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# *The* **NORTH CAROLINA REGISTER**

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**ISSUE DATE: AUGUST 1, 1990**

**Volume 5 • Issue 9 • Pages 604-635**



# 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 (\$0.15) 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.

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# NORTH CAROLINA REGISTER



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# NORTH CAROLINA REGISTER

## *Publication Schedule*

(April 1990 - December 1991)

Issue Date	Last Day for Filing	Last Day for Electronic Filing	Earliest Date for Public Hearing & Adoption by Agency	* Earliest Effective Date
*****	*****	*****	*****	*****
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
06/01/90	05/10/90	05/17/90	07/01/90	10/01/90
06/15/90	05/24/90	06/01/90	07/15/90	10/01/90
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07/16/90	06/22/90	06/29/90	08/15/90	11/01/90
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09/04/90	08/13/90	08/20/90	10/04/90	01/01/91
09/14/90	08/24/90	08/31/90	10/14/90	01/01/91
10/01/90	09/10/90	09/17/90	10/31/90	02/01/91
10/15/90	09/25/90	10/02/90	11/14/90	02/01/91
11/01/90	10/11/90	10/18/90	11/30/90	03/01/91
11/15/90	10/24/90	10/31/90	12/14/90	03/01/91
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01/15/91	12/20/90	12/31/90	02/14/91	05/01/91
02/01/91	01/10/91	01/17/91	03/03/91	06/01/91
02/15/91	01/25/91	02/01/91	03/17/91	06/01/91
03/01/91	02/08/91	02/15/91	03/31/91	07/01/91
03/15/91	02/22/91	03/01/91	04/14/91	07/01/91
04/01/91	03/11/91	03/18/91	05/01/91	08/01/91
04/15/91	03/22/91	04/01/91	05/15/91	08/01/91
05/01/91	04/10/91	04/17/91	05/31/91	09/01/91
05/15/91	04/24/91	05/01/91	06/14/91	09/01/91
06/03/91	05/10/91	05/17/91	07/03/91	10/01/91
06/14/91	05/23/91	05/31/91	07/14/91	10/01/91
07/01/91	06/10/91	06/17/91	07/31/91	11/01/91
07/15/91	06/21/91	06/28/91	08/14/91	11/01/91
08/01/91	07/11/91	07/18/91	08/31/91	12/01/91
08/15/91	07/25/91	08/01/91	09/14/91	12/01/91
09/03/91	08/12/91	08/19/91	10/03/91	01/01/92
09/16/91	08/23/91	08/30/91	10/16/91	01/01/92
10/01/91	09/10/91	09/17/91	10/31/91	02/01/92
10/15/91	09/24/91	10/01/91	11/14/91	02/01/92
11/01/91	10/11/91	10/18/91	12/01/91	03/01/92
11/15/91	10/24/91	10/31/91	12/15/91	03/01/92
12/02/91	11/07/91	11/14/91	01/01/92	04/01/92
12/16/91	11/21/91	12/02/91	01/15/92	04/01/92

\* 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 120 AN EXECUTIVE ORDER ESTABLISHING ADDITIONAL CRITERIA FOR ELIGIBILITY OF CERTAIN MEMBERS OF THE COASTAL RESOURCES COMMISSION

WHEREAS, N.C.G.S. 113A-104(c) directs that eight of the members appointed by the Governor to the Coastal Resources Commission shall be persons who do not derive any significant portion of their income from land development, construction, real estate sales, or lobbying and do not otherwise serve as agents for development-related business activities; and

WHEREAS, N.C.G.S. 113A-104(c) directs the Governor, by executive order, to promulgate criteria regarding conflicts of interest and disclosure thereof for determining the eligibility of persons under this section;

NOW THEREFORE, pursuant to the authority vested in me by the Constitution of this State and N.C.G.S. 113A-104(c), IT IS HEREBY ORDERED:

Section 1. The eight members of the Coastal Resources Commission appointed by the Governor pursuant to N.C.G.S. 113A-104(b) (1) through (5), (9), and (11), shall be persons who do not derive any significant portion of their income from land development, construction, real estate sales, or lobbying and do not otherwise serve as agents for development-related business activities.

- (A) For purposes of this section, the term "significant portion of their income" shall mean ten percent of gross personal income for a calendar year, except that it shall mean fifty percent of gross personal income for the calendar year if the recipient is over sixty years of age and is receiving such portion pursuant to retirement, pension, or other similar arrangements.
- (B) For purposes of this section, the term "income" shall mean "gross income" as defined in N.C.G.S. 105-134.1(5).
- (C) For purposes of this section, the terms "persons deriving a significant portion of their income from land development, construction, real estate sales, or lobbying and do not otherwise serve as agents for

development-related business activities" shall not include any department or agency of State Government.

- (D) For purposes of this section, a person does not derive income from land development, construction, real estate sales, or lobbying or as an agent for development related business activities where the person receives payments from a mutual fund or other diversified investment of which the person receiving the payments does not know the identity of the primary sources of income.

Section 2. The North Carolina Board of Ethics established pursuant to Executive Order Number 1 dated January 31, 1985, is hereby directed to prepare a suitable disclosure form to be completed by prospective Governor's appointees under N.C.G.S. 113A-104(c) and to be used by the Governor's Office in determining eligibility under Section 1 of this Executive Order. These completed forms shall be kept on file and open to public inspection by both the North Carolina Board of Ethics and the Governor's Office.

Section 3. Once a member is appointed, his or her Statement of Economic Interest is required to be filed with the North Carolina Board of Ethics pursuant to Executive Order Number 1 dated January 31, 1985, and shall be updated by the member on a regular basis.

Section 4. The Board of Ethics established pursuant to Executive Order Number 1 dated January 31, 1985, is hereby directed to monitor closely Statements of Economic Interest to determine continuing eligibility under Section 1 of this Executive Order.

Section 5. Pursuant to Section 2 of Session Laws 1989, c. 505, this Order shall not affect the terms of members who were serving on the Coastal Resources Commission on June 29, 1989, and are currently serving their unexpired terms.

Section 6. This Order shall become effective immediately.

Done in Raleigh, North Carolina, this the 28th day of June, 1990.

*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

JRD:MAP:PJK:rac  
DJ 166-012-3  
AD643

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

July 12, 1990

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

Dear Mr. Weaver:

This refers to the change in format for voter registration cards 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 May 17, 1990.

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,

John R. Dunne  
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

JRD:LLT:TGL:gmh  
DJ 166-012-3  
AD107-111; AH1381  
AD699; AH382-408

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

July 16, 1990

DeWitt F. McCarley, Esq.  
City Attorney  
P.O. Box 7207  
Greenville, North Carolina 27835-7207

Dear Mr. McCarley:

This refers to the thirty-two annexations [Ordinance Nos. 2115, 2116, 2139-2141, and 2154-2180 (1990)] and the designation of the annexed areas to election districts for the City of Greenville in Pitt 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 submissions on May 9 and 15, 1990.

The Attorney General does not interpose any objections to the changes 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 changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

John R. Dunne  
Assistant Attorney General  
Civil Rights Division

By:

Barry H. Weinberg  
Acting Chief, Voting Section

**TITLE 10 - DEPARTMENT OF HUMAN RESOURCES**

*Notice is hereby given in accordance with G.S. 150B-12 that the Division of Social Services intends to amend rule(s) cited as 10 NCAC 24A .0306.*

*The proposed effective date of this action is July 1, 1991.*

*The public hearing will be conducted at 10:00 a.m. on September 5, 1990 at the Disability Determination Building, 321 Chapanoke Rd., Raleigh, NC.*

*Comment Procedures: Interested persons may present their views and comments in writing before or at the hearing, or orally at the hearing. Time limits may be imposed as deemed necessary by the Commission Chairman. A fiscal note has been prepared. Any person may request information or copies of the proposed regulations by writing or calling Donna A. Creech, Special Assistant, Social Services, 325 N. Salisbury St., Raleigh, NC 27603, (919) 733-3055.*

**CHAPTER 24 - SOCIAL SERVICES**

**SUBCHAPTER 24A - GENERAL**

**SECTION .0300 - COMMISSION**

**.0306 STATE PUBLIC ASSISTANCE EQUALIZING FUND**

(a) The formula for disbursing equalizing funds to county departments of social services is based on the following ~~four~~ eight factors: utilizing the most recent fiscal year information available:

- (1) ~~sales and use tax collection per capita, FY 77-78,~~
  - (2) ~~property tax per capita, FY 77-78,~~
  - (3) ~~average monthly number of AFDC recipients per capita, 1977-78,~~
  - (4) ~~county share of AFDC expenditures per capita, FY 77-78,~~
  - (5) average monthly number of medicaid recipients per capita,
  - (6) county share of medicaid expenditures per capita,
  - (7) average monthly number of State County Special Assistance clients per capita,
  - (8) county share State County Special Assistance expenditures per capita,
- (b) Factors number one and two give indication of a county's relative "wealth" or ability

to support the public assistance programs. Factors number three through eight ~~and four~~ represent "liabilities" for a county. Counties are ranked lowest to highest for each factor; the first two are added together and the ~~second two remaining~~ six are then subtracted from this figure. It is possible therefore for a county to receive a negative ranking; e.g., a minus 176. The lower (or poorer) counties receive higher percentages while higher (or wealthier) counties receive lower percentages.

(c) Using the ~~"four factor"~~ "eight factor" scores, counties are ranked from 1 (lowest score) to 100 (highest score). There may be ties and since a county's rank indicates how many counties have lower scores, tied counties receive the same ranking. Example: If two counties have scores of -58 and 18 counties have lower scores, these two counties are ranked tied for 19th. The next county would be ranked 21st (not 20th) since there are 20 counties with lower scores.

(d) Determination as to how many counties will receive funds is based on difference between rankings. If 69 counties are chosen, each of these counties should be placed on the same ability to pay as the (N+1)st (70th) county. Accordingly, the (N+1)st county is assigned an adjusted point total of zero. (E.g., if N=69, the 70th county was set at zero.) For counties 1,2 ..., N the adjusted points total is obtained by subtracting the total points of the (N+1)st county from each of the counties' total point score. Example: If the (N+1)st county has a score of 39, then 39 points are subtracted from each of the N counties that will receive equalizing.

(e) To determine the percentage that would ideally be paid to bring the N counties to the level of the (N+1)st, each county's adjusted point total is divided by the adjusted point total of county No. 1.

(f) To obtain the amount that should be paid, multiply the county's percentage times its share of Public Assistance ~~AFDC~~ expenditures.

(g) The ideal amounts are summed. The result gives the amount needed to place each of the counties on the same level as the (N+1)st. Generally, this amount will exceed available funds. If A equals Ideal amount to be paid and EF equals equalizing funds available, then EF divided by A equals percentage of funds available. Each ideal amount is multiplied by this fraction to obtain the amount that can actually be paid.

*Statutory Authority G.S. 108A-92; 143B-153.*



## PROPOSED RULES

\*\*\*\*\*

*Notice is hereby given in accordance with G.S. 150B-12 that the Division of Social Services intends to adopt rule(s) cited as 10 NCAC 42W .0006 and .0007.*

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

*The public hearing will be conducted at 10:00 a.m. on September 5, 1990 at Disability Determination Bldg., 321 Chapanoke Rd., Raleigh, NC.*

*Comment Procedures: Interested persons may present their views and comments in writing before or at the hearing, or orally at the hearing. Time limits may be imposed as deemed necessary by the Commission Chairman. A fiscal note have been prepared. Any person may request information or copies of the proposed regulations by writing or calling Donna A. Creech, Special Assistant, Social Services, 325 N. Salisbury St., Raleigh, NC 27603 (919) 733-3055.*

### CHAPTER 42 - INDIVIDUAL AND FAMILY SUPPORT

#### SUBCHAPTER 42W - STATE ABORTION FUND

##### .0006 OPPORTUNITY TO VIEW FETAL MODEL

Counseling required by Chapter 479, Section 93 (5) of the 1985 Session Laws shall include the opportunity, but not the requirement, for all persons determined eligible for services to personally view fetal models showing the growth and development of the human embryo and fetus, said models to be obtained from regular medical supply houses or medical schools.

*Statutory Authority G. S. 14-45.1; 143B-153; 1985 S. L., c. 479, s. 93.*

##### .0007 COUNTY DEPARTMENT OF SOCIAL SERVICES RESPONSIBILITIES

(a) Eligibility for the State Abortion Fund will be determined by the county department of social services.

(b) The county department of social services will provide abortion counseling to all clients determined eligible for State Abortion Funds.

(c) The county department of social services will provide to all State Abortion Fund clients family planning counseling and, upon request, referral for family planning medical consultation and supplies.

(d) The county department of social services will arrange for the delivery of abortion services with appropriate medical providers.

(1) Physicians receiving payment for services through the State Abortion Fund must be licensed to practice medicine in North Carolina or if practicing in another state by the appropriate regulatory authority in that state.

(2) Hospitals receiving State Abortion Funds for services rendered must be licensed in North Carolina by the Department of Human Resources or if located in another state, licensed or certified by the appropriate regulatory authority in that state.

(3) Abortion clinics and ambulatory surgical facilities receiving State Abortion Funds for services rendered must be licensed or certified in North Carolina by the Department of Human Resources or if operating in another state, by the appropriate regulatory authority in that state.

(e) County departments of social services will negotiate for services delivery and payment with appropriate providers:

(1) Individual service authorization for clients will be routed on a designated form to participating medical providers by the county department of social services which will document the negotiated service payment.

(2) Providers may not collect additional funds from the patient.

*Statutory Authority G.S. 14-45.1; 143B-153; 1985 S. L., c. 479, s. 93.*

### TITLE 12 - DEPARTMENT OF JUSTICE

*Notice is hereby given in accordance with G.S. 150B-12 that the Sheriffs' Standards Division, Department of Justice intends to amend rule(s) cited as 12 NCAC 10B .0103, .0207, .0304, .0307, .0401 - .0403, .0408 - .0409, .0502 - .0503, .0505, .0601, .0603, .0605, .0705, .0908 - .0909, .1002 - .1003, .1006, .1105, .1203, .1206, .2102, .2104; repeal rule(s) cited as 12 NCAC 10B .0308; and adopt rule(s) cited as 12 NCAC 10B .0205 - .0206, .0208, .0407.*

*The proposed effective date of this action is January 1, 1991.*

*The public hearing will be conducted at 9:00 a.m. on September 13, 1990 at the Holiday Inn, Waynesville, N.C.*

*Comment Procedures:* Any person interested in these rules may present oral or written comments relevant to the proposed action at the Public Rule-Making Hearing. Written statements not presented at the Hearing should be directed to Julia A. Lohman. The proposed rules are available for public inspection and copies may be obtained at the following address: Sheriffs' Standards Div., PO Box 629, 104 Fayetteville St. Mall, Raleigh NC 27602.

## CHAPTER 10 - N.C. SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

### SUBCHAPTER 10B - NC SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

#### SECTION .0100 - COMMISSION ORGANIZATION AND PROCEDURES

##### .0103 DEFINITION

In addition to the definitions set forth in G.S. 17E-2, the following definitions apply throughout this Chapter, unless the context clearly requires otherwise:

- (8) "Misdemeanor" means those criminal offenses not classified by the North Carolina General Statutes, the United States Code, the common law, or the courts as felonies. Misdemeanor offenses are classified by the Commission as follows:
  - (a) "Class A Misdemeanor" means an act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this state, or any other jurisdiction, either civil or military, for which maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of North Carolina the jurisdiction in which the offense occurred or its political subdivisions includes imprisonment for a term of not more than six months. Specifically excluded from this grouping of "class A misdemeanor" criminal offenses are motor vehicle or traffic offenses designated as misdemeanors under Chapter 20 (Motor Vehicles) of the General Statutes of North Carolina, similar laws of other jurisdictions, or duly enacted ordinances of an authorized governmental entity with the exception of the offense of impaired driving (G.S. 20-138.1) which is expressly included herein as a class A misdemeanor, if the defendant was sentenced under punishment level three [G.S.

20-179(i)], level four [G.S. 20-179(j)], or level five [G.S. 20-179(k)];

- (b) "Class B Misdemeanor" means an act committed or omitted in violation of any common law, criminal statute, or criminal traffic code of this state, or any other jurisdiction, either civil or military, for which the maximum punishment allowable for the designated offense under the laws and statutes of North Carolina the jurisdiction in which the offense occurred includes imprisonment for a term of more than six months but not more than two years. Specifically excluded from this grouping of "class B misdemeanor" criminal offenses are motor vehicles or traffic offenses designated as being misdemeanors under Chapter 20 (Motor Vehicles) of the General Statutes of North Carolina or similar laws of other jurisdictions with the following exceptions. Class B misdemeanor does expressly include, either first or subsequent offenses of G.S. 20-138(a) or (b), G.S. 20-166 (duty to stop in event of accident). This definition further includes a violation of G.S. 20-138.1 (impaired driving) if the defendant was sentenced under punishment level one [G.S. 20-179(g)] or punishment level two [G.S. 20-179(h)] for the offense and shall also include a violation of G.S. 20-28(b) (driving while license permanently revoked or suspended).
  - (9) "Felony" means any offense designated a felony by the laws, statutes, or ordinances of the jurisdiction in which the offense occurred.
  - (10) "Dual Certification" means that a justice officer holds probationary, general, or grandfather certification as both a deputy sheriff and a jailer with the same employing agency.

Statutory Authority G.S. 17E-7.

#### SECTION .0200 - RESPONSIBILITIES OF THE SHERIFFS' STANDARDS DIVISION

##### .0205 SANCTIONS FOR VIOLATIONS BY AGENCIES OR SCHOOLS

If the Commission finds that a violation has been committed by an agency or school, the Commission may:

- (1) issue an oral warning and request for compliance;
- (2) issue a written warning and request for compliance;
- (3) issue an official written reprimand;

- (4) suspend and refuse to grant accreditation to any school or program or course of instruction until proper corrective measures have been taken to bring the agency or school into compliance with these Rules and verification of such compliance has been made by the Commission; or
- (5) suspend and refuse to grant accreditation to any school or program or course of instruction for a specific period of time not to exceed one year.

*Statutory Authority G.S. 17E-4.*

**.0206 SANCTIONS FOR VIOLATIONS BY INDIVIDUALS**

(a) When any person certified by the Commission is found to have knowingly and willfully violated any provision or requirement of these Rules, the Commission may take action to correct the violation and to ensure that the violation does not re-occur, including:

- (1) issuing an oral warning and request for compliance;
- (2) issuing a written warning and request for compliance;
- (3) issuing an official reprimand;
- (4) suspending the individual's certification for a specified period of time or until acceptable corrective action is taken by the individual;
- (5) revoking or denying the individual's certification.

(b) A person who has had his certification suspended or revoked may not exercise the authority of a justice officer during the period of suspension or revocation.

(c) A person who has been denied certification may not be employed or appointed as a justice officer or exercise the authority of a justice officer.

*Statutory Authority G.S. 17E-4.*

**~~.0204~~ .0207 SUSPENSION: REVOCATION: OR DENIAL OF CERTIFICATION**

(a) The Commission shall revoke or deny the certification of a justice officer when the Commission finds that the officer has committed or been convicted of:

- (1) a felony unless pardoned by the Governor; or
- (2) a crime for which the authorized punishment could have been imprisonment for more than two years; or
- (3) an act or any series of acts which violates the laws of the State of North Carolina and which, in the opinion of the Sheriff,

will affect his/her ability to act or carry out the office and duties of a justice officer.

(b) The Commission shall revoke, deny, or suspend the certification of a justice officer when the Commission finds that the applicant for certification or the certified officer:

- (1) has not enrolled in and satisfactorily completed the required basic training course in its entirety within a time period specified by the Commission;
- (2) fails to meet any of the minimum employment standards required by 12 NCAC 10B;
- (3) fails to satisfactorily complete the minimum in-service training requirements as presented in 12 NCAC 10B .2000 and .2100.
- ~~(4) has refused to submit to the drug screen as required in 12 NCAC 10B .0301(6) or .0406(b)(4), in which case such sanction shall be permanent;~~
- ~~(5) has produced a positive result on any drug screen reported to the Commission as specified in 12 NCAC 10B .0409, unless the positive result is explained to the Commission's satisfaction, such sanction shall be permanent;~~
- ~~(4) (6) has knowingly made a material misrepresentation of any information required for certification or accreditation;~~
- ~~(5) (7) has knowingly and designedly by any means of false pretense, deception, defraudation, misrepresentation or cheating whatsoever, obtained or attempted to obtain credit, training or certification from the Commission.~~

(c) The Commission may revoke, deny, or suspend the certification of a justice officer when the Commission finds that the applicant for certification or certified justice officer:

- (1) has knowingly made a material misrepresentation of any information required for certification or accreditation;
- (2) has knowingly and designedly by any means of false pretense, deception, defraudation, misrepresentation or cheating whatsoever, obtained or attempted to obtain credit, training or certification from the Commission;
- (3) has aided another in obtaining or attempting to obtain credit, training, or certification by means of deceit, fraud or misrepresentation. This Rule shall also apply to obtaining or attempting to obtain in-service firearms requalification as required by Sections .2000 and .2100.



(d) ~~(e)~~ The Commission may revoke, suspend or deny the certification of a justice officer when the Commission finds that the applicant for certification or the certified officer has committed or been convicted of:

- (1) a crime or unlawful act defined in 12 NCAC 10B .0103(8)(b) as a Class B misdemeanor; or
- (2) four or more crimes or unlawful acts defined in 12 NCAC 10B .0103(8)(a) as a Class A misdemeanor, each of which occurred after the date of initial certification.

*Statutory Authority G.S. 17E-7.*

**.0208 PERIOD OF SUSPENSION;  
REVOCATION; OR DENIAL**

When the Commission suspends, revokes, or denies the certification of a justice officer, the period of sanction shall be:

- (1) permanent where the cause of sanction is:
  - (a) commission or conviction of a felony; or
  - (b) commission or conviction of a crime for which authorized punishment included imprisonment for more than two years; or
  - (c) a positive result on a drug screen, or a refusal to submit to a drug testing both pursuant to 12 NCAC 10B .0301; or
  - (d) the second revocation of an officer's certification for either of the two causes requiring a five-year period of revocation.
- (2) not less than five years where the cause of sanction is:
  - (a) commission or conviction of a crime other than those listed in Subparagraph (1) of this Rule; however, the Commission may either reduce or suspend the period of sanction under this Subparagraph or substitute a period of probation in lieu of revocation following an administrative hearing; or
  - (b) material misrepresentation of any information required for certification or accreditation; or
  - (c) failure to make either of the notifications as required by 12 NCAC 10B .0301(7); or
  - (d) removal from office under the provisions of G.S. 128-16.
- (3) for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:
  - (a) failure to meet or satisfy relevant basic training requirements; or
  - (b) failure to meet or maintain the minimum standards of employment; or

(c) discharge from a criminal justice agency for impairment of physical or mental capabilities; or

(d) failure to meet or satisfy the in-service training requirements as prescribed in 12 NCAC 10B .2100.

*Statutory Authority G.S. 17E-4; 17E-7.*

**SECTION .0300 - MINIMUM STANDARDS FOR  
EMPLOYMENT AS A JUSTICE OFFICER**

**.0304 MEDICAL EXAMINATION**

(a) Each applicant shall complete the Commission's Medical History Statement Form (F-1) and shall be examined by a physician or surgeon licensed in North Carolina to help determine his/her fitness in carrying out the physical requirements of the position of deputy sheriff or jailer. The examining physician should read and sign the F-2A form attached to the Medical Examination Report Form (F-2) prior to beginning the examination. The examining physician shall record the results of the examination on the Medical Examination Report Form (F-2) and sign and date the form. The F-2 form shall be valid one year from the date the Medical Examination was completed and signed by the physician. The physical examination shall be conducted and the Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) shall be completed prior to whichever of the following occurs first:

- (1) the applicant's beginning the Jailer Certification Course and/or the Basic Law Enforcement Training Course; or
- (2) the applicant's applying to the Commission for certification.

*Statutory Authority G.S. 17E-7.*

**.0307 CRIMINAL HISTORY RECORD**

Every justice officer employed in North Carolina shall not have committed or been convicted by a local, state, federal or military court of:

- (1) a felony, unless pardoned by the Governor; or
- (2) a crime for which the punishment could have been imprisonment for more than two years; or
- (3) an act, or any series of acts which violate the laws of the State of North Carolina and which, in the opinion of the sheriff, will affect his/her ability to act or carry out the office and duties of a justice officer; or
- (4) a crime or unlawful act defined as a "Class B Misdemeanor" within the five year period



prior to the date of application for employment; or

(5) four or more crimes or unlawful acts defined as "Class B Misdemeanors" regardless of the date of conviction; or

(6) four or more crimes or unlawful acts defined as "Class A Misdemeanors" except the applicant may be employed if the last conviction occurred more than two years prior to the date of application for employment.

Statutory Authority G.S. 17E-7.

#### .0308 MISREPRESENTATION (REPEALED)

Statutory Authority G.S. 17E-7.

### SECTION .0400 - CERTIFICATION OF JUSTICE OFFICERS

#### .0401 CERTIFICATION OF SHERIFFS' DEPARTMENT PERSONNEL

Every person employed or appointed as a justice officer by a sheriff's department, except those certified pursuant to Rule .0407, shall meet the certification requirements of this Section .0400. Justice officers meeting the requirements as specified in this Chapter may be certified as either a deputy sheriff, a jailer, or both.

Statutory Authority G.S. 17E-4; 17E-7.

#### .0402 PROBATIONARY CERTIFICATION

All justice officers, except those transferred or reinstated pursuant to Rule .0405, Rule .0406 shall serve a probationary certification period of one year. For certification as a deputy sheriff the probationary period begins on the date the officer took the Oath of Office. For certification as a jailer, the probationary period begins on the date the officer was appointed as a jailer.

Statutory Authority G.S. 17E-4; 17E-7.

#### .0403 PROBATIONARY CERTIFICATION REQUIREMENT

(a) For certification as a deputy sheriff, a Report of Appointment Deputy Sheriff (F-4) must be submitted to the Division. For certification as a jailer, a Report of Appointment Jailer (F-4A) must be submitted to the Division. For certification as both a deputy sheriff and a jailer, both forms (F-4 and F-4A) must be submitted to the Division. Report of Appointment forms must be submitted to the Division by the sheriff's department no later than ten days after the deputy sheriff has taken the Oath of Office or the jailer has been appointed. The Division shall forward

the justice officer's certification to the sheriff's department.

(b) The Division shall issue a probationary certification as a deputy sheriff to a person who has previously served as an elected or appointed sheriff, if the person:

(1) applies to the Commission within one year of ceasing to serve as an elected or appointed sheriff; and

(2) meets all the probationary certification requirements at the time of application; and

(3) has either:

(A) previously obtained general certification with either the North Carolina Sheriffs' Education and Training Standards Commission or the North Carolina Criminal Justice Education and Training Standards Commission and was so certified and in good standing at the time of his election or appointment as sheriff; or

(B) while serving as an elected or appointed sheriff, did successfully complete a commission-accredited basic law enforcement training course which was then currently accredited by the Commission at the time the officer completed the course; or

(C) while probationally certified with either the North Carolina Sheriffs' Education and Training Standards Commission or the North Carolina Criminal Justice Education and Training Standards Commission, did successfully complete a commission-accredited basic law enforcement training course which was then currently approved by the Commission (under which the officer was probationally certified) at the time the officer completed the course.

Statutory Authority G.S. 17E-4; 17E-7.

#### .0407 CERTIFICATION OF FORMER SHERIFF

(a) The Division shall issue a General Certification to any person who has previously served as an elected or appointed sheriff, if the person:

(1) applies to the Commission within one year of ceasing to serve as an elected or appointed sheriff; and

(2) has served as an elected or appointed sheriff for a minimum of eight years; and

(3) left the office of sheriff in good standing.

(b) In order for an officer to be certified under this Rule .0407, there must be:

(1) compliance with the Report of Appointment form requirement of Rule .0403;

## PROPOSED RULES

- (2) submitted to the Division, a copy of the Oath of Office for applicants requesting certification as a deputy sheriff; and
- (3) submitted to the Division verification that the applicant meets the requirement of this Rule .0407(a)(2).

*Statutory Authority G.S. 17E-4; 17E-7.*

### ~~.0407~~ .0408 VERIFICATION OF RECORDS TO DIVISION

(a) Prior to the initial certification of each justice officer, for the purpose of verifying compliance with these Rules, the employing agency shall submit to the Division, along with the Report of Appointment (F-4) and or (F-4A), copies of the following documents:

- (1) the applicant's high school diploma or equivalent (GED); verification of the applicant's compliance with the educational requirement pursuant to Rule .0302(a);
- (2) certified copy of the applicant's Oath of Office, if applying for certification as a deputy sheriff;
- (3) the applicant's Medical History Statement (F-1);
- (4) the applicant's Medical Examination Report (F-2 and F-2A);
- (5) the applicant's Personal History Statement (F-3); and
- (6) a summary of the applicant's background investigation; and
- (7) documentation of a negative result on a drug screen pursuant to Rule .0301(6).

(b) Compliance with this Rule .0408(a) is waived for officers applying for dual certification as defined in Rule .0103(10) provided that:

- (1) the officer holds a valid certification as either a deputy sheriff or jailer with the employing agency requesting dual certification; and
- (2) the officer has not had a break in service since initial certification with the employing agency requesting dual certification.

*Statutory Authority G.S. 17E-4; 17E-7.*

### ~~.0408~~ .0409 EMPLOYING AGENCY RETENTION OF CERTIFICATION RECORDS

(a) Each employing agency shall place in the appropriate justice officer's personnel file the official notification of either probationary or general certification. Such files shall be available for examination at any reasonable time by representatives of the Commission for the purpose of verifying compliance with these Rules. Each personnel file shall also contain:

- (1) a copy of the applicant's Report of Appointment (F-4) and or (F-4A);
  - (2) the applicant's high school diploma or equivalent (GED); verification of the applicant's compliance with the educational requirement pursuant to Rule .0302(a);
  - (3) a certified copy of the applicant's Oath of Office, if applying for certification as a deputy sheriff;
  - (4) the results of the applicant's fingerprint records check and the criminal history records check;
  - (5) the applicant's Medical History Statement (F-1);
  - (6) the applicant's Medical Examination Report (F-2 and F-2A);
  - (7) the applicant's Personal History Statement (F-3);
  - (8) a summary of the applicant's background investigation;
  - (9) a copy of the Commission's a commission-approved Firearms Requalification Record Form;
  - (10) documentation of negative results on drug screen pursuant to Rule .0301(6).
- (b) Compliance with this Rule .0409(a) is waived for officers applying for dual certification as defined in Rule .0103(10) provided that:
- (1) the officer holds a valid certification as either a deputy sheriff or jailer with the employing agency requesting dual certification; and
  - (2) the officer has not had a break in service since initial certification with the employing agency requesting dual certification.

*Statutory Authority G.S. 17E-4.*

### SECTION .0500 - MINIMUM STANDARDS OF TRAINING FOR DEPUTY SHERIFFS

#### .0502 BASIC LAW ENFORCEMENT TRAINING COURSE FOR DEPUTIES

(a) The Commission hereby adopts as its required minimum Basic Law Enforcement Training Course ~~422~~ 444 hours of instruction to include the following identified topic areas and minimum instructional hours for each area:

- |  |  |
|--|--|
| (9) <del>Emergency Medical Services</del>          | <del>24</del> <u>hours</u>             |
| First Responder                                    | <u>40</u> <del>hours</del>             |
| (24) Electrical and Hazardous Material Emergencies | <u>6</u> <del>hours</del>              |
|  | <u>12</u> <del>hours</del>             |
| TOTAL HOURS  | <u>422</u> <del>444</del> <u>hours</u> |

*Statutory Authority G.S. 17E-4, a).*

#### .0503 TIME REQ/COMPLETION/BASIC LAW ENFORCEMENT TRAINING COURSE

(c) ~~Persons certified on a probationary basis pursuant to Rule .0403(b) shall be exempt from this Rule .0503.~~

Statutory Authority G.S. 17E-4; 17E-7.

**.0505 EVALUATION FOR TRAINING WAIVER**

(a) The Division staff shall evaluate each deputy's training and experience to determine if equivalent training has been satisfactorily completed as specified in Rule .0504(a). Applicants for certification with prior law enforcement experience shall have been employed in a ~~full-time~~ sworn law enforcement position in order to be considered for training evaluation under this Rule. ~~Applicants for certification with a combination of full-time and part-time experience shall be evaluated on the basis of the full-time experience only.~~ The following rules shall be used by Division staff in evaluating a deputy's training and experience to determine eligibility for a waiver of training.

(10) Persons transferring to a sheriff's department from another law enforcement agency who hold certification issued by the North Carolina Criminal Justice Education and Training Standards Commission and who have previously completed a minimum 369-hour Basic Law Enforcement Training Course accredited by the North Carolina Criminal Justice Education and Training Standards Commission under guidelines administered beginning October 1, 1984 and ending July 1, 1989 and who have been separated from a sworn law enforcement position for no more than one year or who have had no break in service shall be required to complete the following enumerated topics of a commission-accredited Basic Law Enforcement Training Course and successfully pass that portion of the State Comprehensive Examination which deals with those subjects within 12 months of the date of their Oath of Office as prescribed in 12 NCAC 10B .0503(a).

- |                                     |                 |
|-------------------------------------|-----------------|
| (A) Civil Process                   | 24 hours        |
| (B) Supplemental Custody Procedures | 8 hours         |
| <b>TOTAL HOURS</b>                  | <b>32 hours</b> |

(13) Persons transferring to a sheriff's department from another law enforcement agency who hold certification issued by the North Carolina Criminal Justice Education and Training Standards Commission and who have previously completed a commission-accredited 410-hour Basic Law Enforcement Training Course ac-

credited by the North Carolina Criminal Justice Education and Training Standards Commission under guidelines administered beginning July 1, 1989 and ending January 1, 1991 and who have been separated from a sworn law enforcement position for no more than one year or who have no break in service shall be required to complete the following enumerated topics of a commission-accredited Basic Law Enforcement Training Course and successfully pass that portion of the State Comprehensive Examination which deals with those subjects within 12 months of the date of their Oath of Office as prescribed in 12 NCAC 10B .0503(a).

- |                                     |                 |
|-------------------------------------|-----------------|
| (A) Civil Process                   | 24 hours        |
| (B) Supplemental Custody Procedures | 8 hours         |
| <b>TOTAL HOURS</b>                  | <b>32 hours</b> |

(14) Persons who have previously completed a minimum 410-hour Basic Law Enforcement Training Course accredited by the North Carolina Criminal Justice Education and Training Standards Commission under guidelines administered beginning July 1, 1989 and who have been separated from a sworn law enforcement position for over one year but no more than three years shall be required to complete the following portions of a commission-accredited Basic Law Enforcement Training Course and successfully pass the State Comprehensive Examination within the 12 months probationary period as prescribed in 12 NCAC 10B .0503(a).

- |  |                  |
|--|------------------|
| (A) Laws of Arrest, Search and Seizure                   | 16 hours         |
| (B) Elements of Criminal Law                             | 24 hours         |
| (C) Juvenile Laws and Procedures                         | 8 hours          |
| (D) Controlled Substances                                | 6 hours          |
| (E) ABC Laws and Procedures                              | 4 hours          |
| (F) Motor Vehicle Laws                                   | 20 hours         |
| (G) Civil Process  | 24 hours         |
| (H) Supplemental Custody Procedures                      | 8 hours          |
| (I) Firearms Qualification (Handgun and Shotgun Courses) |                  |
| <b>TOTAL HOURS</b>                                       | <b>110 hours</b> |

(15) Persons who have completed a minimum 422-hour Basic Law Enforcement Training Course accredited by the North Carolina Sheriff's Education and Training Standards Commission under the guidelines administered beginning January 1,



1989 and ending January 1, 1991 and who have been separated from a sworn law enforcement position for over one year but no more than three years shall be required to complete the following portions of a commission-accredited Basic Law Enforcement Training Course and successfully pass the State Comprehensive Examination within the 12 month probationary period as prescribed in 12 NCAC 10B .0503(a).

- |  |          |
|--|----------|
| (A) Laws of Arrest, Search and Seizure | 16 hours |
| (B) Elements of Criminal Law           | 24 hours |
| (C) Juvenile Laws and Procedures       | 8 hours  |
| (D) Controlled Substances              | 6 hours  |
| (E) ABC Laws and Procedures            | 4 hours  |
| (F) Motor Vehicle Laws                 | 20 hours |
| (G) Civil Process                      | 24 hours |
| (H) Supplemental Custody Procedures    | 8 hours  |

- |  |                  |
|--|------------------|
| (I) Firearms Qualification (Handgun and Shotgun Courses) |                  |
| <b>TOTAL HOURS</b>                                       | <b>110 hours</b> |

- (16) Persons with part-time experience who have been separated from a sworn law enforcement position for more than one year shall be required to complete a commission-accredited Basic Law Enforcement Training Course in its entirety and successfully pass the State Comprehensive Examination within the 12 month probationary period as prescribed in 12 NCAC 10B .0503(a). Persons who have previously completed a minimum 410-hour Basic Law Enforcement Training Course accredited by the North Carolina Criminal Education and Training Standards Commission under guidelines administered beginning July 1, 1989 and ending January 1, 1991 and who have been separated from a sworn law enforcement position for over one year but no more than three years shall be required to complete the following portions of a commission-accredited Basic Law Enforcement Training Course and successfully pass the State Comprehensive Examination within the 12 month probationary period as prescribed in 12 NCAC 10B .0503(a).

- |  |          |
|--|----------|
| (A) Laws of Arrest, Search and Seizure | 16 hours |
| (B) Elements of Criminal Law           | 24 hours |

- |                                     |          |
|-------------------------------------|----------|
| (C) Juvenile Laws and Procedures    | 8 hours  |
| (D) Controlled Substances           | 6 hours  |
| (E) ABC Laws and Procedures         | 4 hours  |
| (F) Motor Vehicle Laws              | 20 hours |
| (G) Civil Process                   | 24 hours |
| (H) Supplemental Custody Procedures | 8 hours  |

- |  |                  |
|--|------------------|
| (I) Firearms Qualification (Handgun and Shotgun Courses) |                  |
| <b>TOTAL HOURS</b>                                       | <b>110 hours</b> |

- (17) Persons who have completed a minimum 444-hour Basic Law Enforcement Training Course accredited by the North Carolina Sheriffs' Education and Training Standards Commission under the guidelines administered beginning January 1, 1991 and who have been separated from a sworn law enforcement position for over one year but no more than three years shall be required to complete the following portions of a commission-accredited Basic Law Enforcement Training Course and successfully pass the State Comprehensive Examination within the 12 month probationary period as prescribed in 12 NCAC 10B .0503(a).

- |  |          |
|--|----------|
| (A) Laws of Arrest, Search and Seizure | 16 hours |
| (B) Elements of Criminal Law           | 24 hours |
| (C) Juvenile Laws and Procedures       | 8 hours  |
| (D) Controlled Substances              | 6 hours  |
| (E) ABC Laws and Procedures            | 4 hours  |
| (F) Motor Vehicle Laws                 | 20 hours |
| (G) Civil Process                      | 24 hours |
| (H) Supplemental Custody Procedures    | 8 hours  |

- |  |                  |
|--|------------------|
| (I) Firearms Qualification (Handgun and Shotgun Courses) |                  |
| <b>TOTAL HOURS</b>                                       | <b>110 hours</b> |

- (18) Persons who have previously completed a minimum 432-hour Basic Law Enforcement Training Course accredited by the North Carolina Criminal Education and Training Standards Commission under guidelines administered beginning January 1, 1991 and who have been separated from a sworn law enforcement position for over one year but no more than three years shall be required to complete the following portions of a commission-accredited Basic Law Enforcement Training Course and successfully pass the State Comprehensive Examination within the



## PROPOSED RULES

- 12 month probationary period as prescribed in 12 NCAC 10B .0503(a).
- (A) Laws of Arrest, Search and Seizure 16 hours
- (B) Elements of Criminal Law 24 hours
- (C) Juvenile Laws and Procedures 8 hours
- (D) Controlled Substances 6 hours
- (E) ABC Laws and Procedures 4 hours
- (F) Motor Vehicle Laws 20 hours
- (G) Civil Process 24 hours
- (H) Supplemental Custody Procedures 8 hours
- (I) Firearms Qualification (Handgun and Shotgun Courses)
- TOTAL HOURS 110 hours
- (19) Persons transferring to a sheriff's department from another law enforcement agency who hold certification issued by the North Carolina Criminal Justice Education and Training Standards Commission and who have previously completed a commission-accredited 432-hour Basic Law Enforcement Training Course accredited by the North Carolina Criminal Justice Education and Training Standards Commission under guidelines administered beginning January 1, 1991 and who have been separated from a sworn law enforcement position for no more than one year or who have no break in service shall be required to complete the following enumerated topics of a commission-accredited Basic Law Enforcement Training Course and successfully pass that portion of the State Comprehensive Examination which deals with these subjects within 12 months of the date of their Oath of Office as prescribed in 12 NCAC 10B .0503(a).
- (A) Civil Process 24 hours
- (B) Supplemental Custody 8 hours
- TOTAL HOURS 32 hours
- (20) (15) Persons who have completed training as a federal law enforcement officer and are appointed as a sworn law enforcement officer in North Carolina shall be required to complete a commission-accredited Basic Law Enforcement Training Course in its entirety regardless of previous federal training and experience and successfully pass the State Comprehensive Examination within the 12 month probationary period as prescribed in 12 NCAC 10B .0503(a).
- (21) (17) Persons out of the law enforcement profession for over three years regardless of prior training or experience shall complete a commission-accredited Basic Law Enforcement Training Course in its entirety and successfully pass the State Comprehensive Examination within the 12 month probationary period as prescribed in 12 NCAC 10B .0503(a).
- (22) (18) Wildlife Enforcement Officers who completed the Basic Law Enforcement Training prior to September 30, 1985 and are sworn as justice officers shall be subject to the evaluation rules as stated in Rule .0505 Paragraphs (a)(1) and (a)(4) through (17). (11).
- (23) (19) Wildlife Enforcement Officers who separate from employment with the Wildlife Enforcement Division and have less than one year break in service, who transfer to a Sheriff's Department in a sworn capacity, and who completed their Basic Training after September 30, 1985, shall complete the following blocs of instruction and pass the state exam in its entirety:
- (A) Crime Prevention Techniques 4 hours
- (B) Mechanics of Arrest: Custody Procedure 2 hours
- (C) Mechanics of Arrest: Processing Arrestee 4 hours
- (D) Special Populations 10 hours
- (E) Techniques of Traffic Law Enforcement 6 hours
- (F) Dealing with Victims and the Public 8 hours
- (G) Civil Process 24 hours
- (H) Supplemental Custody Procedures 8 hours
- TOTAL HOURS 66 hours
- (24) (20) Wildlife Enforcement Officers who completed Basic Law Enforcement Training on or after September 30, 1985 and have been out of a sworn position over one year but no more than three years, and are sworn as a justice officer must complete the following blocs of instructions and pass the state exam in its entirety during their probationary period.
- (A) Laws of Arrest Search and Seizure 16 hours
- (B) Elements of Criminal Law 24 hours
- (C) Juvenile Laws and Procedures 8 hours
- (D) Controlled Substances 6 hours
- (E) ABC Laws and

Procedures	4 hours
(F) Motor Vehicle Laws	20 hours
(G) Crime Prevention Techniques	4 hours
(H) Mechanics of Arrest: Custody Procedures	2 hours
(I) Mechanics of Arrest: Processing Arrestees	4 hours
(J) Special Populations	18 hours
(K) Techniques of Traffic Law Enforcement	6 hours
(L) Dealing with Victims and the Public	8 hours
(M) Civil Process	24 hours
(N) Supplemental Custody Procedures	8 hours
<b>TOTAL HOURS</b>	<b>146 hours</b>

Statutory Authority G.S. 17E-4; 17E-7.

#### SECTION .0600 - MINIMUM STANDARDS OF TRAINING FOR JAILERS

##### .0601 JAILER CERTIFICATION COURSE

(b) Each Jailer Certification Course shall include the following identified topic areas and approximate minimum instructional hours for each area:

(26) <del>Standard</del> First Aid	8 hours
<b>TOTAL HOURS</b>	<b>120 hours</b>

Statutory Authority G.S. 17E-4(a).

##### .0603 EVALUATION FOR TRAINING WAIVER

(a) The following rules shall be used by division staff in evaluating a jailer's training and experience to determine eligibility for a waiver of training:

- (1) Persons who have separated from a jailer position during the probationary period after having completed a commission-accredited jailer training course and who have been separated from a jailer position for more than one year shall complete a subsequent commission-accredited jailer training course in its entirety and successfully pass the State Comprehensive Examination within the 12 month probationary period as described in 12 NCAC 10B .0602(a).
- (2) Persons who separated from a jailer position during their probationary period after having completed a commission-accredited jailer training course and who have been separated from a jailer position for one year or less shall serve the remainder of the initial probationary period in accordance with G.S. 17E-7(b), ~~a new~~

~~12 month probationary period, but need not complete an additional jailer training course.~~ program.

- (3) Persons holding General Jailer Certification who have completed a commission-accredited jailer training course and who have separated from a jailer position for more than one year shall complete a subsequent commission-accredited jailer training course in its entirety and successfully pass the State Comprehensive Examination within the 12 month probationary period as prescribed in 12 NCAC 10B .0602(a).

(4) ~~Persons holding General Jailer Certification who have completed a commission-accredited jailer training course and who have been separated from a jailer position for one year or less shall serve a new 12 month probationary period, but need not complete an additional jailer training course.~~

- (4) ~~(5)~~ Persons holding Grandfather Jailer Certification who separate from a jailer position and remain separated from a jailer position for more than one year shall be required to complete a commission-accredited jailer training program in its entirety and successfully pass the State Comprehensive Examination within the 12 month probationary period as prescribed in 12 NCAC 10B .0602(a).

- (5) ~~(6)~~ Persons transferring to a sheriff's department from another law enforcement agency who hold a jailer certification issued by the North Carolina Criminal Justice Education and Training Standards Commission shall be subject to evaluation of their prior training and experience on an individual basis. The Division staff shall determine the amount of training required of these applicants.

Statutory Authority G.S. 17E-4; 17E-7.

##### .0605 COMPLETION OF JAILER CERTIFICATION TRAINING COURSE

(a) Each delivery of an accredited "Jailer Training" course is considered to be a unit. Each trainee shall attend and satisfactorily complete a full course during a scheduled delivery. The Director may issue prior written authorization for a specified trainee's limited enrollment in a subsequent delivery of the same course where the trainee provides evidence that:

- (1) The trainee attended and satisfactorily completed specified class hours and topics of the "Jailer Training" course but

through extended absence occasioned by illness, accident, emergency, or other good cause was absent for more than ten percent of the total class hours of the course offering; or

- (2) The trainee was granted excused absences by the school director that did not exceed ten percent of the total class hours for the course offering and the school director could not schedule appropriate make-up work during the current course offering as specified in 12 NCAC 10B .0604(c) due to valid reasons; or

- (3) The trainee participated in an offering of the "Jailer Certification Course" but had an identified deficiency in essential knowledge or skill in either one, two or three, but no more than three, of the specified topic areas incorporated in the course content as prescribed under 12 NCAC 10B .0601(b).

(c) An authorization of limited enrollment in a subsequent course delivery permits the trainee to attend an offering of the "Jailer Training" course commencing within 120 calendar days from the last date of trainee participation in prior course delivery, but only if the trainee's enrollment with active course participation can be accomplished within the period of the trainee's probationary certification:

- (1) The trainee need only attend and satisfactorily complete those portions of the course which were missed or identified by the school director as areas of trainee deficiency in the proper course participation.
- (2) Following proper enrollment in the subsequent course offering, scheduled class attendance and active participation with satisfactory achievement in the course, the trainee would be eligible for administration of the State Comprehensive Examination by the Commission and possible certification of successful course completion.

*Statutory Authority G.S. 17E-4; 17E-7.*

#### SECTION .0700 - MINIMUM STANDARDS FOR JUSTICE OFFICER SCHOOLS AND TRAINING PROGRAMS OR COURSES OF INSTRUCTION

##### .0705 CERTIFICATION: SCHOOL DIRECTORS

(b) To qualify for certification as school director of the Jailer Training Course:

- (1) Submit a written request for the issuance of such certification executed by the executive officer of the institution or agency currently accredited, or which may be

seeking accreditation, by the Commission to make presentation of accredited training programs and for whom the applicant will be the designated school director.

- (2) Be currently certified as a criminal justice instructor by the North Carolina Criminal Justice Education and Training Standards Commission; and

- (3) ~~Document successful participation in a special program presented by the North Carolina Justice Academy for purposes of familiarization and supplementation relevant to delivery of the Jailer Training Course.~~

- (3) ~~(4)~~ Attend or must have attended the most current offering of the school director's conference as presented by the Commission staff and staff of the North Carolina Criminal Justice Education and Training Standards Commission and Standards Division.

*Statutory Authority G.S. 17E-4.*

#### SECTION .0900 - MINIMUM STANDARDS FOR JUSTICE OFFICER INSTRUCTORS

##### .0908 LIMITED LECTURER CERTIFICATION

(b) To be eligible for a Limited Lecturer Certificate for topic areas set forth in Rule .0908(a), the applicant must meet the qualifications as follows:

- (1) ~~Standard First Aid: Certified Standard First Aid Instructor with the American Red Cross; a licensed physician, Family Nurse Practitioner, Licensed Practical Nurse (LPN), Registered Nurse (RN), Physician's Assistant, or EMT;~~
- (2) Unarmed Self Defense; successful completion of N.C. Department of Corrections Specialized Instructor Training - Unarmed Self-Defense; certified by N.C. Criminal Justice Education and Training Standards Commission as specific Corrections Unarmed Self Defense Instructor;
- (3) Handling Fire Emergencies: Chemistry and Evacuation; Certified Fire Instructor;
- (4) Handling Fire Emergencies: Classification and Extinguishing; Certified Fire Instructor;
- (5) Medical Care in a Jail: A Licensed Physician, Family Nurse Practitioner, LPN, RN, or EMT, or Physician's Assistant;
- (6) Psychological Disorders: Psychotic and Neurotic Personality: A licensed Psychiatrist, Psychologist, RN, or person holding a degree in counseling, psychiatric nursing, or psychiatric social work;



- (7) Communicable Diseases: a licensed Physician, Family Nurse Practitioner, Licensed Practical Nurse (LPN), Registered Nurse (RN), Physician's Assistant, or EMT;
- (8) Transportation of Inmates: A certified instructor with the North Carolina Criminal Justice Education and Training Standards Commission with a minimum of two years of related or relevant experience;
- (9) Stress: A certified instructor with the North Carolina Criminal Justice Education and Training Standards Commission with a minimum of two years of related or relevant experience;
- (10) Written Communication: A certified instructor with the North Carolina Criminal Justice Education and Training Standards Commission with a minimum of two years of related or relevant experience; or a person with a four year degree with a major in English.

*Statutory Authority G.S. 17E-4.*

**.0909 TERMS AND CONDITIONS OF A LIMITED LECTURER CERTIFICATION**

(b) The probationary instructor will be eligible for full Limited Lecturer status at the end of the probationary period if the instructor, through application, submits to the Commission:

- (1) a favorable recommendation from a school director accompanied by certification on a commission-approved Instructor Evaluation Form that the instructor taught at least four hours (three hours each for topics of Stress, ~~and Written Communication and Communicable Diseases~~) in each of the topics for which Limited Lecturer Certification, Probationary Status was granted. Such instruction must have occurred in a commission-accredited jailer training course during the probationary period. The results of the student evaluation must be considered by the school director when determining the recommendation; or
- (2) a favorable written evaluation by a commission or staff member, based on an on-site classroom evaluation of the probationary instructor in a commission-accredited jailer training course. Such evaluation must be certified on a commission-approved Instructor Evaluation Form completed for each of the topics where the probationary instructor taught a minimum of four hours (three

hours each for topics of Stress and Written Communications) and for which Limited Lecturer Certification was granted.

*Statutory Authority G.S. 17E-4.*

**SECTION .1000 - PROFESSIONAL CERTIFICATE PROGRAM FOR SHERIFFS AND DEPUTY SHERIFFS**

**.1002 GENERAL PROVISIONS**

(a) In order to be eligible for one or more of the professional awards, a sheriff or deputy sheriff shall first meet the following preliminary qualifications:

- (4) Employees of a North Carolina Sheriff's Department who ~~have successfully completed a commission accredited Basic Law Enforcement Training Course~~ and have previously held general or grandfather law enforcement officer certification but are presently, by virtue of promotion or transfer, serving in non-sworn positions not subject to certification are eligible to participate in the Professional Certificate Program. Eligibility for this exception requires continuous employment with the sheriff's department from the date of promotion or transfer from a sworn, certified position to the date of application for a professional certificate.

*Statutory Authority G.S. 17E-4.*

**.1003 BASIC LAW ENFORCEMENT CERTIFICATE**

In addition to the qualifications set forth in Rule .1002, an applicant for the Basic Law Enforcement Certificate shall: ~~have no less than one year of service, and shall have completed an accredited basic law enforcement training course or the equivalent as determined by the Commission.~~

- (1) have no less than one year of service; and
- (2) have successfully completed a commission-accredited basic law enforcement training course; or
- (3) have completed a minimum of 160 hours of training in the field of law enforcement.

*Statutory Authority G.S. 17E-4.*

**.1006 HOW TO APPLY**

(c) ~~Documentation of "full time, paid employment" shall be provided by a certified letter from the Department's personnel payroll division verifying such employment. Documentation of the applicant's length of service shall be provided by~~



certified copies of past Oaths of Office, by certified letters of verification of employment from present and/or former employees (law enforcement agencies), or other verifying documents attached to the application.

*Statutory Authority G.S. 17E-4.*

#### SECTION .1100 - JUSTICE OFFICERS' SERVICE AWARD PROGRAM

##### .1105 HOW TO APPLY

(b) Documentation of the applicant's length of service shall be provided by certified copies of past Oaths of Office, by certified letters of verification of full-time employment from present and/or former employers (law enforcement agencies), or other verifying documents attached to the application.

*Statutory Authority G.S. 17E-4.*

#### SECTION .1200 - PROFESSIONAL CERTIFICATE PROGRAM FOR JAILERS

##### .1203 BASIC JAILER PROFESSIONAL CERTIFICATE

In addition to the qualifications set forth in Rule .1202, an applicant for the Basic Jailer Professional Certificate shall: ~~have no less than one year of service, and shall have completed an accredited Jailer Certification Course or the equivalent as determined by the Commission.~~

- (1) have no less than one year of service; and
- (2) have completed an accredited Jailer Certification Course; or
- (3) have completed a minimum of 80 hours of training in the field of jails or corrections.

*Statutory Authority G.S. 17E-4.*

##### .1206 HOW TO APPLY

(c) Documentation of the applicant's length of service shall be provided by certified letters of verification of employment from present and/or former employers, or other verifying documents attached to the application.

(d) ~~(e)~~ The applicant shall submit the "Application: Professional Certificate/Service Award", (F-6) to his sheriff who shall attach his recommendation and forward the application to the Commission. Certificates will be issued to the sheriff for award to the applicant.

*Statutory Authority G.S. 17E-4.*

#### SECTION .2100 - JUSTICE OFFICERS' FIREARMS IN-SERVICE TRAINING REQUALIFICATION PROGRAM

##### .2102 INSTRUCTORS

The following requirements and responsibilities are hereby established for instructors who conduct the Justice Officers' In-Service Firearms Training and Requalification Program:

- (3) The instructor shall document the successful or unsuccessful completion of training for each officer on ~~the Commission's a~~ commission-approved Firearms Requalification Record Form and forward such form to each officer's department head.

*Statutory Authority G.S. 17E-4; 17E-7.*

##### .2104 IN-SERVICE FIREARMS REQUALIFICATION SPECIFICATIONS

(a) All justice officers who are authorized by the sheriff to carry a handgun shall qualify a minimum of once each year with each handgun that the officer is authorized to carry while on duty on a commission-approved day and night course as follows:

- (1) Day course of fire ~~should~~ shall include at a minimum but not limited to 30 rounds using duty ammunition or duty-type ammunition with the same specifications as those found in the duty ammunition authorized by the Department for the specific weapon; firing six rounds from three yards; 12 rounds from seven yards; six rounds from 15 yards; six rounds from 25 yards. Firing should be timed firing (i.e., draw and fire two rounds in three seconds). Firing should be from a variety of positions. [Example: standing, kneeling, prone (using various cover positions).]
- (2) Night course of fire ~~should~~ shall include at a minimum but not limited to 30 rounds ~~firing six rounds~~ using duty ammunition or duty-type ammunition with the same specifications as those found in the duty ammunition authorized by the Department for the specific weapon; firing six rounds from three yards; six rounds from five yards; 12 rounds from seven yards; and six rounds from 15 yards. Firing should be timed firing (i.e., draw and fire two rounds in three seconds). Firing should be from a variety of positions. [Example: standing, kneeling, prone (various cover positions).] Firing must occur under various light conditions to include total darkness; vehicle blue light; vehicle head light; and all available lights.

(b) All justice officers who are issued, or otherwise authorized by the sheriff to carry ~~or have~~

~~access to~~ a shotgun, rifle, or automatic weapon shall be required to qualify with each weapon respectively a minimum of once each year on a commission-approved course of fire as follows:

- (1) Shotgun course of fire ~~must~~ shall include at a minimum but not limited to ~~a minimum of~~ five rounds using duty ammunition or duty-type ammunition with the same specifications as those found in the duty ammunition authorized by the Department for the specific weapon; firing two rounds from 15 yards; three rounds from 25 yards.
- (2) Rifle course of fire ~~must~~ shall include at a minimum but not limited to firing five rounds from a minimum distance of 50 yards. The ammunition used shall be of duty ammunition; or duty-type ammunition with the same specifications as those found in the duty ammunition authorized by the Department for the specific weapon. ~~from 50 yards.~~
- (3) Automatic course of fire ~~should~~ shall include at a minimum but not limited to firing 20 rounds at a maximum of 50 yards. The ammunition used shall be duty ammunition; or duty-type ammunition with the same specifications as those found in the duty ammunition authorized by the Department for the specific weapon.

Statutory Authority G.S. 17E-4; 17E-7.

#### TITLE 15A - DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

*Notice is hereby given in accordance with G.S. 150B-12 that the Water Treatment Facility Operators Board of Certification intends to amend rule(s) cited as 15A NCAC 18D .0304 (b) and (d).*

*A fiscal note has been issued and a copy is available from the agency.*

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

*The public hearing will be conducted at 9:30 a.m. on September 11, 1990 at the Jane S. McKimmon Center, N. C. State University, Western Blvd., Raleigh, NC.*

*Comment Procedures: Any person requiring information may contact: Mr. John C.*

*McFadyen, P. O. Box 27687, Raleigh, NC 27611-7687, telephone: (919) 733-0379. Written comments may be submitted to the above address 30 days prior to the public hearing. Written and oral comments may also be presented at the public hearing. Notice of an oral presentation must be given to the above address at least 3 days prior to the public hearing.*

#### CHAPTER 18 - ENVIRONMENTAL HEALTH

##### SUBCHAPTER 18D - WATER TREATMENT FACILITY OPERATORS

##### SECTION .0300 - APPLICATIONS AND FEES

##### .0304 FEE SCHEDULE

(b) The cost of a temporary certificate shall be ~~fifteen dollars (\$15.00)~~ eighteen dollars (\$18.00) for a new certificate.

(d) The cost of the annual certification renewal shall be ~~fifteen dollars (\$15.00)~~ eighteen dollars (\$18.00). Renewal fees shall be payable the first of each calendar year and shall be delinquent on the first day of February if not paid prior to that date. Delinquent certifications shall be charged an additional fee of thirty dollars (\$30.00) on the first day of February of each year.

Statutory Authority G.S. 90A-27.

#### TITLE 21 - OCCUPATIONAL LICENSING BOARDS

*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 rule(s) cited as 21 NCAC 50 .0306, .0408 and adopt rule(s) cited as 21 NCAC 50 .1201 - .1214, and .1301 - .1305.*

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

*The public hearing will be conducted at 9:00 a.m. on September 13, 1990 at the McKimmon Center, North Carolina State University, Western Boulevard at Gorman Street, Raleigh, N.C.*

*Comment Procedures: Persons wishing to present oral data, views or argument on a proposed rule or rule change may file a notice with the Board at least 10 days prior to the public hearing at which the person wishes to speak. Comments should be limited to 10 minutes. The address of the Board is P.O. Box 110, Raleigh, N.C. 27602.*

## PROPOSED RULES

*Written comments or arguments may be presented at any time before September 29, 1990.*

### 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~~ 60 days prior to the examination.

(b) Applicants for the October 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. One year of experience will be required of applicant for the April 1991 examinations, 18 months experience for the October 1991 examination, and two years of experience for the April 1992 examination and examinations conducted thereafter. 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. 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) Applicants who obtain a license will receive a certificate issued by the Board, bearing the license number assigned to the qualifying individual. The license number shall not be assigned or transferred to any other individual, except that, to preserve the identity of firms, an individual holding a license in good standing who desires to retire or surrender his license may, at the end of the year in which he desires to surrender his license, instruct the Board in writing to transfer his license number to a licensed individual who is an officer, director, or fulltime employee of the firm which was previously qualified for license by the individual qualification of the retiring licensee, provided further the retiring licensee certifies to the Board that the licensee is not being compensated for transfer of the number and the licensee will not thereafter be affiliated with a licensed firm. The individual receiving the renumbered license shall retire his prior license to the Board.

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

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

#### SECTION .0400 - GENERAL PROCEDURES

##### .0408 CHANGE OF TRADE NAME

(a) The trade name under which a license is issued may be changed upon request to and approval by the Board. If the Board approves the name change, the last license issued to the licensee must be returned to the executive secretary.

~~(b) A license will not be issued or renewed in a like or similar name to any pre-existing license issued to a corporation, partnership or business with a trade name operating within a 150 mile radius of the applicant for the name change. A license will be issued or renewed using any corporate name, partnership name, or trade name which is not identical to a name already in use according to the records of the Board.~~

*Statutory Authority G.S. 55B-5; 87-18; 87-26.*

#### SECTION .1200 - PETITIONS FOR RULES

##### .1201 PETITION FOR RULEMAKING HEARINGS

Any person wishing to submit a petition requesting the adoption, amendment or repeal of a rule by the Board shall address a petition to: State Board of Examiners of Plumbing and Heating and Refrigeration Contractors, Box 110, Raleigh, North Carolina 27602. The petition should clearly bear the notation: RULEMAKING PETITION RE and then the subject area, for example, RE G.S. 87-21(a)(1) RE ADMINISTRATIVE PROCEDURE ACT, RE AIR CONDITIONING SYSTEMS, or an indication of any other area over which the Board may have rulemaking authority.

*Statutory Authority G.S. 87-18; 150B-11; 150B-16.*

##### .1202 CONTENTS OF PETITION

The petition should include the following information:

- (1) an indication of the subject area to which the petition is directed; for example, "This is a petition to hold a rulemaking hearing to amend Rule .0000 pertaining to Administrative Procedure Act filing requirements";
- (2) either a draft of a proposed rule or a summary of its contents;
- (3) reasons for the proposal;
- (4) the effect on existing rules or orders;
- (5) any data supporting the proposal;



- (6) effect of the proposed rule on existing practices in the area involved, including cost factors;
- (7) names of those most likely to be affected by the proposed rule, with addresses if reasonable known;
- (8) name(s) and address(es) of petitioner(s).

*Statutory Authority G.S. 87-18; 150B-16.*

#### **.1203 DISPOSITION OF PETITIONS**

(a) The Executive Secretary of the Board will determine whether the public interest will be served by granting the request. Prior to making this determination, the Executive Secretary may request additional information from the petitioner(s), he may contact interested persons or persons likely to be affected by the proposed rule and request comments; he may use any other appropriate method for obtaining information on which to base a determination. The Executive Secretary will consider all of the contents of the petition submitted plus any other information obtained by the means described herein.

(b) The Executive Secretary will make a recommendation to the Board for the institution of rulemaking proceedings or for the denial of the petition, as the case may be.

(c) Within 120 days of submission of the petition, a final decision will be rendered by the Board. If the decision is to deny the petition the Board will notify the petitioner in writing, stating the reasons therefor. If the decision is to grant the petition, the Board, within 120 days of submission, will initiate a rulemaking proceeding by issuing a rulemaking notice, as provided in these Rules.

*Statutory Authority G.S. 87-18; 150B-16.*

#### **.1204 NOTICE OF RULEMAKING HEARINGS**

Upon a determination to hold a rulemaking proceeding, either in response to a petition or otherwise, the Board will give at least 30 days' notice to all interested persons of a public hearing on the proposed rule.

*Statutory Authority G.S. 87-18; 150B-12.*

#### **.1205 NOTICE MAILING LIST**

Any person or agency desiring to be placed on the mailing list for the Board rulemaking notices shall file such request in writing, furnishing his name and mailing address to the Board at Box 110, Raleigh, North Carolina 27602. The request shall state those subject areas within the authority of the Board for which notice is requested. The Board may require reasonable

postage and stationery costs to be paid by persons receiving such notices.

*Statutory Authority G.S. 87-18; 150B-12.*

#### **.1206 ADDITIONAL INFORMATION**

Persons desiring information in addition to that provided in an individual rulemaking notice shall contact the Board at Box 110, Raleigh, North Carolina 27602. Any written communication should clearly indicate the rulemaking proceeding which is the subject of the inquiry.

*Statutory Authority G.S. 87-18; 150B-12.*

#### **.1207 REQUEST TO PARTICIPATE**

Any person desiring to present oral data, views, or arguments on the proposed rule must, at least 10 days prior to the hearing, file a notice with the Board. Notice of desire to appear may be waived, or failure to give notice may be excused, by the presiding officer, in his discretion. Any person permitted to make an oral presentation is encouraged to submit a written copy of the presentation to the Executive Secretary prior to or at the hearing.

*Statutory Authority G.S. 87-18; 150B-12.*

#### **.1208 CONTENTS OF REQUEST; GENERAL TIME LIMITATIONS**

A request to make an oral presentation should contain a clear reference to the proposed rule, a brief summary of the individual's views in respect thereto, and how long the individual desires to speak. Presentations shall be limited to 10 minutes unless the Board prescribes some other time limit.

*Statutory Authority G.S. 87-18; 150B-12.*

#### **.1209 RECEIPT OF REQUEST; SPECIFIC TIME LIMITS**

Upon receipt of notice of a person's desire to present his views orally, the Board will acknowledge receipt of the request and inform the person of the imposition of any limitations deemed necessary to the end of a full and effective public hearing on the proposed rule.

*Statutory Authority G.S. 87-18; 150B-12.*

#### **.1210 WRITTEN SUBMISSIONS**

(a) Any person may file a written submission containing data, comments or arguments, after publication of a rulemaking notice and up to the day of the hearing, unless a different period has been prescribed in the notice or granted upon request. These written comments shall be sent



to the Board at Box 110, Raleigh, North Carolina 27602. The should clearly state the rule(s) or proposed rule(s) the comments are addressed to.

(b) Upon receipt of written comments, acknowledgment will be made with an assurance that the comments therein will be considered fully by the Board.

*Statutory Authority G.S. 87-18; 150B-12.*

#### **.1211 PRESIDING OFFICER; POWERS AND DUTIES**

The presiding officer at the hearing shall have complete control of the proceedings, including: extensions of any time requirements, recognition of speakers, time allotments for presentations, the right to question speakers, direction of the discussion, and management of the hearing. The presiding officer, at all times, will take care that each person participating in the hearing is given a fair opportunity to present views, data and comments.

*Statutory Authority G.S. 87-18; 150B-12.*

#### **.1212 STATEMENT OF REASONS FOR DECISION**

(a) Any interested person desiring a concise statement of the principal reasons for and against the adoption of a rule by the Board and the factors that led to overruling the considerations urged against its adoption, may submit a request to the Executive Secretary at the Board at Box 110, Raleigh, North Carolina 27602.

(b) For purposes of Paragraph (a) of this Rule, an "interested person" shall be any person(s) whose rights, duties or privileges might be affected by the adoption of the rule in question, or any group or organization of persons whose rights, duties or privileges might be affected by the rule.

(c) The request must be made in writing and submitted prior to adoption of the rule or within 30 days thereafter.

*Statutory Authority G.S. 87-18; 150B-12(e).*

#### **.1213 RECORD OF PROCEEDINGS**

A record of all rulemaking proceedings will be maintained in the office of the Board for as long as the rule is in effect, and for five years thereafter. This record will contain: the original petition, the notice, all written memoranda and information submitted, and a record or summary of oral presentations, if any. Record of rulemaking proceedings will be available for public inspection during the regular office hours.

*Statutory Authority G.S. 87-18; 150B-12.*

#### **.1214 TEMPORARY RULES**

Temporary rules may be adopted under the circumstances described in G.S. 150B-13.

*Statutory Authority G.S. 87-18; 150B-13.*

### **SECTION .1300 - DECLARATORY RULINGS**

#### **.1301 SUBJECTS OF DECLARATORY RULINGS**

Any person aggrieved by a statute administered or rule promulgated by the Board, may request a declaratory ruling as to either the manner in which a statute or rule applies to a given factual situation, if at all, or whether a particular agency rule is valid.

*Statutory Authority G.S. 87-18; 150B-17.*

#### **.1302 SUBMISSION OF REQUEST FOR RULING**

All requests for declaratory rulings shall be written and mailed to the Board at Box 110, Raleigh, North Carolina 27602. The container of the request should bear the notation: REQUEST FOR DECLARATORY RULING. The request must include the following information:

- (1) name and address of petitioner;
- (2) statute or rule to which petition relates;
- (3) concise statement of the manner in which petitioner is aggrieved by the rule or statute or its potential application to him;
- (4) a statement of whether an oral hearing is desired, and if so, the reason therefor.

*Statutory Authority G.S. 87-18; 150B-12.*

#### **.1303 DISPOSITION OF REQUESTS**

(a) When the Board deems it appropriate to issue a declaratory ruling it shall issue such declaratory ruling within 60 days of receipt of the petition.

(b) A declaratory ruling proceeding may consist of written submissions, an oral hearing, or other procedure as may be appropriate in the circumstances of the particular request.

(c) Whenever the Board believes "for good cause" that the issuance of a declaratory ruling is undesirable, the Board may refuse to issue such ruling. When good cause is deemed to exist, the Board will notify the petitioner of its decision in writing, stating the reasons for the denial of the declaratory ruling.

(d) For purposes of Paragraph (c) of this Rule, the Board will ordinarily refuse to issue a declaratory ruling:

- (1) unless the petitioner shows that the circumstances are so changed since the adoption of the rule that such a ruling would be warranted;
- (2) unless the petitioner shows that the Board did not give to the factors specified in the request for a declaratory ruling a full consideration at the time the rule was issued;
- (3) where there has been a similar controlling factual determination in a contested case, or where the factual context being raised for a declaratory ruling was specifically considered upon the adoption of the rule or directive being questioned, as evidenced by the rulemaking record;
- (4) where the subject matter of the request is involved in pending litigation in any state or federal court in North Carolina.

*Statutory Authority: G.S. 87-18; 150B-17.*

#### **.1304 RECORD OF DECISION**

A record of all declaratory rulemaking proceedings will be maintained in the office of the Board for as long as the ruling is in effect and for five years thereafter. This record will contain: the petition, notice, all written submissions filed in the request, whether filed by the petitioner or any other person, and a record or summary of oral presentations, if any. Records of rulemaking proceedings will be available for public inspection during the regular office hours of the Board.

*Statutory Authority: G.S. 87-18.*

#### **.1305 DEFINITION**

For purposes of Rule .1304 of this Section, a declaratory ruling shall be deemed to be "in effect": until the statute or rule interpreted by the declaratory ruling is amended, altered or repealed; until the Board changes the declaratory ruling prospectively; or until the court sets aside the ruling in litigation between the Board and the party requesting the rule; or until any court of the Appellate Division of the General Court of Justice shall construe the statute or rule which is the subject of the declaratory ruling in a manner plainly irreconcilable with the declaratory ruling.

*Statutory Authority: G.S. 87-18; 150B-12; 150B-17.*

\*\*\*\*\*

*Notice is hereby given in accordance with G.S. 150B-12 that the North Carolina Real Estate Commission intends to amend rule(s) cited as 21 NCAC 58C .0302, .0308; 58D .0102, .0201, .0302, .0401, .0403, .0405 - .0407, and .0409.*

*The proposed effective date of this action is January 1, 1991.*

*The public hearing will be conducted at 10:00 a.m. on September 5, 1990 at the Office of the North Carolina Real Estate Commission, 1313 Navaho Drive, Raleigh, North Carolina 27609.*

*Comment Procedures: Comments regarding the rules may be made orally or submitted in writing at the public hearing. Written comments not submitted at the hearing may be delivered to the North Carolina Real Estate Commission, Post Office Box 17100, Raleigh, North Carolina 27619, so as to be received by the hearing date.*

### **CHAPTER 58 - REAL ESTATE COMMISSION**

#### **SUBCHAPTER 58C - REAL ESTATE AND APPRAISAL EDUCATION**

#### **SECTION .0300 - PRE-LICENSING AND PRE-CERTIFICATION COURSES**

##### **.0302 PROGRAM STRUCTURING**

(b) Except as provided in Paragraph (d) of this Rule, ~~appraisal pre-licensing (residential appraiser)~~ residential appraiser pre-licensing pre-certification education programs must consist of the following three courses, each involving a minimum of 30 classroom hours:

- (1) Introduction to Real Estate Appraisal;
- (2) Valuation Principles and Procedures; and
- (3) Applied Residential Property Valuation.

These courses must be completed sequentially in the order listed.

(c) Except as provided in Paragraph (d) of this Rule, ~~appraisal pre-certification (general appraiser)~~ general appraiser pre-certification education programs must consist of the following three courses, each involving a minimum of 30 classroom hours, in addition to the three residential appraiser courses prescribed in Paragraph (b) of this Rule:

- (1) Introduction to Income Property Appraisal;
- (2) Advanced Income Capitalization Procedures; and
- (3) Applied Income Property Valuation.

These courses must be completed sequentially in the order listed and completion of the residential appraiser courses within the previous five years

or possession of a current appraiser license must be a prerequisite for enrollment in the general appraiser courses.

*Statutory Authority G.S. 93A-4(a),(d); 93A-33; 93A-75(a).*

**.0308 APPRAISAL INSTRUCTORS**

(a) Except as indicated in Paragraph (b) of this Rule, all appraisal pre-licensing and pre-certification courses must be taught by instructors who possess good moral character and either the minimum appraisal education and experience qualifications listed in this Rule or other qualifications that are found by the Commission to be equivalent to those listed. These qualification requirements must be met on a continuing basis. For a previously-approved instructor, experience in teaching appraisal courses may be substituted for any required appraisal experience when a school is seeking continued approval of the instructor. The minimum qualifications are as follows:

- (1) ~~Pre-licensing (residential appraiser)~~ Residential appraiser courses: 90 classroom hours of real estate appraisal education and either two years' full-time experience as a residential real estate appraiser within the previous five years or three years' full-time experience as a general real estate appraiser within the previous five years, with at least one-half of such experience being in residential property appraising. After July 1, 1991, instructors must also be state-licensed real estate appraisers.
- (2) ~~Pre-certification (general appraiser)~~ General appraiser courses: 180 classroom hours of real estate appraisal education and three years' full-time experience as a general real estate appraiser within the previous five years, with at least one-third of such experience being in income property appraising. After July 1, 1991, instructors must also be state-certified real estate appraisers.

*Statutory Authority G.S. 93A-33; 93A-75(a).*

**SUBCHAPTER 58D - REAL ESTATE APPRAISERS**

**SECTION .0100 - APPLICATION FOR APPRAISER LICENSE OR CERTIFICATE**

**.0102 FILING AND FEES**

(b) The following fees shall be charged:

- (1) application for original residential appraiser license.....\$100.00

- (2) application for original residential appraiser certificate.....\$100.00
- (3) application for original general appraiser certificate.....\$100.00

*Statutory Authority G.S. 93A-73(a),(b); 93A-77.*

**SECTION .0200 - APPRAISER LICENSING AND CERTIFICATION**

**.0201 QUALIFICATIONS FOR APPRAISER LICENSURE AND CERTIFICATION**

(a) Applicants for licensure as a state-licensed real estate appraiser and for certification as a state-certified real estate appraiser must satisfy the qualification requirements stated in G.S. 93A-73. Licensure as a state-licensed real estate appraiser is not a prerequisite for certification as a state-certified residential or general real estate appraiser.

*Statutory Authority G.S. 93A-73; 93A-77.*

**SECTION .0300 - APPRAISER EXAMINATIONS**

**.0302 SUBJECT MATTER**

(a) The examination for licensure as a state-licensed residential real estate appraiser and for certification as a state-certified residential real estate appraiser shall test applicants on the following general subject areas:

- (1) basic real property law;
- (2) concepts of value;
- (3) forces affecting real estate values;
- (4) residential real estate financing;
- (5) residential construction and design;
- (6) the appraisal process;
- (7) valuation principles and procedures;
- (8) application of valuation principles and procedures to the valuation of various types of residential properties and to related appraisal assignments;
- (9) standards of appraisal practice;
- (10) the North Carolina Real Estate Appraisers Act and related Commission rules; and
- (11) related subject areas.

(b) In addition to the subject areas listed in (a) of this Rule, the examination for certification as a state-certified general real estate appraiser shall test applicants on the following general subject areas:

- (1) income capitalization principles and procedures;
- (2) application of valuation principles and procedures to the valuation of all types of income-producing and other properties and to related appraisal assignments; and



- (3) related subject areas.

*Statutory Authority G.S. 93A-73(c); 93A-77.*

#### SECTION .0400 - GENERAL APPRAISAL PRACTICE

##### .0401 USE OF TITLES

(a) A state-licensed residential real estate appraiser shall utilize the term "state-licensed residential real estate appraiser" and a state-certified residential real estate appraiser shall utilize the term "state-certified residential real estate appraiser" when performing appraisals of residential real estate, as defined in G.S. 93A-72, or any interest therein. A state-certified general real estate appraiser shall utilize either the term "state-certified general real estate appraiser" or "state-certified residential general real estate appraiser" when performing appraisals of all types of real estate or any interest therein.

*Statutory Authority G.S. 93A-77.*

##### .0403 ADVERTISING

(a) When advertising or otherwise holding himself out as a real estate appraiser, a state-licensed residential real estate appraiser shall identify himself as a "state-licensed residential real estate appraiser", a state-certified residential real estate appraiser shall identify himself as a "state-certified residential real estate appraiser" and a state-certified general real estate appraiser shall identify himself as either a "state-certified general real estate appraiser" or a "state-certified residential/general real estate appraiser".

*Statutory Authority G.S. 93A-71(d); 93A-77.*

##### .0405 CERTIFIED APPRAISALS

(a) A state-certified residential real estate appraiser may perform certified appraisals of residential real estate and a state-certified general real estate appraiser may perform certified appraisals on all types of real estate and may identify such appraisals as being "certified".

*Statutory Authority G.S. 93A-71(g); 93A-77.*

##### .0406 APPRAISAL REPORTS

(a) Each written appraisal report prepared by or under the direction of a state-licensed or state-certified real estate appraiser shall bear the signature of the state-licensed or state-certified appraiser, the license or certificate number of the licensee or certificate holder in whose name the appraisal report is issued, and the designation "state-licensed residential real estate appraiser", "state-certified residential real estate appraiser",

or the designation "state-certified general real estate appraiser" or "state-certified residential/general real estate appraiser", as applicable. Each such appraisal report shall also indicate whether or not the state-licensed or state-certified appraiser has personally inspected the property, and shall identify any other person who assists in the appraisal process other than by providing clerical assistance.

(b) Every state-licensed and state-certified real estate appraiser shall affix or stamp to all appraisal reports a seal of a design authorized by the Commission which shall set forth the name and license or certificate number of the appraiser in whose name the appraisal report is issued and shall identify the appraiser as a "state-licensed residential real estate appraiser", a "state-certified residential real estate appraiser", or as a "state-certified general real estate appraiser" or "state-certified residential/general real estate appraiser", as applicable.

*Statutory Authority G.S. 93A-77.*

##### .0407 MANAGING APPRAISER

(a) A "managing appraiser" shall be designated with the Commission for each appraisal firm and each combined real estate brokerage and appraisal firm for which real estate appraisals are performed by:

- (1) two or more state-licensed or state-certified real estate appraisers who are employed by or associated with the firm; or
- (2) unlicensed or uncertified assistants, other than clerical employees, who are employed by or associated with the firm and who assist a state-licensed or state-certified real estate appraiser in the performance of real estate appraisals.

If one or more state-certified general real estate appraisers is employed by or associated with the firm, the managing appraiser must be a state-certified general real estate appraiser. ~~however, If one or more state-certified residential real estate appraisers is employed by or associated with the firm, the managing appraiser must be a state-certified residential or general real estate appraiser.~~ If only state-licensed real estate appraisers are employed by or associated with the firm, the managing appraiser may be a state-licensed real estate appraiser.

(b) The designated managing appraiser shall be responsible for:

- (1) the proper display of licenses and certificates of all state-licensed and state-certified real estate appraisers employed by or associated with the firm, and ascer-

taining whether each licensee or certificate holder employed by or associated with the firm has complied with Rule .0203 of this Subchapter;

- (2) the proper notification to the Commission of any change of business address or trade name of the firm and the registration of any assumed business name adopted by the firm for its use;
- (3) the proper conduct of advertising of appraisal services by or in the name of the firm;
- (4) the proper retention and maintenance of records relating to appraisals conducted by or on behalf of the firm;
- (5) the maintenance of a record for each of the firm's unlicensed and uncertified assistants that generally describes the nature and extent of assistance rendered in connection with each appraisal; and
- (6) the maintenance of a record for each of the firm's state-licensed and state-certified residential real estate appraisers that generally describes the nature and extent of assistance rendered by the state-licensed residential real estate appraiser when assisting a state-certified residential or general real estate appraiser and any assistance rendered by the state-certified residential real estate appraiser when assisting a state-certified general real estate appraiser in performing an appraisal.

No licensee or certificate holder shall be managing appraiser of more than one appraisal firm or combined real estate brokerage and appraisal firm.

*Statutory Authority G.S. 93A-77.*

**.0409 SUPERVISION OF LICENSED  
AND CERTIFIED RESIDENTIAL  
APPRAISERS**

(a) When a state-licensed residential real estate appraiser assists a state-certified residential or general real estate appraiser in the performance of a real estate appraisal and the resulting appraisal report is to be signed by the state-certified real estate appraiser, the state-certified real estate appraiser shall:

- (1) actively and personally supervise the state-licensed real estate appraiser;
- (2) review the appraisal report and supporting data used in connection with the appraisal;
- (3) indicate on the appraisal report whether or not he has personally inspected the property; and
- (4) prepare and furnish to the managing appraiser, if applicable, and to each state-licensed real estate appraiser whose services were utilized in connection with the appraisal, a report on a form prescribed by the Commission describing the nature and extent of assistance rendered by the state-licensed real estate appraiser in connection with the appraisal, and place a copy of such report in the supporting file for the appraisal.

(b) When a state-certified residential real estate appraiser assists a state-certified general real estate appraiser in the performance of a real estate appraisal and the resulting appraisal report is to be signed by the state-certified general real estate appraiser, the state-certified general real estate appraiser shall perform those supervisory acts set forth in Paragraph (a) of this Rule with regard to the activities of the state-certified residential real estate appraiser.

*Statutory Authority G.S. 93A-77.*

*The Administrative Rules Review Commission (ARRC) objected to the following rules in accordance with G.S. 143B-30.2(c). State agencies are required to respond to ARRC as provided in G.S. 143B-30.2(d).*

## ECONOMIC AND COMMUNITY DEVELOPMENT

### Savings Institutions Division

- |   |  |
|---|--|
| <i>4 NCAC 16A .0302 - Response of Administrator to Petition<br/>Agency Revised Rule</i> | <i>ARRC Objection 5/17/90<br/>Obj. Removed 6/21/90</i> |
| <i>4 NCAC 16A .0402 - Informal Settlement<br/>Agency Revised Rule</i>                   | <i>ARRC Objection 5/17/90<br/>Obj. Removed 6/21/90</i> |

## ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

### Environmental Health

- |  |                               |
|--|-------------------------------|
| <i>15A NCAC 18A .1814 - Disposal of Garbage and Trash: Premises</i>    | <i>ARRC Objection 6/21/90</i> |
| <i>15A NCAC 18C .1528 - Point-of-Entry and Other Treatment Devices</i> | <i>ARRC Objection 6/21/90</i> |

### Environmental Management

- |  |  |
|--|--|
| <i>15A NCAC 2F .0102 - General Criteria<br/>Agency Revised Rule</i>                                  | <i>ARRC Objection 5/17/90<br/>Obj. Removed 6/21/90</i> |
| <i>15A NCAC 2F .0105 - Effective Contingent Upon Federal Funds Allocated<br/>Agency Revised Rule</i> | <i>ARRC Objection 5/17/90<br/>Obj. Removed 6/21/90</i> |

### Health: Epidemiology

- |  |                               |
|--|-------------------------------|
| <i>15A NCAC 19B .0202 - Granting Permits</i>                               | <i>ARRC Objection 6/21/90</i> |
| <i>15A NCAC 19D .0407 - Medical Eligibility</i>                            | <i>ARRC Objection 6/21/90</i> |
| <i>15A NCAC 19D .0408 - Medical Eligibility/Licensed Nursing Home Svcs</i> | <i>ARRC Objection 6/21/90</i> |

### Laboratory Services

- |   |                               |
|---|-------------------------------|
| <i>15A NCAC 20A .0002 - Definitions</i> | <i>ARRC Objection 6/21/90</i> |
|---|-------------------------------|

### Wildlife Resources Commission

- |   |                               |
|---|-------------------------------|
| <i>15A NCAC 10C .0501 - Scope and Purpose</i> | <i>ARRC Objection 6/21/90</i> |
|---|-------------------------------|

## HUMAN RESOURCES

### Medical Assistance

- |                                    |                               |
|------------------------------------|-------------------------------|
| <i>10 NCAC 50B .0311 - Reserve</i> | <i>ARRC Objection 6/21/90</i> |
|------------------------------------|-------------------------------|

### Youth Services

- |  |  |
|--|--|
| <i>10 NCAC 44F .1305 - Corporal Punishment and Child Abuse<br/>Agency Revised Rule</i> | <i>ARRC Objection 5/17/90<br/>Obj. Removed 6/21/90</i> |
|--|--|

## LICENSING BOARDS AND COMMISSIONS



## ARRC OBJECTIONS

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### Certification Board for Social Work

21 NCAC 63 .0104 - Organization of the Board Agency Revised Rule	ARRC Objection 5/17/90 Obj. Removed 6/21/90
21 NCAC 63 .0301 - Written Examinations Agency Revised Rule	ARRC Objection 5/17/90 Obj. Removed 6/21/90
21 NCAC 63 .0403 - Renewal Fees Agency Revised Rule	ARRC Objection 5/17/90 Obj. Removed 6/21/90

### PUBLIC EDUCATION

#### Elementary and Secondary Education

16 NCAC 6D .0105 - Use of School Day	ARRC Objection 6/21/90
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### SECRETARY OF STATE

#### Corporations Division

18 NCAC 4 .0101 - Location and Hours	ARRC Objection 6/21/90
18 NCAC 4 .0102 - Administration and Functions	ARRC Objection 6/21/90
18 NCAC 4 .0205 - Overpayment	ARRC Objection 6/21/90
18 NCAC 4 .0206 - Documents Not Specifically Provided For	ARRC Objection 6/21/90
18 NCAC 4 .0302 - Execution	ARRC Objection 6/21/90
18 NCAC 4 .0303 - Rejection	ARRC Objection 6/21/90
18 NCAC 4 .0305 - Corrective Filings-Nonprofit Corp/Limited Partnerships	ARRC Objection 6/21/90
18 NCAC 4 .0306 - Articles of Incorporation - Nonprofit Corporations	ARRC Objection 6/21/90
18 NCAC 4 .0307 - Application For Reservation of Corporate Name	ARRC Objection 6/21/90
18 NCAC 4 .0308 - Registered Office and Registered Agent	ARRC Objection 6/21/90
18 NCAC 4 .0311 - Art of Merger/Share Exch /G.S. 55-11-07/55A-42.1	ARRC Objection 6/21/90
18 NCAC 4 .0312 - Appl For Cert of Authority/Foreign Prof Corporation	ARRC Objection 6/21/90
18 NCAC 4 .0313 - Filing Merger Involving Foreign Corporation	ARRC Objection 6/21/90
18 NCAC 4 .0314 - Filing Evidence of Dissolution/Foreign Nonprofit Corp	ARRC Objection 6/21/90
18 NCAC 4 .0316 - Form for Annual Report	ARRC Objection 6/21/90
18 NCAC 4 .0401 - Documents	ARRC Objection 6/21/90
18 NCAC 4 .0402 - Cert of Facts/Certificate of Exit/Authorization	ARRC Objection 6/21/90
18 NCAC 4 .0501 - General	ARRC Objection 6/21/90
18 NCAC 4 .0502 - Words Prohibited in Addition to Statutory Prohibitions	ARRC Objection 6/21/90
18 NCAC 4 .0503 - Deceptively Similar and Distinguishable Names	ARRC Objection 6/21/90
18 NCAC 4 .0504 - Filing Fictitious/Assumed Name/Foreign Corporation	ARRC Objection 6/21/90

#### Securities Division

18 NCAC 6 .1210 - Securities Exchgs/Auto Quotation Sys Approve/Admin	ARRC Objection 6/21/90
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## RULES INVALIDATED BY JUDICIAL DECISION

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*This Section of the Register lists the recent decisions issued by the North Carolina Supreme Court, Court of Appeals, Superior Court (when available), and the Office of Administrative Hearings which invalidate a rule in the North Carolina Administrative Code.*

### **10 NCAC 3R .0317(g) - WITHDRAWAL OF A CERTIFICATE**

Robert Roosevelt Reilly, Jr., Administrative Law Judge with the Office of Administrative Hearings, declared Rule 10 NCAC 3R .0317(g) void as applied in *Dawn Health Care, a North Carolina General Partnership, Petitioner v. Department of Human Resources, Certificate of Need Section, Respondent* (90 DHR 0296).

## ***NORTH CAROLINA ADMINISTRATIVE CODE CLASSIFICATION SYSTEM***

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*The North Carolina Administrative Code (NCAC) has four major subdivisions of rules. Two of these, titles and chapters, are mandatory. The major subdivision of the NCAC is the title. Each major department in the North Carolina executive branch of government has been assigned a title number. Titles are further broken down into chapters which shall be numerical in order. The other two, subchapters and sections are optional subdivisions to be used by agencies when appropriate.*

### **TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE**

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2	Agriculture	Auctioneers	4
3	Auditor	Barber Examiners	6
4	Economic and Community Development	Certified Public Accountant Examiners	8
5	Correction	Chiropractic Examiners	10
6	Council of State	General Contractors	12
7	Cultural Resources	Cosmetic Art Examiners	14
8	Elections	Dental Examiners	16
9	Governor	Electrical Contractors	18
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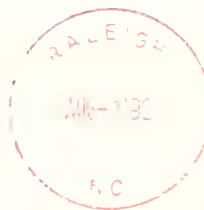
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