, 1985;
- (10) February 1, 1986;
- (11) July 1, 1987;
- (12) October 1, 1987;
- (13) March 1, 1988;
- (14) June 1, 1988;
- (15) July 1, 1988;
- (16) February 1, 1990.

Statutory Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

.0312 WHITE OAK RIVER BASIN

(b) The White Oak River Basin Schedule of Classification and Water Quality Standards was amended effective:

- (1) December 13, 1979;

- (2) June 1, 1988;
- (3) February 1, 1990.

Statutory Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

.0315 NEUSE RIVER BASIN

(b) The Neuse River Basin Schedule of Classification and Water Quality Standards was amended effective:

- (1) March 1, 1977;
- (2) December 13, 1979;
- (3) September 14, 1980;
- (4) August 9, 1981;
- (5) January 1, 1982;
- (6) April 1, 1982;
- (7) December 1, 1983;
- (8) January 1, 1985;
- (9) August 1, 1985;
- (10) February 1, 1986;
- (11) May 1, 1988;
- (12) July 1, 1988;
- (13) October 1, 1988;
- (14) February 1, 1990.

Statutory Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

.0316 TAR-PAMLICO RIVER BASIN

(c) The Tar-Pamlico River Basin Schedule of Classification and Water Quality Standards was amended effective:

- (1) March 1, 1977;
- (2) November 1, 1978;
- (3) June 8, 1980;
- (4) October 1, 1983;
- (5) June 1, 1984;
- (6) August 1, 1985;
- (7) February 1, 1986;
- (8) August 1, 1988;
- (9) February 1, 1990.

Statutory Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

.0317 PASQUOTANK RIVER BASIN

(c) The Pasquotank River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) March 1, 1977;
- (2) May 18, 1977;
- (3) December 13, 1979;
- (4) January 1, 1985;
- (5) February 1, 1986;
- (6) February 1, 1990.

Statutory Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

Notice is hereby given in accordance with G.S. 150B-12 that the Environment, Health, and Natural Resources intends to amend rules cited as 15 NCAC 711 .0308, .1205, .1904; 7J .0208, .0406; and adopt rules cited as 15 NCAC 711 .0603 - .0605; 7M .0901 - .0902, .1001 - .1002, .1101 - .1102.

The proposed effective date of this action is March 1, 1990.

The public hearing will be conducted at 11:00 a.m. on November 30, 1989 at Ramada Inn, 1801 S. Virginia Dare Trail, Kill Devil Hills, NC 27948.

Comment Procedures: All persons interested in these matters are invited to attend the public hearing. The Coastal Resources Commission will receive written comments up to the date of the hearing. Any persons desiring to present lengthy comments is requested to submit a written statement for inclusion in the record of proceedings at the public hearing. Additional information concerning the hearing or the proposals may be obtained by contacting Portia Rochelle, Division of Coastal Management, P.O. Box 27687, Raleigh, NC 27611-7687, (919) 733-2293.

CHAPTER 7 - COASTAL MANAGEMENT

SUBCHAPTER 711 - STATE GUIDELINES FOR AREAS OF ENVIRONMENTAL CONCERN

SECTION .0300 - OCEAN HAZARD AREAS

.0308 SPECIFIC USE STANDARDS

(d) Construction Standards. New construction and substantial improvements (increases of 50 percent or more in value on square footage) to existing construction shall comply with the following standards:

- (1) In order to avoid unreasonable danger to life and property, all development shall be designed and placed so as to minimize damage due to fluctuations in ground elevation and wave action in a 100 year storm. Any building constructed within the ocean hazard area shall comply with the North Carolina Building Code including the Coastal and Flood Plain Construction Standards, Chapter 34, Volume 1 or Section 39, Volume 1-B and the local flood damage prevention ordinance

as required by the National Flood Insurance Program. If any provision of the building code or a flood damage prevention ordinance is inconsistent with any of the following AEC standards, the more restrictive provision shall control. Chapter 34, Volume 4 or Section 39, Volume 48 of the North Carolina Building Code, except that when any provisions of the building code are inconsistent with any of the following AEC standards, the more restrictive provisions shall control.

- (2) no change
- (3) All pilings shall have a tip penetration greater than eight feet below the lowest ground elevation under the structure. For those structures which are placed closer than a line sixty times the annual erosion rate from the most seaward line of stable natural vegetation, all pilings shall have a tip penetration of at least five feet below mean sea level or sixteen feet below average original grade whichever is least. For those structures so located on the primary dune or nearer to the ocean, the pilings must extend to five feet below mean sea level.
- (4) no change
- (5) All pilings shall be appropriately treated to resist decay, insects and corrosion.
- (6) The lowest portion of the structural member of the lowest floor (excluding the pilings or columns) shall be elevated above the 100 year storm elevation plus wave height addition.
- (7) All exposed structural connections shall be adequately rustproofed or enclosed.
- (8) All utility systems shall be located and constructed so as to minimize or eliminate storm damage.
- (9) All walls below 100 year base flood level shall be designed and installed to:
 - (A) allow storm waters to rise and flow freely under the structure;
 - (B) not permit the breakaway walls themselves to become water borne debris, and
 - (C) not cause the accumulation of water-borne debris. Break-away walls shall be intended to collapse under stress without jeopardizing the structural support of the structure.
- (10) No impermeable (such as asphalt or cement) surfaces shall be allowed over any functional part of a complete septic tank system.

Statutory Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(6)a,b,d.; 113A-124.

SECTION .0600 - DEVELOPMENT STANDARDS
APPLICABLE TO ALL AECs

.0603 MINIMUM ALTITUDES

No development shall be allowed in any AEC which would result in violation of minimum altitude standards adopted by the Federal Aviation Administration and codified at 14 CFR Part 91.79. Future amendments by the Federal Aviation Administration shall be deemed to be incorporated into this Rule pursuant to G.S. 150B-14(c) unless the Commission objects within 90 days of publication of the action in the Federal Register. Upon objection by the Commission to a change, the Commission shall initiate rule-making proceedings on incorporation of the amendment into this Rule. The amendment will not be incorporated into this Rule pending a rule-making hearing and final action by the Commission on the proposed amendment.

Statutory Authority G.S. 113A-107(a),(b).

.0604 NOISE POLLUTION

Except as required for safe aircraft takeoff and landing operations, airspace activity associated with coastal development shall not impose an increase in average noise exceeding 10 dBA above background levels. Noise measurements shall be normalized Ldn as set forth by the Environmental Protection Agency in its report 550/9-74-004 entitled Information on Levels of Environmental Noise Requisite to Protect the Public Health and Welfare with an Adequate Margin of Safety. The maximum noise level associated with any single event shall not exceed 85 dBA. These limits shall not apply where noise impacts are confined to surface areas owned or controlled by the project's proponent. Any noise monitoring required to ensure compliance with this Rule shall be the responsibility of the proponent.

Statutory Authority G.S. 113A-107(a),(b).

.0605 ELECTROMAGNETIC RADIATION

Development shall not result in public exposure to electromagnetic radiation at levels greater than 0.2 mW/cm² for the frequency range of 30 MHZ to 300 MHZ.

Statutory Authority G.S. 113A-107(a),(b).

SECTION .1200 - GENERAL PERMIT
FOR CONSTRUCTION OF PIERS:

**DOCKS AND BOAT HOUSES IN
ESTUARINE AND PUBLIC TRUST WATERS**

.1205 SPECIFIC CONDITIONS

(a) Piers, docks, and boat houses may extend or be located up to a maximum of 400 feet from the mean high water contour line, or the normal water level, whichever is applicable. ~~or to the 4 ft. water contour line of the water body, whichever is closer to shore.~~

(k) Piers and mooring facilities shall be designed to provide docking space for no more than four boats.

Statutory Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124.

**SECTION .1900 - GENERAL PERMIT TO
ALLOW FOR TEMPORARY STRUCTURES
WITHIN ESTUARINE AND OCEAN HAZARD
AECS**

.1904 GENERAL CONDITIONS

(b) There shall be no encroachment oceanward of the first line of stable vegetation within the ocean hazard AEC except for the placement of auxiliary structures such as signs, fences, posts, pilings, etc. by the structure.

Statutory Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1.

**SUBCHAPTER 7J - PROCEDURES FOR
HANDLING MAJOR DEVELOPMENT
PERMITS; VARIANCE REQUESTS; APPEALS
FROM MINOR DEVELOPMENT PERMIT
DECISIONS; AND DECLARATORY RULINGS**

SECTION .0200 - APPLICATION PROCESS

.0208 PERMIT CONDITIONS

(a) Each of the several state review agencies may submit specific recommendations regarding the manner in which the requested work should be carried out and suggest reasonable limitations on the work in order to protect the public interest with respect to the factors enumerated in G.S. 113A-120 and/or G.S. 113-229(c). The several state review agencies also may submit specific recommendations regarding limitations to be placed on the operation and/or maintenance of the completed project, as necessary to ensure continued protection of the public interest with respect to those factors; such limitations may include requirements for continued monitoring of project impacts by the project proponent and public reporting of those results. Such limitations may be recommended by the department or commission to be imposed on the project in

the form of "permit conditions". Upon the failure of the applicant to appeal a permit condition, the applicant will be deemed to have amended his permit to conform to the conditions imposed by the department. Compliance with operational and/or maintenance conditions must continue for the life of the project.

(b) The local permit officer may condition a minor development permit upon amendment of the proposed project to take whatever measures may be reasonably necessary to protect the public interest with respect to the factors enumerated in G.S. 113A-120. The applicant must sign the conditioned grant as an indication of amendment of the proposed project in a manner consistent with the conditions set out by the local permit officer before the permit shall become effective.

(c) Failure to comply with permit conditions constitutes a violation of an order of the commission under G.S. 113A-126.

Statutory Authority G.S. 113A-120(b); 113A-124(a)(1); 113A-124(c)(5).

**SECTION .0400 - FINAL APPROVAL AND
ENFORCEMENT**

.0406 PERMIT ISSUANCE AND TRANSFER

(d) A permit may be transferred to a new party at the discretion of the Director of the ~~Office~~ Division of Coastal Management upon finding each of the following:

- (1) a written request from the new owner or developer of the involved properties;
- (2) a deed, a sale, lease, or option to the proposed new party showing the proposed new party as having the sole legal right to develop the project;
- (3) that the applicant transferee will use the permit for the purposes for which it was issued;
- (4) ~~no change in regulations affecting the project;~~
- (4) ~~(5)~~ no change in conditions, circumstances, or facts affecting the project;
- (5) ~~(6)~~ no substantial change or modification of the project as proposed in the original application.

(e) A person aggrieved by a decision of the Director as to the transfer of a permit may request a declaratory ruling by the Coastal Resources Commission as per 15 NCAC 7J .0600, et. seq.

Statutory Authority G.S. 113A-118(c); 113A-119(a); 113A-124(c)(5).

**SUBCHAPTER 7M - GENERAL POLICY
GUIDELINES FOR THE COASTAL AREA**

SECTION .0900 - POLICIES ON USE OF COASTAL AIRSPACE

.0901 DECLARATION OF GENERAL POLICY

It is hereby declared that the use of aircraft by state, federal and local government agencies for purposes of managing and protecting coastal resources, detecting violations of environmental laws and regulations and performing other functions related to the public health, safety and welfare serves a vital public interest. The Commission further finds that future economic development in the coastal area and orderly management of such development requires air access to and among coastal communities.

Statutory Authority G.S. 113A-102(b); 113A-107.

.0902 POLICY STATEMENTS

(a) It is the policy of the State of North Carolina that access corridors free of special use airspace designations shall be preserved along the length of the barrier islands and laterally at intervals not to exceed 25 miles to provide unobstructed access both along the coastline and from inland areas to the coast. Such access corridors shall extend from the surface to an altitude of 6000 feet above sea level except where communication and radar services allow positive aircraft control at lower altitudes.

(b) Development of aviation-related projects and associated airspace management practices shall, to the maximum extent practicable, facilitate use of aircraft by local, state and federal government agencies for purposes of resource management, law enforcement and other activities related to the public health, safety and welfare. In any case, access to restricted areas shall be provided on a periodic basis for routine enforcement flights and access shall be provided on an emergency basis when required to respond to an immediate threat to public health and safety.

Statutory Authority G.S. 113A-102(b); 113A-107.

SECTION .1000 - POLICIES ON WATER AND WETLAND BASED TARGET AREAS FOR MILITARY TRAINING ACTIVITIES

.1001 DECLARATION OF GENERAL POLICY

The use of water and wetland-based target areas for military training purposes may result in adverse impacts on coastal resources and on the exercise of public trust rights. The public interest requires that, to the maximum extent practicable,

use of such targets not infringe on public trust rights, cause damage to public trust resources, violate existing water quality standards or result in public safety hazards.

Statutory Authority G.S. 113A-102(b); 113A-107.

.1002 POLICY STATEMENTS

(a) It is the policy of the State of North Carolina that all public trust waters subject to surface water restrictions pursuant to 33 USCS 3 for use in military training shall be opened to commercial fishing at established times appropriate for harvest of the fisheries resources within those areas.

(b) Where laser weaponry is used, the area of restricted surface waters shall be at least as large as the recommended laser safety zone.

(c) Water quality shall be tested periodically in the surface water restricted areas surrounding such targets and results of such testing shall be reported to the Department.

Statutory Authority G.S. 113A-102(b); 113A-107.

SECTION .1100 - POLICIES ON EXPOSURE TO ELECTROMAGNETIC RADIATION

.1101 DECLARATION OF GENERAL POLICY

Scientific studies have documented that exposure to electromagnetic radiation fields at certain levels may adversely affect human health. The public interest requires that such exposure be limited to appropriate safety levels.

Statutory Authority G.S. 113A-102(b); 113A-107.

.1102 POLICY STATEMENT

It is the policy of the State of North Carolina that development in the coastal area shall not result in public exposure to electromagnetic radiation at levels greater than 0.2 mW/cm² for the frequency range of 30 MHZ to 300 MHZ as recommended by the report of Scientific Committee 53 of the National Council on Radiation Protection and Measurements (NCRP, 1986).

Statutory Authority G.S. 113A-102(b); 113A-107.

Notice is hereby given in accordance with G.S. 150B-12 that the North Carolina Wildlife Re-

PROPOSED RULES

sources Commission intends to amend rule cited as 15 NCAC 10B .0212.

The proposed effective date of this action is February 1, 1990.

The public hearing will be conducted at 10:00 a.m. on November 20, 1989 at Room 386, Archdale Building, 512 N. Salisbury Street, Raleigh, North Carolina.

Comment Procedures: Interested persons may present their views either orally or in writing at the hearing. In addition, the record of hearing will be open for receipt of written comments from November 6, 1989 to December 5, 1989. Such written comments must be delivered or mailed to the N.C. Wildlife Commission, 512 N. Salisbury Street, Raleigh, N.C. 27611.

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B - HUNTING AND TRAPPING

SECTION .0200 - HUNTING

.0212 FOXES (GRAY AND RED)

(a) Seasons

- (1) No closed season on taking foxes with dogs;
- (2) First Saturday to fourth Saturday in January with weapons or traps in the following counties:

~~Alexander~~
~~Anson~~
~~Avery~~
Brunswick
~~Camden~~
Caswell
Clay
~~Currituck~~
~~Edgecombe~~
Graham
~~Granville~~
Henderson
~~Hyde~~
Johnston
Macon
~~Moore~~
~~Northampton~~
~~Perquimans~~
Sampson
~~Stanly~~
Stokes
Tyrell

- (3) No open weapons or trapping season in any other county, except where provided by local laws.

(b) Bag Limit.

- (1) Except in areas of open season for taking foxes with weapons or traps, foxes may not be intentionally killed by any method;
- (2) In areas of open season set by the North Carolina Wildlife Resources Commission for taking foxes with weapons or traps the season harvest in each county is limited to the number of tags allotted for that county. Each fox must be immediately tagged at the scene of taking with tag previously obtained as provided by 15 NCAC 10B .0403(d);

- (3) In areas of open season in all areas east of Interstate Highway 77 as set by the Legislature, the following bag limit applies: Daily, two; season, ten.

Note: Where local laws governing the taking of foxes conflict with these Regulations, the local laws shall prevail.

Statutory Authority G.S. 113-134; 113-291.2; 113-291.4; 113-291.4A.

TITLE 16 - DEPARTMENT OF PUBLIC EDUCATION

Notice is hereby given in accordance with G.S. 150B-12 that the State Board of Education intends to amend rule cited as 16 NCAC 6C .0310.

The proposed effective date of this action is July 1, 1990.

The public hearing will be conducted at 9:30 a.m. on November 15, 1989 at Education Building, Third Floor Conference Room, 116 West Edenton Street, Raleigh, NC 27603-1712.

Comment Procedures: Any interested person may present views and comments either in writing prior to or at the hearing or orally at the hearing.

CHAPTER 6 - ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 6C - PERSONNEL

SECTION .0300 - CERTIFICATION

.0310 STANDARD EXAMINATIONS

- (a) The NTE are the standard examinations required for initial certification.

PROPOSED RULES

- (1) For formal admission into an approved teacher education program, a person must score at least ~~636~~ 639 on the Communication Skills Test and ~~634~~ 643 on the General Knowledge Test. The score on the Communication Skills Test will be increased to 643 as of July 1, 1992.
- (2) All applicants for initial certification must score at least 644 on the Professional Knowledge Test.
- (3) In addition to the Professional Knowledge Test, each applicant for initial certification must meet minimum teaching area scores as follows:

(A) Art Education	500
(B) Audiology	500
(C) Biology and General Science	520
(D) Business Education	520
(E) Chemistry, Physics and General Science	510
(F) Early Childhood Education	500
(G) Education in the Elementary School	520
(H) Education of the Mentally Retarded	510
(I) English Language and Literature	490
(J) French	500
(K) German	470
(L) Guidance Counselor	490
(M) Home Economics Education	510
(N) Industrial Arts Education	520
(O) Mathematics	510
(P) Media Specialist - Library and Audio Visual Services	510
(Q) Music Education	500
(R) Physical Education	510
(S) Reading Specialist	500
(T) Social Studies	510
(U) Spanish	500
(V) Speech Communication and Theatre	510
(W) Speech Pathology	550
(A) Agriculture	
(B) Art Education	500
(C) Audiology	570
(D) Biology	510
(E) Biology and General Science	550
(F) Business Education	530
(G) Chemistry	460
(H) Chemistry, Physics and General Science	510
(I) Early Childhood Education	500
(J) Earth Space Science	470
(K) Earth/Space Science (Middle Grades Science)	470

(L) Education in the Elementary School	520
(M) Education of the Mentally Retarded	510
(N) Educational Leadership: Administration and Supervision	520
(O) English Language and Literature	490
(P) English Language and Literature (Middle Grades Language Arts)	400
(Q) French	500
(R) German	470
(S) Health Education	550
(T) Home Economics Education	510
(U) Industrial Arts Education	530
(V) Introduction to the Teaching of Reading	470
(W) Library Media Specialist	550
(X) Marketing Education	620
(Y) Mathematics	510
(Z) Mathematics (Middle Grades Mathematics)	490
(AA) Music Education	500
(BB) Physical Education	550
(CC) Physics	470
(DD) Reading Specialist	510
(EE) School Guidance and Counseling	500
(FF) School Psychologist	590
(GG) Social Studies	510
(HH) Social Studies (Middle Grades Social Studies)	480
(II) Spanish	500
(JJ) Special Education (Cross Categorical)	440
(KK) Speech Communication	510
(LL) Speech-Language Pathology	550
(MM) Teaching Emotionally Disturbed Students	590
(NN) Teaching English as a Second Language	520
(OO) Teaching Hearing Impaired Students	590
(PP) Teaching Learning Disabled Students	500
(QQ) Teaching Visually Handicapped Students	550

- (4) If no teaching area score is possible under Paragraph (a)(3) of this Rule, the Professional Knowledge score satisfies the NTE requirement.
- (5) Based on the special nature of the preparation for certification, School Social Workers are excluded from NTE regulations and School Psychologists are required to take only the Area examination for School Psychologists.

(b) Instead of the NTE scores an applicant, except a North Carolina approved program graduate at the Class A level, may be certified on the basis of the equivalent percentile score on the Graduate Record Examinations with minimum scores of 380 on the Verbal Ability, 410 on the Quantitative Ability, and 380 on the Analytical Ability examinations.

Authority G.S. 115C-12(9)a.; N.C. Constitution, Article IX, Sec. 5.

**TITLE 21 - OCCUPATIONAL LICENSING
BOARDS**

Notice is hereby given in accordance with G.S. 150B-12 that the State Board of Examiners of Electrical Contractors intends to amend rule(s) cited as 21 NCAC 18B .0103, .0201, .0208, .0301, .0303, .0306, .0401, .0403, .0405 - .0406, .0502 - .0505, .0601, .0702 - .0703, .0801, .0809, .0901 - .0903, .0905 - .0906, .1001 - .1002.

The proposed effective date of this action is February 1, 1990.

The public hearing will be conducted at 10:00 a.m. on November 16, 1989 at State Board of Examiners of Electrical Contractors, 1200 Front Street, Suite 105, Raleigh, NC 27609.

Comment Procedures: Any person interested in these rules may present oral comments relevant to the actions proposed at the public hearing or deliver written comments to the State Board of Examiners of Electrical Contractors, 1200 Front Street, Suite 105, Raleigh, NC 27609, not later than 9:00 a.m. on November 16, 1989.

**CHAPTER 18 - BOARD OF EXAMINERS OF
ELECTRICAL CONTRACTORS**

**SUBCHAPTER 18B - BOARD'S RULES FOR THE
IMPLEMENTATION OF THE ELECTRICAL
CONTRACTING LICENSING ACT**

SECTION .0100 - GENERAL PROVISIONS

.0103 ORGANIZATION

(a) Terms of Officers. The one-year term of the chairman, vice-chairman and secretary-treasurer shall commence on July 1. If the appointment or designation of a new member of the Board is delayed beyond this date, these officers shall continue in office during the interim, and the election of new officers shall be for only the balance of the year remaining after the appointment or designation is made.

(b) Executive Director. The Board shall employ a full-time executive director whose duties shall be to manage and supervise the office and staff in carrying out the policies and directives of the Board. The executive director shall handle all administrative duties of the Board and such other duties as the Board may from time to time assign. The executive director is designated the legal process agent for the Board upon whom all legal process may be served. He shall notify the Attorney General of this designation as a process agent for the Board and the address at which such services may be had. The compensation of the executive director shall be fixed by the Board.

(c) Committees. The chairman of the Board may appoint regular, special, and special advisory committees. Regular committees facilitate prescribed phases of the Board's duties and operations. Special committees undertake specific assignments of the Board. Special advisory committees assist the Board's regular or special committees with specific board assignments.

Each regular and special committee shall consist of at least three members, two of whom must be members of the Board. Each special advisory committee may consist of as many members as the Board deems necessary to provide the assistance needed by any regular or special committee in carrying out board assignments. The chairman may designate the committee chairman or authorize any committee to select its own chairman. Each committee shall be determine the time and place of its meetings. A simple majority of a committee shall constitute a quorum for committee action. A simple majority vote of a committee quorum shall constitute legal action by the committee.

The date of appointment and term of service of regular committees shall be the same as the terms of the chairman and vice-chairman of the Board. Special committees and special advisory committees shall serve at the pleasure of the Board.

Committee action may include investigations, research, studies, detailed reviews of the prescribed areas, and the submittal of reports and recommendations to the Board for final action.

(d) Regular Committees. The regular board committees shall be as follows:

- (1) Application review committee. This committee shall review and evaluate questionable examination or license applications and appeals from any applicant dissatisfied with determination made by the Board's staff regarding such applicant's examination or license application.
- (2) Examination committee. This committee shall develop the scope and specifications of and the questions for the various clas-

sifications of examinations, develop examination administration and grading procedures, review and evaluate examination requests, evaluate the examination programs of other states, and perform any other board assignment in the area of qualifying applicants for licensure.

- (3) Finance and salary committee. This committee shall review the Board's financial and accounting records, the annual audit of the Board's fiscal matters and the Board's financial needs and shall recommend annual fees to fund these needs. It shall also review and recommend staff salaries and perform any other duties pertaining to the fiscal matters as may be assigned by the Board.
- (4) Rules committee. This committee shall periodically review the Board's rules and recommend the amendment or repeal of existing rules and the adoption of new rules for the implementation and administration of G.S. Chapter 87, Article 4.
- (5) Disciplinary review committee. This committee shall review and make preliminary determinations of charges of violations. ~~registered against licensees of the Board.~~ It shall consist of two members of the Board and the Board's legal counsel.

(c) Meetings. The regular quarterly meetings of the Board shall begin at 9:00 a.m., unless some other place or time is set by the Board. Special meetings may be held at places and times deemed by the chairman to be suitable to accomplish the necessary purposes for which the meetings are held.

Statutory Authority G.S. 87-39; 87-40; 87-42.

SECTION .0200 - EXAMINATIONS

.0201 REQUIREMENTS FOR ALL EXAMINATION APPLICANTS

(a) To take an examination in any electrical contracting license classification, the applicant must:

- (1) be at least 18 years of age;
- (2) submit the required duly filed application as defined in Rule .0210;
- (3) submit with the application written statements from at least two responsible persons attesting to the applicant's good character; and
- (4) meet any other requirements set out in Paragraph (b) of this Rule.

(b) Examination applicants must meet the following requirements for the specified license classifications:

- (1) Limited classification. An applicant must have at least two years of primary experience or at least one year of primary experience supplemented by secondary experience equivalent to one year of supplementary primary experience as defined in Rule .0202 of this Section.
- (2) Intermediate classification. An applicant must have at least four years of primary experience or at least two and one-half years of primary experience supplemented by secondary experience equivalent to one and one-half years of supplementary primary experience as defined in Rule .0202 of this Section.
- (3) Unlimited classification. An applicant must:
 - (A) have at least five years of primary experience or at least four years of primary experience supplemented by secondary experience equivalent to one year of supplementary primary experience as defined in Rule .0202 of this Section; and
 - (B) submit with his application written statements from at least two responsible persons, who are knowledgeable of the applicant's electrical experience, attesting to the applicant's ability to satisfactorily supervise and direct all electrical wiring or electrical installation work done by an electrical contracting business in the unlimited classification.
- (4) Single family detached residential dwelling (SP-SFD) classification. An applicant must have at least two years of primary experience or at least one year of primary experience supplemented by secondary experience equivalent to one year of supplementary primary experience as defined in Rule .0202 of this Section.
- (5) Special restricted low voltage (SP-LV) classification. An applicant must have at least two years of primary experience or at least one year of primary experience supplemented by secondary experience equivalent to one year of supplementary primary experience as defined in Rule .0202 of this Section. An applicant in this classification must also receive creditable experience for service in any of the capacities listed in Rule .0202 which he gained in the low voltage field.
- (6) Special restricted elevator (SP-EL) classification. An applicant must:

PROPOSED RULES

- (A) have at least four years of primary experience or at least two and one-half years of primary experience supplemented by secondary experience equivalent to one and one-half years of supplementary primary experience as defined in Rule .0202 of this Section. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 which he gained in the elevator field.
- (B) include on his application information verifying that he is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful elevator business in this state.
- (7) Special restricted plumbing and heating (SP-PH) classification. An applicant must:
- (A) have at least two years of primary experience or at least one year of primary experience supplemented by secondary experience equivalent to one year of supplementary primary experience as defined in Rule .0202 of this Section. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 which he gained in the plumbing, heating or air conditioning field.
- (B) include on his application information verifying that he is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful plumbing, heating or air conditioning business in this state.
- (8) Special restricted ground water pump (SP-WP) classification. An applicant must:
- (A) have at least two years of primary experience or at least one year of primary experience supplemented by secondary experience equivalent to one year of supplementary primary experience as defined in Rule .0202 of this Section. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 which he gained in the ground water pump field.
- (B) include on his application information verifying that he is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful ground water pump business in this state.
- (9) Special restricted electric sign (SP-ES) classification. An applicant must:
- (A) have at least two years of primary experience or at least one year of primary experience supplemented by secondary experience equivalent to one year of supplementary primary experience as defined in Rule .0202 of this Section. An applicant in this classification may also receive creditable experience in any of the capacities listed in Rule .0202 which he gained in the electric sign field.
- (B) include on his application information verifying that he is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful electric sign business in this State.
- (10) Special restricted swimming pool (SP-SP) classification. An applicant must:
- (A) have at least two years of primary experience or at least one year of primary experience supplemented by secondary experience equivalent to one year of supplementary primary experience as defined in Rule .0202 of this Section. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 which he gained in the swimming pool field.
- (B) include on his application information verifying that he is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful swimming pool business in this state.

Statutory Authority G.S. 87-42; 87-43.3; 87-43.4; 87-44.

.0208 SPECIALLY ARRANGED EXAMINATIONS

(a) Specially-arranged examinations are examinations given in the Board's office or elsewhere at a time other than during a regular semi-annual examination period.

(b) Provided the conditions of this Rule are met, the Board's staff is authorized to accept applications for specially-arranged examinations, to expedite verifications of referenced and qualifications of applicants, and to arrange for such applicants to take a specially-arranged examination if the staff finds that a specially-arranged examination is justified. Minor irregularities of information in specially-arranged examination applications may be waived at the discretion of the Board's application review committee. The Board shall consider and act on applications at

the request of the application review committee or on written appeal of an applicant.

(c) An out-of-state electrical contractor shall mean a person, partnership, firm or corporation currently operating an electrical contracting business in accordance with the laws of his or its home state, outside the State of North Carolina. Within reasonable limits, it is the policy of the Board to make special provisions on a reciprocal basis for out-of-state electrical contractors whose circumstances require that they be licensed prior to the time when a regular examination is scheduled and when such contractors are not eligible for a license pursuant to G.S. 87-50 because no reciprocal licensing agreement exists. An out-of-state electrical contractor's need to bid or otherwise offer to engage in a specific North Carolina project, the time-table for which will not permit waiting until the next semi-annual examination period, may constitute circumstances reasonably justifying the scheduling of a specially-arranged examination for the ~~qualifying~~ individual representing such out-of-state electrical contractor.

(1) To be eligible to take a specially-arranged examination, the ~~qualifying~~ individual applying to become qualified must file with the Board an application, together with the following:

(A) Information satisfactorily verifying that the out-of-state electrical contractor which the ~~qualifying~~ individual represents is engaged in a lawful electrical contracting business in its home state. If the out-of-state electrical contractor is required to be, and is, licensed in its home state as an electrical contractor, this information must include written verification that the licensing agency of such state will grant the same specially-arranged privilege to North Carolina electrical contractors.

(B) Information satisfactorily verifying the need for a North Carolina license prior to the next semi-annual examination period.

(C) The specially-arranged application-examination fee as prescribed in Rule .0209 of this Section.

(D) Information satisfactorily verifying that the applicant for the examination has met all the minimum requirements applicable to the classification involved as prescribed in Rules .0201, .0202 and .0210 of this Section.

(2) The Board's staff shall approve the application if the out-of-state electrical contractor is required to be, and is, licensed in its home state as an electrical contractor and if the licensing agency in that state has

committed itself in writing to grant to electrical contractors licensed by North Carolina the same privilege which the applicant is requesting from the Board.

(3) If the applicant's home state has provisions for licensing electrical contractors and if the licensing agency of that state will not agree in writing to reciprocal treatment of licensed North Carolina electrical contractors, then specific prior approval of the Board will be required for a specially-arranged examination.

(4) The applicant shall take the examination for the classification of license involved, and at such special time and place as mutually agreed upon by the Board's staff and the applicant.

(5) Specially-arranged examinations shall be graded promptly, and immediately thereafter the applicant shall be notified of the results. If the applicant passes, the out-of-state electrical contractor which he represents will be eligible to apply for a license based upon his qualifications and, upon meeting all of the other license requirements applicable to the license classification involved, as prescribed in ~~Section .0300~~ Section .0400 of this Subchapter, a license shall be issued to the out-of-state electrical contractor with him ~~listed~~ indicated thereon as the qualified individual. If the applicant fails the examination, he will be required to wait the normally-required six-month waiting period between examinations before being eligible to take another specially-arranged examination. However, if he meets all of the other requirements and wishes to apply to take another specially-arranged examination in a classification lower than the classification of his failed examination, or to apply to take a regular examination during the next semi-annual examination period, the normally-required six-month waiting period shall not apply.

(d) A North Carolina electrical contractor shall mean a person, partnership, firm or corporation licensed by the Board to engage or offer to engage in the business of electrical contracting within the state of North Carolina. Within reasonable limits, it is the policy of the Board to make special provisions for a North Carolina electrical contractor whose circumstances require that it be licensed in a classification higher than its current license prior to the time when a regular examination is scheduled. This policy shall apply to any North Carolina electrical contractor holding a current license issued by the Board.

A North Carolina electrical contractor's need to bid or otherwise offer to engage in a specific electrical contracting project having a value exceeding the limitations of such contractor's current license, the time-table for which will not permit waiting until the next regular semi-annual examination period, may constitute circumstances reasonably justifying the scheduling of a specially-arranged examination for the ~~qualifying~~ individual representing such North Carolina electrical contractor.

- (1) To be eligible to take a specially-arranged examination, the individual applying to become qualified must file with the Board an application, together with the following:
 - (A) Information satisfactorily verifying the need to have the license upgraded prior to the next regular semi-annual examination period.
 - (B) The specially-arranged application-examination fee as prescribed in Rule .0209 of this Section.
 - (C) Information satisfactorily verifying that the applicant for the examination has met all the minimum requirements applicable to the classification involved as prescribed in Rules .0201, .0202 and .0210 of this Section.
- (2) When an application for a specially-arranged examination is received, the Board's staff shall determine if the applicant is the duly authorized representative of an electrical contractor licensed by the Board and, if so, shall approve the application.
- (3) The applicant shall take the examination for the classification of license involved, at such time and place as mutually agreed upon by the Board's staff and the applicant.
- (4) Specially-arranged examinations shall be graded promptly, and immediately thereafter the applicant shall be notified of the results. If the applicant passes, the electrical contractor which he represents will be eligible to apply to have its license upgraded based upon the passing applicant's qualification and, upon meeting all of the other license requirements applicable to the license classification involved, as prescribed in ~~Section .0300~~ Section .0400 of this Subchapter, a new license shall be issued to the electrical contractor with him listed indicated thereon as the qualified individual. If the applicant fails the examination, he will be required to wait the normally-required six-month waiting pe-

riod between examinations before being eligible to take another specially-arranged examination. However, if he meets all of the other requirements and wishes to apply to take another specially-arranged examination in a classification lower than the classification of his failed examination, or to apply to take a regular examination during the next semi-annual examination period, the normally-required six-month waiting period shall not apply.

(e) For the purposes of this Subsection, the loss of a listed qualified individual shall mean a currently-licensed electrical contractor being left without a listed qualified individual regularly on active duty in its electrical contracting principal or separate place of business. Within reasonable limits, it is the policy of the Board to make special provisions for an electrical contractor which has lost its listed qualified individual to have another representative take a specially-arranged examination for the purposes of maintaining continuity of such electrical contractor's business. To be eligible to take a specially-arranged examination, the individual applying to become qualified must file with the Board an application together with the following:

- (1) Information satisfactorily verifying the electrical contractor's need for a representative to take a specially-arranged examination before the next regular semi-annual examination period.
- (2) The specially-arranged application-examination fee as prescribed in Rule .0209 of this Section.
- (3) Information satisfactorily verifying that the applicant for the examination has met all the minimum requirements applicable to the classification involved as prescribed in Rules .0201, .0202 and .0210 of this Section.

Statutory Authority G.S. 87-42; 87-43.3; 87-43.4; 87-44.

SECTION .0300 - DEFINITIONS AND EXPLANATIONS OF TERMS APPLICABLE TO LICENSING

.0301 LISTED QUALIFIED INDIVIDUAL

~~(a) A qualified individual is one who is qualified in a specific license classification as a result of having taken and passed the qualifying examination prescribed and administered by the Board for such a classification.~~

~~(b) A listed qualified individual cannot be "regularly on active duty", as the term is used in G.S. 87-43, during the hours when he has committed~~

himself to work for an employer other than the employers on whose license he is the listed as the qualified individual. Therefore, no electrical contracting work can be done under ~~the~~ a license on which ~~the qualified individual is listed~~ during the hours the its listed qualified individual has committed himself to duty as an employee in other employment.

Statutory Authority G.S. 87-42; 87-43.

**.0303 ELECTRICAL INSTALLATION:
PROJECT: PROJECT VALUE
LIMITATION**

For the purpose of implementing G.S. 87-43.3 pertaining to the limited and intermediate electrical contracting license classifications, the following provisions shall apply:

- (1) Electrical Installation. Electrical work is construed to be an electrical installation when the work is made or is to be made:
 - (a) in or on a new building or structure;
 - (b) in or on an addition to an existing building or structure;
 - (c) in or on an existing building or structure, including electrical work in connection with lighting or power rewiring or with the addition or replacement of machines, equipment or fixtures; or
 - (d) in an area outside of buildings or structures, either overhead or underground or both.
- (2) Project. An electrical installation is construed to be a separate electrical contracting project if all the following conditions are met:
 - (a) the installation is, or will be, separate and independently supplied by a separate service, feeder or feeder system; and
 - (b) the installation is for:
 - (i) an individual building or structure which is separated from other buildings or structures by a lot line or, if located on the same lot with other buildings or structures, is physically separated from such other buildings or structures by an open space or by a 75 percent solid masonry fire wall at least 12 inches thick;
 - (ii) an individual townhouse single-family dwelling unit constructed in a series or group of attached units with property lines separating such units;
 - (iii) an individual tenant space in a mall-type shopping center;
 - (iv) an addition to an existing building or structure;
 - (v) an existing building or structure, including electrical work in connection with

- lighting or power rewiring or with the addition or replacement of machines, equipment or fixtures; or
- (vi) an outdoor area either overhead or underground or both.
- (c) the negotiations or bidding procedures for the installation are carried out in a manner totally separate and apart from the negotiations or bidding procedures of any other electrical installation or part thereof;
- (d) except for new additions, alterations, repairs or changes to a pre-existing electrical installation, no electrical interconnection or relationship whatsoever will exist between the installation and any other electrical installation or part thereof;
- (e) a separate permit is to be obtained for each individual building structure or outdoor area involved from the governmental agency having jurisdiction; and
- (f) if a question is raised by a party at interest or if requested by the Board or Board's staff for any reason, the owner or the awarding authority or an agent of either furnishes to the Board, and to the inspections department having jurisdiction, a sworn affidavit confirming that each and every one of the conditions set forth in (2)(a) through (c) of this Rule are satisfied.
- (3) Relationship of Plans and Specifications to Definition of Project. Even though such electrical work may not fully comply with each and every condition set out in Subparagraph (2) of this Rule, the entire electrical work, wiring, devices, appliances or equipment covered by one set of plans or specifications is construed to be a single electrical contracting project.
- (4) Project Value: Limitation. In determining the value of a given electrical contracting project, the total known or reasonable estimated costs of all electrical wiring materials, equipment, fixtures, devices, and installation must be included in arriving at this value, regardless of who furnishes all or part of same, and regardless of the form or type of contract or subcontract involved. As an example, on a given electrical contracting project, the owner or general contractor will furnish all or part of the electrical wiring, material, etc. and
 - (a) if the total cost of the wiring, materials, etc., including that furnished by others, plus the total cost of the installation involved, will be more than ~~ten thousand dollars (\$10,000)~~ seventeen thousand five hundred dollars (\$17,500) but not more

than ~~fifty thousand dollars (\$50,000)~~, ~~sev-
enty-five thousand dollars (\$75,000)~~, then only an electrical contractor holding either an intermediate or unlimited license will be eligible to submit a proposal or engage in the project.

- (b) if the total cost of the wiring, materials, etc., including that furnished by others, plus the total cost of the installation involved, will exceed ~~fifty thousand dollars (\$50,000)~~, ~~seventy-five thousand dollars (\$75,000)~~, then only an electrical contractor holding an unlimited license will be eligible to submit a proposal or engage in the project.

If a given electrical contracting project is subdivided into two or more contracts or subcontracts for any reason, then the total value of the combined contracts or subcontracts which can be awarded to or accepted by any one licensee of the Board must be within the total project value in accordance with this Rule.

The Board's staff is empowered to make a determination of what constitutes a project in any given situation, and any party at interest shall have the right to appeal any staff determination to the Board for a final binding decision.

Statutory Authority G.S. 87-42; 87-43; 150B-11(1).

.0306 BONA FIDE EMPLOYEE

(a) For the exemption for electrical work done as a bona fide employee of a license under G.S. 87-43.1(3), the following conditions must be met:

- (1) The employing licensee must hold a license issued by the Board. The restrictions of the license apply to both the licensee and any employee of the licensee.
- (2) The work performed by the individual must be performed as an employee of the licensee during the hours the individual is actually working as an employee of the employing licensee, and must be restricted to the specific electrical work which the individual is doing for, and in the name of, the licensee.
- (3) The individual must receive compensation from the employing licensee that is reasonable related to the hours worked or the work accomplished by the individual for the licensee.
- (4) The related compensation must be reported by the employing licensee to the federal and state tax authorities as earnings of the individual employee, with appropriate deductions taken and reported

for withholding taxes and FICA contributions.

- (5) Consistent with applicable laws, the ~~The~~ individual employee must be ~~clearly~~ covered by the employing licensee's workers' compensation insurance. ~~as shown by the inclusion of the individual's related compensation on the premium audit of the licensee's insurance carrier.~~

(b) G.S. 87-43 and G.S. 87-43.2 are interpreted as setting out an additional requirement which must be met by subject parties in order to qualify for the employee exception. These statutes are interpreted to require that all electrical work done in the name of the employing licensee be performed under the direction and supervision of a listed qualified individual regularly employed by the licensee. The Board may, at its discretion, call for satisfactory evidence that this requirement has been or is being fulfilled with respect to the individual employee and the specific work for which the exception is claimed.

(c) G.S. 87-43 and 87-43.2 are further interpreted as placing a joint responsibility on the employing licensee, the individual employee, and a every listed qualified individual ~~who is listed on the licensee's license certificate~~ to furnish any information the Board may require to evaluate and determine a claim of employee exception. Ordinarily, the employing licensee will be expected to provide information in affidavit form on a form furnished by the Board.

(d) When the information furnished to the Board does not substantiate compliance with this Rule, the individual shall be deemed to be an independent contractor rather than an employee and shall be subject to G.S. Chapter 87, Article 4.

(e) When it is determined that a claim of employee exception is not in compliance with this Rule, the Board has the duty to determine what, if any, action shall be taken with respect to the alleged employing licensee or the alleged individual employee to assure compliance with the North Carolina Electrical Contracting Licensing Act, so that the life, health, safety and property of the public may be protected.

Statutory Authority G.S. 87-42; 150B-11(1).

SECTION .0400 - LICENSING REQUIREMENTS

**.0401 LICENSE APPLICANTS:
REQUIREMENTS FOR EACH
CLASSIFICATION**

- (a) An applicant for an electrical contracting license in each of the license classifications shall:

- (1) submit a completed application to the Board on a form provided by the Board for the license classification involved;
- (2) submit the annual license fee for the license classification involved as prescribed in Rule .0404 of this Section; and
- (3) furnish the name, signature and social security number of at least one person to ~~be listed~~ serve as the listed qualified ~~person~~ individual for the applicant's license.

(b) Corporation or Partnership. If the license applicant is a corporation or partnership, the application shall contain the names and titles of the officers or names of the partners, whichever is applicable.

(c) Intermediate and Unlimited Classifications. License applicants in the intermediate and unlimited classifications shall also furnish a bonding ability statement pursuant to G.S. 87-43.2(a)(4).

(d) ~~(e)~~ Special Classifications. A license applicant in the SP-EL, SP-PH, SP-WP, SP-ES or SP-SP classification must also include on the license application information verifying that the applicant is conducting a lawful business in the State of North Carolina in the license classification involved.

Statutory Authority G.S. 87-42; 87-43.2; 87-43.3; 87-43.4.

.0403 SEPARATE LICENSE REQUIREMENTS

(a) A separate license certificate and license fee shall be required for each separate place of business with at least one listed qualified ~~person listed individual indicated~~ thereon. No listed qualified ~~person individual~~ shall be listed indicated on more than one license certificate at the same time. The listed qualified ~~person or persons listed individual or individuals indicated~~ on the separate license certificate shall be responsible for supervising and directing the electrical work performed by the separate place of business covered under the certificate.

(b) As used in G.S. 87-43, the term "each separate place of business" means:

- (1) the one place of business of a firm in the case where an electrical contracting firm conducts its business from only one place; and
- (2) the principal place of business and each of the other places of business of a firm in the case where an electrical contracting firm is conducting its business from more than one place.

Statutory Authority G.S. 87-42; 87-43; 87-43.2.

.0405 LICENSE RENEWAL DUE DATE

License renewal applications and fees are due on June 1, and a penalty of ~~40 percent of the license fee~~ twenty-five dollars (\$25.00) shall be imposed upon applications received after June 30. Applications filed with the Board by mail shall be considered filed on the date such mail is postmarked.

Statutory Authority G.S. 87-42; 87-44.

.0406 RENEWAL AFTER EXPIRATION OF ANNUAL LICENSE

(a) Subject to Rule .0906 of this Subchapter, any ~~person who has been once duly licensed by the Board and licensee~~ whose license has expired solely because of failure to apply for renewal may apply and have ~~his~~ its license renewed without further examination, and in compliance with the penalty provisions contained in G.S. 87-44, if that ~~person~~ applicant makes application therefore within a period of 12 months immediately following the date the license expired. If the application is filed later than 12 months immediately following the date the license expired, the applicant may have the license renewed if, during the 12 month period immediately preceding the date application is filed with the Board, the ~~applicant~~ applicant's listed qualified individual has been primarily, actively and lawfully engaged (at least 1,000 hours) as an electrical contractor or in an occupation which in the judgement of the Board is similar or equivalent to that of an electrical contractor. Lawful work as defined under primary experience in Rule .0202 of this Subchapter shall be considered as similar or equivalent to that of an electrical contractor. If the applicant fails to meet these requirements, ~~he~~ it may obtain a new license in accordance with Section .0200 of this Subchapter and Rule .0401 of this Section.

(b) The provisions of Section .0600 of this Subchapter apply to ~~such persons~~ applicants whose last license expired on or before June 30, 1970.

Statutory Authority G.S. 87-42.

SECTION .0500 - LICENSING OPTIONS

.0502 LISTED QUALIFIED INDIVIDUAL CHANGING FROM ONE LICENSE/ ANOTHER

A listed qualified individual ~~listed indicated~~ on a current active license may have his name removed from that license and added to another current active license by submitting to the Board:

- (1) his written request to remove his name from the license on which he is currently listed;

- (2) the license certificate on which he is currently listed;
- (3) a written request from the ~~person or firm licensee~~ on whose license the listed qualified individual is to be ~~listed, indicated,~~ co-signed by the listed qualified individual being added; and
- (4) the current license certificate on which the listed qualified individual is to be ~~listed, indicated.~~

Statutory Authority G.S. 87-42; 87-43.

.0503 LISTED QUALIFIED INDIVIDUAL OBTAINING OWN LICENSE

An individual who is ~~currently listed as a~~ any listed qualified individual on ~~another person or firm's~~ any license may have his name removed from this license and obtain his own license upon meeting any current licensing requirements he has not previously met and submitting to the Board:

- (1) his written request to remove his name from the license on which he is currently listed;
- (2) the license certificate on which he is currently listed;
- (3) his license application on a form furnished by the Board; and
- (4) payment of the appropriate license fee.

Statutory Authority G.S. 87-42; 87-43.

.0504 ONCE LISTED BUT NOT NOW LISTED

An individual who has once been but is not now ~~listed indicated~~ on ~~another person or firm's~~ any license may apply for and obtain his own license upon meeting all current licensing requirements he has not previously met and submitting to the Board:

- (1) his license application on a form furnished by the Board;
- (2) payment of the appropriate license fee; and
- (3) if more than 12 months has elapsed since the listed qualified individual was ~~listed indicated~~ on an active license, information verifying that, during the immediate past twelve months, he has been primarily, actively and lawfully engaged (at least 1000 hours) in an occupation which in the judgment of the Board is similar or equivalent to that of an electrical contractor. Lawful work as defined under primary experience in Rule .0202 of this Subchapter shall be considered as similar or equivalent to that of an electrical contractor.

Statutory Authority G.S. 87-42; 87-43.

.0505 QUALIFIED INDIVIDUAL: NEVER LISTED NOR OBTAINED LICENSE

An individual who has once taken and passed the qualifying examination for a license but has never obtained a license nor been a listed as a qualified individual on ~~another person or firm's~~ any license shall:

- (1) be eligible to obtain a license in the same or lesser classification as the classification of examination he passed upon meeting any current licensing requirements he has not previously met and submitting to the Board:
 - (a) his license application on a form furnished by the Board;
 - (b) payment of the appropriate license fee; and
 - (c) if more than twelve months have elapsed since the individual took and passed the qualifying examination for a license, information verifying that, during the immediate past 12 months, he has been primarily, actively and lawfully engaged (at least 1000 hours) in an occupation which in the judgment of the Board is similar or equivalent to that of an electrical contractor. Lawful work as defined under primary experience in Rule .0202 of this Subchapter shall be considered as similar or equivalent to that of an electrical contractor.
- (2) be eligible to be included as an additional listed qualified individual on ~~another person or firm's~~ a current active license in the same or a lesser classification as the classification of examination he passed upon submitting to the Board:
 - (a) a written request from the licensee, co-signed by the individual, requesting the Board to include the individual as one of the listed qualified individuals on his or his firm's license;
 - (b) the licensee's current license certificate; and
 - (c) if no more than 12 months have elapsed since the individual took and passed the qualifying examination for a license, information verifying that, during the immediate past 12 months, he has been primarily, actively and lawfully engaged (at least 1000 hours) in an occupation in which the judgement of the Board is similar or equivalent to that of an electrical contractor. Lawful work as defined under primary experience in Rule .0202 of this Subchapter shall be considered as similar or equivalent to that of an electrical contractor.

PROPOSED RULES

Statutory Authority G.S. 87-42; 87-43.

**SECTION .0600 - RECLASSIFICATION OF
FORMER CLASS I AND CLASS II LICENSES
AND QUALIFIED INDIVIDUALS**

**.0601 LICENSES EXPIRING AND
INDIVIDUALS QUALIFIED/
JULY 1, 1970**

(a) Inactive Class I Licensee or Individual. Subject to Section .0400 of this Subchapter, any ~~person licensee~~ whose last active license was a Class I license that expired on or before June 30, 1970, or any listed qualified individual who was last ~~listed~~ indicated as the qualified individual such on a Class I license that expired on or before June 30, 1970, and currently has Class I license qualifications is entitled to receive, without written examination, a license in either the limited, intermediate or unlimited classification upon:

- (1) filing an application with the Board designation the class license desired; and
- (2) paying the annual license fee for the license classification desired.

(b) Initial Choice of License Classification. The inactive Class I licensee or Class I qualified individual is entitled to initially choose either the limited, intermediate or unlimited license. Thereafter the same requirements which apply to new applicants must be met to obtain a license in a classification higher than the license initially chosen.

(c) Inactive Class II Licensee or Individual. Subject to Section .0400 of this Subchapter, any ~~person licensee~~ whose last active license was a Class II license that expired on or before June 30, 1970, or any listed qualified individual who was last ~~listed~~ indicated as the qualified individual such on a Class II license that expired on or before June 30, 1970, and currently has Class II license qualifications is entitled to a license in either the limited, intermediate or unlimited license classification without written examination upon meeting the requirements for the particular license classification as follows:

- (1) To obtain a limited license, the applicant must:
 - (A) file an application with the Board requesting a limited license; and
 - (B) pay the annual fee for the limited license.
- (2) To obtain an intermediate license, the applicant must:
 - (A) file an application with the Board requesting an intermediate license;
 - (B) pay the annual fee for the intermediate license;

(C) furnish to the Board, on a form provided by the Board, a statement from a bonding company licensed to do business in North Carolina certifying the applicant's ability to furnish a performance bond for electrical contracting projects in excess of ~~ten thousand dollars (\$10,000)~~ seventeen thousand five hundred dollars (\$17,500) or submit other information regarding his financial and business qualifications for evaluation by the Board.

- (3) To obtain an unlimited license, the applicant must:
 - (A) file an application with the Board requesting an unlimited license;
 - (B) pay the annual fee for the unlimited license;
 - (C) furnish to the Board, on a form provided by the Board, a statement from a bonding company licensed to do business in North Carolina certifying the applicant's ability to furnish a performing bond for electrical contracting purposes in excess of ~~fifty thousand dollars (\$50,000)~~ seventy-five thousand dollars (\$75,000) or submit other information regarding his financial and business qualifications for evaluation by the Board.

Statutory Authority G.S. 87-42; 87-49.

SECTION .0700 - LICENSING RECIPROCITY

.0702 RECIPROCITY: SOUTH CAROLINA

Pursuant to the provisions of Rule .0701 of this Section and the formal resolution agreement between the Board and the South Carolina Licensing Board for Contractors, licensees of the South Carolina Board, who are non-residents of North Carolina, are eligible to apply for and obtain a North Carolina electrical contracting license and North Carolina licensees, who are non-residents of South Carolina, are eligible to apply to the South Carolina board and obtain a South Carolina electrical contracting license in classifications as prescribed in the following table:

SOUTH CAROLINA LICENSEE

Limited
Intermediate
Unlimited

**ELIGIBLE FOR NORTH CAROLINA
LICENSE**

Limited or intermediate
Limited, intermediate or unlimited

PROPOSED RULES

Limited, intermediate or unlimited
NORTH CAROLINA LICENSEE

Class A
Class A

Statutory Authority G. S. 87-42; 87-50.

Limited

SECTION .0800 - SPECIAL RESTRICTED LICENSES

Intermediate
Unlimited

.0801 GENERAL PROVISIONS

ELIGIBLE FOR SOUTH CAROLINA LICENSE

(a) Types. A special restricted electrical contracting license classification is a classification established by the Board pursuant to G.S. 87-43.3 or established directly by G.S. 87-43.4. Its purpose is to license persons, partnerships, firms, or corporations to engage or offer to engage in only a limited phase of electrical contracting work. Each special restricted license classification is separate from all other special restricted and regular license classifications. At the direction of G.S. 87-43.4, the Board created the special restricted single family dwelling electrical contracting license. Pursuant to G.S. 87-43.4, the Board has established the following special restricted electrical contracting licenses:

~~Not eligible for any license
- no S.C. State license required
for projects up to \$17,500.00~~

- (1) low voltage wiring license (SP-LV);
- (2) elevator license (SP-EL);
- (3) plumbing, heating, and air conditioning license (SP-PH);
- (4) groundwater pump license (SP-WP);
- (5) electric sign license (SP-ES); and
- (6) swimming pool license (SP-SP).

Limited or intermediate
Limited, intermediate or unlimited

Statutory Authority G.S. 87-42; 87-50.

.0703 RECIPROCITY: VIRGINIA

Pursuant to the provisions of Rule .0701 of this Section and the formal resolution agreement between the Board and the Virginia State Board for Contractors, licensees of the Virginia Board, who are non-residents of North Carolina, are eligible to apply for and obtain a North Carolina electrical contracting license and North Carolina licensees, who are non-residents of Virginia, are eligible to apply to the Virginia board and obtain a Virginia electrical contracting license in classifications as prescribed in the following table:

(b) Limited Scope. A special restricted contracting license does not authorize the licensee to engage or offer to engage in the business of electrical contracting in general. It authorizes the licensee to engage or offer to engage only in the limited phase of electrical contracting described in the Rule in this Section that specifies the scope of the applicable special restricted license.

VIRGINIA LICENSEE

Class A

(c) No Project Value Limit. The limitations concerning the dollar value of projects that may be undertaken by a limited or an intermediate licensee do not apply to special restricted licensees. Thus, the holder of a special restricted license may engage or offer to engage in any project authorized by the license regardless of the dollar value of the project.

ELIGIBLE FOR NORTH CAROLINA LICENSE

Limited, intermediate or unlimited

NORTH CAROLINA LICENSEE

Limited

(d) Effect of Regular License. A licensee in the regular license classifications, whether limited, intermediate or unlimited, is qualified to engage or offer to engage in any activity authorized by a special restricted license and does not have to obtain a special restricted license.

Intermediate
Unlimited

ELIGIBLE FOR VIRGINIA LICENSE

Statutory Authority G.S. 87-42; 87-43.3; 87-43.4.

~~Not applicable - no examination
required for Virginia license
in the limited range~~

.0809 SCOPE OF SP-ES LICENSE

(a) Definitions. As used in this Rule:

- (1) "Electric sign" means fixed, stationary, or portable self-contained, electrically illuminated utilization equipment that has words or symbols designed to convey information or attract attention. The term includes outline lighting.
- (2) "Outline lighting" means an arrangement of incandescent lamps or electric discharge tubing that outlines or otherwise calls attention to certain features, such as the shape of a building or the decoration of a window.
 - (b) Scope of License. A special restricted electric sign electrical contracting license (SP-ES) authorizes the licensee to install, maintain, or repair electric wiring or devices only as an incident to the licensee's electric sign business. Furthermore, the license authorizes the licensee to install, maintain, or repair only wiring that is directly related to electric signs and is electrically isolated from the building wiring system. Wiring that is directly related differs depending on the type sign involved:
 - (1) Except for electric signs described in Paragraphs (2), (3), and (4) of this Rule, related wiring is the portion of the electric sign wiring that originates at the load-side terminals of a disconnecting means located immediately adjacent to the electric sign involved, or originates within a junction box so located. Related wiring does not include the installation of the disconnecting means, complete with line-side connections, or the installation of the junction box, complete with free-length circuit conductors to accommodate the connection of the related wiring in the box.
 - (2) For electric sign installations having sign transformers installed physically apart from the sign, related wiring is the portion of the electric sign wiring that originates at the load-side terminals of a disconnecting means located immediately adjacent to the sign transformer supplying the electric sign involved, or originates within a junction box so located. Related wiring does not include the installation of the disconnecting means, complete with line-side connections, or the installation of the junction box, complete with free-length circuit conductors to accommodate the connection of the related wiring in the box.
 - (3) For free-standing electric sign installations supplied through underground circuit conductors, related wiring is the portion of the electric sign wiring that originates

- at a wiring termination point located at, within, or immediately above the permanent base for the sign structure. Related wiring does not include the installation of:
- (A) a junction box, located at, within or immediately above the permanent base for the sign, complete with free-length circuit conductors to accommodate the connection of the related wiring; or
 - (B) if the base of the structure is suitable for use as a raceway, the installation of bushing, complete with free-length circuit conductors extending through to accommodate the connection of the related wiring within the sign structure raceway.
- (4) For electric signs specifically designed to be connected directly to the building wiring raceway or cable supply, related wiring is the portion of the electric sign wiring that originates at the point where the free-length circuit conductors extend through the building wiring raceway or cable at the specifically designed supply location for the electric sign involved. Related wiring does not include the installation of the building wiring raceway or cable system to the specifically designated point of supply for the electric sign involved, complete with free-length circuit conductors extending through the building wiring raceway or cable to accommodate the connection of the related wiring.
 - (5) Except for the related wiring on the secondary side of sign transformers, related wiring is restricted to circuits or parts of circuits that operate at voltages not exceeding 600 volts, phase-to-phase.
 - (6) No related wiring, or any part thereof, may be installed in a location considered as hazardous under the National Electrical Code.

Statutory Authority G.S. 87-42; 87-43.3.

SECTION .0900 - VIOLATIONS AND CONTESTED CASE HEARINGS

.0901 DENIAL OF LICENSE OR PERMISSION TO TAKE EXAMINATION

The Board may deny an examination applicant permission to take an examination when it finds the applicant is not qualified, eligible, regardless of whether it has previously notified the applicant that he may take the examination. The Board may refuse to issue a license to a license applicant when it finds the applicant is not qualified, regardless of whether the applicant has passed the

appropriate examination. An ~~examination applicant or licensee~~ applicant may contest the Board's decision by requesting an administrative hearing.

Statutory Authority G.S. 87-42; 87-43.3; 87-43.4.

.0902 PREFERRING CHARGES

Any person who believes that any applicant, qualified individual or licensee of the Board is in violation of the provisions of G.S. Chapter 87, Article 4, or Title 21, Subchapter 18B, of the North Carolina Administrative Code may prefer charges ~~against such licensee~~ by filing a written statement with the Board's staff in the Board's office, setting out the particulars of the charges, including, but not limited to, the nature, date and place of the alleged violation.

Statutory Authority G.S. 87-42; 87-47.

.0903 PRELIMINARY DETERMINATION

(a) A charge filed in accordance with Rule .0902 of this Section shall be handled initially by the Board's executive director or his staff designee, who may dismiss it as unfounded, frivolous, or trivial.

(b) ~~Once a charge is filed with the Board, Unless the charge is dismissed pursuant to Paragraph (a) of this Rule, the executive director or his staff designee shall notifying notify the accused in writing. the licensee against whom the charge is made.~~ Such written notice shall set forth the alleged facts and circumstances as contained in the written statement filed with the Board and shall be given personally or by certified mail, return receipt requested. Such written notice shall contain a request for the ~~licensee so charged~~ accused to answer in writing within 20 days from the date the notice of charges is received, as shown on the returned receipt or from the date of personal delivery of the notice of charges.

(c) If the ~~licensee~~ accused admits to the charges and if, in the opinion of the executive director or his staff designee, the charges do not merit review by the Board's disciplinary review committee, the executive director or his staff designee shall accept the ~~licensee's~~ accused's admission of guilt and issue a reprimand on behalf of the Board. The reprimand shall include an order to the ~~licensee~~ accused to refrain from violating G.S. Chapter 87, Article 4, or 21 NCAC Subchapter 18B in the future.

(d) If the ~~licensee~~ accused admits to the charges and if, in the opinion of the executive director or his staff designee, the charges merit review by the Board's disciplinary review committee, the executive director or his staff designee shall refer

the charges to the committee. After reviewing the charges, the committee shall make a preliminary determination of the charges and recommend to the Board which, if any, of the actions listed in Paragraph (g) should be taken against the ~~licensee.~~ accused.

(e) If the ~~licensee~~ accused does not respond to or denies the charges, the Board's executive director, his staff designee or other designated investigative personnel shall investigate the allegations contained in the charges and the executive director or his staff designee may dismiss them as unfounded, frivolous or trivial, or may refer the charges, investigative findings and all available evidence to the Board's disciplinary review committee for review. From such review, the disciplinary review committee shall make a preliminary determination of the charges and recommend to the Board which, if any, of the actions listed in Paragraph (g) should be taken against the ~~licensee.~~ accused.

(f) The charges, investigative findings, evidence and disposition of each case shall be placed in a permanent file of the ~~licensee so charged.~~ accused. When a second charge is filed against a ~~licensee~~ the accused during a period of 12 months or a third charge is filed against a ~~licensee~~ the accused during any period of time, the executive director or his staff designee shall present the ~~licensee's~~ accused's file to the Board's disciplinary review committee for a detailed review. From such review, the disciplinary review committee shall make a preliminary determination of the new charges filed against the ~~licensee~~ accused and recommend to the Board what action, if any, should be taken against the ~~licensee~~ accused as prescribed in Paragraph (g) of this Rule.

(g) In accordance with Paragraphs (d) - (f) of this Rule, the Board's disciplinary review committee shall receive and review the ~~licensee's~~ accused's file and from such review the committee shall make a preliminary determination and recommend to the Board that one or more of the following actions be taken:

- (1) the charges be dismissed as unfounded, frivolous, or trivial;
- (2) a letter of caution be issued to the licensee by the Board;
- (3) in a case of admission of guilt, a letter of reprimand be issued to the licensee by the Board; or
- (4) the case be presented to the Board, excluding board members who participated in the preliminary determination, for an administrative hearing to be conducted in accordance with G.S. 87-47 and Chapter 150B, Article 3A, of the North Carolina General Statutes and the rules adopted by

the Board pursuant thereto, or for the acceptance of an offer in compromise of the charge, as provided by G.S. 87-47(e).

Statutory Authority G.S. 87-42; 87-47; 150B, Article 3A.

.0905 JUDICIAL REVIEW

Any applicant, qualified individual or licensee who is aggrieved by a final decision of the Board after a contested case hearing is entitled to judicial review of the decision as provided by G.S. Chapter 150B, Article 4.

Statutory Authority G. S. 87-47; 150B-43.

.0906 LICENSE INELIGIBILITY AFTER VIOLATION

(a) Non-licensee. Any person, partnership, firm or corporation not duly licensed by the Board and found to be engaging or offering to engage in a given electrical contracting project in North Carolina shall be subject to the provisions of G.S. 87-48. Furthermore, such person, partnership, firm or corporation shall not be eligible for a qualifying examination or to obtain a license until the Board has found that any commitment to the project involving the person, partnership, firm or corporation has been voided and that the project, if continued, has been awarded to a person, partnership, firm or corporation duly licensed by the Board to engage or offer to engage in the project.

(b) Licensee. Any licensee of the Board found to be engaging or offering to engage in a given electrical contracting project in North Carolina exceeding the project limitations or scope of the licensee's current license shall be subject to the provisions of G.S. 87-47 and 87-48. Furthermore, the licensee shall not be eligible for a qualifying examination to upgrade its license to a higher or general classification, or for a qualifying examination therefor, until the Board has found that any commitment to the project involving the licensee has been voided and that the project, if continued, has been awarded to a person, partnership, firm or corporation duly licensed by the Board to engage or offer to engage in the project.

Statutory Authority G.S. 87-42; 87-43; 87-47; 87-48.

SECTION .1000 - DESCRIPTIONS OF FORMS: CERTIFICATES: PUBLICATIONS

.1001 FORMS PROVIDED BY THE BOARD

(a) Examination Applications. An application is provided to a person wishing to apply to take a qualifying examination for an electrical con-

tracting license. The application is designed for an applicant to furnish the following information:

- (1) date;
- (2) name, address and telephone number;
- (3) age;
- (4) social security number;
- (5) whether or not applicant has taken a qualifying examination previously;
- (6) classification of license for which applicant wishes to qualify and amount of application-examination fee;
- (7) educational background;
- (8) experience background;
- (9) character references;
- (10) other references or information applicant wishes the Board to consider;
- (11) authorization for board to research all information submitted on or in support of applicant; and
- (12) signature of applicant.

(b) Examination Review Applications. Each failing examinee is provided a form for his use in applying for a detailed review of his failed examination. This form is designed for the applicant to furnish the following information:

- (1) date;
- (2) name, address and telephone number;
- (3) social security number;
- (4) date he took his failed examination;
- (5) location in which he took his failed examination;
- (6) examination review fee; and
- (7) signature of applicant.

(c) License Applicants. Each qualified license applicant is provided with an application form for his use in initially applying for a license. The application form is designed for the applicant to furnish the following information:

- (1) classification of license for which he is applying;
- (2) name in which he wishes the license to be issued;
- (3) business mailing and location address;
- (4) business and home telephone numbers;
- (5) whether business is partnership or corporation and, if so, the names of the partners or the names and titles of officers of the corporation;
- (6) whether business is to be operated part-time or full-time;
- (7) names, signatures and social security numbers of the individuals to be listed as the listed qualified individuals to be indicated on the license;
- (8) annual license fee;
- (9) authorization for board to research all information submitted on or in support of application;

(10) date; and
 (11) signature and title of applicant.
 (d) License Renewal Applications. Each license is provided with an annual license renewal application prior to the expiration of his current annual license. This application form is designed for the licensee to furnish the following information:

- (1) name in which his license is currently issued;
- (2) whether license is to be renewed in same name or, if not, new name in which he wishes license to be renewed;
- (3) mailing and business location address;
- (4) business and home telephone numbers;
- (5) whether business is to be operated part-time or full-time;
- (6) whether business is partnership or corporation and, is so, names of partners or names and titles of officers in the corporation;
- (7) ~~name, signature~~ names, signatures and social security ~~number~~ numbers of ~~each individual to be listed as a~~ the listed qualified ~~individual~~ individuals to be indicated on new annual license;
- (8) annual license fee;
- (9) authorization for board to research all information submitted on or in support of application;
- (10) date; and
- (11) signature and title of applicant.

(e) Request for Change of Name or Address in Which License Is Issued. A licensee wishing to change his license name or address is furnished a form for his use in requesting a change of name or address. This form is designed for the licensee to furnish the following information:

- (1) name and address in which license is currently issued;
- (2) name and address in which license is to be reissued;
- (3) whether business is to be operated part-time or full-time;
- (4) whether business is partnership or corporation and, if so, names of partners or names and titles of officers in corporation;
- (5) certification of listed qualified individual by name and conditions of employment;
- (6) name and title of person filing request and date of request; and
- (7) signature of listed qualified individual.

(f) License Applications: South Carolina Reciprocity. These forms are designed for an applicant to furnish the same type of information as is provided on the forms described in Paragraphs (c) and (d) of this Rule, with the following additional information:

- (1) name in which applicant's current South Carolina license is issued;
- (2) classification of applicant's South Carolina license;
- (3) number of current South Carolina license;
- (4) statement from South Carolina Licensing Board for Contractors certifying the individuals who are qualified under the applicant's South Carolina license and the extent of each individual's qualifications; and
- (5) ~~name, signature~~ names, signatures and social security ~~number~~ numbers of ~~each the listed~~ qualified individual individuals on South Carolina license and to be ~~listed~~ indicated as such on North Carolina license.

(g) License Application: Virginia Reciprocity. These forms are designed for the applicant to furnish essentially the same type of information as is provided on the forms described in Paragraphs (c), (d) and (f) of this Rule.

(h) License Application: ~~Florida~~ Alabama Reciprocity. These forms are designed for the applicant to furnish essentially the same type of information as is provided on the forms described in Paragraphs (c), (d) and (f) of this Rule.

(i) License Application: Georgia Reciprocity. These forms are designed for the applicant to furnish essentially the same type of information as is provided on the forms described in Paragraphs (c), (d) and (f) of this Rule.

(j) Bonding Ability Statement. A bonding ability statement form is provided to an applicant wishing to obtain a license in either the intermediate or unlimited classification. ~~in accordance with Section .0600 of this Subchapter.~~ This form is to be completed by a bonding company duly licensed to issue performance bonds in North Carolina. The form is designed for the bonding company to state its bonding experience with the applicant and amount of performance bond the bonding company would be willing to issue to the applicant at the date the form is completed and signed. The signer's power of attorney must accompany the bonding ability statement form.

(k) Certification of Listed Qualified Individual. This form is provided to any licensee or applicant for a license whose listed qualified individual is someone other than the licensee or applicant for a license. This form is designed for the licensee or applicant for a license to certify who will be the listed qualified individual for the licensee and that the listed qualified individual is, or will be, regularly employed by the licensee and has, or will have, the specific duty and authority to supervise and direct all electrical installation, maintenance, alteration or repair of any electric wiring,

PROPOSED RULES

devices, appliances or equipment done in the name of the licensee.

(1) Affidavit certifying Bona Fide Employee. This affidavit form is provided to any licensee whose relationship with his employees has been challenged and it is alleged that some other than his bona fide employee is engaged in electrical work under the auspices of his license. The form must contain the signature and title of the person completing the form and must be notarized. The form is designed for the licensee to furnish information establishing that:

- (1) the person in question is employed by the licensee in the capacity of a mechanic (journeyman electrician);
- (2) the employee receives compensation from the licensee which is reasonably related to the hours worked, or the work accomplished, by the employee for the licensee;
- (3) the related compensation paid to the employee is reported to federal and state tax authorities as earnings of the individual employee with appropriate deductions taken and reported for withholding taxes and FICA contributions;
- (4) consistent with applicable laws, the employee is clearly covered by the licensee's workers' compensation insurance; as shown by the inclusion of the employee's related compensation on the premium audit of the licensee's insurance carrier; and
- (5) all work performed by the employee is performed under the direction and supervision of a listed qualified individual regularly employed by the licensee.

Statutory Authority G.S. 87-42; 150B-11.

.1002 CERTIFICATES

(a) Annual License Certificate. The Board issues an annual license certificate to each eligible licensee. This certificate contains the following information:

- (1) fiscal year for which license is issued;
- (2) classification of license issued;
- (3) name in which license is issued;
- (4) names of all listed qualified individuals;
- (5)(4) date license is issued; and
- (6)(5) signature of chairman and secretary-treasurer of the Board;

(b) Permanent Pocket Card. The Board issues a permanent pocket identification card is issued to each person who has taken and passed the qualifying examination for a license. This card contains the following information:

- (1) the name of examinee;
- (2) classification of examination passed;

(3) place of examinee's signature.

(c) Permanent Certificate. The Board issues a permanent certificate to each person who has taken and passed a qualifying examination for an electrical contracting license in either the limited, intermediate, or unlimited license classification. This certificate is not a license. It certifies that the person named thereon has met the technical qualification requirements for an electrical contracting license, and, when duly licensed by the Board, is entitled to engage or offer to engage in the business of electrical contracting in the State of North Carolina.

Statutory Authority G.S. 87-39; 87-42; 87-43; 87-43.1; 87-43.3; 87-43.4; 87-44; 150B-11.

Notice is hereby given in accordance with G.S. 150B-12 that the North Carolina Board of Landscape Architects intends to amend rule cited as 21 NCAC 26 .0105.

The proposed effective date of this action is March 1, 1990.

The public hearing will be conducted at 11:00 a.m. on December 7, 1989 at First Floor Conference Room, Caswell Building, 3700 National Drive, Raleigh, NC.

Comment Procedures: Persons wishing to present oral data, views, or arguments on a proposed rule may file a notice with the Board at least ten days prior to the hearing. Any person may also file a written submission concerning data, comments or arguments at any time until the date of the hearing. Submissions should be mailed to the Board at P.O. Box 26852, Raliegh, N.C. 27611.

CHAPTER 26 - LICENSING BOARD OF LANDSCAPE ARCHITECTS

SECTION .0100 - STATUTORY AND ADMINISTRATIVE PROVISIONS

.0105 FEES

- (a) Application fees shall be as follows:
 - (1) For registration as a Landscape Architect - ~~seventy five dollars (\$75.00)~~ one hundred dollars (\$100.00).
 - (2) For corporate certificate of registration - one hundred dollars (\$100.00).
- (b) The Certificate of Permit for a temporary permit shall be one hundred fifty dollars (\$150.00).

PROPOSED RULES

(c) Examination fees shall be ~~two hundred fifty dollars (\$250.00)~~ three hundred seventy-five dollars (\$375.00) for a complete examination, and shall be paid prior to the examination.

(d) Fees for portions of examinations will be based on the actual charges to the board for procuring, administering and grading the portion of the exam. The fees shall be paid prior to the examination.

(e) The fee for license by reciprocity shall be one hundred fifty dollars (\$150.00).

(f) The fee for a corporate certificate of registration shall be two hundred dollars (\$200.00).

(g) The fee for the annual renewal of any certificate of registration shall be seventy five dollars (\$75.00).

(h) Annual renewal fees received after July 1 of each year shall be subject to the assessment of a late payment penalty according to the following schedule:

- (1) After July 1 - ten dollars (\$10.00);
- (2) After September 1 - fifteen dollars (\$15.00);
- (3) After October 1 - twenty dollars (\$20.00);
- (4) After November 1 - twenty five dollars (\$25.00);
- (5) After December 1 - thirty dollars (\$30.00);
- (6) After January 1 - thirty five dollars (\$35.00);
- (7) After February 1 - forty dollars (\$40.00);
- (8) After March 1 - forty five dollars (\$45.00);
- (9) After April 1 - fifty dollars (\$50.00).

(i) The fee for re-issue of a lost or damaged certificate or permit is ten dollars (\$10.00).

Statutory Authority G.S. 89A-3(c); 89A-6.

* * * * *

Notice is hereby given in accordance with G.S. 150B-12 that the State Board of Examiners of Plumbing and Heating Contractors intends to amend rules cited as 21 NCAC 50 .0306, .1101 - .1103.

The proposed effective date of this action is February 1, 1990.

The public hearing will be conducted at 2:00 p.m. on November 17, 1989 at Offices of the State Board of Examiners of Plumbing and Heating Contractors, Suite 806, Raleigh Building, 5 West Hargett Street, Raleigh, North Carolina.

Comment Procedures: Any person interested in these rules may present oral comments relevant to

the proposals at the public hearing or deliver written comments to the Board prior to December 17, 1989, at the Board's mailing address: P.O. Box 110, Raleigh, NC 27602. Anyone wishing to address the Board at the public hearing should notify the Board by noon on November 16, 1989, that they wish to speak on the proposals. Oral presentations will be limited to five minutes per speaker.

CHAPTER 50 - BOARD OF PLUMBING AND HEATING CONTRACTORS

SECTION .0300 - EXAMINATIONS

.0306 APPLICATIONS: ISSUANCE OF LICENSE

(a) All applicants for regular examinations shall file an application in the office of the executive secretary on or before the date set out on the examination application form, which date will be at least 30 days prior to the examination.

(b) Applicants for the April 1990 examination shall present evidence at the time of application on forms provided by the Board to establish six months full-time experience in the installation, maintenance, service or repair of plumbing or heating systems related to the category for which license is sought, whether or not license was required for the work performed. Up to one-half the experience may be in academic or technical training directly related to the field of endeavor for which examination is requested. One year of experience will be required of applicant for the October 1990 examinations, 18 months experience for the April 1991 examination, and two years of experience for the October 1991 examination and examinations conducted thereafter. The Board will pro rate part-time work of less than 40 hours per week or part-time academic work of less than 15 semester or quarter hours.

(c) ~~(b)~~ Applicants who obtain a license will receive a certificate issued by the Board, bearing the license number assigned to the qualifying individual.

(d) ~~(c)~~ The license number shall not be assigned or transferred to any other individual.

Statutory Authority G.S. 87-18; 87-21(b).

SECTION .1100 - FEES

.1101 EXAMINATION FEES

An examination fee of ~~ten dollars (\$10.00)~~ required by G.S. 87-22.1 thirty-five dollars (\$35.00) must accompany an application for examination.

Statutory Authority G.S. 87-18; 87-22.1.

PROPOSED RULES

.1102 LICENSE FEES

(a) The annual license fee for statewide licenses issued in the name of an individual, corporation, partnership, or business with a trade name is ~~fifty dollars (\$50.00)~~ sixty dollars (\$60.00).

(b) The annual license fee for licenses limited in scope to cities or towns of less than 10,000 population and issued in the name of an individual, corporation, partnership or business with a trade name is ~~twenty-five dollars (\$25.00)~~ thirty dollars (\$30.00).

(c) The annual license fee for an individual who is not actively engaged in the business of plumbing or heating contracting by reason of full-time employment as a local government plumbing,

heating or mechanical inspector and who holds qualifications from the Code Officials Qualification Board is ten dollars (\$10.00).

Statutory Authority G.S. 87-18; 87-22.

.1103 EXPANDING SCOPE OF LICENSE

A current license limited to cities or towns of less than 10,000 population may be expanded to statewide in scope upon payment of a ~~twenty-five dollar (\$25.00)~~ thirty dollar (\$30.00) fee to the Board.

Statutory Authority G.S. 87-18; 87-22.

The List of Rules Codified is a listing of rules that were filed to be effective in the month indicated.

Rules filed for publication in the NCAC may not be identical to the proposed text published previously in the Register. Please contact this office if you have any questions.

Adopted rules filed by the Departments of Correction, Revenue and Transportation are published in this section. These departments are not subject to the provisions of G.S. 150B, Article 2 requiring publication in the N.C. Register of proposed rules.

Upon request from the adopting agency, the text of rules will be published in this section.

*An agency has 30 days from the effective date of a rule to notify this agency of any typographical or technical errors in the rule as codified. These corrections are incorporated into the List of Rules Codified and are noted as * Correction. A typographical or technical error does not change the effective date if corrected within the 30 day requirement.*

TITLE 5 - DEPARTMENT OF CORRECTION

CHAPTER 2 - DIVISION OF PRISONS

SUBCHAPTER 2G - COURT RELATED PROCEEDINGS

SECTION .0300 - ADMINISTRATIVE REMEDY PROCEDURE

.0310 GRIEVANCE REVIEW PROCEDURE

(a) Step 1 Review:

- (1) Any aggrieved inmate may submit a written grievance on Form DC-410.
- (2) Upon completion of the form, the inmate may submit it to the Superintendent, designated screening officer, or any other staff member. Grievances may be transmitted by mail or hand delivery.
- (3) An inmate who seeks to file a grievance on general policies or practices may solicit comments on the matter from other inmates. Such solicitation for inmate comment will be permitted provided it does

not interfere with the security and orderly operation of the unit or institution. Such comments must be submitted with the grievances when it is filed.

- (4) The screening officer shall review the grievance and decide whether it should be accepted, rejected, or returned under the criteria set forth in these regulations. This screening shall be completed within three days of the filing of the grievance.
 - (5) If the screening officer determines that the complaint can be considered under the procedure, the officer may forward it to the staff member whom the officer believes can best provide information or relief. The staff member will prepare a written response along with supporting documentation if any. The response will be returned to the screening officer. The screening officer or Superintendent will meet with the inmate to explain the response and attempt to resolve the grievance. If the screening officer meets with the inmate the officer shall report to the Superintendent or institutional designee. The Superintendent or institutional designee will complete the formal response to the inmate within 15 days from the date of acceptance of the grievance.
 - (6) If the inmate submits a grievance in violation of Rule .0304(b) of this Section, the screening officer may return the grievance to the inmate with written notification on the DC-410 that it may be resubmitted when the current grievance in process completes Step 2.
 - (7) If the screening officer rejects the grievance per Rule .0306 of this Section, the inmate will be informed of the rejection reason in writing on the DC-410. A copy of all rejected grievances will be reviewed, initialed, and filed by the Superintendent. The Superintendent may determine that the grievance should be accepted. Under this condition, the inmate grievant will be notified in writing and provided the opportunity to resubmit the grievance on a new DC-410, in accordance with this Rule. If the inmate declines this opportunity, this fact shall be noted on the Superintendent's copy of the original rejected DC-410.
- (b) Step 2 Review:
- (1) If the inmate is not satisfied with the decision reached at Step 1, he or she may request relief from the Area Administrator or Institution Head. This request for Step 2 review must be made by the inmate in writing on Form DC-410 and submitted

to the superintendent, institutional designee, or screening officer upon notification and explanation of the decision reached at Step 1. The completed Form DC-410 shall be submitted to the Area Administrator or Institution Head.

- (2) The Area Administrator or Institution Head may investigate the grievance himself or may assign a staff member to investigate it. If an investigator is assigned, the investigator shall accumulate records gathered at Step 1 and complete the investigation within 15 days after assignment by the Area Administrator or Institution Head. The investigator, if one is used, shall submit the findings in writing with relevant records to the Area Administrator or Institution Head.
 - (3) After completing the investigation or after receiving the report of the investigation, the Area Administrator or Institution Head shall complete Form DC-410 indicating the decision and reasons for the decision. All relevant records gathered at Step 1 and Step 2 shall be maintained and filed. The Area Administrator or Institution Head shall complete the written response and assure that it is delivered to the inmate within 20 days from the date of request for Step 2 review. The Area Administrator or Institution Head may explain the decision to the inmate in an attempt to resolve the grievance. If necessary, another appropriate person such as a screening officer or the Superintendent, may be designated to perform this function.
- (c) Step 3 Review:
- (1) If the inmate is not satisfied with the decision reached at Step 2, he or she may appeal to the Secretary of Correction through the Inmate Grievance Examiner (IGE). This appeal must be made in writing on Form DC-410 within 24 hours of notification of the decision and explanation of the decision reached at Step 2. If the inmate appeals, the unit screening officer shall immediately forward the completed Form DC-420 to the Executive Director of the Grievance Resolution Board by postage mail.
 - (2) The Executive Director of the Grievance Resolution Board or his or her designee will sign the form and indicate the date of receipt. The Executive Director may

serve as one of the Inmate Grievance Examiners. The Inmate Grievance Examiners shall review all grievances that are assigned to them. This review shall be limited to matters brought forward in the grievance and the Department's responses.

- (3) In reviewing a grievance, the IGE may conduct an independent investigation, but the investigation will be limited to specific issues brought forward in the grievance. The IGE may rely on any investigations already completed. In investigating the grievance, the IGE shall attempt to resolve the grievance through mediation. The IGE shall have access to inmates, staff, facilities and records relevant to the grievance.
- (4) The IGE will order such relief as is appropriate or deny the grievance. The IGE shall forward any order for relief on Form DC-410 to the Secretary of Correction within 20 days from the date of the inmate's appeal from Step 2. Simultaneously, a copy of the Form DC-410 reflecting the decision shall be forwarded to the Director of Prisons.
- (5) The Director of Prisons or his or her designee shall review the grievance and may make comments to the Secretary of Correction. The Director of Prisons' comments will be forwarded to the Secretary within 20 days from the date of transmittal of Form DC-410 from the Inmate Grievance Examiner. The Secretary shall review the Director of Prisons' comments and then approve the decision of the IGE or make written findings that the relief ordered is not appropriate. If it is determined that the relief ordered is not appropriate, a written explanation for the findings must be given and an alternative order for relief must be made. The Secretary's final decision will be delivered to the inmate by the IGE, with a copy to the Director of Prisons, within 30 days of transmittal of the decision from the IGE.
- (6) The decision by the IGE or a modification by the Secretary of Correction shall constitute the final step of the Administrative Remedy Procedure.

History Note: Statutory Authority G.S. 148-118.1; Eff. September 1, 1988; Amended Eff. November 1, 1989.

TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE	DEPARTMENT
1	Administration, Department of
2	Agriculture, Department of
3	Auditor, Department of State
4	Economic and Community Development, Department of
5	Corrections, Department of
6	Council of State
7	Cultural Resources, Department of
8	Elections, State Board of
9	Governor, Office of the
10	Human Resources, Department of
11	Insurance, Department of
12	Justice, Department of
13	Labor, Department of
14A	Crime Control and Public Safety, Department of
15	Environment, Health, and Natural Resources, Department of
16	Public Education, Department of
17	Revenue, Department of
18	Secretary of State, Department of
19A	Transportation, Department of
20	Treasurer, Department of State
*21	Occupational Licensing Boards
22	Administrative Procedures
23	Community Colleges, Department of
24	Independent Agencies
25	State Personnel, Office of
26	Administrative Hearings, Office of

NOTE: Title 21 contains the chapters of the various occupational licensing boards.

CHAPTER	LICENSING BOARDS
2	Architecture, Board of
4	Auctioneers, Commission for
6	Barber Examiners, Board of
8	Certified Public Accountant Examiners, Board of
10	Chiropractic Examiners, Board of
12	General Contractors, Licensing Board for
14	Cosmetic Art Examiners, Board of
16	Dental Examiners, Board of
18	Electrical Contractors, Board of Examiners of
20	Foresters, Board of Registration for
21	Geologists, Board of
22	Hearing Aid Dealers and Fitters Board
26	Landscape Architects, Licensing Board of
28	Landscape Contractors, Registration Board of
31	Martial & Family Therapy Certification Board
32	Medical Examiners, Board of
33	Midwifery Joint Committee
34	Mortuary Science, Board of
36	Nursing, Board of
37	Nursing Home Administrators, Board of
38	Occupational Therapists, Board of
40	Opticians, Board of
42	Optometry, Board of Examiners in

44	Osteopathic Examination and Registration, Board of
46	Pharmacy, Board of
48	Physical Therapy Examiners, Board of
50	Plumbing and Heating Contractors, Board of
52	Podiatry Examiners, Board of
53	Practicing Counselors, Board of
54	Practicing Psychologists, Board of
56	Professional Engineers and Land Surveyors, Board of
58	Real Estate Commission
60	Refrigeration Examiners, Board of
62	Sanitarian Examiners, Board of
63	Social Work, Certification Board for
64	Speech and Language Pathologists and Audiologists, Board of Examiners of
66	Veterinary Medical Board

CUMULATIVE INDEX

CUMULATIVE INDEX
(April 1989 - March 1990)

1989 - 1990

Pages	Issue
1 - 151	1 - April
152 - 192	2 - April
193 - 216	3 - May
217 - 289	4 - May
290 - 311	5 - June
312 - 364	6 - June
365 - 454	7 - July
455 - 477	8 - July
478 - 521	9 - August
522 - 584	10 - August
585 - 616	11 - September
617 - 658	12 - September
659 - 712	13 - October
713 - 765	14 - October

- AO - Administrative Order
- AG - Attorney General's Opinions
- C - Correction
- FR - Final Rule
- GS - General Statute
- JO - Judicial Orders or Decision
- M - Miscellaneous
- NP - Notice of Petitions
- PR - Proposed Rule
- SO - Statements of Organization
- TR - Temporary Rule

ADMINISTRATIVE ORDER

Administrative Order, 4, 152

AGRICULTURE

Cotton Warehouse, 220 PR
Markets, 217 PR, 546 PR
N.C. Pesticide Board, 292 PR
N.C. Plant Conservation Board, 196 PR
N.C. State Fair, 217 PR
Plant Industry, 153 PR, 218 PR

COMMUNITY COLLEGES

Board of Community Colleges, 352 PR

CORRECTION

Division of Prisons, 472 FR, 646 FR, 759 FR



CUMULATIVE INDEX

CRIME CONTROL AND PUBLIC SAFETY

Victim and Justice Services, 573 PR

CULTURAL RESOURCES

Archives and History, 370 PR, 455 PR, 593 PR, 720 PR

Arts Council, 371 PR

U.S.S. North Carolina Battleship Commission, 548 PR

ECONOMIC AND COMMUNITY DEVELOPMENT

Finance Center, 368 PR

Hazardous Waste Management Commission, 716 PR

N.C. Cemetery Commission, 198 PR

N.C. Milk Commission, 455 PR

EDUCATION

Elementary and Secondary Education, 253 PR, 295 PR, 511 PR, 739 PR

ELECTIONS, STATE BOARD OF

Departmental Rules, 661 PR

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Coastal Management, 239 PR, 508 PR, 574 PR, 735 PR

Community Assistance, 134 PR

Departmental Rules, 601 PR

Economic Opportunity, 178 PR

Environmental Management, 18 PR, 160 PR, 202 PR, 238 PR, 295 PR, 347 PR,

431 PR, 456 PR, 700 PR, 730 PR

Governor's Waste Management Board, 617 C

Marine Fisheries, 47 PR, 457 PR

Wildlife Resources and Water Safety, 134 PR, 178 PR, 207 PR, 252 PR, 574 PR, 700 PR, 738 PR

FINAL DECISION LETTERS

Voting Rights Act, 5, 193, 367, 523, 587, 618, 659, 714

FINAL RULES

List of Rules Codified, 183 FR, 274 FR, 303 FR, 445 FR, 515 FR, 609 FR, 704 FR

GOVERNOR/LT. GOVERNOR

Executive Orders, 1, 290, 312, 365, 478, 522, 585, 713

HUMAN RESOURCES

Departmental Rules, 372 PR

Facility Services, 199 PR, 377 PR, 594 PR

Governor's Waste Management Board, 552 PR

Health Services, 153 PR, 315 PR, 405 PR, 661 PR

Medical Assistance, 158 PR, 294 PR, 455 PR, 549 PR, 601 PR, 620 PR, 722 PR

Mental Health: Mental Retardation and Substance Abuse Services, 17 PR, 417 PR, 685 PR

Social Services, 550 PR

Vocational Rehabilitation Services, 7 PR

Water Treatment Facility Operators Board of Certification, 549 PR

INDEPENDENT AGENCIES

Housing Finance Agency, 459 PR

INSURANCE

Agent Services Division, 561 PR

Fire and Casualty Division, 202 PR, 479 PR, 689 PR

Life, Accident and Health Division, 690 PR

JUSTICE

Criminal Justice Education and Training Standards Commission, 569 PR
Private Protective Services Board, 621 PR
Sheriff's Education and Training Standards Division, 491 PR

LICENSING BOARDS

Architecture, 349 PR
CPA Examiners, 458 PR
Electrical Contractors, 741 PR
General Contractors, 512 PR
Landscape Architects, 443 PR, 756 PR
Medical Examiners, 604 PR, 701 PR
North Carolina Certification Board for Social Work, 179 PR
Nursing, Board of, 296 PR
Physical Therapy Examiners, 262 PR
Plumbing and Heating Contractors, 757 PR
Practicing Psychologists, 606 PR

REVENUE

Sales and Use Tax, 353 FR

STATE PERSONNEL

State Personnel Commission, 181 PR, 210 PR, 265 PR, 461 PR, 624 PR

STATEMENTS OF ORGANIZATION

Statements of Organization, 524 SO

TRANSPORTATION

Division of Motor Vehicles, 140 FR, 607 FR, 648 FR

NOW AVAILABLE

NORTH CAROLINA ADMINISTRATIVE CODE

The full publication consists of 52 volumes, totaling in excess of 15,000 pages. It is supplemented monthly with replacement pages. A one year subscription to the full publication including supplements can be purchased for seven hundred and fifty dollars (\$750.00). Individual volumes may also be purchased with supplement service. Renewal subscriptions for supplements to the initial publication are available at one-half the new subscription price.

PRICE LIST FOR THE SUBSCRIPTION YEAR

Volume	Title	Chapter	Subject	New Subscription*	Quantity	Total Price
1 - 52	Full Code		All titles	\$750.00	_____	_____
1	1	1 - 37	Administration	90.00	_____	_____
2	2	1 - 24	Agriculture	75.00	_____	_____
3	2	25 - 52	Agriculture	75.00	_____	_____
4	3	1 - 4	Auditor	10.00	_____	_____
5	4	1 - 2	ECD (includes ABC)	45.00	_____	_____
6	4	3 - 17	ECD	90.00	_____	_____
7	5	1 - 2	Corrections	60.00	_____	_____
8	5	3 - 4	Corrections	30.00	_____	_____
9	6	1 - 4	Council of State		_____	_____
	7	1 - 11	Cultural Resources	60.00	_____	_____
10	8	1 - 9	Elections	10.00	_____	_____
11	9	1 - 4	Governor	45.00	_____	_____
12	10	1 - 2	Human Resources	30.00	_____	_____
13	10	3A - 3K	Human Resources	90.00	_____	_____
14	10	3L - 3R	Human Resources (includes CON)	45.00	_____	_____
15	10	3S - 3U	Human Resources	30.00	_____	_____
16	10	4 - 6	Human Resources	30.00	_____	_____
17	10	7	Human Resources (includes Breathalyzer)	30.00	_____	_____
18	10	8 - 9	Human Resources	60.00	_____	_____
19	10	10	Human Resources	90.00	_____	_____
20	10	11 - 14	Human Resources	60.00	_____	_____
21	10	15 - 17	Human Resources	45.00	_____	_____
22	10	18	Human Resources	75.00	_____	_____
23	10	19 - 30	Human Resources	90.00	_____	_____
24	10	31 - 33	Human Resources	30.00	_____	_____
25	10	34 - 41	Human Resources	60.00	_____	_____
26	10	42	Human Resources	45.00	_____	_____
27	10	43 - 50	Human Resources	90.00	_____	_____
28	11	1 - 15	Insurance	90.00	_____	_____

Continued

Volume	Title	Chapter	Subject	New Subscription*	Quantity	Total Price
29	12	1 - 12	Justice	90.00	_____	_____
30	13	1 - 6	Labor	30.00	_____	_____
31	13	7	OSHA	45.00	_____	_____
32	13	8 - 15	Labor	45.00	_____	_____
33	14A	1 - 11	Crime Control and Public Safety	45.00	_____	_____
34	15	1 - 2	EHNR (includes EMC)	90.00	_____	_____
35	15	3 - 6	EHNR	45.00	_____	_____
36	15	7	Coastal Management	45.00	_____	_____
37	15	8 - 9	EHNR	30.00	_____	_____
38	15	10	Wildlife	45.00	_____	_____
39	15	11 - 22	EHNR	60.00	_____	_____
40	16	1 - 6	Education	30.00	_____	_____
41	17	1 - 6	Revenue	75.00	_____	_____
42	17	7 - 11	Revenue	60.00	_____	_____
43	18	1 - 7	Secretary of State	30.00	_____	_____
44	19A	1 - 6	Transportation	90.00	_____	_____
45	20	1 - 9	Treasurer	45.00	_____	_____
46	21	1 - 16	Licensing Boards	75.00	_____	_____
47	21	17 - 37	Licensing Boards	75.00	_____	_____
48	21	38 - 70	Licensing Boards		_____	_____
	22	1 - 2	Administrative Procedures	75.00	_____	_____
49	23	1 - 2	Community Colleges	10.00	_____	_____
50	24	1 - 2	Independent Agencies	10.00	_____	_____
51	25	1	State Personnel	60.00	_____	_____
52	26	1 - 4	Administrative Hearings	10.00	_____	_____
				Total	_____	_____

(Make checks payable to Office of Administrative Hearings.)

* This price includes the title in its current form plus supplementation for the subscription year.

Subscription years are January 1 through December 31.

MAIL TO:

OFFICE OF ADMINISTRATIVE HEARINGS
 POST OFFICE DRAWER 11666
 RALEIGH, NORTH CAROLINA 27604

Office of Administrative Hearings
P. O. Drawer 11666
Raleigh, North Carolina 27604

PLACE
STAMP
HERE

FOLD HERE

NORTH CAROLINA REGISTER ORDER FORM

- Please enter my subscription for the *North Carolina Register* to start with the _____ issue. (\$105.00)/year subscription)
- Renew *North Carolina Register*
- Check Enclosed Please bill me

Please make checks payable to Office of Administrative Hearings

NAME _____ ADDRESS _____
CITY _____ STATE _____ ZIP _____
PHONE _____

(Return to Office of Administrative Hearings - fold at line, staple at bottom and affix postage.)

CHANGE OF ADDRESS:

1. Present Address

NAME

ADDRESS

CITY

STATE

ZIP

2. New Address

NAME

ADDRESS

CITY

STATE

ZIP

Office of Administrative Hearings
P. O. Drawer 11666
Raleigh, North Carolina 27604

FIRST CLASS MAIL