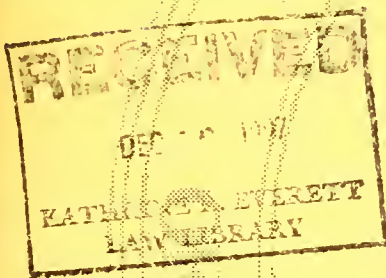


HFN (7434) A2 1167

# ***NORTH CAROLINA REGISTER***

**VOLUME 12 • ISSUE 12 • Pages 990 - 1092  
December 15, 1997**



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Voting Rights Letter  
Administrative Hearings  
Environment and Natural Resources  
Human and Health Services  
Justice  
Optometry, Board of Examiners  
Public Education  
Transportation  
Rules Review Commission  
Contested Case Decisions

## **PUBLISHED BY**

*The Office of Administrative Hearings  
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For those persons that have questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address, but are not inclusive.

**Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.**

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**Rule Review and Legal Issues**

Rules Review Commission  
1307 Glenwood Ave., Suite 159  
Raleigh, North Carolina 27605  
(919) 733-2721  
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contact: Joe DeLuca Jr., Staff Director Counsel  
Bobby Bryan, Staff Attorney

**Legislative Process Concerning Rule Making**

Joint Legislative Administrative Procedure Oversight Committee  
545 Legislative Office Building  
300 North Salisbury Street  
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(919) 715-5460 FAX  
contact: Mary Shuping, Staff Liaison marys@ms.ncga.state.nc.us

**County and Municipality Government Questions or Notification**

NC Association of County Commissioners  
215 North Dawson Street  
Raleigh, North Carolina 27603  
(919) 715-2893  
contact: Jim Blackburn or Rebecca Troutman  
NC League of Municipalities  
215 North Dawson Street  
Raleigh, North Carolina 27603  
(919) 715-4000  
contact: Paula Thomas

# NORTH CAROLINA REGISTER

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**Pages 990 - 1092**

**December 15, 1997**

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through November 20, 1997.

Office of Administrative Hearings  
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# NORTH CAROLINA REGISTER

## Publication Schedule

(August 1997 - May 1998)

FILING DEADLINES			NOTICE OF RULE-MAKING PROCEEDINGS		NOTICE OF TEXT (either column A or column B)							
volume and issue number	issue date	last day for filing	60 <sup>th</sup> day	earliest register issue for publication of text	earliest date for public hearing	A. non-substantial economic impact				B. substantial economic impact		
						end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	
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## EXPLANATION OF THE PUBLICATION SCHEDULE

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

GENERAL	FILING DEADLINES	NOTICE OF RULE-MAKING PROCEEDINGS	NOTICE OF TEXT
<p>The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:</p> <ul style="list-style-type: none"> <li>(1) temporary rules;</li> <li>(2) notices of rule-making proceedings;</li> <li>(3) text of proposed rules;</li> <li>(4) text of permanent rules approved by the Rules Review Commission;</li> <li>(5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;</li> <li>(6) Executive Orders of the Governor;</li> <li>(7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;</li> <li>(8) orders of the Tax Review Board issued under G.S. 105-241.2; and</li> <li>(9) other information the Codifier of Rules determines to be helpful to the public.</li> </ul>	<p><b>ISSUE DATE:</b> The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month closest to (either before or after) the first or fifteenth respectively that is not a Saturday, Sunday, or holiday for State employees.</p> <p><b>LAST DAY FOR FILING:</b> The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.</p>	<p><b>END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS:</b> This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.</p> <p><b>EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT:</b> The date of the next issue following the end of the comment period.</p>	<p><b>EARLIEST DATE FOR PUBLIC HEARING:</b> The hearing date shall be at least 15 days after the date a notice of the hearing is published.</p> <p><b>END OF REQUIRED COMMENT PERIOD</b></p> <ul style="list-style-type: none"> <li>(1) <b>RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT:</b> An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.</li> <li>(2) <b>RULE WITH SUBSTANTIAL ECONOMIC IMPACT:</b> An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.</li> </ul> <p><b>DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION:</b> The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.</p>
<p><b>COMPUTING TIME:</b> In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.</p>			<p><b>FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY:</b> This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.</p>

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

BEFORE THE  
TAX REVIEW BOARD

IN THE MATTER OF:  
The Proposed Denial of Refund  
of Income Tax for the taxable  
years of 1992, 1993 and 1994  
by the Secretary of Revenue  
against **Edmond C. and Grace  
Edwards**

**ADMINISTRATIVE  
DECISION NUMBER 335**

THIS MATTER was heard before the Tax Review Board on Wednesday, July 2, 1997, in the City of Raleigh, Wake County, North Carolina, in the office of the State Treasurer. It involved the petition for administrative review filed by Edmond C. and Grace Edwards (hereinafter "Taxpayers") from the Final Decision of Michael A. Hannah, Assistant Secretary for Legal and Administrative Services (hereinafter "Assistant Secretary") entered on February 13, 1997, sustaining the denial of Taxpayers' claims for refund of individual income taxes for the taxable periods 1992 through 1994. The Assistant Secretary also upheld an assessment of individual income tax for tax year 1994 and made additional adjustments to Taxpayers' tax liability for 1993.

Chairman Harlan E. Boyles, State Treasurer presided over the hearing with Jo Anne Sanford, Chair, Utilities Commission and duly appointed member, Noel L. Allen, attorney at law participating.

C. Roland Young, Tax Consultant and Taxpayer, Edmond C. Edwards appeared at the hearing. Kay Linn Miller Hobart, Assistant Attorney General, appeared at the hearing on behalf of the Department of Revenue.

The issue presented on administrative review was:

Whether the Secretary erred in sustaining the denial of Taxpayers' claims for refund of individual income taxes for the taxable periods 1992 through 1994.

The scope of administrative review for petitions filed with the Tax Review Board is governed by G.S. §105-241.2(b2). G.S. §105-241.2 states in pertinent part:

(b2). ... "after conducting a hearing, the Board shall confirm, modify, reverse, reduce or increase the assessment or decision of the Secretary."

After the hearing, the Board carefully reviewed Taxpayers' petition, the brief, the final decision and the record of the proceeding before the Assistant Secretary and upon review of the documents submitted and after considering the arguments presented by the parties, the Board determined that the findings of fact made by the Assistant Secretary were fully supported by competent evidence in the record, that the conclusions of law made by the Assistant Secretary were fully supported by the findings of fact, and that the decision of the Assistant Secretary was fully supported by the conclusions of law. Therefore, the Board determined that the Assistant Secretary did not err in sustaining the denial of Taxpayers' claims for refund for the taxable periods of 1992, 1993 and 1994 because he properly concluded that retirees cannot pay dependent health premiums on a pre-tax basis from their retirement benefits for North Carolina individual income tax purposes. The Board therefore determined that the Assistant Secretary's final decision was supported by competent, material and substantial evidence in the record.

**IT IS THEREFORE ORDERED**, that the Final Decision of the Assistant Secretary be and is hereby **CONFIRMED** in every respect.

Entered this the 18th day of August, 1997.

TAX REVIEW BOARD

/s/Harlan E. Boyles, Chairman

/s/Jo Anne Sanford, Chair  
Utilities Commission

/s/Noel L. Allen, member

U.S. Department of Justice

Civil Rights Division

IKP:GS:NG:tlb  
DJ 166-012-3  
97-2770

*Voting Section*  
*PO. Box 66128*  
*Washington, DC 20035-6128*

November 3, 1997

Albert M. Benshoff, Esq.  
City Attorney  
P.O. Box 1388  
Lumberton, North Carolina 28359

Dear Mr. Benshoff:

This refers to the August 11, 1997, annexation to the City of Lumberton in Robeson County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on September 2, 1997.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Isabelle Katz Pinzler  
Acting Assistant Attorney General  
Civil Rights Division

By:

Elizabeth Johnson  
Chief, Voting Section



*A Notice of Rule-making Proceedings is a statement of subject matter of the agency's proposed rule making. The agency must publish a notice of the subject matter for public comment at least 60 days prior to publishing the proposed text of a rule. Publication of a temporary rule serves as a Notice of Rule-making Proceedings and can be found in the Register under the section heading of Temporary Rules. A Rule-making Agenda published by an agency serves as Rule-making Proceedings and can be found in the Register under the section heading of Rule-making Agendas. Statutory reference: G.S. 150B-21.2.*

## **TITLE 10 - HUMAN AND HEALTH SERVICES**

### **CHAPTER 24 - SOCIAL SERVICES**

**Notice of Rule-making Proceedings** is hereby given by the Social Services Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rules it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:** 10 NCAC 24A .0508. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** S.L. 1997-497

**Statement of the Subject Matter:** Advisory to counties regarding garnishment

**Reason for Proposed Action:** Action to adopt temporary rules is required to insure that rules of the Social Services Commission are consistent with S.L. 1997-497. Current APA rules for recoupment of benefits do not address all programs of public assistance and do not include garnishment as a remedy. The ability to petition the court for an order of garnishment of wages is a new remedy and shall be used only after all administrative remedies have been exhausted unsuccessfully. This action is necessary because a section was added to G.S. 108A-25, which permits county departments of social services to petition the court for garnishment of wages to recoup fraudulent public assistance program payments. The law became effective December 1, 1997.

**Comment Procedures:** Anyone wishing to comment should contact Sharnese Ransome, APA Coordinator, Social Services Commission, NC Division of Social Services, 325 N. Salisbury St., Raleigh, NC 27603, phone 919/733-3055.

## **TITLE 12 - DEPARTMENT OF JUSTICE**

### **CHAPTER 11 - N.C. ALARM SYSTEMS LICENSING BOARD**

**Notice of Rule-making Proceedings** is hereby given by the North Carolina Alarm Systems Licensing Board in accordance with G.S. 150B-21.2. The agency shall

subsequently publish in the Register the text of the rules it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:** 12 NCAC 11 .0204(a)(2). Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 74D-5

**Statement of the Subject Matter:** The amendment will require applicants who are filing for renewal of a license to submit a criminal record check for each county where the applicant has resided within the immediately preceding twenty-four (24) months.

**Reason for Proposed Action:** The legislature has amended the Alarm Systems Licensing Act whereby a license is now valid for twenty-four months instead of twelve months. Currently, an applicant for renewal of the two year license only has to submit a criminal record check for twelve months instead of twenty-four months. The amendment will require the applicant who files for renewal to submit a criminal record check for the preceding twenty-four months.

**Comment Procedures:** Written comments concerning this rule-making activity may be submitted to W.A. Hoggard, III, Administrator, NC Alarm Systems Licensing Board, 3320 Old Garner Road, Raleigh, NC 27626.

## **TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

### **CHAPTER 2 - ENVIRONMENTAL MANAGEMENT**

**Notice of Rule-making Proceedings** is hereby given by the DENR - Environmental Management Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:** 15A NCAC 2B .0308. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)

**Statement of the Subject Matter:** *Proposed reclassification of Armstrong Creek and tributaries in McDowell County from Class WS-II Tr (Trout) to Class C Tr HQW (High Quality Waters).*

**Reason for Proposed Action:** *McDowell County officials have requested that the Division of Water Quality (DWQ) remove the WS-II water supply classification from Armstrong Creek. Armstrong Creek is used by Coats American as a source for process water and drinking water for its employees. The company has switched to well water for their drinking water supply source. The current WS-II classification allows for general wastewater discharge permits only. If Armstrong Creek is reclassified to HQW, domestic and industrial wastewater discharges would be allowed. However, new or expanding dischargers would have more stringent treatment requirements. Under the current WS-II classification, development is limited to 2 dwelling units (du) per acre in the Critical Area (CA) and 1 du per acre in the balance of the watershed. A high density option requiring stormwater controls allows for development up to 24% built upon area in the CA and up to 30% built upon area in the balance of the watershed. If reclassified to HQW, development would be permitted at 1 du per acre under the low density option. The HQW high density option (with stormwater controls) does not specify an upper limit on development density. The criteria for designation to High Quality Waters as defined in 15A NCAC 2B .0201 includes those waters which are rated as excellent based on biological*

*and physical/chemical characteristics through DWQ monitoring or special studies, native and special native trout waters designated by the Wildlife Resources Commission, primary nursery areas designated by the Marine Fisheries Commission and other functional nursery areas designated by the Wildlife Resources Commission, critical habitat areas designated by the Wildlife Resources Commission or the Department of Agriculture, all water supply watersheds which are either classified as WS-I or WS-II or those for which a formal petition for reclassification as WS-I or WS-II has been received from the appropriate local government and accepted by the Division of Water Quality, and all Class SA waters. Studies conducted by the Environmental Sciences Branch show that Armstrong Creek has excellent water quality and it, and all tributaries, is recommended for reclassification to HQW.*

**Comment Procedures:** *The purpose of the announcement is to encourage those interested in this proposal to provide written comments. Written comments, data, or other information relevant to this proposal must be submitted by February 13, 1998. It is very important that all interested and potentially affected persons or parties make their views known to the Environmental Management Commission (EMC) whether in favor or opposed to any and all provisions of the proposal being noticed. Written comments may be submitted to: Liz Kovasckitz, DENR/Division of Water Quality, Planning Branch, PO Box 29535, Raleigh, NC 27626-0535. (919) 733-5083, ext. 572.*



*This Section contains the text of proposed rules. At least 60 days prior to the publication of text, the agency published a Notice of Rule-making Proceedings. The agency must accept comments on the proposed rule for at least 30 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. The required comment period is 60 days for a rule that has a substantial economic impact of at least five million dollars (\$5,000,000). Statutory reference: G.S. 150B-21.2.*

## TITLE 12 - DEPARTMENT OF JUSTICE

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Sheriffs' Education and Training Standards Commission intends to adopt rules cited as 12 NCAC 10B .1301- .1304; and to amend rules 10B .0103, .0401 - .0403, .0406 - .0409, .0701 - .0702, .2002, .2101 - .2102, .2104 - .2105. Notice of Rule-making Proceedings was published in the Register on September 10, 1997.

**Proposed Effective Date:** August 1, 1998

**A Public Hearing** will be conducted at 8:30 a.m. on February 11, 1998 at 114 W. Edenton St., Room G-19, Raleigh, NC 27602.

**Reason for Proposed Action:** .0103 - Rule changes will: 1) define telecommunicator's date of appointment; 2) modify the definition of "department head" to include the chief administrator of communication centers; 3) expand the definition of dual certification to include telecommunicators; and 4) define telecommunicator. .0401 - Rule change will set out that telecommunicators under the control of the Sheriff must be certified and telecommunicators not under the Sheriff's control may be presented to the Division for certification.

.0402 - Rule change will set out when the probationary period for a telecommunicator will begin. .0403 - Rule change will make rule applicable to telecommunicators. .0406 - Rule change will allow for the reinstatement of a telecommunicator's certification. .0407 - Rule change will allow for the certification of a former Sheriff as a telecommunicator. .0408 - Rule change will allow for the waiver of compliance with this rule, provided an individual holds certification in another capacity (to include telecommunicators) at the same agency and changes capacity (to include telecommunicators) with no break in service. .0409 - Rule change will allow for the waiver of compliance with this rule, provided an individual holds certification in another capacity at the same agency and changes capacity with no break in service. .0701 - Rule change will substitute "justice officers" for "sheriffs' department personnel", so that it will apply to telecommunicators, as well as deputy sheriffs and detention officers. .0702 - Rule change will set out administration matters concerning the Basic Telecommunicator Course. .1300 - Rule adoption will set out Minimum Standards of Training for Telecommunicators as follows: 1). 1301 - Purpose; 2) .1302 - Basic Telecommunicator Course; 3) .1303 - Time Requirement for

Completion of Basic Telecommunicator Course; and 4) .1304 - Evaluation for Training Waiver. .2002, .2101, .2102, .2104, .2105 - Rule changes will make in-service Firearms Training and Requalification mandated only for deputy sheriffs and detention officers. Language, if left alone, would require all Justice Officers (which would include telecommunicators) to qualify annually.

**Comment Procedures:** Please contact the agency contact person with any questions or comments concerning this information. Barbara D. Moore, (919) 716-6460

**Fiscal Note:** Rule 12 NCAC 10B .0401 does affect the expenditures and revenues of state and local government funds. 12 NCAC 10B .1302 - .1304 do affect expenditures and revenues of state government funds only. 12 NCAC 10B .0304 does affect the expenditures and revenues of local government funds. 12 NCAC 10B .0103, .0402 - .0403, .0406 - .0409, .0701 - .0702, .1301, .2002, .2101 - .2102, and .2104 - .2105 do not affect the expenditures and revenues of state and local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

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

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

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

#### .0103 DEFINITIONS

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:

- (1) "Appointment" as it applies to a deputy sheriff means the date the deputy's oath of office is ~~administered~~, administered; and as it applies to a detention officer means either the date the detention officer's oath of office was administered, if applicable, or the detention officer's actual date of employment as reported on the Report of Appointment (Form F-4) by the employing agency, whichever is ~~earlier~~, earlier; and as it applies to a telecommunicator, the telecommunicator's actual date of employment as reported on the Report of Appointment (Form F-4).

- (2) "Convicted" or "Conviction" means and includes, for purposes of this Chapter, the entry of:
  - (a) a plea of guilty;
  - (b) a verdict or finding of guilt by a jury, judge, magistrate, or other duly constituted, established, and recognized adjudicating body, tribunal, or official, either civilian or military; or
  - (c) a plea of no contest, nolo contendere, or the equivalent.
- (3) "Department Head" means the chief administrator of any criminal justice ~~agency~~ agency or communications center. Department head includes the sheriff or a designee ~~formally~~ appointed in writing by the Department head.
- (4) "Director" means the Director of the Sheriffs' Standards Division of the North Carolina Department of Justice.
- (5) "Division" means the Sheriffs' Standards Division.
- (6) "High School" means a school accredited as a high school by:
  - (a) the Department or Board of Education of the state in which the high school is located; or
  - (b) the regional accrediting body; or
  - (c) the state university of the state in which the high school is located.
- (7) "Enrolled" means that an individual is currently actively participating in an on-going formal presentation of a commission-accredited basic training course which has not been concluded on the day probationary certification expires.
- (8) "Essential Job Functions" means those tasks deemed by the agency head to be necessary for the proper performance of a justice officer.
- (9) "Lateral Transfer" means certification of a justice officer when the applicant for certification has previously held general or grandfather certification as a justice officer or a criminal justice officer as defined in G.S. 17C-2(c), excluding state correctional officers, state probation/parole officers, and state youth services officers, provided the applicant has been separated from a sworn law enforcement position for no more than one year, or has had no break in service.
- (10) "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 or criminal statute of this state which is not classified as a Class B Misdemeanor pursuant to Sub-item (10)(b) of this Rule. Class A Misdemeanor also includes any act committed or omitted in violation of any

common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of not more than six months. Specifically excluded from this grouping of "Class A Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as misdemeanors under the laws of other jurisdictions, or duly enacted ordinances of an authorized governmental entity with the exception of the offense of driving while impaired which is expressly included herein as a class A misdemeanor, if the offender could have been sentenced for a term of not more than six months. Also specifically included herein as a Class A Misdemeanor is the offense of driving while impaired, if the offender 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)]. Class "A" Misdemeanor shall also include acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance or criminal statute, of this state for which the maximum punishment allowable for the designated offense included imprisonment for a term of not more than six months.

- (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 which is classified as a Class B Misdemeanor as set forth in the "Class B Misdemeanor Manual" as published by the North Carolina Department of Justice and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of the publication may be obtained from the North Carolina Department of Justice, Post Office Box 629, Raleigh, North Carolina 27602. There is no cost per manual at the time of adoption of this Rule. Class B Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, or criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the



designated offense under the laws, statutes, or ordinances of 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 for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as being misdemeanors under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor does expressly include, either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six months but not more than two years, and driving while license permanently revoked or permanently suspended. "Class B Misdemeanor" shall also include acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance, or criminal statute, of this state for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years. Specifically excluded from the grouping of "Class B misdemeanors" committed or omitted in North Carolina prior to October 1, 1994 are motor vehicle or traffic offenses designated as being misdemeanors under Chapter 20 (motor vehicles) of the General Statutes of North Carolina, with the following exceptions: "Class B misdemeanors" committed or omitted in North Carolina prior to October 1, 1994 expressly include, either first or subsequent offenses of G.S. 20-138(a) or (b), G.S. 20-166 (duty to stop in the event of an accident), 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].

- (11) "Felony" means any offense designated a felony by the laws, statutes, or ordinances of the jurisdiction in which the offense occurred.
- (12) "Dual Certification" means that a justice officer holds probationary, general, or grandfather certification in two or more of the following positions with the same agency: as both a deputy sheriff and sheriff, a detention officer or telecommunicator with the same employing agency:
  - (a) deputy sheriff;

- (b) detention officer;
- (c) telecommunicator.

- (13) "Detention Officer" means any person performing responsibilities, either on a full-time, part-time, permanent or temporary basis, which include but are not limited to the control, care, and supervision of any inmates incarcerated in a county jail or other confinement facility under the direct supervision and management of the sheriff. "Detention Officer" shall also mean the administrator and the other custodial personnel of district confinement facilities as defined in G.S. 153A-219.
- (14) "Deputy Sheriff" means any person who has been duly appointed and sworn by the sheriff and who is authorized to exercise the powers of arrest in accordance with the laws of North Carolina.
- (15) "Telecommunicator" means any person performing responsibilities, either on a full-time, part-time, permanent or temporary basis, for communication functions to include but not limited to receiving calls or dispatching for emergency and law enforcement services.
- (16) "Commission" as it pertains to criminal offenses shall mean a finding by the North Carolina Sheriffs' Education and Training Standards Commission or an administrative body, pursuant to the provisions of Chapter 150B of the North Carolina General Statutes, that a person performed the acts necessary to satisfy the elements of a specified criminal offense.
- (17) "Sworn Law Enforcement Position" means a position with a criminal justice agency of the United States, any state, or a political subdivision of any state which, by law, has general power of arrest held by a person who has successfully completed the North Carolina Basic Law Enforcement Training Course.

Authority G.S. 17E-7.

## SECTION .0400 - CERTIFICATION OF DEPUTY SHERIFFS

### .0401 CERTIFICATION OF PERSONNEL

(a) Every person performing the duties of a deputy sheriff or a detention officer as defined in 12 NCAC 10B .0103 (13) and (14), except those certified pursuant to ~~12 NCAC 10B .0407~~, 12 NCAC 10B .0407; and every person performing the duties of a telecommunicator as defined in 12 NCAC 10B .0103(15) and who is under the direct supervision and control of the Sheriff, shall meet the certification requirements of this Subchapter.

(b) Every person performing the duties of a telecommunicator as defined in 12 NCAC 10B .0103(15) who is not under the direct supervision and control of the Sheriff, may be appointed to the Division by the employing entity for purposes of obtaining certification; and if so appointed, shall



meet the requirements of this Subchapter.

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

#### .0402 PROBATIONARY CERTIFICATION

All justice officers, except those transferred or reinstated pursuant to Rule .0406 shall serve a probationary certification period of one year; provided that the one year probationary period has not been extended for cause pursuant to 12 NCAC 10B .0303(c); .0503(a); or ~~.0602(a); .0602(a) or .1303(a).~~ For certification as a deputy sheriff the probationary period begins on the date the officer took the Oath of Office. For certification as a detention officer, officer or telecommunicator, the probationary period begins on the date the officer person was appointed as a detention officer appointed.

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

#### .0403 PROBATIONARY CERTIFICATION REQUIREMENT

(a) For certification as a justice officer, deputy sheriff or detention officer, a Report of Appointment ~~Deputy Sheriff/Detention Officer (Form F-4)~~ must be submitted to the Division. Report of Appointment forms must be submitted to the Division by the ~~sheriff's department~~ appointing agency no later than ten days after the deputy sheriff has taken the Oath of Office Office, or the detention officer or the telecommunicator has been appointed. The Division shall forward the justice officer's certification to the appointing agency. Department.

(b) No ~~justice officer deputy sheriff or detention officer~~ probationary certification ~~will~~ shall be issued by the Division prior to the applicant meeting the conditions set forth in this Paragraph. As an additional requirement for probationary certification, the applicant shall meet the following requirements:

- (1) If the applicant for probationary certification is authorized to carry a firearm pursuant to the provisions of 12 NCAC 10B .2104, the employing agency shall submit evidence of satisfactory completion of the employing agency's in-service firearms training and requalification program pursuant to 12 NCAC 10B .2000 and .2100; or
- (2) If the applicant for probationary certification is not authorized to carry a firearm pursuant to the provisions of 12 NCAC 10B .2104, the employing agency shall notify the Division, in writing, that the applicant is not authorized to carry a firearm.

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

#### .0406 LATERAL TRANSFER/REINSTATEMENTS

(a) An officer meeting the requirements of 12 NCAC 10B .0103(9) may laterally transfer to an agency and be certified upon compliance with this Rule.

(b) The employing agency shall verify the applicant's

certification status with the Division prior to submission of the application for certification as a justice officer.

(c) In order for an officer to be certified pursuant to this Rule, the employing agency shall submit to the Division, along with the Report of Appointment (F-4), the following documents:

- (1) fingerprint cards and criminal history records checks as specified in 12 NCAC 10B .0303;
- (2) the applicant's Medical History Statement (F-1) and Medical Examination Report (F-2) as specified in 12 NCAC 10B .0304;
- (3) evidence of a negative result on a drug screen administered according to the specifications as outlined in 12 NCAC 10B .0301(6);
- (4) a copy of the Oath of Office for applicants requesting certification as a deputy sheriff;
- (5) evidence of satisfactory completion of the employing agency's in-service firearms training and requalification program pursuant to 12 NCAC 10B .2000 and .2100;
- (6) documentary evidence of high school, college or university ~~graduation to the employing agency;~~ graduation. Documentary evidence consists of diplomas from recognized public schools or approved private high schools, colleges or universities which meet approval guidelines of the North Carolina Department of Public Instruction or a comparable out of state agency; agency. or documentary Documentary evidence of the attainment of satisfactory scores on any military high school equivalency examination will be acceptable as evidence of high school school graduation if verified by a true copy of the veteran's DD214.

(d) An officer whose certification has been suspended pursuant to 12 NCAC 10B .0204(b)(1) may have that certification reinstated provided that:

- (1) the period of suspension has been one year or less; and
- (2) the officer has successfully completed the basic training requirements as prescribed in 12 NCAC 10B .0500 or ~~.0600; .0600 or .1300.~~

(e) Requirements of Paragraph (c) of this Rule are waived for officers whose certifications are reinstated pursuant to Paragraph (d) of this Rule.

(f) All information maintained pursuant to the requirements of this Rule shall be subject to all state and federal laws governing confidentiality.

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

#### .0407 CERTIFICATION OF FORMER SHERIFF

(a) The Division shall issue a General Certification to any person as either a deputy sheriff ~~sheriff~~, or a detention officer officer, or telecommunicator 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;
- (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).

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

#### **.0408 VERIFICATION OF RECORDS TO DIVISION**

(a) Prior to the probationary 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), copies of the following documents:

- (1) verification of the applicant's compliance with the educational requirement pursuant to 12 NCAC 10B .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 notarized Personal History Statement (F-3);
- (6) a summary of the applicant's background investigation;
- (7) documentation of negative results on a drug screen pursuant to 12 NCAC 10B .0301(6);
- (8) certified copies of criminal charges and dispositions as required in 12 NCAC 10B .0305(e) and (f); and
- (9) verification of the applicant's compliance with the probationary certification requirements pursuant to ~~12 NCAC 10B .0403(b)~~ 12 NCAC 10B .0403(b), if the applicant is a deputy sheriff or a detention officer.

(b) Compliance with this Rule is waived, with the exception of the requirements of 12 NCAC 10B .0408(a)(9), for officers applying for dual certification as defined in 12 NCAC 10B .0103(12) provided that:

- (1) the officer holds a valid certification as either a deputy ~~sheriff~~ sheriff, ~~or~~ detention officer ~~officer~~, ~~or~~ telecommunicator 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.
- (c) All information maintained pursuant to the

requirements of this Rule shall be subject to all state and federal laws governing confidentiality.

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

#### **.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);
- (2) verification of the applicant's compliance with the educational requirement pursuant to 12 NCAC 10B .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 a commission-approved Firearms Requalification Record ~~Form~~ Form for deputy sheriffs and detention officers who have been authorized to carry a weapon;
- (10) documentation of negative results on drug screen pursuant to 12 NCAC 10B .0301(a)(6); and
- (11) verification of the applicant's compliance with the probationary certification requirements pursuant to 12 NCAC 10B .0403(b).

(b) Compliance with this Rule is waived, with the exception of the requirements of 12 NCAC 10B .0409(11), for officers applying for dual certification as defined in 12 NCAC 10B .0103(12) provided that:

- (1) the officer holds a valid certification as ~~either a deputy-sheriff sheriff, or~~ detention officer ~~officer~~, ~~or~~ telecommunicator 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.
- (c) All information maintained pursuant to the requirements of this Rule shall be subject to all state and federal laws governing confidentiality.

Authority G.S. 17E-4.

#### **SECTION .0700 - JUSTICE OFFICERS' SERVICE AWARD PROGRAM**



**.0701 PURPOSE**

This Section establishes the minimum standards for the schools from which justice officers sheriffs' department personnel shall receive training. These Rules ~~will~~ serve to define the areas of responsibility for the institutions and personnel associated with and responsible for the delivery of said training programs.

Authority G.S. 17E-4.

**.0702 ADMINISTRATION OF JUSTICE OFFICER SCHOOLS**

The rules covering the administration of Criminal Justice Schools and training programs or courses of instruction, codified as Title 12, Subchapter 9B, Section .0200 of the North Carolina Administrative Code, effective and previously adopted by the North Carolina Criminal Justice Education And Training Standards Commission are hereby incorporated by reference and shall automatically include any later amendments and editions of the incorporated material to apply to actions of the North Carolina Sheriffs' Education and Training Standards Commission with the exception of the Detention Officer Certification Course. Course and the Telecommunicator Certification Course. Copies of the incorporated materials may be obtained at no cost from the Criminal Justice Standards Division, North Carolina Department of Justice, Sam J. Ervin, Jr. Justice Building at 114 Edenton Street + West Morgan Street, Post Office Drawer 149, Raleigh, North Carolina 27602.

Authority G.S. 17E-4.

**SECTION .1300 - MINIMUM STANDARDS OF TRAINING FOR TELECOMMUNICATORS**

**.1301 PURPOSE**

This Section establishes the current minimum standards by which telecommunicators shall receive telecommunicator certification training.

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

**.1302 TELECOMMUNICATOR CERTIFICATION COURSE**

(a) The Commission hereby accredits as its telecommunicator certification training program, the 40-hour Telecommunicator Certification Course developed by the North Carolina Justice Academy.

(b) Instructors for the Telecommunicator Certification Course shall be certified as General Instructors by the Criminal Justice Education and Training Standards Commission. The use of guest participants in a delivery of the Telecommunicator Certification Course is permissible. However, such guest participants are subject to the direct on-site supervision of the primary instructor and must be authorized by the school director. In addition, such guest participants may only be used to complement the primary

certified instructor and shall in no way replace the primary instructor.

(c) Institutions wishing to deliver the Telecommunicator Certification Course must designate a school director for the Course.

(d) Institutions may offer to deliver the Telecommunicator Certification Course after the Commission has approved the institution's pre-delivery report documenting who will be teaching the blocks of instruction for each course offering.

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

**.1303 TIME REQ / COMPLETION / TELECOMMUNICATOR CERTIFICATION COURSE**

(a) Each telecommunicator holding temporary or probationary certification shall satisfactorily complete a commission-accredited Telecommunicator Certification Course. The telecommunicator shall complete such course within one year from the date of his/her appointment. Any telecommunicator who does not comply with this Rule or other training provisions of this Chapter shall not be authorized to exercise the powers of a telecommunicator. If, however, a telecommunicator has enrolled in a commission-accredited Telecommunicator Certification Course that concludes later than the end of the telecommunicator's probationary period, the Commission may extend the probationary period for a period not to exceed 6 months.

(b) Persons having completed a commission-accredited Telecommunicator Certification Course and not having been duly appointed and certified in a telecommunicator position as defined in 12 NCAC 10B .0103(15) within one year of completion of the Telecommunicator Certification Course shall complete a subsequent commission-accredited Telecommunicator Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as prescribed in 12 NCAC 10B .0402, unless the Director determines that a delay in applying for certification was due to an act of God or simple negligence on the part of the applicant or employing agency, in which case the Director may accept a commission-accredited Telecommunicator Certification Course which is over one year old. Such extension of the one year period shall not exceed 30 days from the expiration date of a commission-accredited Telecommunicator Certification Course.

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

**.1304 EVALUATION FOR TRAINING WAIVER**

(a) Applicants for certification with prior telecommunicating experience shall have been employed and certified in a telecommunicator position in order to be considered for training evaluation under this Rule.

(b) Persons who separated from a telecommunicator position during their probationary period after having

completed a commission-accredited Telecommunicator Certification Course and who have been separated from a telecommunicator position for one year or less shall serve the remainder of the initial probationary period, but need not complete an additional training program.

(c) Persons who separated from a telecommunicator position during their probationary period without having completed a commission-accredited Telecommunicator Certification Course, or whose certification was suspended pursuant to 12 NCAC 10B .0204(b)(1), and who have remained separated or suspended for over one year shall complete a commission-accredited Telecommunicator Certification Course in its entirety and pass the State Comprehensive Examination, and shall be allowed a 12 month probationary period as prescribed in 12 NCAC 10B .1303(a).

(d) Persons previously holding Grandfather telecommunicator certification in accordance with G.S. 17E-7(c1) who have been separated from a telecommunicator position for more than one year and who have not previously completed a commission-accredited Telecommunicator Certification Course shall be required to complete a commission-accredited Telecommunicator Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as prescribed in 12 NCAC 10B .1303(a).

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

## SECTION .2000 - IN-SERVICE TRAINING FOR JUSTICE OFFICERS

### .2002 TOPICAL AREAS

~~The following topical area(s) are hereby established as minimum topics to be included in the Justice Officers' In-Service Training Program:~~

~~(+) Firearms Training and Requalification.~~

The Firearms Training and Requalification for deputy sheriffs and detention officers shall be included in the Justice Officers' In-Service Training Program.

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

## SECTION .2100 - DEPUTY SHERIFFS' AND DETENTION OFFICERS' FIREARMS IN-SERVICE TRAINING REQUALIFICATION PROGRAM

### .2101 DEPARTMENT HEAD RESPONSIBILITIES

~~The Department head is responsible for ensuring shall ensure that the Justice Officers' deputy sheriffs' and detention officers' In-Service Firearms Training and Requalification Program is conducted according to minimum specifications as outlined in 12 NCAC 10B .2103 and .2104. In addition, the Department head:~~

- (1) shall maintain copies of each course of fire adopted for use by his department and shall make those courses available for review by the Commission's

representative upon request; and

- (2) shall maintain in each officer's personnel file a copy of a commission-approved Firearms Requalification Record Form which verifies that the officer did, or did not, successfully complete the minimum annual in-service firearms training requirement; and
- (3) may, where the officer fails to ~~successfully~~ qualify with any of the weapons specified in 12 NCAC 10B .2104 prohibit access or possession of such weapon while on duty or when acting in the discharge of that agency's official duties and may deny the officer authorization to carry such weapons concealed when off-duty, except when the officer is on his/her own premises; and
- (4) shall report to the Division once each calendar year a roster of all ~~justice officers deputy sheriffs and detention officers~~ who fail to successfully complete the annual in-service firearms training and qualification and shall certify that all justice officers required to qualify pursuant to 12 NCAC 10B .2104 who are not listed did successfully complete the training. This roster shall reflect the annual in-service firearms training and qualification status of all ~~justice officers deputy sheriffs and detention officers~~ employed by the agency as of December 31st of each calendar year and shall be received by the Division no later than the following January 15th; and
- (5) shall report to the Division not later than January 15th of each calendar year a list of those justice officers employed by the agency who are not authorized by the sheriff to carry a weapon; and
- (6) may ensure that once each year all officers receive a review of departmental policies regarding the use of force. It is recommended by the Commission that all officers be tested on departmental policies.

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

### .2102 INSTRUCTORS

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

- (1) The instructor shall hold "Specific Instructor Certification-Firearms" issued by the North Carolina Criminal Justice Education and Training Standards Commission;
- (2) The instructor shall deliver the training consistent with the minimum specifications as established by 12 NCAC 10B .2103 and .2104; and shall be present at all times during which said training is being conducted to personally provide all supervision, classroom training, range training, and scoring for certification purposes;
- (3) The instructor shall document the successful or



unsuccessful completion of training for each officer on a commission-approved Firearms Qualification Record Form and forward such form to each officer's department head;

- (4) The instructor shall submit to the agency head copies of all courses of fire used for qualification of justice officers deputy sheriffs and detention officers in compliance with 12 NCAC 10B .2101(1).

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

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

(a) All justice officers deputy sheriffs and detention officers who are authorized by the sheriff to carry a handgun shall qualify a minimum of once each year with their individual and department-approved service handgun. The course of fire shall not be less stringent than the "Basic Law Enforcement Training Course" requirements for firearms qualification.

(b) All justice officers deputy sheriffs and detention officers who are issued, or otherwise authorized by the sheriff to carry a shotgun, rifle, or automatic weapon shall be required to qualify with each weapon respectively a minimum of once each year.

(c) Qualifications conducted pursuant to Paragraphs (a) and (b) of this Rule shall be completed with duty equipment and duty ammunition or duty-type ammunition meeting the specifications of the duty ammunition as to type projectile, weight and velocity.

(d) All justice officers deputy sheriffs and detention officers who are authorized by the sheriff to carry off duty handguns shall qualify with their off duty handgun a minimum of once each year pursuant to 12 NCAC 10B .2103 and .2104(a) and (b) with each handgun the officer carries off duty using ammunition approved by the sheriff.

(e) All justice officers deputy sheriffs and detention officers who are issued or have access to any weapons not stated in this Rule must qualify with these weapons once each year using ammunition approved by the sheriff.

(f) In cases where reduced-sized targets are used to simulate actual distances, a modified course of fire may be used.

(g) To satisfy the minimum training requirements for all in-service firearms requalifications, a justice officer shall attain a minimum qualification score of 70 percent accuracy with each weapon once in three attempts with no more than three attempts on each course of fire per day.

(h) The "In-Service Firearms Qualification Manual" as published by the North Carolina Justice Academy is hereby incorporated by reference, and shall automatically include any later amendments or editions of the referenced materials to apply as a minimum guide for conducting the annual in-service firearms qualification. Copies of the publication may be obtained from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North Carolina 28385.

There is no cost per manual at the time of adoption of this Rule.

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

**.2105 FAILURE TO QUALIFY**

(a) ~~Justice officers~~ Deputy sheriffs and detention officers who fail to qualify pursuant to Rule .2104 shall immediately surrender their weapons to the sheriff, upon his request, and shall have 30 days in which to obtain the qualification score required in 12 NCAC 10B .2104.

(b) Failure to qualify within the time period allowed in 12 NCAC 10B .2105(a) ~~will~~ shall result in the summary suspension of the ~~justice officer's deputy sheriff's or detention officer's~~ certification by the Commission.

(c) No ~~justice officer deputy sheriff or detention officer~~ summarily suspended under Paragraph (b) of this Rule and in compliance with 12 NCAC 10B .0206(a)(3) may work as a certified justice officer until:

- (1) the sheriff forwards to the Commission documentary evidence verifying that the officer has complied with the requirements of 12 NCAC 10B .2103 and .2104; and
- (2) the ~~justice officer deputy sheriff or detention officer~~ and the sheriff receive from the Commission documentation that the Commission has terminated the suspension and reinstated the certification to the justice officer.

(d) Any ~~justice officer deputy sheriff or detention officer~~ previously unauthorized to carry a weapon but whose status changed to "authorized to carry a weapon," must comply with the provisions set out in 12 NCAC 10B .2103 and .2104; and may not carry a firearm until:

- (1) the sheriff forwards to the Commission documentary evidence verifying that the officer has complied with the requirements of 12 NCAC 10B .2103 and .2104; and
- (2) the ~~justice officer deputy sheriff or detention officer~~ and the sheriff receive from the Commission documentation that the Commission has amended the officer's status to "authorized to carry a weapon" and all certification files reflect the same.

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

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**TITLE 15A - DEPARTMENT OF ENVIRONMENT  
AND NATURAL RESOURCES**

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the Marine Fisheries Commission intends to amend rules cited as 15A NCAC 3J .0202; 3M .0513 with changes from the proposed text noticed in the September 2, 1997 Register, Volume 12, Issue 5, pages 418 - 426.

**Proposed Effective Date:** August 1, 1998



**Reason for Proposed Action:** *To define shrimp or crab trawling by specifying the percentage of shrimp or crabs required to be in the total catch; and to establish proclamation authority for river herring and shad to comply with fishery management plan requirements and to establish a possession limit for shad taken by hook-and-line.*

**Comment Procedures:** *Written comments may be submitted to the Marine Fisheries Commission, Attn: Juanita Gaskill, PO Box 769, Morehead City, NC 28557. Comments will be accepted through February 1, 1998. The Marine Fisheries Commission will consider this rule for adoption at a Business Meeting scheduled for February 19-20, 1998, location to be announced through a news release to the media.*

**Editor's Note:** *An agency may not adopt a rule that differs substantially from the text of a proposed rule published in the Register, unless the agency publishes the text of the proposed different rule and accepts comments on the new text.*

**Fiscal Note:** *These Rules do not affect the expenditures or revenues of local government or state funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.*

### CHAPTER 3 - MARINE FISHERIES

#### SUBCHAPTER 3J - NETS, POTS, DREDGES, AND OTHER FISHING DEVICES

#### SECTION .0200 - NET RULES, SPECIFIC AREAS

##### .0202 ATLANTIC OCEAN

In the Atlantic Ocean:

- (1) It is unlawful to use nets from June 15 through August 15 in the waters of Masonboro Inlet or in the ocean within 300 yards of the beach between Masonboro Inlet and a line running 138° through the water tank on the northern end of Wrightsville Beach, a distance parallel with the beach of 4,400 yards.
- (2) It is unlawful to use trawls within one-half mile of the beach between the Virginia line and Oregon Inlet.
- (3) It is unlawful to use a trawl with a mesh length less than four inches in the main body, three inches in the extension, and one and three-fourths inches in the cod end or tail bag inshore of a line beginning at a point 34° 41' 18" N - 76° 40' 08" W on the western side of Beaufort Inlet Channel (the present location of buoy "11" QK F1); thence westward parallel to and one-half mile from the ocean back to a point 34° 40' 32" N - 76° 53' 45" W off Salter Path.
- (4) It is unlawful to use trawl nets, including flynets, southwest of the 9960-Y chain 40250 LORAN C line (running offshore in a southeasterly direction)

from Cape Hatteras to the North Carolina/South Carolina line except:

- (a) Shrimp trawls as defined in 15A NCAC 3L .0103;
  - (b) Crab trawls as defined in 15A NCAC 3L .0202; or
  - (c) Flounder trawls as defined in 15A NCAC 3M .0503.
- (5) It is unlawful to possess finfish (including pursuant to 15A NCAC 3M .0102) incidental to shrimp or crab trawl operations from December 1 through March 31 unless the weight of the combined catch of shrimp and crabs exceeds the weight of finfish; provided, however, it is lawful to possess an additional 300 pounds of kingfish (Menticirrhus, sp.) taken south of Bogue Inlet.
  - (6) (5) It is unlawful to use unattended gill nets or block or stop nets in the Atlantic Ocean within 300 yards of the beach from Beaufort Inlet to the South Carolina line from sunset Friday to sunrise Monday from Memorial Day through Labor Day.
  - (7) (6) It is unlawful to use gill nets in the Atlantic Ocean with a mesh length greater than seven inches from April 15 through December 15.
  - (8) It is unlawful to use shrimp trawls in all waters west of a line beginning at the southeastern tip of Baldhead Island 33° 50' 29" N - 77° 57' 28" W running 173° (M) to a point in the Atlantic Ocean 33° 46' 16" N - 77° 56' 24" W from one hour after sunset to one hour before sunrise.

Authority G.S. 113-134; 113-182; 143B-289.4.

#### SUBCHAPTER 3M - FINFISH

#### SECTION .0500 - OTHER FINFISH

##### .0513 RIVER HERRING AND SHAD

(a) Until the adoption of a fishery management plan for river herring (Blueback Herring, Alewife) or shad (American Shad, Hickory Shad) by the North Carolina Marine Fisheries Commission, it is unlawful to take blueback herring, alewife, American shad and hickory shad by any method from April 15 through January 1.

(b) Upon adoption of and in order to comply with the management requirements incorporated in the Fishery Management Plan(s) for River Herring (Blueback Herring, Alewife) or Shad (American Shad, Hickory Shad) developed by the North Carolina Marine Fisheries Commission, the Fisheries Director may, by proclamation, take any or all of the following actions in the blueback herring, alewife, American shad and hickory shad fisheries:

- (1) Specify size;
- (2) Specify season;
- (3) Specify area;
- (4) Specify quantity;
- (5) Specify means/methods; and

(6) Require submission of statistical and biological data.

(c) It is unlawful to possess more than 10 American shad or hickory shad, in the aggregate, per person per day taken by hook-and-line.

Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.

\*\*\*\*\*

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Wildlife Resources Commission intends to amend rules cited as 15A NCAC 10B .0111, .0113, .0202 - .0203, .0209, .0216. Notice of Rule-making Proceedings was published in the Register on September 15, 1997.

**Proposed Effective Date:** July 1, 1998

**Public Hearings** will be conducted on the following dates and locations:

7:00 p.m.  
January 20, 1998  
Jackson County  
Community College  
Sylva, NC

7:00 p.m.  
January 21, 1998  
Morganton Civic Center  
Auditorium  
Morganton, NC

7:00 p.m.  
January 22, 1998  
Starmount High School  
Boonville, NC

7:00 p.m.  
January 26, 1998  
Courthouse  
Elizabethtown, NC

7:00 p.m.  
January 27, 1998  
Courthouse  
Graham, NC

7:00 p.m.  
January 28, 1998  
North Stanly High School  
Albemarle, NC

7:00 p.m.  
February 2, 1998  
Swain Auditorium  
Edenton, NC

7:00 p.m.  
February 3, 1998  
Courthouse  
New Bern, NC

7:00 p.m.  
February 4, 1998  
Courthouse  
Nashville, NC

**Reason for Proposed Action:** Set/Amend hunting and trapping regulations necessary to manage and preserve the resource.

**Comment Procedures:** Interested persons may present their views either orally or in writing at the hearing. In addition, the record of hearing will be open for receipt of written comments from December 15, 1997 to February 11, 1998. Such written comments must be delivered or mailed to the NC Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.

**Fiscal Note:** These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

## CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

### SUBCHAPTER 10B - HUNTING AND TRAPPING

#### SECTION .0100 - GENERAL REGULATIONS

##### .0111 RESTRICTIONS ON RACCOON AND OPOSSUM HUNTING

(a) Axes or saws may not be carried when raccoon or opossum hunting.

(b) ~~Except in Richmond County, raccoon may not be shot during daylight hours west of US 1.~~

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

##### .0113 BIG GAME KILL REPORTS

The carcass of each bear, wild turkey, and deer (except antlerless deer harvested on areas in the Deer Management Assistance Program as described in G.S. 113-291.2(e)) shall be tagged at the site of the kill with the appropriate big game tag which has been validated by cutting out the month and day of the kill.

All harvested bear, deer, wild turkey, and wild boar must be registered at a Wildlife Cooperator Agent ~~wildlife cooperator agent~~ or reported through the toll free Big Game Telephone Reporting System, before they are skinned or dressed or dismembered for consumption except in those cases where the kill occurs in a remote area which prevents



the animal from being transported as an entire carcass. In these cases, the carcass may be tagged, skinned, quartered, and transported to the Wildlife Cooperator Agent ~~wildlife cooperator agent~~ for reporting or reported within 24 hours through the Big Game Telephone Reporting System. A Wildlife Cooperator Agent ~~wildlife cooperator agent~~ located within the immediate area of open season will supply an authorization number a big game kill report card in duplicate or an authorization number may be obtained through the Big Game Telephone Reporting System. ~~The report card shall be completed to show the information called for thereon.~~ The tag shall be affixed to the carcass at a location and in such manner as to be visible upon inspection from the outside, and it is unlawful to affix the tag at any location or in any manner so as to conceal it from visibility upon ordinary inspection. It is unlawful to remove the tag from the carcass prior to the kill being properly reported either through a Wildlife Cooperator Agent ~~completion of the report card~~ or through the Big Game Telephone Reporting System or at any time thereafter until the carcass is finally skinned or dressed for consumption. The authorization number given through the Big Game Telephone Reporting System or a Wildlife Cooperator Agent ~~the duplicate copy of the big game kill report card~~ must be recorded on the appropriate line of the hunter's big game registration tab adjacent to the big game tags retained by the hunter and shall thereafter constitute his permit to continue in possession of the carcass. Otherwise, the continued possession of the bear, wild turkey, deer or wild boar shall be unlawful.

Persons who are by law exempt from the big game hunting license are not required to tag the carcass but shall report each kill as above required, and, in lieu of the ~~tag, tag and registration tab, the hunter shall record the authorization number and retain it to thereafter constitute his permit to continue in possession of the carcass.~~ ~~The the word "exempt" together with the reason therefor (parent's license, landowner, agricultural lessee) shall be written on the hunters's record and the registration form at the Wildlife Cooperator Agent.~~ original of the big game kill report card.

Any big game tag which has been detached from the backing or tag card issued with the big game license prior to the killing and tagging of the big game animal may be seized by a wildlife enforcement officer, if there is evidence of prior use.

Authority G.S. 113-134; 113-270.3; 113-276.1.

## SECTION .0200 - HUNTING

### .0202 BEAR

(a) Open Seasons shall be from the:

- (1) Monday on or nearest October 15 to the Saturday before Thanksgiving and the third Monday after Thanksgiving to January 1 in and west of the boundary formed by NC 16 from the Virginia State line to Wilkesboro and NC 18 from Wilkesboro to the South Carolina State line.

- (2) Second Monday in November to the following Saturday and the third Monday after Thanksgiving to the following Wednesday in all of Beaufort, Camden, Craven, Dare, Gates, Hyde, Jones, Northampton, Pamlico, Pasquotank, Tyrrell, and Washington counties; and in the following parts of counties:

Bertie: that part southeast of US 17.

Chowan: that part north of a line formed by SR 1002, SR 1222 and SR 1221.

~~Craven: except Game Lands.~~

Currituck: except Knotts Island and the Outer Banks.

Hertford: that part east of NC 45.

Martin: that part east of US 17.

~~Jones: except Game Lands.~~

- (3) Second Monday in November to January 1 in all of Bladen, Carteret, Duplin, New Hanover, Onslow and Pender counties; and in the following parts of counties:

Cumberland: that part south of NC 24 and east of the Cape Fear River.

Sampson: that part south of NC 24.

- (4) Second Monday in December to January 1 in Brunswick and Columbus counties.

(b) No Open Season. There is no open season in any area not included in Paragraph (a) of this Rule or in those parts of counties included in the following posted bear sanctuaries:

Avery, Burke and Caldwell counties--Daniel Boone bear sanctuary

Beaufort, Bertie and Washington counties--Bachelor Bay bear sanctuary

Beaufort and Pamlico counties--Gum Swamp bear sanctuary

Bladen County--Suggs Mill Pond bear sanctuary

Brunswick County--Green Swamp bear sanctuary

Buncombe, Haywood, Henderson and Transylvania counties--Pisgah bear sanctuary

Carteret, Craven and Jones counties--Croatan bear sanctuary

Clay County--Fires Creek bear sanctuary

Columbus County -- Columbus County bear sanctuary

Currituck County--North River bear sanctuary

Dare County--Bombing Range bear sanctuary

Haywood County--Harmon Den bear sanctuary

Haywood County--Sherwood bear sanctuary

Hyde County--Gull Rock bear sanctuary

Hyde County--Pungo River bear sanctuary

Jackson County--Panthertown-Bonas Defeat bear sanctuary

Jones and Onslow counties--Hofmann bear sanctuary

Macon County--Standing Indian bear sanctuary

Macon County--Wayah bear sanctuary

Madison County--Rich Mountain bear sanctuary

McDowell and Yancey counties--Mt. Mitchell bear

sanctuary

Mitchell and Yancey counties--Flat Top bear sanctuary

Wilkes County--Thurmond Chatham bear sanctuary

(c) Bag limits shall be:

- (1) daily, one;
- (2) possession, one;
- (3) season, one.

(d) Kill Reports. The carcass of each bear shall be tagged and the kill reported as provided by 15A NCAC 10B .0113.

Authority G.S. 113-134; 113-291.2; 113-291.7; 113-305.

## .0203 DEER (WHITE-TAILED)

(a) Closed Season. All counties and parts of counties not listed under the open seasons in Paragraph (b) in this Rule shall be closed to deer hunting.

(b) Open Seasons (All Lawful Weapons)

- (1) Deer With Visible Antlers. Deer with antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by skin or velvet, may be taken during the following seasons:

(A) Monday on or nearest October 15 through January 1 in all of Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus\*, Craven, Currituck, Dare, Duplin, Edgecombe, Franklin, Gates, Greene, Halifax, Hertford, Hoke, Hyde, Johnston, Jones, Lenoir, Martin, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Richmond\*\*, Robeson, Sampson, Scotland\*\*, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson counties, and the following parts of counties:

Cumberland: ~~That part south of NC 24 or east of I-95; All of the county except that part east of US 401, north of NC 24, and west of I-95;~~

Harnett: That part west of NC 87;

Moore\*\*: All of the county except that part north of NC 211 and west of US 1;

\*Unlawful to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline.

\*\*See 15A NCAC 10D .0003(f)(52)(B) for seasons on Sandhills Game Land.

(B) Monday of Thanksgiving week through the third Saturday after Thanksgiving Day in all of Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davie, Forsyth, Gaston, Graham, Haywood, Henderson, Iredell, Jackson, Lincoln, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Stokes, Surry, Swain, Transylvania, Watauga, Wilkes, and Yadkin, and Yancey

counties.

~~(C) Monday of Thanksgiving week through the third Saturday after Thanksgiving Day in all of Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey counties.~~

~~(C)~~ ~~(D)~~ Monday before Thanksgiving week through January 1 in all of Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg, Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union counties, and in the following parts of counties:

Cumberland: That part east of US 401, north of NC 24 and west of I-95;

Harnett: That part east of NC 87;

Moore: That part north of NC 211 and west of US 1;

~~(D)~~ ~~(E)~~ Monday on or nearest September 10 through January 1 in those parts of Camden, Gates and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge, in those parts of Hyde, Tyrrell and Washington counties known as the Pocosin Lakes National Wildlife Refuge, in those parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge, and in that part of Currituck County known as the Mackay Island National Wildlife Refuge.

(2) Deer of Either Sex. Except on Game Lands, deer of either sex may be taken during the open seasons and in the counties and portions of counties listed in this Subparagraph (See 10D.0003 for either sex seasons on Game Lands):

(A) The open either-sex deer hunting dates established by the U.S. Fish and Wildlife Service during the period from the Monday on or nearest September 10 through January 1 in those parts of Camden, Gates and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge, in those parts of Hyde, Tyrrell and Washington counties known as the Pocosin Lakes National Wildlife Refuge, in those parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge, and in that part of Currituck County known as the Mackay Island National Wildlife Refuge. ~~Refuge and from the first Saturday in October through January 1 and those parts of Anson and Richmond counties known as Pee Dee National Wildlife Refuge.~~

(B) The open either-sex deer hunting dates



established by the appropriate military commands during the period from Monday on or nearest October 15 through January 1 in that part of Brunswick County known as the Sunny Point Military Ocean Terminal, in that part of Craven County known and marked as Cherry Point Marine Base, in that part of Onslow County known and marked as the Camp Lejeune Marine Base, on Fort Bragg Military Reservation, and on Camp Mackall Military Reservation.

- (C) Second Saturday in October for youth either sex deer hunting by permit only on a portion of Belews Creek Steam Station in Stokes County designated by agents of the Commission.
- (D) The last open day of the Deer with Visible Antlers season described in Subparagraph (b)(1) of this Rule in all of Buncombe, Haywood, Henderson, Madison, Mitchell, Polk, Transylvania, and Yancey counties and the following parts of counties:  
Avery: That part south of the Blue Ridge Parkway.  
Robeson: That part west of I-95.  
Scotland: That part south of US 74.
- (E) The last six open days of the Deer With Visible Antlers season described in Subparagraph (b)(1) of this Rule in all of Burke, Caldwell, Catawba, Gaston, Lincoln, McDowell, and Watauga counties; and the following parts of counties:  
Camden: That part south of US 158.
- (F) The first six open days and the last six open days of the Deer with Visible Antlers season described in Subparagraph (b)(1) of this Rule in all of ~~Camden~~, Carteret, Cleveland, Greene, Harnett, Hoke, Pamlico, Pasquotank, Rutherford, Tyrrell, Wayne and Wilson counties and in the following parts of counties:  
Camden: That part north of US 158.  
~~Cabarrus: That part west of US 601.~~  
Chowan: That part north of US 17 and west of NC 32.  
Columbus: That part west of US 74, SR 1005, and SR 1125.  
Cumberland: That part west of I-95.  
Currituck: All of the county except the Outer Banks.  
Dare: except the Outer Banks north of Whalebone.  
Johnston: That part north of US 70 or west of I-95.  
Nash: That part south of US 64.  
Richmond: That part east of a line formed by US 220 from the Montgomery County

line to Rockingham and US 1 from Rockingham to the South Carolina line.

Robeson: That part east of I-95.

~~Rowan: That part west of US 601.~~

Scotland: That part north of US 74.

- (G) All the open days of the Deer With Visible Antlers season described in Subparagraph (b)(1) of this Rule in all of Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Cabarrus, Caswell, Chatham, Craven, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gates, Granville, Guilford, Halifax, Hertford, Hyde, Iredell, Jones, Lee, Lenoir, Martin, Mecklenburg, Montgomery, Moore, New Hanover, Northampton, Onslow, Orange, Pender, Perquimans, Person, Pitt, Randolph, Rockingham, Rowan, Sampson, Stanly, Stokes, Surry, Union, Vance, Wake, Warren, Washington, Wilkes and Yadkin counties, and in the following parts of counties:

Buncombe: that part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of SR 3503, NC 146 and SR 3501.

~~Cabarrus: that part east of US 601.~~

Chowan: That part south of US 17 or east of NC 32.

Columbus: That part east of a line formed by US 74, SR 1005, and SR 1125.

Cumberland: that part east of I-95.

Dare: That part of the Outer Banks north of Whalebone.

Johnston: That part south of US 70 and east of I-95.

Nash: That part north of US 64.

~~New Hanover: That part north of US 74.~~

Richmond: That part west of a line formed by US 220 from the Montgomery County line to Rockingham and US 1 from Rockingham to the South Carolina Line.

~~Rowan: That part east of US 601.~~

(c) Open Seasons (Bow and Arrow)

- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule, deer of either sex may be taken with bow and arrow during the following seasons:

- (A) Monday on or nearest September 10 to the fourth Saturday thereafter in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (A) of Subparagraph (b)(1) of this Rule, except on the Sandhills Game Land and the area known as the Outer Banks in Currituck



County.

- (B) Monday on or nearest September 10 to the second Saturday before Thanksgiving in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (B) of Subparagraph (b)(1) of this Rule.

~~(C) Monday on or nearest September 10 to the fourth Saturday thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (C) of Subparagraph (b)(1) of this Rule.~~

- (C) ~~(D)~~ Monday on or nearest September 10 to the third Saturday before Thanksgiving in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part ~~(D)~~ (C) of Subparagraph (b)(1) of this Rule, and on Sandhills Game Land.

(2) Restrictions

- (A) Dogs may not be used for hunting deer during the bow and arrow season.
- (B) It is unlawful to carry any type of firearm while hunting with a bow during the bow and arrow deer hunting season.
- (C) Only bows and arrows of the types authorized in 15A NCAC 10B .0116 for taking deer may be used during the bow and arrow deer hunting season.

(d) Open Seasons (Muzzle-Loading Rifles and Shotguns)

- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be taken only with muzzle-loading firearms (except that bow and arrow may be used on designated and posted game land Archery Zones) during the following seasons:

- (A) Monday on or nearest October 8 to the following Saturday in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by ~~Items Item~~ (A) and ~~(C)~~ of Subparagraph (b)(1) of this Rule, except on Sandhills Game Land and the area known as the Outer Banks in Currituck County.
- (B) Monday to Saturday of the week preceding Thanksgiving week in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Item (B) of Subparagraph (b)(1) of this Rule.
- (C) Monday to Saturday of the second week before Thanksgiving week in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part ~~(D)~~ (C) of Subparagraph (b)(1) of this Rule, and on Sandhills Game Land.

(2) Restrictions

- (A) Deer of either sex may be taken during muzzle-loading firearms season in and east of the following counties: Rutherford, McDowell, Burke, Caldwell, Wilkes, and Ashe. Deer of either sex may be taken on the last day of muzzle-loading firearms season in all other counties.
- (B) Dogs shall not be used for hunting deer during the muzzle-loading firearms seasons.
- (C) Pistols shall not be carried while hunting deer during the muzzle-loading firearms seasons.

(e) The daily bag limit shall be two and the possession limit six, two of which shall be antlerless. The season limit shall be six, two of which shall be antlerless. Antlerless deer include males with knobs or buttons covered by skin or velvet as distinguished from spikes protruding through the skin. The antlerless bag limits described above do not apply to antlerless deer harvested in areas covered in the Deer Management Assistance Program as described in G.S. 113-291.2(e). Individual daily antlerless bag limits on these areas shall be determined by the number of special tags, issued by the Division of Wildlife Management as authorized by the Executive Director, that shall be in the possession of the hunter. Season antlerless bag limits shall be set by the number of tags available. All antlerless deer harvested on these areas, regardless of the date of harvest, shall be tagged with these special tags but do not have to be tagged with Big Game Tags provided with the hunting license.

(f) Kill Reports. The carcass of each deer shall be tagged and the kill reported as provided by 15A NCAC 10B .0113.

Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2.

**.0209 WILD TURKEY (BEARDED TURKEYS ONLY)**

(a) Open Season shall be from the: Second Saturday in April to Saturday of the fourth week thereafter on bearded turkeys in the following counties: Alamance, Alexander, Alleghany, Ashe, Avery, \*\*Bladen, Buncombe, Burke, Caldwell, Caswell, Catawba, \*\*Chatham, Cherokee, Clay, Cleveland, Davie, \*\*Durham, Edgecombe, Forsyth, Gates, Graham, \*\*Granville, Halifax, Harnett, Haywood, Henderson, Hertford, Jackson, Jones, Lee, Lincoln, Macon, Madison, McDowell, Mitchell, Montgomery, Northampton, Onslow, Orange, \*\*Orange Person, Polk, \*\*Richmond, Rockingham, Rutherford, \*\*Scotland, Stokes, Surry, Swain, Transylvania, Vance, Warren, Watauga, Wilkes, Yadkin, Yancey and in the following portions of counties:

Alamance: All of the county except that part south of I-85 and west of NC 87.

Anson: That part east of US 52 and north of US 74 and that part east of NC 145 and south of US 74.

Beaufort: That part south of the Pamlico River and east of US 17.

~~\*\*Bertie: That part west of a line formed by NC 45 from the Hertford County line to Colerain, NC 42 to Powellsville, US 13 to US 17 South, US 17 South to SR 1500, SR 1500 to NC 308, and NC 308 to the Washington County line. All of the county except that part south of NC 42, west of NC 45, north of NC 308, and east of US 13.~~

~~\*\*Bladen: All of the county except that part east of NC 53 and north of US 701 and that part west of NC 87 and SR 1730.~~

~~Brunswick: That part north of US 74-76 or east of NC 133. That part west of NC 211 and that part east of NC 87.~~

~~Cabarrus: That part south of I-85, east of US 601 Business, and north of NC 49.~~

~~Carteret: That part west of US 70 and north of NC 24.~~

~~Chatham: That part north of US 64 and west of SR 1008.~~

~~Chowan: That part south of US-17.~~

~~Cleveland: That part west of NC 18.~~

~~Columbus: That part north of NC 87. 87 and that part east of NC 905 and south of NC 130.~~

~~Craven: That part east of US 17, south of the Neuse River and west of Clubfoot Creek and the Harlowe Canal; and that part north of the Neuse River, south of a line formed by US 17 and US 17 Business, and east of a line formed by SR 1440 and SR 1441. All of the county except that part west of US 17 and north of NC 118.~~

~~Cumberland: That part west of NC 53 or I-95.~~

~~Davidson: That part south of I-85~~

~~Durham: That part west of US 501.~~

~~Franklin: All of the county except that part north of the Tar River and west of US 401.~~

~~Granville: All of the county except that part west of a line formed by SR 1126 from the county line to the intersection of SR 1004 then west on SR 1004 to the intersection of SR 1112 then east on SR 1112 to NC 56 then east on NC 56 to I-85 then south on I-85 to the county line.~~

~~\*\*Halifax: Starting at the Northampton County line, that part east and north of a line formed by I-95, NC 903 and US 301.~~

~~Hoke: That part south and west of NC 211. 211. and that part known as Fort Bragg.~~

~~Hyde: Starting at the Tyrrell County line, that part west of a line formed by NC 94, US 264 West, SR 1124 to Judges Quarter then Quarter Canal to Juniper Bay.~~

~~Iredell: That part north of US 70.~~

~~Johnston: That part south of US 70 and I-95 and east of US 701. east of I-95.~~

~~Jones: Starting at the Craven County line, that part south of a line formed by US 17, SR 1002, and SR 1306.~~

~~\*\*Martin: That part north of a boundary formed~~

~~by US 64 from the Washington County line to Williamston, north of NC 125 from Williamston to the junction with NC 142, and north of NC 142 to the Edgecombe County line. All of the county except that part west of US 17 and south of US 64.~~

~~\*\*Moore: That part south of NC 211. 211 and that part known as Fort Bragg.~~

~~Nash: All of the county except that part east of NC 581 and south of US 64.~~

~~New Hanover: Starting at the Brunswick County line, that part north and west of a line formed by NC-133 and SR 1002.~~

~~Northampton: That part south of a boundary formed by US 158 from the Halifax County line to Jackson, NC 305 from Jackson to Rich Square, US 258 from Rich Square to NC 308, and NC 308 to the Bertie County line and that part south of NC 186, east of SR 1341, and north of SR 1333 and SR 1351.~~

~~Pamlico: That part west of NC 306.~~

~~\*\*Pender: Starting at the Sampson County line, that part south and west of a line formed by US 421, NC 210, and US-17 South; and starting at the Onslow county line, that part south of NC 53, east of the Northeast Cape Fear River, and north of the northern boundary of Holly Shelter Game Land and US 17. All of the county except that part west of I-40 north of NC 53, and east of US 421.~~

~~Perquimans: Starting at the Pasquotank County line, that part south of a line formed by US 17, US 17 Business, and SR 1110. That part west of the Perquimans River and south of SR 1110.~~

~~Randolph: All of the county except that part that is both south of US 64 and north of NC 49.~~

~~Robeson: That part east of I-95 and north of US 74.~~

~~Rowan: That part east of US 52. southeast of I-85.~~

~~Sampson: All of the county except that part east of NC 242, south of NC 411, and west of US 701.~~

~~Union: That part south of NC 74 and west of NC 207.~~

~~\*\*Wake: That part north of I-40.~~

~~Wayne: That part south of US-70 and east of US 117. US-117 and that part south of SR 1007 and north of SR 1008.~~

~~\*\*The Sandhills Game Land in Richmond, Scotland, and Moore Counties, the Bladen Lakes State Forest Game Lands in Bladen County, the Northeast Cape Fear Wetlands Game Lands in Pender County, the Jordan Game Land in Chatham, Durham, Orange, and Wake Counties, the Butner-Falls of the Neuse Game Land in Durham, Granville, and Wake Counties, and the Roanoke River Wetlands in Bertie, Halifax, and Martin Counties are closed to turkey hunting except by holders of special permits authorizing turkey hunting as provided in G.S. 113-264(d).~~



(b) Bag Limits shall be:

- (1) daily, one;
- (2) possession, two;
- (3) season, two.

(c) Dogs Prohibited. It is unlawful to use dogs for hunting turkeys.

(d) Kill Reports. The carcass of each wild turkey shall be tagged and the kill reported as provided by 15A NCAC 10B .0113.

Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.2.

## .0216 FALCONRY

(a) Seasons. Except as provided in Paragraph (d) and (e) of this Rule, the open seasons for the practice of falconry as permitted by the regulations contained in 15A NCAC 10H .0800 shall coincide with the regular open seasons contained in this Section for squirrels, rabbits, quail, ruffed grouse and pheasant, and with the open seasons set forth in the Code of Federal Regulations for migratory game birds in this state.

(b) Bag Limits. The daily bag, possession and season limits set forth in this Section for squirrels, rabbits, quail, ruffed grouse and pheasant and the daily bag, field possession, and total possession limits set forth in the Code of Federal Regulations for migratory game birds shall apply to falconry. falconry except of as provided in Paragraph (e) of this Rule.

(c) Out of Season Kills. When any raptor being used in falconry kills any species of wildlife for which there is no open season or a species of game on which the season is then closed, the falconer or person using such raptor shall not take such dead wildlife into his possession but shall leave the same where it lies, provided that the said raptor may be allowed to feed on such dead wildlife before leaving the site of the kill. If the species so killed is a resident species of game on which there is a season limit, the kill shall be included as part of the season limit of the person using the raptor for falconry.

(d) Hunting After Limit Taken

- (1) When any falconer shall have taken a daily bag limit of any species of wildlife named or included in Paragraph (a) of this Rule, regardless of the manner of such taking, such falconer shall not release any raptor during the remainder of the day.
- (2) When any falconer shall have in his actual or constructive possession a possession limit of any species of wildlife named or included in Paragraph (a) of this Rule, regardless of the manner in which such limit was taken, such falconer shall not thereafter release any raptor for falconry purposes until the number of such species in his possession shall be reduced to a number below such possession limit.
- (3) When any falconer shall have taken a season limit of any species of wildlife named in Paragraph (a) of this Rule, regardless of the manner in which such limit was taken, such falconer shall not during the remainder of the applicable falconry season release

any raptor for falconry purposes.

(e) Extended Seasons. An extended falconry season on gray and red squirrels and rabbits shall be October 13 - February 28. Bag limits for those portions of the season outside the regular seasons shall be 4 squirrels daily, Possession 8; and 3 rabbits daily, Possession 6.

Authority G.S. 113-134; 113-270.3(b)(5); 50 C.F.R. 21.28; 50 C.F.R. 21.29.

\*\*\*\*\*

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Wildlife Resources Commission intends to amend rules cited as 15A NCAC 10C .0107, .0203, .0205, .0212, .0304 - .0305, .0401 - .0402, .0404, .0407. Notice of Rule-making Proceedings was published in the Register on September 15, 1997.

Proposed Effective Date: July 1, 1998

Public Hearings will be conducted on the following dates and locations:

7:00 p.m.  
January 20, 1998  
Jackson County  
Community College  
Sylva, NC

7:00 p.m.  
January 21, 1998  
Morganton Civic Center  
Auditorium  
Morganton, NC

7:00 p.m.  
January 22, 1998  
Starmount High School  
Boonville, NC

7:00 p.m.  
January 26, 1998  
Courthouse  
Elizabethtown, NC

7:00 p.m.  
January 27, 1998  
Courthouse  
Graham, NC

7:00 p.m.  
January 28, 1998  
North Stanly High School  
Albemarle, NC

7:00 p.m.  
February 2, 1998

Swain Auditorium  
Edenton, NC

7:00 p.m.  
February 3, 1998  
Courthouse  
New Bern, NC

7:00 p.m.  
February 4, 1998  
Courthouse  
Nashville, NC

**Reason for Proposed Action:** *To set/amend inland fishing regulations necessary to manage and preserve the resource.*

**Comment Procedures:** *Interested persons may present their views either orally or in writing at the hearing. In addition, the record of hearing will be open for receipt of written comments from December 15, 1997 to February 11, 1998. Such comments must be delivered or mailed to the NC Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.*

**Fiscal Note:** *These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.*

## SUBCHAPTER 10C - INLAND FISHING REGULATIONS

### SECTION .0100 - JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS

#### .0107 SPECIAL REGULATIONS: JOINT WATERS

In order to effectively manage all fisheries resources in joint waters and in order to confer enforcement powers on both fisheries enforcement officers and wildlife enforcement officers with respect to certain rules; the Marine Fisheries Commission and the Wildlife Resources Commission deem it necessary to adopt special rules for joint waters. Such rules supersede any inconsistent rules of the Marine Fisheries Commission or the Wildlife Resources Commission that would otherwise be applicable in joint waters under the provisions of 15A NCAC 10C .0106:

- (1) Striped Bass
  - (a) It shall be unlawful to possess any striped bass or striped bass hybrid taken by any means which is less than 18 inches long (total length).
  - (b) It shall be unlawful to possess more than three striped bass or their hybrids taken by hook and line in any one day from joint waters.
  - (c) It shall be unlawful to engage in net fishing

for striped bass or their hybrids in joint waters except as authorized by duly adopted regulations of the Marine Fisheries Commission.

- (d) It is unlawful to possess striped bass or striped bass hybrids in the joint waters of Albemarle, Currituck, Roanoke and Croatan Sounds and their tributaries, excluding the Roanoke River, except during seasons as authorized by duly adopted rules of the Marine Fisheries Commission.
  - (e) In the joint waters of the Roanoke River and its tributaries, including Cashie, Middle and Eastmost Rivers, striped bass and hybrid striped bass fishing season, size limits and creel limits shall be the same as those established by authorized by duly adopted rules of the Wildlife Resources Commission for adjacent inland fishing waters.
- (2) Lake Mattamuskeet
    - (a) It shall be unlawful to set or attempt to set any gill net in Lake Mattamuskeet canals designated as joint waters.
    - (b) It shall be unlawful to use or attempt to use any trawl net or seines in Lake Mattamuskeet canals designated as joint waters.
  - (3) Cape Fear River. It shall be unlawful to use or attempt to use any net or net stakes within 800 feet of the dam at Lock No. 1 on Cape Fear River.
  - (4) American and Hickory Shad
    - (a) It shall be unlawful to possess any American or hickory shad taken by hook and line except as authorized by duly adopted regulations of the Wildlife Resources Commission.
    - (b) It shall be unlawful to possess any American or hickory shad taken by any gear other than hook and line except as authorized by duly adopted regulations of the Marine Fisheries Commission.

Authority G.S. 113-132; 113-134; 113-138; 113-292.

### SECTION .0200 - GENERAL REGULATIONS

#### .0203 RECIPROCAL LICENSE AGREEMENTS

(a) Virginia. In accordance with a reciprocal license agreement between the States of Virginia and North Carolina, all valid licenses and permits authorizing sport fishing and legally obtained from the Virginia Commission of Game and Inland Fisheries or the North Carolina Wildlife Resources Commission, or the duly authorized agents of either, shall be reciprocally honored for fishing by means of rod and reel, hook and line, casting, or trotline in the Dan River east of the Brantly Steam Plant Dam at Danville, and east of the ~~mouth of Difficult Creek Rte. 360~~ bridge on the Staunton River arm of Kerr Reservoir to the Gaston Dam on the Roanoke River,



including all tributary waters lying in either Virginia or North Carolina which are accessible by boat from the main bodies of the Kerr and Gaston Reservoirs, or from the Island Creek subimpoundment. The Rte. 360 bridge being the first bridge crossing the Staunton River upstream of Kerr Reservoir. Senior citizen and juvenile license exemptions authorized by either state will be honored by both states. In addition, all valid fishing licenses and permits legally obtained from the Virginia Game and Fish Commission or the North Carolina Wildlife Resources Commission, or the duly authorized agents of either, shall be reciprocally honored for fishing with rod and reel, hook and line or by casting in that portion of the New River between the confluence of the North and South forks of the New River in North Carolina (Alleghany County) and the confluence of the New and Little Rivers in Virginia (Grayson County).

(b) Georgia. In accordance with a reciprocal license agreement between the States of North Carolina and Georgia, all valid statewide fishing licenses, permits and license exemptions required by and legally obtained from the North Carolina Wildlife Resources Commission or the Georgia Department of Natural Resources, or duly authorized agents of either, shall be reciprocally honored for the purposes of fishing with hook and line in all of Chatuge Reservoir including all tributary waters lying in either Georgia or North Carolina which are accessible by boat from the main body of Chatuge Reservoir. All persons fishing in the waters of Chatuge Reservoir beyond the bounds of the state from which they hold a valid fishing license, shall be authorized to fish with said license only from boats not anchored to the shore or to a pier or boat dock connecting to the shore.

(c) Tennessee. In that portion of Slick Rock Creek which coincides with the state line between North Carolina and Tennessee and in all of Calderwood Reservoir, when fishing from boat, all valid statewide fishing licenses obtained from the North Carolina Wildlife Resources Commission or the Tennessee Wildlife Resources Agency, or the duly authorized agents of either, shall be reciprocally honored for the purposes of fishing with hook and line or fishing in designated mountain trout waters, according to the tenor thereof.

Authority G.S. 113-134; 113-275; 113-304.

#### .0205 PUBLIC MOUNTAIN TROUT WATERS

(a) Designation of Public Mountain Trout Waters. The waters listed herein or in 15A NCAC 10D .0004 are designated as Public Mountain Trout Waters and further classified as Wild Trout Waters or Hatchery Supported Waters. For specific classifications, see Subparagraphs (1) and (2) through (6) of this Paragraph. These waters are posted and lists thereof are filed with the clerks of superior court of the counties in which they are located:

(1) Hatchery Supported Trout Waters. The listed waters in the counties in Subparagraphs (1)(A)-(Y) are classified as Hatchery Supported Public Mountain Trout Waters. Where specific

watercourses or impoundments are listed, indentation indicates that the watercourse or impoundment listed is tributary to the next preceding watercourse or impoundment listed and not so indented. This classification applies to the entire watercourse or impoundment listed except as otherwise indicated in parentheses following the listing. Other clarifying information may also be included parenthetically. The tributaries of listed watercourses or impoundments are not included in the classification unless specifically set out therein. Otherwise, Wild Trout regulations apply to the tributaries.

(A) Alleghany County:

New River (not trout water)

Little River (Whitehead to McCann Dam)

Crab Creek

Brush Creek (except where posted against trespass)

Big Pine Creek

Laurel Branch

Big Glade Creek

Bledsoe Creek

Pine Swamp Creek

~~Waterfalls Creek (South Fork Little River) (except where posted against trespass)~~

South Fork New River (not trout water)

Prather Creek

Cranberry Creek

Piney Fork

Meadow Fork

Yadkin River (not trout water)

Roaring River (not trout water)

East Prong Roaring River (that portion on Stone Mountain State Park) Delayed Harvest Waters regulations apply. See Subparagraph (5) of Paragraph (a) of this Rule.

(B) Ashe County:

New River (not trout waters)

North Fork New River (Watauga Co. line to Sharp Dam)

Helton Creek (Virginia State line to New River) [Delayed Harvest regulations apply. See Subparagraph (5) of Paragraph (a) of this Rule.]

Big Horse Creek (SR 1361 bridge to Tuckerdale)

Buffalo Creek (headwaters to junction of NC 194-88 and SR 1131)

Big Laurel Creek

Three Top Creek (portion not on game lands)

Hoskins Fork (Watauga County line to North Fork New River)

South Fork New River (not trout waters)

Cranberry Creek (Alleghany County line

- to South Fork New River)
- ~~Nathans Creek~~
- Peak Creek (headwaters to Trout Lake, except Blue Ridge Parkway waters)
- Trout Lake (Delayed harvest regulations apply. See Subparagraph (5) of Paragraph (a) of this Rule.)
- Roan Creek
- North Beaver Creek
- ~~South Beaver Creek (headwaters to Ashe Lake)~~
- Pine Swamp Creek (all forks)
- Old Fields Creek
- Mill Creek (except where posted against trespass)
- (C) Avery County:
  - Nolichucky River (not trout waters)
  - North Toe River (headwaters to Mitchell County line, except where posted against trespass)
  - Squirrel Creek
  - Elk River (SR 1306 crossing to Tennessee State line, including portions of tributaries on game lands)
  - Catawba River (not trout water)
  - Johns River (not trout water)
  - Wilson Creek [not Hatchery Supported trout water, see Subparagraph (2) of Paragraph (a) of this Rule]
  - Lost Cove Creek [not Hatchery Supported trout water, see Subparagraph (4) of Paragraph (a) of this Rule]
  - ~~Gragg Prong (including tributaries)~~
  - ~~Webb Prong (including tributaries)~~
  - Buck Timber Creek [not Hatchery Supported trout water, see Subparagraph (2) of Paragraph (a) of this Rule]
  - Cary Flat Branch [not Hatchery Supported trout water, see Subparagraph (2) of Paragraph (a) of this Rule]
  - Boyde Coffey Lake
  - Archie Coffey Lake
  - Linville River [Land Harbor line (below dam) to Blue Ridge Parkway boundary line, except where posted against trespass]
  - Milltimber Creek
- (D) Buncombe County:
  - French Broad River (not trout water)
  - Big Ivy Creek (Ivy River) (Dillingham Creek to US 19-23 bridge)
  - Dillingham Creek (Corner Rock Creek to Big Ivy Creek)
  - Stony Creek
  - Mineral Creek (including portions of tributaries on game lands)
  - Corner Rock Creek (including tributaries, except Walker Branch)
- Reems Creek (Sugar Camp Fork to US 19-23 bridge, except where posted against trespass)
- Swannanoa River (SR 2702 bridge near Ridgecrest to Sayles Bleachery in Asheville, except where posted against trespass)
- Bent Creek (headwaters to N.C. Arboretum boundary line, including portions of tributaries on game lands)
- Lake Powhatan
- Cane Creek (headwaters to SR 3138 bridge)
- (E) Burke County:
  - Catawba River (not trout water)
  - South Fork Catawba River (not trout water)
  - Henry Fork (lower ~~Morganton watershed~~ South Mountains State Park line downstream to SR 1919 at Ivy Creek)
  - Jacob Fork (Shinny Creek to lower South Mountain State Park boundary)
  - Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.
  - Johns River (not trout water)
  - Parks Creek (portion not on game lands not trout water)
  - Carroll Creek (game lands portion above SR 1405 including tributaries)
  - Linville River (game lands portion below the Blue Ridge Parkway including portions of tributaries on game lands and from first bridge on SR 1223 below Lake James powerhouse to Muddy Creek)
- (F) Caldwell County:
  - Catawba River (not trout water)
  - Johns River (not trout water)
  - Wilson Creek (Phillips Branch to Browns Mountain Beach dam, except where posted against trespass)
  - Estes Mill Creek (not trout water)
  - Thorps Creek (falls to NC 90 bridge)
  - Mulberry Creek (portion not on game lands not trout water)
  - Boone Fork (not Hatchery Supported trout water. See Subparagraph (2) of Paragraph (a) of this Rule)
  - Boone Fork Pond
- (G) Cherokee County:
  - Hiwassee River (not trout water)
  - Shuler Creek (headwaters to Tennessee line, except where posted against trespass including portions of tributaries on game lands)
  - North Shoal Creek (Crane Creek) (headwaters to SR 1325, including portions of tributaries on game lands)
  - Persimmon Creek
  - Davis Creek (including portions of

tributaries on game lands)

Bald Creek (including portions of tributaries on game lands)

Beaver Dam Creek (headwaters to SR 1326 bridge, including portions of tributaries on game lands)

Valley River

Hyatt Creek (including portions of tributaries on game lands)

Webb Creek (including portions of tributaries on game lands)

Junaluska Creek (Ashturn Creek to Valley River, including portions of tributaries on game lands)

(H) Clay County:

Hiwassee River (not trout water)

Fires Creek (first bridge above the lower game land line on US Forest Service road 442 to SR 1300)

Tusquitee Creek (headwaters to lower SR 1300 bridge, including portions of Bluff Branch on game lands)

Tuni Creek (including portions of tributaries on game lands)

Chatuge Lake (not trout water)

Shooting Creek (SR 1349 bridge to US 64 bridge at SR 1338)

Hothouse Branch (including portions of tributaries on gamelands)

Vineyard Creek (including portions of tributaries on game lands)

(I) Graham County:

Little Tennessee River (not trout water)

Calderwood Reservoir (Cheoah Dam to Tennessee State line)

Cheoah River (not trout water)

Yellow Creek

Santeelah Reservoir (not trout water)

West Buffalo Creek

Huffman Creek (Little Buffalo Creek)

Santeelah Creek (Johns Branch to mouth including portions of tributaries within this section located on game lands, excluding Johns Branch)

Big Snowbird Creek (old railroad junction to mouth, including portions of tributaries on game lands)

Mountain Creek (game lands boundary to SR 1138 bridge)

Long Creek (portion not on game lands)

Tulula Creek (headwaters to lower bridge on SR 1275)

Franks Creek

Cheoah Reservoir

Fontana Reservoir (not trout water)

Stecoah Creek

Sawyer Creek

Panther Creek (including portions of tributaries on game lands)

(J) Haywood County:

Pigeon River (not trout water)

Hurricane Creek (including portions of tributaries on game lands)

Cold Springs Creek (including portions of tributaries on game lands)

Jonathans Creek - lower (concrete bridge in Dellwood to Pigeon River)

Jonathans Creek - upper [SR 1302 bridge (west) to SR 1307 bridge]

Hemphill Creek

West Fork Pigeon River (~~headwaters~~ (triple arch bridge on highway NC 215 to Champion International property line, including portions of tributaries within this section located on game lands, except Middle Prong))

Richland Creek (Russ Avenue bridge to US 19A-23 bridge) Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.

(K) Henderson County:

(Rocky) Broad River (one-half mile north of Bat Cave to Rutherford County line)

Green River - upper (mouth of Bobs Creek to mouth of Rock Creek)

Green River - lower (Lake Summit Dam to Polk County line)

Camp Creek (SR 1919 to Polk County line)

(Big) Hungry River

Little Hungry River

French Broad River (not trout water)

Mills River (not trout water)

North Fork Mills River (game lands portion below the Hendersonville watershed dam). Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.

(L) Jackson County:

Tuckasegee River (confluence with West Fork Tuckasegee River to SR 1392 bridge at Wilmot) Delayed Harvest Regulations apply to that portion between NC 107 bridge at Love Field and NC 116 bridge at Webster. See Subparagraph (a)(5) of this Rule.

Scott Creek (entire stream, except where posted against trespass)

Dark Ridge Creek (Jones Creek to Scotts Creek)

Buff Creek (SR 1457 bridge below Bill Johnson's place to Scott Creek)

Savannah Creek (Headwaters to Bradley's Packing House on NC 116)



- Greens Creek (Greens Creek Baptist Church on SR 1730 to Savannah Creek)
- Cullowhee Creek (Tilley Creek to Tuckasegee River)
- Bear Creek Lake
- Wolf Creek [not Hatchery Supported trout water, see Subparagraph (2) of Paragraph (a) of this Rule]
- Wolf Creek Lake
- Balsam Lake
- Tanasee Creek [not Hatchery Supported trout water, see Subparagraph (2) of Paragraph (a) of this Rule]
- Tanasee Creek Lake
- West Fork Tuckasegee River (Shoal Creek to existing water level of Little Glenville Lake)
- Shoal Creek (Glenville Reservoir pipeline to mouth)
- (M) Macon County:
- Little Tennessee River (not trout water)
- Nantahala River (Nantahala Dam to Swain County line) Delayed Harvest Regulations apply to the portion from Whiteoak Creek to the Nantahala Power and Light powerhouse discharge canal. See Subparagraph (a)(5) of this Rule.
- Queens Creek Lake
- Burningtown Creek (including portions of tributaries on game lands)
- Cullasaja River (Sequoah Dam to US 64 bridge near junction of SR 1672, including portions of tributaries on game lands, excluding those portions of Big Buck Creek and Turtle Pond Creek on game lands. Wild trout regulations apply. See Subparagraphs (2) and (6) of Paragraph (a) of this Rule.)
- Ellijay Creek (except where posted against trespass, including portions of tributaries on game lands)
- Skitty Creek
- Cliffside Lake
- Cartoogechaye Creek (US 64 bridge to Little Tennessee River)
- Tessentee Creek (Nichols Branch to Little Tennessee River, except where posted against trespassing)
- Savannah River (not trout water)
- Big Creek (base of falls to Georgia State line, including portions of tributaries within this Section located on game lands)
- (N) Madison County:
- French Broad River (not trout water)
- Shut-In Creek (including portions of tributaries on game lands)
- Spring Creek (junction of NC 209 and NC 63 to lower US Forest Service boundary line, including portions of tributaries on game lands)
- Meadow Fork Creek
- Roaring Fork (including portions of tributaries on game lands)
- Little Creek
- Max Patch Pond
- Mill Ridge Pond
- Big Laurel Creek (Mars Hill Watershed boundary to Rice's Mill Dam)
- Shelton Laurel Creek (headwaters to NC 208 bridge)
- Big Creek (headwaters to lower game land boundary, including tributaries)
- Mill Creek
- Big Pine Creek
- Puncheon Fork (Hampton Creek to Big Laurel Creek)
- (O) McDowell County:
- Catawba River (portion not on game lands, not trout water)
- Buck Creek (portion not on game lands, not trout water)
- Little Buck Creek (game land portion including portions of tributaries on game lands)
- Curtis Creek (Newberry Creek to US 70 bridge)
- North Fork Catawba River (headwaters to ~~North Cove School, SR 1569~~ 1569 bridge)
- Armstrong Creek (Cato Holler line downstream to upper Greenlee line)
- Mill Creek (upper railroad bridge to U.S. 70 Bridge, except where posted against trespass)
- (P) Mitchell County:
- Nolichucky River (not trout water)
- Big Rock Creek (headwaters to NC 226 bridge at SR 1307 intersection)
- Little Rock Creek (Green Creek Bridge to Big Rock Creek, except where posted against trespass)
- Cane Creek (SR 1219 to Nolichucky River)
- Grassy Creek (East Fork Grassy Creek to mouth)
- East Fork Grassy Creek
- North Toe River (Avery County line to SR ~~1121, Altapass Road~~ 1121 bridge)
- (Q) Polk County:
- Broad River (not trout water)
- North Pacolet River (Pacolet Falls to NC 108 bridge)
- Fork Creek (Fork Creek Church on SR 1100 to North Pacolet River)
- Big Fall Creek (portion above and below water supply reservoir)
- Green River (Henderson County line to mouth of Brights Creek)

- Little Cove Creek (including portions of tributaries on game lands)  
Cove Creek (including portions of tributaries on game lands)  
Camp Creek [Henderson County line (top of falls) to Green River]  
Fulloms Creek (SR 1154 to Green River, including portions of tributaries on game lands)
- (R) Rutherford County:  
(Rocky) Broad River (Henderson County line to ~~head of rapids at Goose Pond Hole~~, US 64/74 bridge, except where posted against trespass)
- (S) Stokes County:  
Dan River (SR 1416 bridge downstream to a point 200 yards below the end of SR 1421)
- (T) Surry County:  
Yadkin River (not trout water)  
Ararat River (SR 1727 downstream to the Business US 52 bridge) Delayed Harvest regulations apply. See Subparagraph (5) of Paragraph (a) of this Rule.  
Stewarts Creek (not trout water)  
Pauls Creek (Virginia State line to 0.3 mile below SR 1625 bridge - lower Caudle property line)  
Fisher River (Cooper Creek) (Virginia State line to NC 89 bridge)  
Little Fisher River (Virginia State line to NC 89 bridge)
- (U) Swain County:  
Little Tennessee River (not trout water)  
Calderwood Reservoir (Cheoah Dam to Tennessee State line)  
Cheoah Reservoir  
Fontana Reservoir (not trout water)  
Alarka Creek  
Nantahala River (Macon County line to existing Fontana Reservoir water level)  
Tuckasegee River (not trout water)  
Deep Creek (Great Smoky Mountains National Park boundary line to Tuckasegee River)  
Connelly Creek (including portions of tributaries on game lands)
- (V) Transylvania County:  
French Broad River (junction of west and north forks to US 276 bridge)  
Davidson River (Avery Creek to Ecusta intake)  
East Fork French Broad River (Glady Fork to French Broad River)  
Middle Fork French Broad River  
West Fork French Broad River (SR 1312 and SR 1309 intersection to junction of west and north forks, including portions of tributaries within this section located on game lands)
- ~~Savannah River (not trout water)~~  
~~Thompson River (SR 1152 to South Carolina state line, except where posted against trespass, including portions of tributaries within this section located on game lands)~~
- (W) Watauga County:  
New River (not trout waters)  
North Fork New River (from confluence with Maine and Mine branches to Ashe County line)  
Maine Branch (headwaters to North Fork New River)  
South Fork New River (not trout water)  
Meat Camp Creek  
Norris Fork Creek  
Howards Creek (downstream from lower falls)  
Middle Fork New River (Lake Chetola Dam to South Fork New River)  
Yadkin River (not trout water)  
Stony Fork (headwaters to Wilkes County line)  
Elk Creek (headwaters to gravel pit on SR 1508, except where posted against trespass)  
Watauga River (SR 1559 at Foscoe downstream to NC 105 bridge) Delayed Harvest Regulations apply. See Subparagraph (5) of Paragraph (a) of this Rule.  
Beech Creek  
Buckeye Creek Reservoir  
Coffee Lake  
Laurel Creek  
Cove Creek (SR 1233 bridge at Zionville to SR 1233 bridge at Amantha)  
Dutch Creek (second bridge on SR 1134 to mouth)  
Boone Fork (headwaters to SR 1562)
- (X) Wilkes County:  
Yadkin River (not trout water)  
Roaring River (not trout water)  
East Prong Roaring River (Bullhead Creek to Brewer's Mill on SR 1943) (Delayed harvest regulations apply to portion on Stone Mountain State Park) See Subparagraph (5) of Paragraph (a) of this Rule.  
Stone Mountain Creek (Delayed Harvest Regulations apply. See Subparagraph (5) of Paragraph (a) of this Rule.)  
Middle Prong Roaring River (headwaters to second bridge on SR 1736)  
~~Double Creek (Harris Creek to Middle Prong Roaring River)~~  
~~Harris Creek (end of SR 1736 to Double~~

- Creek)
- Bell Branch Pond
- Boundary Line Pond
- West Prong Roaring River (not trout waters)
- Pike Creek
  - Pike Creek Pond
- Reddies River (not trout water)
  - Middle Fork Reddies River (Clear Prong) (headwaters to bridge on SR 1580)
    - South Fork Reddies River (headwaters to confluence with Middle Fork Reddies River)
    - North Fork Reddies River (Vannoy Creek) (headwaters to Union School bridge on SR 1559)
      - Darnell Creek (North Prong Reddies River) (downstream ford on SR 1569 to confluence with North Fork Reddies River)
  - Lewis Fork Creek (not trout water)
    - South Prong Lewis Fork (headwaters to Lewis Fork Baptist Church)
      - Fall Creek (except portions posted against trespass)
- (Y) Yancey County:
  - Nolichucky River (not trout water)
    - Cane River [Bee Branch (SR 1110) to Bowlens Creek]
    - Bald Mountain Creek (except portions posted against trespass)
      - Indian Creek (not trout water)
        - Price Creek (junction of SR 1120 and SR 1121 to Indian Creek)
    - North Toe River (not trout water)
    - South Toe River (Clear Creek to lower boundary line of Yancey County recreation park except where posted against trespass)
- (2) Wild Trout Waters. All waters designated as Public Mountain Trout Waters on the game lands listed in Subparagraph (b)(2) of 15A NCAC 10D .0004, are classified as Wild Trout Waters unless specifically classified otherwise in (A)(1) of this Rule. The trout waters listed in this Subparagraph are also classified as Wild Trout Waters.
  - (A) Alleghany County:
    - Big Sandy Creek (portion on Stone Mountain State Park)
    - Ramey Creek (entire stream)
    - Stone Mountain Creek (that portion on Stone Mountain State Park)
  - (B) Ashe County:
    - Big Horse Creek (Virginia State Line to SR 1361 bridge) Catch and Release/Artificial Lures Only Regulations apply. See Subparagraph (a)(3) of this Rule.
  - (C) Avery County:
    - Birchfield Creek (entire stream)
  - Cow Camp Creek (entire stream)
  - Cranberry Creek (entire stream)
  - Gragg Prong (entire stream)
  - Horse Creek (entire stream)
  - Jones Creek (entire stream)
  - Kentucky Creek (entire stream)
  - North Harper Creek (entire stream)
  - Plumtree Creek (entire stream)
  - Roaring Creek (entire stream)
  - Rockhouse Creek (entire stream)
  - South Harper Creek (entire stream)
  - Webb Prong (entire stream)
    - Wilson Creek (Catch and Release/Artificial Lures Only Regulations apply. See Subparagraph (a)(3) of this Rule.)
- (D) Buncombe County:
  - Carter Creek (game land portion) (Catch and Release/Artificial Lures only regulations apply. See Subparagraph (3) of Paragraph (a) of this Rule.)
- (E) Burke County:
  - All waters located on South Mountain State Park, except the main stream of Jacob Fork between the mouth of Shinnny Creek and the lower park boundary where delayed harvest regulations, and Henry Fork and tributaries where catch and release/artificial lures only regulations apply. See Subparagraphs (3) and (5) of Paragraph (a) of this Rule.
    - Nettle Branch (game land portion)
- (F) Caldwell County:
  - Buffalo Creek (~~headwaters to lower Dahl property line~~) (Watauga County line to Long Ridge Branch)
  - Joes Creek Joe Fork (Watauga County line to falls) first falls upstream of the end of SR 1574)
  - Rockhouse Creek (entire stream)
- (G) Graham County:
  - South Fork Squally Creek (entire stream)
  - Squally Creek (entire stream)
- (H) Jackson County:
  - Gage Creek (entire stream)
  - North Fork Scott Creek (entire stream)
  - Tanasee Creek (entire stream)
  - Whitewater River (downstream from Silver Run Creek to South Carolina State line)
  - Wolf Creek (entire stream, except Balsam Lake and Wolf Creek Lake)
- (I) Madison County:
  - Spillcorn Creek (entire stream) [Wild Trout/Natural Bait Waters regulations apply. See Subparagraph (6) of Paragraph (a) of this Rule.]
- (J) Mitchell County:
  - Green Creek (headwaters to Green Creek Bridge, except where posted against trespass)
  - Little Rock Creek (headwaters to Green Creek



Bridge, including all tributaries, except where posted against trespass)

Wiles Creek (game land boundary to mouth)

(K) Transylvania County:

Whitewater River (downstream from Silver Run Creek to South Carolina State line)

Thompson River (SR 1152 to and including Reid Branch, except where posted against trespass, including portions of tributaries within this section located on game lands)

Thompson River (downstream of Reid Branch to South Carolina state line)[Wild Trout/Natural Bait Waters regulations apply. See Subparagraph (6) of Paragraph (a) of this Rule.]

(L) Watauga County:

Boone Fork (Blue Ridge Parkway boundary line to Watauga River) [Catch and Release Fly Fishing Only regulations apply. See Subparagraph (4) of Paragraph (a) of this Rule.]

Dutch Creek (headwaters to second bridge on SR 1134)

Howards Creek (headwaters to lower falls)

Watauga River (Avery County line to SR 1559)

(M) Wilkes County:

Big Sandy Creek (portion on Stone Mountain State Park)

Garden Creek (portion on Stone Mountain State Park)

Harris Creek and tributaries [portions on Stone Mountain State Park] [Catch and Release Artificial Lures Only regulations apply. See Subparagraph (4) of Paragraph (a) of this Rule.]

Widow Creek (portion on Stone Mountain State Park)

(N) Yancey County:

Lickskillet Creek (entire stream)

Middle Creek (game land boundary to mouth)

Rock Creek (game land boundary to mouth)

South Toe River (game land boundary downstream to Clear Creek)

- (3) Catch and Release/Artificial Lures Only Trout Waters. Those portions of designated wild trout waters as listed in this Subparagraph, including tributaries except as noted, are further classified as Catch and Release/Artificial Lures Only waters. Only artificial lures having one single hook may be used. No fish may be harvested or be in possession while fishing these streams:

(A) Ashe County:

Big Horse Creek (Virginia State line to SR 1361 bridge excluding tributaries)

Three Top Creek (portion located on Three Top Mountain Game Lands)

(B) Avery County:

Wilson Creek (game land portion)

(C) Buncombe County:

Carter Creek (game land portion)

(D) Burke County:

Henry Fork (portion on South Mountains State Park)

(E) Jackson County:

Flat Creek

Tuckasegee River (upstream of Clarke property)

(F) McDowell County:

Newberry Creek (game land portion)

(G) Wilkes County:

Harris Creek (portion on Stone Mountain State Park)

(H) Yancey County:

Lower Creek

Upper Creek

- (4) Catch and Release/Artificial Flies Only Trout Waters. Those portions of designated wild trout waters as listed in this Subparagraph, including tributaries except as noted, are further classified as Catch and Release/Fly Fishing Only waters. Only artificial flies having one single hook may be used. No fish may be harvested or be in possession while fishing these streams:

(A) Avery County:

Lost Cove Creek (game land portion, excluding Gragg Prong and Rockhouse Creek)

(B) Transylvania County:

Davidson River (headwaters to Avery Creek, excluding Avery Creek, Looking Glass Creek and Grogan Creek)

(C) Watauga County:

Boone Fork (portion between Blue Ridge Parkway boundary and the Watauga River)

(D) Yancey County:

South Toe River (portion from the concrete bridge above Black Mountain Campgroup downstream to game land boundary, excluding Camp Creek and Big Lost Cove Creek)

- (5) Delayed Harvest Trout Waters. Those portions of designated Hatchery Supported Trout Waters as listed in this Subparagraph, excluding tributaries except as noted, are further classified as Delayed Harvest Waters. Between 1 October and one-half hour after sunset on the Friday before the first Saturday of the following June, inclusive, it is unlawful to possess natural bait and only artificial lures with one single hook may be used. No fish may be harvested or be in possession while fishing these streams during this time. These waters are closed to fishing between one-half hour after sunset on the Friday before the first Saturday in June and 6:00 a.m. on the first Saturday in June. At 6:00 a.m. on the first Saturday in June these streams open for fishing under Hatchery Supported Waters regulations:

(A) Ashe County:

Trout Lake

Helton Creek (Virginia state line to New River)

- (B) Burke County:  
Jacob Fork (Shinny Creek to lower South Mountains State Park boundary)
- (C) Haywood County:  
Richland Creek (Russ Avenue bridge to US 19A-23 bridge)
- (D) Henderson County:  
North Fork Mills River (game land portion below the Hendersonville watershed dam)
- (E) Jackson County:  
Tuckasegee River (NC 107 bridge at Love Field Downstream to NC 116 bridge at Webster)
- (F) Macon County:  
Nantahala River (portion from Whiteoak Creek to the Nantahala Power and Light power house discharge canal)
- (G) Surry County:  
Ararat River (SR 1727 downstream to Business US 52 bridge)
- (H) Watauga County:  
Watauga River (SR 1559 bridge at Foscoe downstream to NC 105 bridge)
- (I) Wilkes County:  
East Prong Roaring River (from Bullhead Creek downstream to the Stone Mountain State Park lower boundary)  
Stone Mountain Creek (from falls at Allegheny County line to confluence with East Prong Roaring River and Bullhead Creek in Stone Mountain State Park)
- (6) Wild Trout/Natural Bait Waters. Those portions of designated Wild Trout Waters as listed in this Subparagraph, including tributaries except as noted, are further classified as Wild Trout/Natural Bait Waters. All artificial lures and natural baits, except live fish, are allowed provided they are fished using only one single hook. The creel limit, size limit, and open season are the same as other Wild Trout Waters [see 15A NCAC 10C .0305(a)].
- (A) Cherokee County:  
Tellico River (Fain Ford to Tennessee state line excluding tributaries)
- (B) Clay County:  
Buck Creek (game land portion downstream of US 64 bridge)
- (C) Graham County:  
Deep Creek  
Long Creek (game land portion)
- (D) Jackson County:  
Chattooga River (SR 1100 bridge to South Carolina state line)  
(lower) Fowler Creek (game land portion)  
Scotsman Creek (game land portion)
- (E) Macon County:  
Chattooga River (SR 1100 bridge to South

Carolina state line)  
Jarrett Creek (game land portion)  
Kimsey Creek  
Overflow Creek (game land portion)  
Park Creek  
Tellico Creek (game land portion)  
Turtle Pond Creek (game land portion)

(F) Madison County  
Spillcorn Creek (entire stream, excluding tributaries)

(G) ~~(F)~~ Transylvania County:  
North Fork French Broad River (game land portions downstream of SR 1326)  
Thompson River (downstream of and excluding Reid Branch to South Carolina state line, including portions of tributaries within this Section located on game lands)

(b) Fishing in Trout Waters

- (1) Hatchery Supported Trout Waters. It is unlawful to take fish of any kind by any manner whatsoever from designated public mountain trout waters during the closed seasons for trout fishing. The seasons, size limits, creel limits and possession limits apply in all waters, whether designated or not, as public mountain trout waters. Except in power reservoirs and city water supply reservoirs so designated, it is unlawful to fish in designated public mountain trout waters with more than one line. Night fishing is not allowed in most hatchery supported trout waters on game lands [see 15A NCAC 10D .0004(b)(1)].
- (2) Wild Trout Waters. Except as otherwise provided in Subparagraphs (3), (4), and (6) of Paragraph (a) of this Rule, the following rules apply to fishing in wild trout waters.
  - (A) Open Season. There is a year round open season for the licensed taking of trout.
  - (B) Creel Limit. The daily creel limit is four trout.
  - (C) Size Limit. The minimum size limit is seven inches.
  - (D) Manner of Taking. Only artificial lures having only one single hook may be used. No person shall possess natural bait while fishing wild trout waters except those waters listed in 15A NCAC 10C .0205(a)(6).
  - (E) Night Fishing. Fishing on wild trout waters is not allowed between one-half hour after sunset and one-half hour before sunrise.

Authority G.S. 113-134; 113-272; 113-292.

**.0212 FISH HATCHERIES**

It is unlawful to fish by any method or at any time in the waters of, or upon any property used in conjunction with, any

state fish hatchery. On Lake Rim it is unlawful to fish from ~~July 1, 1992 through June 30, 1993~~, to use power-driven boats, except those powered by electric motors, to swim or bathe at any time, or to use, or have in possession, any minnows or other species of fish except golden shiners (shad roaches) for use as bait.

*Authority G.S. 113-134; 113-264; 113-292.*

### SECTION .0300 - GAME FISH

#### **.0304 TAKING AND POSSESSION OF INLAND GAME FISHES**

(a) It is unlawful to take in one day more than the daily creel limit of those species of inland game fish having a specified creel limit; to possess more fish than the daily creel limit in effect on those waters being fished; to possess any

fish outside of the size limit in effect on those waters being fished; to possess more fish than the daily creel limit while boating or afield; or to possess at any place more than three days creel limit. It is unlawful to destroy unnecessarily any inland game fish taken from public fishing waters.

(b) No person while fishing shall remove the head or tail or otherwise change the appearance of any game fish having a ~~daily creel or minimum~~ size limit so as to ~~obscure its species or render it impracticable to measure its total original length or count the number of such fish in possession.~~ length. No person while fishing shall change the appearance of any game fish having a daily creel limit so as to obscure its identification or render it impracticable to count the number of fish in possession.

*Authority G.S. 113-134; 113-135; 113-135.1; 113-292.*

#### **.0305 OPEN SEASONS: CREEL AND SIZE LIMITS**

(a) Generally. Subject to the exceptions listed in Paragraph (b) of this Rule, the open seasons and creel and size limits are as indicated in the following table:

GAME FISHES	DAILY CREEL LIMITS	MINIMUM SIZE LIMITS	OPEN SEASON
Mountain Trout:			
Wild Trout Waters	4	7 in.	ALL YEAR (exc. 2)
Hatchery Supported Trout Waters and undesignated waters	7	None	All year, except March 1 to 6:00 a.m. on first Saturday in April (exc. 2)
Muskellunge and Tiger Musky	2	30 in.	ALL YEAR
Chain Pickerel (Jack)	None	None	ALL YEAR
Walleye	8 (excs. 8 & 9)	None	ALL YEAR (exc. 8)
Sauger	8	15 in.	ALL YEAR
Black Bass:			
Largemouth	5 (exc. 9)	14 in. (excs. 3, 7 & 10)	ALL YEAR (exc. <del>18</del> 17)
Smallmouth and Spotted	5 (exc. 9)	12 in. (excs. 3, 7 & 10)	ALL YEAR
White Bass	25	None	ALL YEAR
Sea Trout (Spotted	10	12 in.	ALL YEAR



or Speckled)

Flounder	None	13 in.	ALL YEAR
Red drum (channel bass, red fish, puppy drum)	5	18 in.	ALL YEAR
Striped Bass and their hybrids (Morone Hybrids)	8 aggregate (excs. 1 & 5)	16 in. (excs. 1, 5 & 11)	ALL YEAR (excs. 5, 13, & 15)
Shad: (American and hickory)	<del>None</del> <u>10 aggregate (exc. 18)</u>	None	ALL YEAR (exc. <del>19</del> <u>18</u> )
Kokanee Salmon	7	None	ALL YEAR
Panfishes	None (excs. 4, 12, & 16)	None (exc. 12)	ALL YEAR (exc. 4)
NONGAME FISHES	None (exc. 14)	None (exc. 14)	ALL YEAR (excs. <del>6 &amp; 17</del> <u>6</u> )

(b) Exceptions

- (1) In the Dan River upstream from its confluence with Bannister River to the Brantly Steam Plant Dam, and in John H. Kerr, Gaston, and Roanoke Rapids Reservoirs, and Lake Norman, the creel limit on striped bass and Morone hybrids is four in the aggregate and the minimum size limit is 20 inches.
- (2) In designated public mountain trout waters the season for taking all species of fish is the same as the trout fishing season. There is no closed season on taking trout from Nantahala River and all tributaries (excluding impoundments) upstream from Nantahala Lake, and the impounded waters of power reservoirs and municipally-owned water supply reservoirs open to the public for fishing.
- (3) Bass taken from Calderwood Reservoir may be retained without restriction as to size limit.
- (4) On Mattamuskeet Lake, special federal regulations apply.
- (5) In the inland fishing waters of Cape Fear, Neuse, Pee-Dee, Pungo and Tar-Pamlico rivers and their tributaries and the Roanoke River and its tributaries, including the Cashie, Middle, and Eastmost rivers, extending upstream to the first impoundment, and Lake Mattamuskeet, the daily creel limit for striped bass and their hybrids is three fish and the minimum length limit is 18 inches. In the Roanoke River and its tributaries, including the Cashie, Middle, and Eastmost rivers-from April 1 to May 31 no fish between the lengths of 22 inches and 27 inches shall be retained.
- (6) See 15A NCAC 10C .0407 for open seasons for taking nongame fishes by special devices.
- (7) The maximum combined number of black bass of

all species that may be retained per day is five fish, no more than two of which may be smaller than the applicable minimum size limit. The minimum size limit for all species of black bass is 14 inches, with no exception in Lake Luke Marion in Moore County, in Reedy Creek Park lakes in Mecklenburg County, in Lake Rim in Cumberland County, in Currituck Sound and tributaries north of Wright Memorial Bridge, in North River and tributaries in Currituck and Camden Counties north of a line between Camden Point and the end of SR 1124, in High Rock Lake downstream of I-85, in Badin Lake, in Falls Lake, in Lake Tillery, in Blewett Falls Lake, and in the New River and its tributaries in Onslow County. In and west of Madison, Buncombe, Henderson and Polk Counties and in designated public mountain trout waters the minimum size limit is 12 inches. In B. Everett Jordan Reservoir a minimum size limit of 16 inches, with no exception, applies to largemouth bass. In Falls of Neuse Reservoir, east of SR 1004, and Tuckertown Lake no black bass between the lengths of 12 inches and 16 inches may be retained, and the minimum size limit for black bass is 16 inches, except that the daily creel may contain two black bass of less than 12 inches in length. In W. Kerr Scott Reservoir there is no minimum size limit for spotted bass.

- (8) A minimum size limit of 15 inches applies to walleye taken from Lake James and its tributaries, and the daily creel limit for walleye is four fish in Linville River upstream from the NC 126 bridge above Lake James.
- (9) The creel limit for black bass and walleye taken

from Calderwood Reservoir is 10.

sold as authorized under 15A NCAC 10C .0401.

- (10) The minimum size limit for all black bass, with no exception, is 18 inches in the following trophy bass lakes:

- (A) Cane Creek Lake in Union County;  
(B) Lake Thom-A-Lex in Davidson County; and  
(C) Sutton Lake in New Hanover County.

- (11) In all impounded inland waters and their tributaries, except those waters described in Exceptions ~~(17)~~, (1) and (5), the daily creel limit of striped bass and their hybrids may include not more than two fish of smaller size than the minimum size limit.

- (12) In Lake Tillery, Falls Lake, High Rock Lake, Badin Lake, Tuckertown Lake, Lake Hyc0, Lake Ramseur and Cane Creek Lake a daily creel limit of 20 fish and a minimum size limit of 8 inches apply to crappie. In Lake James, a daily creel limit of 20 fish applies to crappie.

- (13) In designated inland fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan River, Currituck Sound, Alligator River, Scuppernong River, and their tributaries (excluding the Roanoke River and Cashie River and their tributaries), striped bass fishing season, size limits and creel limits shall be the same as those established by duly adopted rules or proclamations of the Marine Fisheries Commission in adjacent joint or coastal fishing waters.

- (14) The daily creel and length limits for channel, white, and blue catfish in designated urban lakes are provided for in 15A NCAC 10C .0401(d).

- (15) The Executive Director may, by proclamation, suspend or extend the hook-and-line season for striped bass in the inland and joint waters of coastal rivers and their tributaries. It is unlawful to violate the provisions of any proclamation issued under this authority.

- (16) In the entire Lumber River from the Camp MacKall bridge (SR 1225, at the point where Richmond, Moore, Scotland, and Hoke counties join) to the South Carolina state line and in all public fishing waters east of I-95, except Tar River Reservoir in Nash County, the daily creel limit for sunfish is 30 in aggregate, no more than 12 of which shall be redbreast sunfish.

- ~~(17) It is unlawful to possess bowfin taken from the Lumber River and its tributaries.~~

- (17) ~~(18)~~In Sutton Lake, no largemouth bass may be retained from December 1 through March 31.

- (18) ~~(19)~~In the Pee Dee River downstream from the Blewett Falls dam, shad may be taken with special fishing devices without restriction to creel limits as provided for in 15A NCAC 10C .0404 (b) during the permitted special fishing device seasons specified in 15A NCAC 10C .0407. American and hickory shad taken under this Subparagraph may be

*Authority G.S. 113-134; 113-292; 113-304; 113-305.*

## SECTION .0400 - NONGAME FISH

### .0401 MANNER OF TAKING NONGAME FISHES: PURCHASE AND SALE

(a) Except as permitted by the rules in this Section, it is unlawful to take nongame fishes from the inland fishing waters of North Carolina in any manner other than with hook and line or grabbing. Nongame fishes may be taken by hook and line or grabbing at any time without restriction as to size limits or creel limits, except that no trotlines or set-hooks may be used in the impounded waters located on the Sandhills Game Land or in designated public mountain trout waters, and in Lake Waccamaw, trotlines or set-hooks may be used only from October 1 through April 30. The season for taking nongame fishes by other hook and line methods in designated public mountain trout waters shall be the same as the trout fishing season.

(b) Nongame ~~fishes~~ fishes, except bowfin taken by hook and line, grabbing or by licensed special devices may be ~~sold. sold, except that bowfin taken from the Lumber River and its tributaries may not be sold or possessed.~~ Eels less than six inches in length taken from inland waters may not be sold and possession is limited to 200 per day for bait.

(c) Freshwater mussels may only be taken from impounded waters, except mussels shall not be taken in Lake Waccamaw and in University Lake in Orange County.

(d) In the ~~Urban Lakes~~ posted Community Fishing Program waters listed below it is unlawful to take channel, white or blue catfish (forked tail catfish) by means other than hook and line; the daily creel limit for forked tail catfish is six fish in ~~aggregate; aggregate and the minimum length limit is 12 inches:~~

~~Cedar Rock~~ Cedarrock Pond, Alamance County  
~~Frank Liske Park Lake, Pond,~~ Cabarrus County  
Rabbit Shuffle Pond, Caswell County  
Lake Rim, Cumberland County  
~~Campus Hills Pond, Durham County~~  
C.G. Hill Memorial Park Pond, Forsyth County  
Kernersville Lake, Forsyth County  
Winston Pond, Forsyth County  
~~Bur-Mil Park Pond, Ponds,~~ Guilford County  
Oka T. Hester Pond, Guilford County  
San-Lee Park Ponds, Lee County  
Kinston Neuseway Park Pond, Lenoir County  
Freedom Park Pond, Mecklenburg County  
~~Hornet's Nest Ponds, Pond,~~ Mecklenburg County  
McAlpine Lake, Mecklenburg County  
Lake Luke Marion, Moore County  
River Park North Pond, Pitt County  
Big Elkin Creek, Surry County  
Apex Lake, Wake County  
Lake Crabtree, Wake County  
Shelley Lake, Wake County



Simpkins Pond, Wake County  
Lake Toisnot, Wilson County

Authority G.S. 113-134; 113-272; 113-292.

#### .0402 TAKING NONGAME FISHES FOR BAIT

(a) It is unlawful to take ~~bait fishes~~ nongame fish for bait in the inland waters of North Carolina using equipment other than:

- (1) a net of dip net design not greater than six feet across;
- (2) a seine of not greater than 12 feet in length (except in Lake Waccamaw where there is no length limitation) and with a bar mesh measure of not more than one-fourth inch;
- (3) a cast net;
- (4) minnow traps not exceeding 12 inches in diameter and 24 inches in length, with funnel openings not exceeding one inch in diameter, and which are under the immediate control and attendance of the individual operating them.

(b) It is unlawful to sell nongame fishes or aquatic animals taken under this Subchapter.

(c) Game fishes and their young taken while netting for bait shall be immediately returned unharmed to the water. No person shall take more than 200 bait nongame fish for bait pursuant to this Subchapter from inland fishing waters during one day. It is unlawful to take nongame fish for bait fishes or any other fish bait from designated public mountain trout waters and:

- (1) Chatham County:  
Deep River  
Rocky River  
Bear Creek
- (2) Lee County:  
Deep River
- (3) Moore County:  
Deep River
- (4) Randolph County:  
Deep River below the Coleridge Dam  
Fork Creek.

Authority G.S. 113-134; 113-135; 113-272; 113-272.3; 113-292.

#### .0404 SPECIAL DEVICE FISHING

(a) Bow and Arrow. The use of bow [as defined in 15A NCAC 10B .0116(a)] and arrow as a licensed special device is authorized for taking nongame fishes at any time from all inland fishing waters other than impounded waters located on the Sandhills Game Land and designated public mountain trout waters. Unless specifically prohibited, bow and arrow may be used in joint fishing waters. It is unlawful to take fish with crossbow and arrow in any inland fishing waters.

(b) Nets. Manually operated nets, including seines and bow, cast, dip, gill, drift and fyke nets may be used under the special device fishing license.

- (1) No fixed gill net or other stationary net which may be authorized as a special fishing device may be more than 100 yards in length, nor shall any such net be placed within 50 yards of any other fixed net. Fixed nets must be set so that they run parallel to the nearest shoreline, except in the Neuse, Trent, Northeast Cape Fear, Cape Fear, and Black Rivers and their tributaries. No anchored or fixed gill net or drift net shall be used unless such net is marked for the protection of boat operators. A net shall be deemed so marked when there is attached to it at each end two separate yellow buoys which shall be of solid foam or other solid buoyant material no less than five inches in its smallest dimensions. The owner shall always be identified on a buoy on each end either by using engraved buoys or by attaching engraved metal or plastic tags to the buoys. Such identification shall include one of the following: owner's N.C. motor boat registration number, or owner's U.S. vessel documentation name, or owner's last name and initials.

- (2) It is unlawful to attach gill nets to any wire, rope, or similar device extended across any navigable watercourse.

- (3) All fixed or drift gill nets must be attended when fished in the designated inland waters of Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Gates, Greene, Harnett, Hertford, Hoke, Hyde, Jones, Lenoir, Martin, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Robeson, Sampson, Scotland, Tyrrell and Washington counties. Attended as used in this Rule, requires that fishermen be within 100 yards of all sets of nets at all times.

(c) Traps. Baskets and traps, including automobile tires, may be used under the special device fishing license. Such devices when set and left unattended shall be affixed with a card or tag furnished by the license holder and upon which his name and address shall be legibly and indelibly inscribed. No fish trap may exceed 60 inches in length or 30 inches in depth or width. No lead nets, wing nets, or other device designed to guide or herd fish may be attached to the trap or used or set within 25 feet of the trap.

(d) Spears. Manually operated gigs or under-water spear or harpoon guns may be used under the special fishing device license in the inland waters having a season for their use specified in Rule .0407 of this Section.

(e) Crab pots. It is unlawful to use crab pots in inland fishing waters, except by persons ~~Persons~~ owning property adjacent to the inland fishing waters of coastal rivers and their tributaries who are permitted to set two crab pots to be attached to their property and not subject to special device license requirements.

(f) Eel pots. It is unlawful to use pots with mesh sizes smaller than one inch by one-half inch unless such pots contain an escape panel that is at least four inches square with



a mesh size of one inch by one-half inch located in the outside panel of the upper chamber of rectangular pots and in the rear portion of cylindrical pots, except that not more than two eel pots per fishing license with a mesh of any size may be used to take eels for bait. Each pot must be marked by attaching a floating buoy which shall be of solid foam or other solid buoyant material and no less than five inches in diameter and no less than five inches in length. Buoys may be of any color except yellow. The owner shall always be identified on the attached buoy by using engraved buoys or by engraved metal or plastic tags attached to the buoy. Such identification shall include one of the following:

- (1) owner's N.C. motorboat registration number; or
- (2) owner's U.S. vessel documentation name; or
- (3) owner's last name and initials.

Authority G.S. 113-134; 113-272.2; 113-276; 113-292.

#### **.0407 PERMITTED SPECIAL DEVICES AND OPEN SEASONS**

Except in designated public mountain trout waters, and in impounded waters located on the Sandhills Game Land, there is a year-round open season for the licensed taking of nongame fishes by bow and arrow. All fixed and drift gill nets must be attended when fished in the designated inland waters of the counties listed in 15A NCAC 10C .0404(b)(3). Attended as used in this Rule and in 15A NCAC 10C .0404(b)(3) requires that fisherman be within 100 yards of all sets of nets at all times. Seasons and waters in which the use of other special devices is authorized are indicated by counties below:

- (1) Alamance:
  - (a) July 1 to August 31 with seines in Alamance Creek below NC 49 bridge and Haw River;
  - (b) July 1 to June 30 with gigs in all public waters;
- (2) Alexander: July 1 to June 30 with traps and gigs in all public waters; and with spear guns in Lake Hickory and Lookout Shoals Reservoir;
- (3) Alleghany: July 1 to June 30 with gigs in New River, except designated public mountain trout waters;
- (4) Anson:
  - (a) July 1 to June 30 with traps and gigs in all public waters;
  - (b) December 1 to June 5 with dip and bow nets in Pee Dee River below Blewett Falls Dam, and with gill nets in Pee Dee River below the lower end of Goat Island;
  - (c) July 1 to August 31 with seines in all running public waters, except Pee Dee River from Blewett Falls downstream to the Seaboard Coast Line Railroad trestle;
- (5) Ashe: July 1 to June 30 with gigs in New River (both forks), except designated public mountain trout waters;
- (6) Beaufort:

- (a) July 1 to June 30 with traps in the Pungo River, and in the Tar and Pamlico Rivers above Norfolk and Southern Railroad bridge; and with gigs in all inland public waters;
- (b) December 1 to June 5 with dip and bow nets in all inland public waters; with attended drift gill nets in Tar River upstream from the Norfolk and Southern Railroad bridge at Washington to the Pitt County line; and with attended gill nets in all other inland public waters, except Blounts Creek, Chocowinity Bay, Durham Creek, Mixon Creek and Nevil Creek and their tributaries.

#### **(7) Bertie:**

- (a) July 1 to June 30 with traps in the Broad Creek (tributary of Roanoke);
- (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters; and with attended gill nets in all inland public waters;

#### **(8) Bladen:**

- (a) December 1 to March 1 with attended gill nets in all inland public waters, except Jones, Salters, White, Singletary and Baytree (Black) Lakes;
- (b) December 1 to May 1 with attended gill nets in Black River;
- (c) December 1 to June 5 with dip and bow nets in Black River;

#### **(9) Brunswick:**

- (a) December 1 to March 1 with attended gill nets in all inland public waters, except Waccamaw River and its tributaries;
- (b) December 1 to May 1 with dip, bow, and attended gill nets in Alligator Creek, Hoods Creek, Indian Creek, Orton Creek below Orton Pond, Rices Creek, Sturgeon Creek and Town Creek;

#### **(10) Buncombe: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;**

#### **(11) Burke:**

- (a) July 1 to August 31 with seines in all running public waters, except Johns River and designated public mountain trout waters;
- (b) July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated public mountain trout waters and Lake James;

#### **(12) Cabarrus:**

- (a) July 1 to August 31 with seines in all running public waters,
- (b) July 1 to June 30 with traps and gigs in all public waters;

#### **(13) Caldwell: July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated**

- public mountain trout waters;
- (14) Camden:
- (a) July 1 to June 30 with traps in all inland public waters;
  - (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters; and with attended gill nets in all inland public waters;
- (15) Carteret: December 1 to June 5 with dip, bow, and attended gill nets in all inland public waters except South River and the tributaries of the White Oak River;
- (16) Caswell:
- (a) July 1 to June 30 with gigs in all public waters;
  - (b) July 1 to August 31 with seines in all running public waters, except Moons Creek;
  - (c) July 1 to June 30 with traps in Hyco Reservoir;
- (17) Catawba:
- (a) July 1 to August 31 with seines in all running public waters, except Catawba River below Lookout Dam;
  - (b) July 1 to June 30 with traps, spear guns, and gigs in all public waters;
- (18) Chatham:
- (a) December 1 to April 15 with dip and gill nets in the Cape Fear River, Deep River, Haw River and Rocky River (local law);
  - (b) July 1 to August 31 with seines in the Cape Fear River, and Haw River;
  - (c) July 1 to June 30 with traps in Deep River; and with gigs in all public waters;
- (19) Cherokee: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (20) Chowan:
- (a) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters; and with attended gill nets in all inland public waters, except Bennetts Mill Pond and Dillard Pond;
  - (b) July 1 to June 30 with traps in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- (21) Clay: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (22) Cleveland:
- (a) July 1 to August 31 with seines in all running public waters;
  - (b) July 1 to June 30 with gigs, traps and spear guns in all public waters;
- (23) Columbus:
- (a) December 1 to March 1 with attended gill nets in all inland public waters, except Lake Waccamaw and its tributaries and Waccamaw River and its tributaries;
- (b) December 1 to March 1 with gigs in all inland public waters, except Lake Waccamaw and its tributaries;
- (c) December 1 to June 5 with dip, bow, and attended gill nets in Livingston Creek;
- (24) Craven:
- (a) July 1 to June 30 with traps in the main run of the Trent and Neuse Rivers;
  - (b) December 1 to June 5 with dip, bow, and attended gill nets in all inland public waters, except Pitch Kettle, Grindle, Slocum, Spring and Hancock Creeks and their tributaries; with dip and bow nets in Slocum Creek above the US 70 bridge; and with seines in the Neuse River;
- (25) Cumberland: December 1 to March 1 with attended gill nets in all inland public waters;
- (26) Currituck:
- (a) July 1 to June 30 with traps in Tulls Creek and Northwest River;
  - (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters; and with attended gill nets in Northwest River and Tulls Creek;
- (27) Dare:
- (a) July 1 to June 30 with traps in Mashoes Creek, Milltail Creek, East Lake and South Lake;
  - (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters; and with attended gill nets in Martin Point Creek;
- (28) Davidson:
- (a) July 1 to August 31 with seines in all running public waters,
  - (b) July 1 to June 30 with gigs in all public waters, and with traps in all public waters except Leonard's Creek, Abbott's Creek below Lake Thom-A-Lex dam, and the Abbott's Creek arm of High Rock Lake upstream from the NC 8 bridge;
- (29) Davie:
- (a) July 1 to June 30 with traps and gigs in all public waters;
  - (b) July 1 to August 31 for taking only carp and suckers with seines in Dutchmans Creek from US 601 to Yadkin River and in Hunting Creek from SR 1338 to South Yadkin River;
- (30) Duplin:
- (a) December 1 to March 1 with attended gill nets in Baysden Pond and in the Northeast

- Cape Fear River, including old channels from a point one mile above SR 1700 (Serecta) Bridge downstream to the county line;
- (b) December 1 to June 5 with dip, bow, and attended gill nets and seines in the main run of the Northeast Cape Fear River downstream from a point one mile above Serecta Bridge;
- (31) Durham:
- (a) July 1 to August 31 with seines in Neuse River,
- (b) July 1 to June 30 with gigs in all public waters;
- (32) Edgecombe:
- (a) December 1 to March 15 with gill nets in Noble Mill Pond and Wiggins Lake;
- (b) December 1 to June 5 with dip and bow nets in all public waters; and with drift gill nets in Tar River below the bridge at Old Sparta to the Pitt County line;
- (33) Forsyth: July 1 to June 30 with traps and gigs in all public waters, except traps may not be used in Belews Creek Reservoir;
- (34) Franklin:
- (a) December 1 to March 1 with gill nets in Clifton Pond, Parrish Pond, Jackson Pond and Lake Royale;
- (b) July 1 to August 31 with seines in Tar River;
- (c) July 1 to June 30 with gigs in all public waters, except Parrish, Laurel Mill, Jackson, Clifton, Moore's and Perry's Ponds, and in the Franklinton City ponds;
- (35) Gaston:
- (a) July 1 to August 31 with seines in all running public waters;
- (b) July 1 to June 30 with gigs, traps and spear guns in all public waters;
- (36) Gates: December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters; and with attended gill nets in all inland public waters, except Williams (Merchants Mill) Pond;
- (37) Graham: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (38) Granville:
- (a) July 1 to June 30 with gigs in all public waters, except Kerr Reservoir;
- (b) July 1 to August 31 with seines in the Neuse River and the Tar River below US 158 bridge;
- (c) July 1 to June 30 with dip and cast nets in Kerr Reservoir;
- (d) July 1 to June 30 with cast nets in all public waters;
- (39) Greene: December 1 to June 5 with dip, bow, and attended gill nets and reels in Contentnea Creek;
- (40) Guilford:
- (a) July 1 to August 31 with seines in Haw River, Deep River below Jamestown Dam, and Reedy Fork Creek below US 29 bridge;
- (b) July 1 to June 30 with gigs in all public waters;
- (41) Halifax:
- (a) December 1 to March 1 with gill nets in White's Mill Pond;
- (b) December 1 to June 5 with dip and bow nets in Beech Swamp, Clarks Canal, Conoconnara Swamp, Fishing Creek below the Fishing Creek Mill Dam, Kehukee Swamp, Looking Glass Gut, Quankey Creek, and White's Mill Pond Run;
- (c) July 1 to June 30 with dip and cast nets in Gaston Reservoir and Roanoke Rapids Reservoir;
- (42) Harnett:
- (a) December 1 to March 1 with attended gill nets in all inland public waters;
- (b) January 1 to May 31 with gigs in Cape Fear River and tributaries;
- (c) December 1 to June 5 with dip and bow nets in Cape Fear River;
- (43) Haywood: July 1 to June 30 with gigs in all public waters, except Lake Junaluska and designated public mountain trout waters;
- (44) Henderson: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (45) Hertford:
- (a) July 1 to June 30 with traps in Wiccacon Creek;
- (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters; and with attended gill nets in all inland public waters, except mill ponds;
- (46) Hoke: December 1 to March 1 with attended gill nets in all inland public waters;
- (47) Hyde:
- (a) July 1 to June 30 with traps in all inland waters;
- (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters; and with attended gill nets in Pungo River and tributaries upstream from US 264 bridge, Scranton Creek, and Long Shoal River and tributaries;
- (48) Iredell: July 1 to June 30 with traps and gigs in all public waters; and with spear guns in Lookout Shoals Reservoir and Lake Norman;
- (49) Jackson: July 1 to June 30 with gigs in all public waters, except designated public mountain trout



- waters;
- (50) Johnston:
- (a) December 1 to March 1 with gill nets in Cattails Lake, Holts Lake, Holts Pond, and Wendell Lake;
  - (b) December 1 to June 5 with dip and bow nets in Black Creek, Little River, Middle Creek, Mill Creek, Neuse River, and Swift Creek;
- (51) Jones:
- (a) July 1 to June 30 with traps in the Trent River below US 17 bridge and White Oak River below US 17 bridge;
  - (b) December 1 to June 5 with dip, bow, and attended gill nets in all inland public waters, except the White Oak River and its tributaries;
  - (c) December 1 to June 5 with dip and bow nets in the main run of the White Oak River;
  - (d) March 1 to April 30 with attended gill nets in the main run of the White Oak River;
- (52) Lee:
- (a) December 1 to April 15 with dip and gill nets (local law) in Cape Fear River and Deep River; and with gill nets in Morris Pond;
  - (b) July 1 to August 31 with seines in Cape Fear River;
  - (c) July 1 to June 30 with traps in Deep River, and with gigs in all public waters;
- (53) Lenoir:
- (a) July 1 to June 30 with traps in Neuse River below US 70 bridge at Kinston;
  - (b) December 1 to June 5 with dip, bow, and attended gill nets in Neuse River and Contentnea Creek upstream from NC 118 bridge at Grifton; and with seines in Neuse River;
- (54) Lincoln:
- (a) July 1 to August 31 with seines in all running public waters;
  - (b) July 1 to June 30 with traps, gigs and spear guns in all public waters;
- (55) McDowell:
- (a) July 1 to August 31 with seines in all running public waters, except designated public mountain trout waters;
  - (b) July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated public mountain trout waters and Lake James;
- (56) Macon: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (57) Madison: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (58) Martin: December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters; and with attended gill nets in all inland public waters;
- (59) Mecklenburg:
- (a) July 1 to August 31 with seines in all running public waters;
  - (b) July 1 to June 30 with traps, gigs and spear guns in all public waters except Freedom Park Pond and Hornet's Nest Ponds;
- (60) Montgomery:
- (a) July 1 to August 31 with seines in all running public waters, except that part of the Pee Dee River between the Lake Tillery dam at Hydro and the mouth of Rocky River;
  - (b) July 1 to June 30 with traps and gigs in all public waters;
- (61) Moore:
- (a) December 1 to April 15 with gill nets in Deep River and all tributaries;
  - (b) July 1 to August 31 with seines in all running public waters except in Deep River;
  - (c) July 1 to June 30 with gigs in all public waters, except lakes located on the Sandhills Game Land; and with traps in Deep River and its tributaries;
- (62) Nash:
- (a) December 1 to March 1 with gill nets in Boddies Pond and Camp Charles Lake;
  - (b) July 1 to June 30 with gigs in all public waters, except Tar River;
  - (c) December 1 to June 5 with dip and bow nets in the Tar River below Harris' Landing and Fishing Creek below the Fishing Creek Mill Dam;
- (63) New Hanover: December 1 to June 5 with dip, bow, and attended gill nets in all inland public waters, except Sutton (Catfish) Lake;
- (64) Northampton:
- (a) July 1 to June 30 with gigs in all public waters, except Gaston and Roanoke Rapids Reservoirs and the Roanoke River above the US 301 bridge;
  - (b) December 1 to June 5 with dip and bow nets in Oconeechee Creek, Old River Landing Gut; and with dip, bow and gill nets in Vaughans Creek below Watsons Mill;
  - (c) July 1 to June 30 with dip and cast nets in Gaston Reservoir and Roanoke Rapids Reservoir;
- (65) Onslow:
- (a) July 1 to June 30 with traps in White Oak River below US 17 bridge;
  - (b) August 1 to March 31 with eel pots in the main run of New River between US 17 bridge and the mouth of Hawkins Creek;
  - (c) December 1 to March 1 with attended gill nets in Catherine Lake and Baysden Pond;
  - (d) December 1 to June 5 with dip, bow, and

- attended gill nets in the main run of New River; and with dip and bow nets in the main run of the White Oak River;
- (e) March 1 to April 30 with attended gill nets in the main run of the White Oak River; and with dip, bow and attended gill nets in Grant's Creek;
- (66) Orange:
- (a) July 1 to August 31 with seines in Haw River;
- (b) July 1 to June 30 with gigs in all public waters;
- (67) Pamlico: December 1 to June 5 with dip, bow and attended gill nets in all inland public ~~waters~~; waters, except Dawson Creek;
- (68) Pasquotank:
- (a) July 1 to June 30 with traps in all inland waters;
- (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters; and with attended gill nets in all inland public waters;
- (69) Pender:
- (a) December 1 to June 5 with dip, bow, and attended gill nets in the Northeast Cape Fear River and Long Creek; with dip and bow nets in Black River; and with seines in the main run of Northeast Cape Fear River;
- (b) December 1 to May 1 with attended gill nets in Black River; and with dip, bow, and attended gill nets in Moore's Creek approximately one mile upstream to New Moon Fishing Camp;
- (70) Perquimans:
- (a) July 1 to June 30 with traps in all inland waters;
- (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters; and with attended gill nets in all inland public waters;
- (71) Person:
- (a) July 1 to August 31 with seines in Hyco Creek and Mayo Creek;
- (b) July 1 to June 30 with gigs in all public waters.
- (72) Pitt:
- (a) July 1 to June 30 with traps in Neuse River and in Tar River below the mouth of Hardee Creek east of Greenville;
- (b) December 1 to June 5 with dip, bow and attended drift gill nets and with seines in Tar River; and with dip, bow and attended gill nets in all other inland public waters, except Grindle Creek, and Contentnea Creek between NC 118 bridge at Grifton and the Neuse River;
- (73) Polk: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (74) Randolph:
- (a) December 1 to March 1 with gill nets in Deep River and Uwharrie River;
- (b) July 1 to August 31 with seines in Deep River above the Coleridge Dam and Uwharrie River;
- (c) July 1 to June 30 with gigs in all public waters;
- (75) Richmond:
- (a) July 1 to August 31 with seines in all running public waters, except Pee Dee River from Blewett Falls downstream to the Seaboard Coast Line Railroad trestle;
- (b) July 1 to June 30 with traps and gigs in all public waters, except lakes located on the Sandhills Game Land;
- (c) December 1 to June 5 with dip and bow nets in Pee Dee River below Blewett Falls Dam, and with gill nets in Pee Dee River below the mouth of Cartledge Creek;
- (76) Robeson: December 1 to March 1 with attended gill nets and gigs in all inland public waters;
- (77) Rockingham:
- (a) July 1 to August 31 with seines in Dan River and Haw River;
- (b) July 1 to June 30 with traps in Dan River; and with gigs in all public waters;
- (78) Rowan:
- (a) July 1 to August 31 with seines in all running public waters,
- (b) July 1 to June 30 with traps and gigs in all public waters;
- (79) Rutherford:
- (a) July 1 to August 31 with seines in all running public waters, except designated public mountain trout waters;
- (b) July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated public mountain trout waters;
- (80) Sampson:
- (a) December 1 to March 1 with attended gill nets in all inland public waters;
- (b) December 1 to May 1 with attended gill nets in Big Coharie Creek, Black River, and Six Runs Creek;
- (c) May 2 to June 5 with attended gill nets of no less than five and one-half inch stretch measure in Big Coharie Creek, Black River, and Six Runs Creek;
- (d) December 1 to June 5 with dip and bow nets in Big Coharie Creek, Black River, and Six Runs Creek;
- (81) Scotland: December 1 to March 1 with attended

- gill nets in all inland public waters, except lakes located on the Sandhills Game Land;
- (82) Stanly:
- (a) July 1 to August 31 with seines in all running public waters, except that part of the Pee Dee River between the Lake Tillery dam at Hydro and the mouth of Rocky River;
  - (b) July 1 to June 30 with traps and gigs in all public waters;
- (83) Stokes: July 1 to June 30 with traps and gigs in all public waters, except designated public mountain trout waters, and traps may not be used in Belews Creek Reservoir;
- (84) Surry: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters; and with traps in the main stem of Yadkin River;
- (85) Swain: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (86) Transylvania: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (87) Tyrrell:
- (a) July 1 to June 30 with traps in Scuppernong River, Alligator Creek, and the drainage canals of Lake Phelps;
  - (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding Lake Phelps, public lakes, ponds and other impounded waters; and with attended gill nets in Alligator Creek;
- (88) Union:
- (a) July 1 to August 31 with seines in all running public waters,
  - (b) July 1 to June 30 with traps and gigs in all public waters;
- (89) Vance:
- (a) December 1 to March 1 with gill nets in Southerlands Pond and Ellis Pond;
  - (b) July 1 to August 31 with seines in the Tar River;
  - (c) July 1 to June 30 with gigs in all public waters, except Rolands, Faulkners, Southerlands, and Weldon Ponds, City Lake, and Kerr Reservoir;
  - (d) July 1 to June 30 with dip and cast nets in Kerr Reservoir;
  - (e) July 1 to June 30 with cast nets in all public waters;
- (90) Wake:
- (a) July 1 to June 30 with gigs in all public waters, except Sunset, Benson, Wheeler, Raleigh, and Johnson Lakes;
  - (b) December 1 to June 5 with dip and bow nets in the Neuse River below Milburnie Dam, and Swift Creek below Lake Benson Dam;
- (91) Warren:
- (a) July 1 to August 31 with seines in Fishing Creek, Shocco Creek, and Walker Creek; excluding Duck and Hammes Mill Ponds;
  - (b) July 1 to June 30 with gigs in all public waters, except Duck and Hammes Mill Ponds, Kerr Reservoir, and Gaston Reservoir;
  - (c) July 1 to June 30 with dip and cast nets in Kerr Reservoir and Gaston Reservoir;
  - (d) July 1 to June 30 with cast nets in all public waters;
- (92) Washington:
- (a) July 1 to June 30 with traps in the drainage canals of Lake Phelps;
  - (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding Lake Phelps, public lakes, ponds and other impoundments; and with attended gill nets in Conaby Creek;
- (93) Wayne:
- (a) December 1 to March 1 with gill nets in Sasser's Mill Pond and Sleepy Creek Lake;
  - (b) December 1 to June 5 with dip and bow nets in Little River, Mill Creek, and Neuse River, except from Quaker Neck Dam downstream to SR 1008 (Tolar) bridge;
- (94) Wilkes: July 1 to June 30 with traps in Yadkin River below W. Kerr Scott Reservoir; and with gigs and spear guns in all public waters, except designated public mountain trout waters;
- (95) Wilson:
- (a) July 1 to June 30 with gigs in Contentnea Creek (except Buckhorn Reservoir), including unnamed tributaries between Flowers Mill and SR 1163 (Deans) bridge;
  - (b) December 1 to June 5 with dip and bow nets in Contentnea Creek below US 301 bridge and in Toisnot Swamp downstream from the Lake Toisnot Dam;
  - (c) January 1 to March 1 with gill nets in Silver Lake;
- (96) Yadkin: July 1 to June 30 with gigs in all public waters, and with traps in the main stem of Yadkin River.

Authority G.S. 113-134; 113-276; 113-292.

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Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Wildlife Resources Commission intends to amend rules cited as 15A NCAC 10D .0002 - .0004. Notice of Rule-making Proceedings was published in the Register on September 15, 1997.

Proposed Effective Date: July 1, 1998



**Public Hearings** will be conducted on the following dates and locations:

7:00 p.m.  
January 20, 1998  
Jackson County  
Community College  
Sylva, NC

7:00 p.m.  
January 21, 1998  
Morganton Civic Center  
Auditorium  
Morganton, NC

7:00 p.m.  
January 22, 1998  
Starmount High School  
Boonville, NC

7:00 p.m.  
January 26, 1998  
Courthouse  
Elizabethtown, NC

7:00 p.m.  
January 27, 1998  
Courthouse  
Graham, NC

7:00 p.m.  
January 28, 1998  
North Stanly High School  
Albemarle, NC

7:00 p.m.  
February 2, 1998  
Swain Auditorium  
Edenton, NC

7:00 p.m.  
February 3, 1998  
Courthouse  
New Bern, NC

7:00 p.m.  
February 4, 1998  
Courthouse  
Nashville, NC

**Reason for Proposed Action:** Set/amend game lands regulations necessary to manage and preserve the resource.

**Comment Procedures:** Interested persons may present their views either orally or in writing at the hearing. In addition, the record of hearing will be open for receipt of written comments from December 15, 1997 to February 11, 1998. Such written comments must be delivered or mailed to the NC

Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.

**Fiscal Note:** These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

## SUBCHAPTER 10D - GAME LANDS REGULATIONS

### .0002 GENERAL REGULATIONS REGARDING USE

(a) Trespass. Entry on game lands for purposes other than hunting, trapping or fishing shall be as authorized by the landowner and there shall be no removal of any plants or parts thereof, or other materials, without the written authorization of the landowner. Travel is restricted, except by authorized personnel, to direct access from SR 2074 to the established waterfowl viewing stands on Cowan's Ford Waterfowl Refuge. The Wildlife Resources Commission may designate areas on game lands as either an Archery Zone, Safety Zone or Restricted Zone.

- (1) Archery Zone. On portions of game lands posted as "Archery Zones" hunting is limited to bow and arrow hunting only.
- (2) Safety Zone. On portions of game lands posted as "Safety Zones" hunting is prohibited. No person shall hunt or discharge a firearm or bow and arrow within, into, or across a posted safety zone on any game land.
- (3) Restricted Zone. Portions of game lands posted as "Restricted Zones" are closed to all use by the general public, and entry upon such an area for any purpose is prohibited without first having obtained specific written approval of such entry or use from an authorized agent of the Wildlife Resources Commission.
- (4) Establishment of Archery and Restricted Zones. The Commission shall conduct a public input meeting in the area where the game land is located before establishing any archery or restricted zone. After the input meeting the public comments shall be presented to an official Commission meeting for final determination.

(b) Littering. No person shall deposit any litter, trash, garbage, or other refuse at any place on any game land except in receptacles provided for disposal of such refuse at designated camping and target-shooting areas. No garbage dumps or sanitary landfills shall be established on any game land by any person, firm, corporation, county or municipality, except as permitted by the landowner.

(c) Possession of Hunting Devices. It is unlawful to possess a firearm or bow and arrow on a game land at any time except during the open hunting seasons or hunting days for game birds or game animals, other than fox, thereon

unless said device is cased or not immediately available for use, provided that such devices may be possessed and used by persons participating in field trials on field trial areas and on target shooting areas designated by the landowner, and possessed in designated camping areas for defense of persons and property; and provided further that .22 caliber pistols with barrels not greater than seven and one-half inches in length and shooting only short, long, or long rifle ammunition may be carried as side arms on game lands at any time other than by hunters during the special bow and arrow and muzzle-loading firearms deer hunting seasons and by individuals training dogs during closed season without field trial authorization. This Rule shall not prevent possession or use of a bow and arrow as a licensed special fishing device in those waters where such use is authorized. During the closed firearms seasons on big game (deer, bear, boar, wild turkey), no person shall possess a shotgun shell containing larger than No. 4 shot or any rifle or pistol larger than a .22 caliber rimfire while on a game land, except that shotgun shells containing any size steel or non-toxic shot may be used while waterfowl hunting. Furthermore, only shotguns with any size shot may be possessed during the big game season for turkey. No person shall hunt with or have in possession any shotgun shell containing lead or toxic shot while hunting on any posted waterfowl impoundment on any game land, or while hunting waterfowl on Butler-Falls of Neuse Game Land or New Hope Game Land, except shotgun shells containing lead buckshot may be used while deer hunting.

(d) Game Lands License: (†) Hunting and Trapping

(1) ~~(A)~~Requirement. Except as provided in ~~Part (B)~~ Subparagraph (2) of this Paragraph, any person entering upon any game land for the purpose of hunting, trapping, or participating in dog training or field trial activities shall have in his possession a game lands license in addition to the appropriate hunting or trapping licenses.

(2) ~~(B)~~Exceptions

~~(A)~~ (†)A person under 16 years of age may hunt on game lands on the license of his parent or legal guardian.

~~(B)~~ (††)The resident and nonresident sportsman's licenses include game lands use privileges.

~~(C)~~ (†††)Judges and nonresidents participating in field trials under the circumstances set forth in Subsection (e) of this Rule may do so without the game lands license.

~~(D)~~ (††††)On the game lands described in Rule .0003(e)(2) of this Subchapter the game lands license is required only for hunting doves; all other activities are subject to the control of the landowners.

~~(2) Trout Fishing.~~ Any person 16 years of age or over, including an individual fishing with natural bait in the county of his residence, entering a game land for the purpose of fishing in designated public mountain trout waters located thereon shall have in his possession a game lands license in addition to

~~the regular fishing license and special trout license. The game lands license is not required to fish in that part of Slick Rock Creek which coincides with the Tennessee State line, or when fishing from boat on Calderwood Lake. The resident and nonresident sportsman's licenses and short-term comprehensive fishing licenses include trout fishing privileges on game lands.~~

(e) Field Trials and Training Dogs. A person serving as judge of a field trial which, pursuant to a written request from the sponsoring organization, has been officially authorized in writing and scheduled for occurrence on a game land by an authorized representative of the Wildlife Resources Commission, and any nonresident participating therein may do so without procuring a game lands license, provided such nonresident has in his possession a valid hunting license issued by the state of his residence. Any individual or organization sponsoring a field trial on the Sandhills Field Trial grounds or the Laurinburg Fox Trial facility shall file with the commission's agent an application to use the area and facility accompanied by the facility use fee computed at the rate of one hundred dollars (\$100.00) for each scheduled day of the trial. The total facility use fee shall cover the period from 12:00 noon of the day preceding the first scheduled day of the trial to 10:00 a.m. of the day following the last scheduled day of the trial. The facility use fee shall be paid for all intermediate days on which for any reason trials are not run but the building or facilities are used or occupied. A fee of twenty-five dollars (\$25.00) per day shall be charged to sporting, educational, or scouting groups for scheduled events utilizing the club house only. No person or group of persons or any other entity shall enter or use in any manner any of the physical facilities located on the Laurinburg Fox Trial or the Sandhills Field Trial grounds without first having obtained specific written approval of such entry or use from an authorized agent of the Wildlife Resources Commission, and no such entry or use of any such facility shall exceed the scope of or continue beyond the specific approval so obtained. The Sandhills Field Trial facilities shall be used only for field trials scheduled with the approval of the Wildlife Resources Commission. No more than 16 days of field trials may be scheduled for occurrence on the Sandhills facilities during any calendar month, and no more than four days may be scheduled during any calendar week; provided, that a field trial requiring more than four days may be scheduled during one week upon reduction of the maximum number of days allowable during some other week so that the monthly maximum of 16 days is not exceeded. Before October 1 of each year, the North Carolina Field Trial Association or other organization desiring use of the Sandhills facilities between October 22 and November 18 and between December 3 and March 31 shall submit its proposed schedule of such use to the Wildlife Resources Commission for its consideration and approval. The use of the Sandhills Field Trial facilities at any time by individuals for training dogs is prohibited; elsewhere on the Sandhills Game Lands dogs may be trained only on Mondays.



Wednesdays and Saturdays from October 1 through April 1. Dogs may not be trained or permitted to run unleashed from April 1 through August 15 on any game land located west of I-95, except when participating in field trials sanctioned by the Wildlife Resources Commission. Additionally, on game lands located west of I-95 where special hunts are scheduled for sportsmen participating in the Disabled Sportsman Program, dogs may not be trained or allowed to run unleashed during legal big game hunting hours on the dates of the special hunts.

(f) Trapping. Subject to the restrictions contained in 15A NCAC 10B .0110, .0302 and .0303, trapping of furbearing animals is permitted on game lands during the applicable open seasons, except that trapping is prohibited:

- (1) on the field trial course of the Sandhills Game Land;
- (2) on the Harmon Den and Sherwood bear sanctuaries in Haywood County;
- (3) in posted "safety zones" located on any game land;
- (4) by the use of multiple sets (with anchors less than 15 feet apart) or bait on the National Forest Lands bounded by the Blue Ridge Parkway on the south, US 276 on the north and east, and NC 215 on the west;
- (5) on Cowan's Ford Waterfowl Refuge in Gaston, Lincoln and Mecklenburg Counties;
- (6) on the Hunting Creek Swamp Waterfowl ~~Refuge~~ Refuge;
- (7) on the John's River Waterfowl Refuge in Burke County;
- (8) on the Dupont State Forest Game Lands.

On those areas of state-owned land known collectively as the Roanoke River Wetlands controlled trapping is allowed under a permit system.

(g) Use of Weapons. No person shall hunt or discharge a firearm or bow and arrow from a vehicle, or within 200 yards of any building or designated camping area, or within, into, or across a posted "safety zone" on any game land. No person shall hunt with or discharge a firearm within, into, or across a posted "restricted zone" on any game land.

(h) Vehicular Traffic. No person shall drive a motorized vehicle on any game land except on those roads constructed, maintained and opened for vehicular travel and those trails posted for vehicular travel, unless such person:

- (1) is a participant in scheduled bird dog field trials held on the Sandhills Game Land; or
- (2) holds a Disabled Access Program Permit as described in (n) below and is abiding by the rules described in that paragraph.

(i) Camping. No person shall camp on any game land except on an area designated by the landowner for camping. Camping and associated equipment in designated Hunter Camping Areas at Butner-Falls of the Neuse, Caswell, and Sandhills Game Lands is limited to Sept. 1- Feb. 29 and Apr. 7 - May 14.

(j) Swimming. Swimming is prohibited in the lakes located on the Sandhills Game Land.

(k) Disabled Sportsman Program. In order to qualify for special hunts for disabled sportsmen listed in 15A NCAC 10D .0003 an individual shall have in their possession a Disabled Sportsman permit issued by the Commission. In order to qualify for the permit, the applicant shall provide medical certification of one or more of the following disabilities:

- (1) amputation of one or more limbs;
- (2) paralysis of one or more limbs;
- (3) dysfunction of one or more limbs rendering the person unable to perform the task of grasping and lifting with the hands and arms or unable to walk without mechanical assistance, other than a cane;
- (4) disease or injury or defect confining the person to a wheelchair, walker, or crutches; or
- (5) legal deafness, meaning the inability to hear and/or understand oral communications with or without assistance of amplification devices.

Participants in the program, except those qualifying by deafness, may operate vehicles on ungated or open-gated roads normally closed to vehicular traffic on Game Lands owned by the Wildlife Resources Commission. Each program participant may be accompanied by one able-bodied companion provided such companion has in his possession the companion permit issued with the Disabled Sportsman permit.

(l) Release of ~~Animals~~ Animals and Fish. It is unlawful to release pen-raised animals or birds, ~~or wild animals or birds~~ birds, or hatchery-raised fish on game lands without prior written authorization. Also, it is unlawful to move wild fish from one stream to another on game lands without prior written authorization.

(m) Non-Highway Licensed Vehicles. It is unlawful to operate motorized vehicles not licensed for highway use from May 15 through August ~~31~~ 15 on all state-owned Game Lands. Such vehicles may be operated September 1 ~~August 16~~ through May 14 only on those roads constructed, maintained, and open for vehicular travel and those trails posted for vehicular use. All operators of such vehicles shall have, in their possession, a valid Game Lands Use license.

(n) Disabled Access Program. Permits issued under this program shall be based upon competent medical evidence submitted by the person verifying that a handicap exists that limits physical mobility to the extent that normal utilization of the game lands is not possible without vehicular assistance. Persons meeting this requirement may operate electric wheel chairs, all terrain vehicles, and other passenger vehicles on ungated or open-gated roads otherwise closed to vehicular traffic on game lands owned by the Wildlife Resources Commission and on game lands whose owners have agreed to such use. Those game lands where this special rule applies shall be designated in the game land rules and map book. This special access rule for disabled sportsmen does not permit vehicular access on fields, openings, roads, paths, or trails planted to wildlife food or cover. One able-bodied companion, who is identified by a special card issued to each qualified disabled person, may accompany a disabled person



to provide assistance, provided the companion is at all times in visual or verbal contact with the disabled person. The companion may participate in all lawful activities while assisting a disabled person, provided license requirements are met. Any vehicle used by a qualified disabled person for access to game lands under this provision shall prominently display the vehicular access permit issued by the Wildlife Resources Commission in the passenger area of the vehicle. It shall be unlawful for anyone other than those holding a Disabled Access Permit to hunt, during waterfowl season, within 100 yards of a waterfowl blind designated by the Wildlife Resources Commission as a Disabled Sportsman's hunting blind.

*Authority G.S. 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306.*

### .0003 HUNTING ON GAME LANDS

(a) Safety Requirements. No person while hunting on any designated game land shall be under the influence of alcohol or any narcotic drug, or fail to comply with special restrictions enacted by the National Park Service regarding the use of the Blue Ridge Parkway where it adjoins game lands listed in this Rule.

(b) Traffic Requirements. No person shall park a vehicle on game lands in such a manner as to block traffic, gates or otherwise prevent vehicles from using any roadway.

(c) Tree Stands. It is unlawful to erect or to occupy, for the purpose of hunting, any tree stand or platform attached by nails, screws, bolts or wire to a tree on any game land designated herein. This prohibition shall not apply to lag-screw steps or portable stands that are removed after use with no metal left remaining in or attached to the tree.

(d) Time and Manner of Taking. Except where closed to hunting or limited to specific dates by this Chapter, hunting on game lands is permitted during the open season for the game or furbearing species being hunted. On managed waterfowl impoundments, hunters shall not enter the posted impoundment areas earlier than 4:00 a.m. on the permitted hunting dates, and hunting is prohibited after 1:00 p.m. on such hunting dates; decoys shall not be set out prior to 4:00 a.m. and must be removed by 3:00 p.m. each day. No person shall operate any vessel or vehicle powered by an internal combustion engine on a managed waterfowl impoundment. No person shall attempt to obscure the sex or age of any bird or animal taken by severing the head or any other part thereof, or possess any bird or animal which has been so mutilated. No person shall place, or cause to be placed on any game land, salt, grain, fruit, or other foods without prior written authorization of the commission or its agent. A decision to grant or deny authorization shall be made based on the best management practices for the wildlife species in question. No person shall take or attempt to take any game birds or game animals attracted to such foods. No live wild animals or wild birds shall be removed from any game land.

(e) Definitions:

- (1) For purposes of this Section "Eastern" season refers to seasons set for those counties or parts of counties listed in 15A NCAC 10B .0203(b)(1)(A); "Central" season refers to seasons set for those counties or parts of counties listed in 15A NCAC 10B .0203(b)(1)(D); ~~.0203(b)(1)(C); "Northwestern" season refers to seasons set for those counties or parts of counties listed in 15A NCAC 10B .0203(b)(1)(B);~~ "Western" season refers to seasons set for those counties or parts of counties listed in 15A NCAC 10B ~~.0203(b)(1)(C);~~ .0203(b)(1)(B).
- (2) For purposes of this Section, "Dove Only Area" refers to a Game Land on which doves may be taken and dove hunting is limited to Mondays, Wednesdays, Saturdays and to Thanksgiving, Christmas and New Year's Days within the federally-announced season.
- (3) For purposes of this Section, "Three Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays, Saturdays and Thanksgiving, Christmas and New Year's Days. These "open days" ~~open days~~ also apply to either-sex hunting seasons listed under each game land. Raccoon and opossum hunting may continue until 7:00 a.m. on Tuesdays, until 7:00 a.m. on Thursdays, and until midnight on Saturdays.
- (4) For purposes of this Section, "Six Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons, except that:
  - (A) Bears shall not be taken on lands designated and posted as bear sanctuaries;
  - (B) Wild boar shall not be taken with the use of dogs on such bear sanctuaries, and wild boar may be hunted only during the bow and arrow seasons, the muzzle-loading deer season and the regular gun season on male deer on bear sanctuaries;
  - (C) On game lands open to deer hunting located in or west of the counties of Rockingham, Guilford, Randolph, Montgomery and Anson, the following rules apply to the use of dogs during the regular season for hunting deer with guns:
    - (i) Except for the counties of Cherokee, Clay, Graham, Jackson, Macon, Madison, Polk, and Swain, game birds shall may be hunted with dogs.
    - (ii) In the counties of Cherokee, Clay, Graham, Jackson, Macon, Madison, Polk, and Swain, small game in season shall may be hunted with dogs on all game lands except on bear sanctuaries.
  - (D) On bear sanctuaries in and west of Madison, Buncombe, Henderson and Polk counties

dogs shall not be trained or allowed to run unleashed between March 1 and the Monday on or nearest October 15;

(f) Game Lands Seasons and Other Restrictions:

- (1) Alcoa Game Land in Davidson, Davie, Montgomery, Rowan and Stanly counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (2) Angola Bay Game Land in Duplin and Pender counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (3) Anson Game Land in Anson County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (4) Bachlelor Bay Game Land in Bertie and Washington counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (5) Belews Lake Game Lands in Rockingham and Stokes counties
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (6) ~~(5)~~Bertie County Game Land in Bertie County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (7) ~~(6)~~Bladen County Game Land in Bladen County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) A special permit is required for hunting on the Suggs Mill Pond portion of the Bladen County Game Lands.
- (8) ~~(7)~~Bladen Lakes State Forest Game Land in Bladen County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season. Deer of either sex may also be taken the Saturday preceding Eastern bow season with bow and arrow and the Friday preceding the Eastern muzzle-loading season with any legal weapon (with weapons exceptions described in this Paragraph) by participants in the Disabled Sportsman Program.
- (C) Handguns shall not be carried and, except for muzzle-loaders, rifles larger than .22 caliber rimfire shall not be used or possessed.
- (D) On the Breece Tract and the Singletary Tract deer and bear may be taken only by still hunting.
- (E) Wild turkey hunting is by permit only.
- (9) ~~(8)~~Brushy Mountains Game Land in Caldwell County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (10) ~~(9)~~Bullard and Branch Hunting Preserve Game Lands in Robeson County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (11) ~~(10)~~Butner - Falls of Neuse Game Land in Durham, Granville and Wake counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) Waterfowl may be taken only on Tuesdays, Thursdays and Saturdays, Christmas and New Year's Days, and on the opening and closing days of the applicable waterfowl seasons. Waterfowl shall not be taken after 1:00 PM. On the posted waterfowl impoundments a special permit is required for all waterfowl ~~hunting.~~ hunting after November 1.
  - (D) Horseback riding, including all equine species, is prohibited.
  - (E) Target shooting is prohibited.
  - (F) Wild turkey hunting is by permit only.
- ~~(11)~~Carson Woods Game Land in Ashe County
  - (A) ~~Three Days per Week Area~~
  - (B) ~~Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.~~
- (12) Caswell Game Land in Caswell County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season. Deer of either sex may also be taken the Friday preceding the Central muzzle-loading season by participants in the Disabled Sportsman Program.
  - (C) Horseback riding is allowed only during June, July, and August and on Sundays



during the remainder of the year except during open turkey and deer seasons. Horseback riding is allowed only on roads opened to vehicular traffic. Participants must obtain a game lands license prior to engaging in such activity.

- (13) Caswell Farm Game Land in Lenoir County
  - (A) Dove-Only Area
- (14) Catawba Game Land in Catawba and Iredell counties
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
  - (C) Deer may be taken with bow and arrow only from the tract known as Molly's Backbone.
- (15) Chatham Game Land in Chatham County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (16) Cherokee Game Land in Ashe County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (17) Cherry Farm Game Land in Wayne County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) The use of centerfire rifles and handguns is prohibited.
- (18) Chowan Game Land in Chowan County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days ~~at the open days~~ of the applicable Deer With Visible Antlers Season.
- (19) Chowan Swamp Game Land in Gates County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (20) Columbus County Game Land in Columbus County.
  - (A) ~~Three Six~~ Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (21) Croatan Game Land in Carteret, Craven and Jones counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) Waterfowl may be taken only on Mondays,

Wednesdays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons.

- ~~(D) Bear season extends from the second Monday in November through the following Saturday in that portion in Jones and Craven counties and runs with the county season in Carteret.~~
- (22) Dare Game Land in Dare County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) No hunting on posted parts of bombing range.
  - (D) The use and training of dogs is prohibited from March 1 through June 30.
- (23) Dupont State Forest Game Lands in Henderson and Transylvania counties
  - (A) Hunting is by Permit only.
  - (B) The training and use of dogs for hunting except during scheduled small game permit hunts for squirrel, grouse, rabbit, or quail is prohibited.
- (24) ~~(23)~~ Dysartsville Game Land in McDowell and Rutherford counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (25) ~~(24)~~ Elk Knob Game Land in Ashe and Watauga counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (26) ~~(25)~~ Gardner-Webb Game Land in Cleveland County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (27) ~~(26)~~ Goose Creek Game Land in Beaufort and Pamlico counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) On posted waterfowl impoundments waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons. After November 1, on the Pamlico Point, Campbell Creek, Hunting Creek and Spring Creek impoundments, a special permit is required for hunting on



opening and closing days of the duck seasons, Saturdays of the duck seasons, and on Thanksgiving and New Year's day.

- (28) ~~(27)~~ Green River Game Land in Henderson, Polk and Rutherford counties
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season in that portion in Rutherford County; and deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season in that portion in Polk and Henderson counties.
- (29) ~~(28)~~ Green Swamp Game Land in Brunswick County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (30) ~~(29)~~ Gull Rock Game Land in Hyde County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) On the posted waterfowl impoundments of Gull Rock Game Land hunting of any species of wildlife is limited to Mondays, Wednesdays, Saturdays; Thanksgiving, Christmas, and New Year's Days; and the opening and closing days of the applicable waterfowl seasons.
- (31) Hickorynut Mountain Game Land in McDowell County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (32) ~~(30)~~ Hofmann Forest Game Land in Jones and Onslow counties
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (33) ~~(31)~~ Holly Shelter Game Land in Pender County
- (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season. Deer of either sex may also be taken the Friday preceding the Eastern muzzle-loading season with any legal weapon and the Saturday preceding Eastern bow season with bow and arrow by participants in the Disabled Sportsman Program
  - (C) Waterfowl may be taken on the opening and closing days of the applicable waterfowl

seasons regardless of the day of the week on which they occur.

- (34) ~~(32)~~ Huntsville Community Farms Game Land in Yadkin County
- (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (35) ~~(33)~~ Hyco Game land in Person County ~~and Caswell counties~~
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (36) ~~(34)~~ Jordan Game Land in Chatham, Durham, Orange and Wake counties
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) Waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons.
  - (D) Horseback riding, including all equine species, is prohibited.
  - (E) Target shooting is prohibited.
  - (F) Wild turkey hunting is by permit only.
- (37) ~~(35)~~ Lantern Acres Game Land in Tyrrell and Washington counties
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days ~~the last six open days~~ of the applicable Deer With Visible Antlers Season.
- (38) ~~(36)~~ Lee Game Land in Lee County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (39) ~~(37)~~ Linwood Game Land in Davidson County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (40) ~~(38)~~ Moore Game Land in Moore County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (41) ~~(39)~~ Nantahala Game Land in Cherokee, Clay, Graham, Jackson, Macon, Swain and Transylvania counties
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible

Antlers Season in that portion located in Transylvania County.

- (C) Raccoon and opossum may be hunted only from sunset Friday until sunrise on Saturday and from sunset until 12:00 midnight on Saturday on Fires Creek Bear Sanctuary in Clay County and in that part of Cherokee County north of US 64 and NC 294, east of Persimmon Creek and Hiwassee Lake, south of Hiwassee Lake and west of Nottely River; in the same part of Cherokee County dog training is prohibited from March 1 to the Monday on or nearest October 15.
- (D) It is unlawful to train dogs or allow dogs to run unleashed on any game land in Graham County between March 1 and the Monday on or nearest October 15.
- (42) ~~(40)~~ Neuse River Game Land in Craven County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (43) ~~(41)~~ New Lake Game Land in Hyde County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (44) ~~(42)~~ North River Game Land in Currituck County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (45) ~~(43)~~ ~~Northeast~~ Cape Fear Game Land in Pender County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (46) ~~(44)~~ Northwest River Marsh Game Land in Currituck County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (47) ~~(45)~~ Pee Dee River Game Land in Anson, Montgomery, Richmond and Stanly counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) Use of centerfire rifles prohibited in that portion in Anson and Richmond counties North of US-74.
- (48) Perkins Game Land in Davie County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible

Antlers Season.

- (49) ~~(46)~~ Person Game Land in Person County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) Waterfowl may be taken only on Tuesdays, Thursdays and Saturdays, Christmas and New Year's Days, and on the opening and closing days of the applicable waterfowl seasons.
- (50) ~~(47)~~ Pisgah Game Land in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, Watauga and Yancey counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season except on that portion of Avery County north of the Blue Ridge Parkway.
  - (C) Harmon Den and Sherwood Bear Sanctuaries in Haywood County are closed to hunting raccoon, opossum and wildcat. Training raccoon and opossum dogs is prohibited from March 1 to the Monday on or nearest October 15 in that part of Madison County north of the French Broad River, south of US 25-70 and west of SR 1319.
- (51) ~~(48)~~ Pungo River Game Land in Hyde County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (52) ~~(49)~~ Roanoke River Wetlands in Bertie, Halifax and Martin counties
  - (A) Hunting is by Permit only. Vehicles are prohibited on roads or trails except those operated on official Commission business or by permit holders.
- (53) ~~(50)~~ Robeson Game Land in Robeson County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (54) ~~(51)~~ Sampson Game Land in Sampson County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (55) ~~(52)~~ Sandhills Game Land in Moore, Richmond and Scotland counties
  - (A) Three Days per Week Area
  - (B) The Deer With Visible Antlers season for deer consists of the open hunting dates from the second Monday before Thanksgiving through the third Saturday after



Thanksgiving except on the field trial grounds where the gun season is from the second Monday before Thanksgiving through the Saturday following Thanksgiving. Deer may be taken with bow and arrow on all open hunting dates during the bow and arrow season, as well as during the regular gun season. Deer may be taken with muzzle-loading firearms on Monday, Wednesday and Saturday of the second week before Thanksgiving week, and during the Deer With Visible Antlers season.

- (C) Gun either-sex deer hunting is by permit only the Thursday and Friday before Thanksgiving Week. For participants in the Disabled Sportsman Program, either-sex deer hunting with any legal weapon is permitted on all areas the Thursday and Friday prior to the muzzle-loading season described in the preceding paragraph. Except for the deer seasons indicated in the preceding paragraph and the managed either-sex permit hunts, the field trial grounds are closed to all hunting during the period October 22 to March 31.
- (D) In addition to the regular hunting days, waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons
- (E) Wild turkey hunting is by permit only.
- (F) Dove hunting on the field trial grounds will be prohibited from the second Sunday in September through the remainder of the hunting season.
- (56) ~~(53)~~ Sauratown Plantation Game Land in Stokes County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (57) ~~(54)~~ Shearon Harris Game Land in Chatham and Wake counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) Waterfowl may be taken only on Tuesdays, Fridays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons.
- (58) ~~(55)~~ South Mountains Game Land in ~~Burke and Cleveland~~ Burke, Cleveland, McDowell and Rutherford counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

- (59) ~~(56)~~ Sutton Lake Game Land in New Hanover County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (60) ~~(57)~~ Three Top Mountain Game Land in Ashe County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (61) ~~(58)~~ Thurmond Chatham Game Land in Wilkes County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season. Participants of the Disabled Sportsman Program may also take either-sex deer with bow and arrow on the Saturday prior to Western ~~Northwestern~~ bow and arrow season.
  - (C) Horseback riding is only allowed during June, July, and August and on Sundays during the remainder of the year except during open turkey and deer seasons. Horseback riding is allowed only on roads opened to vehicular traffic. Participants must obtain a game lands license prior to horseback riding on this area.
- (62) ~~(59)~~ Toxaway Game Land in Transylvania County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season. Participants of the Disabled Sportsman Program Deer may also take deer of either sex with any legal weapon on the Saturday prior to the first segment of the Western bow and arrow season.
- (63) ~~(60)~~ Uwharrie Game Land in Davidson, Montgomery and Randolph counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (64) ~~(61)~~ Vance Game Land in Vance County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) The use of dogs, centerfire rifles and handguns for hunting deer is prohibited on the Nutbush Peninsula tract.
- (65) ~~(62)~~ White Oak River Impoundment Game Land in Onslow County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken all the open



- days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons regardless of the day of the week on which they occur.
- (66) ~~(63)~~Yadkin Game Land in Caldwell County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

(g) On permitted type hunts deer of either sex may be taken on the hunt dates indicated on the permit. Completed applications must be received by the Commission not later than the first day of September next preceding the dates of hunt. Permits shall be issued by random computer selection, shall be mailed to the permittees prior to the hunt, and shall be nontransferable. A hunter making a kill must tag the deer and report the kill to a wildlife cooperator ~~agent~~: agent or by phone.

(h) The following game lands and refuges shall be closed to all hunting except to those individuals who have obtained a valid and current permit from the Wildlife Resources Commission:

Bertie, Halifax and Martin counties--Roanoke River Wetlands;  
 Bertie County--Roanoke River National Wildlife Refuge.  
 Burke County--John's River Waterfowl Refuge.  
 Dare County--Dare Game Lands (Those parts of bombing range posted against hunting).  
 Davie--Hunting Creek Swamp Waterfowl Refuge.  
 Gaston, Lincoln and Mecklenburg counties--Cowan's Ford Waterfowl Refuge.  
Henderson and Transylvania counties--Dupont State Forest Game Lands.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-305.

#### .0004 FISHING ON GAME LANDS

(a) Generally. Except as otherwise indicated herein, fishing on game lands which are open to fishing shall be in accordance with the statewide regulations. All game lands are open to public fishing except restocked ponds when posted against fishing, Hunting Creek Swamp Waterfowl Refuge, Grogan Creek in Transylvania County, and in the case of private ponds where fishing may be prohibited by the owners thereof. No trotline or set-hook or any net, trap, gig, bow and arrow or other special fishing device of a type mentioned in 15A NCAC 10C .0403 may be used in any of the impounded waters located on the Sandhills Game Land.

(b) Designated Public Mountain Trout Waters

- (1) Fishing Hours. It is unlawful to fish in designated public mountain trout waters on any game land from one-half hour after sunset to one-half hour before sunrise, except in Hatchery Supported Trout waters as stated in 15A NCAC 10C .0305(a),

Delayed Harvest waters as stated in 15A NCAC 10C .0205(a)(5), ~~and in the game lands sections of the Nantahala River located downstream from the Swain County line; line, and the sections of Green River in Polk County located on Green River Game Lands from Fish Stop Falls Access Area downstream to Brights Creek.~~

- (2) Location. All waters located on the game lands listed in this Subparagraph are designated public mountain trout waters except Cherokee Lake, Grogan Creek, and Big Laurel Creek downstream from the US 25-70 bridge to the French Broad River, Pigeon River downstream of Waterville Reservoir to Tennessee line, Nolichucky River, and Mill Ridge Pond and Cheoah River downstream of Santeetlah Reservoir.

Three Top Mountain Game Land, Ashe County  
 Nantahala National Forest Game Lands in the Counties of Cherokee, Clay, Graham, Jackson, Macon, Swain and Transylvania

Pisgah National Forest Game Lands in the Counties of Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania and Yancey  
~~South Mountains Game Land in Burke County~~  
 Thurmond Chatham Game Land in Wilkes County

Toxaway Game Land in Transylvania County

- (3) All designated public mountain trout waters located on the game lands listed in Subparagraph (b)(2) of this Rule are wild trout waters unless classified otherwise. [See 15A NCAC 10C .0205(a)(1)].

(c) Ponds. In all game lands ponds, it is unlawful to take channel, white or blue catfish (forked tail catfish) by means other than hook and line and the daily creel limit for forked tail catfish is six fish in aggregate.

Authority G.S. 113-134; 113-264; 113-272; 113-292; 113-305.

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**N**otice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Wildlife Resources Commission intends to amend rules cited as 15A NCAC 10F .0102 - .0105, .0109, .0345, .0347. Notice of Rule-making Proceedings was published in the Register on September 15, 1997.

**Proposed Effective Date:** July 1, 1998

**A Public Hearing** will be conducted at 10:00 a.m. on December 30, 1997 at the Archdale Building, Room 332, 512 N. Salisbury Street, Raleigh, NC 27604.

**Reason for Proposed Action:**

15A NCAC 10F .0102 - .0105, .0109 - The Wildlife

*Resources Commission initiated the amendment to motorboat registration to comply with new vessel registration procedures.*

**15A NCAC 10F .0345** - *The North Carolina Wildlife Resources Commission Staff initiated the no-wake zone pursuant to G.S. 75A-15, to protect public safety in the area by restricting vessel speed.*

**15A NCAC 10F .0347** - *The Craven County Board of Commissioners initiated the no-wake zone pursuant to G.S. 75A-15, to protect public safety in the area by restricting vessels.*

**Comment Procedures:** *Interested persons may present their views either orally or in writing at the hearing. In addition, the record of hearing will be open for receipt of written comments from December 15, 1997 to February 11, 1998. Such written comments must be delivered or mailed to the NC Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.*

**Fiscal Note:** *These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.*

## SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

### SECTION .0100 - MOTORBOAT REGISTRATION

#### .0102 APPLICATION FOR CERTIFICATE OF VESSEL NUMBER

(a) General: Every owner of a vessel required to be numbered pursuant to G.S. 75A-4 and 75A-7 shall apply to the Vessel Registration and Title Section of the North Carolina Wildlife Resources Commission or to one of its authorized agents for a certificate of vessel number using an approved ~~application form~~; application.

(b) Individual Owners of Vessels. The application shall contain the following information:

- (1) name of owner(s);
- (2) address of owner, including zip code;
- (3) state of principal use of vessel;
- (4) present or previous vessel registration number (if any);
- (5) desired period of registration (one or three years);
- (6) use of vessel (pleasure, livery, demonstration, commercial passenger, commercial fishing, ~~other~~; other commercial);
- (7) make of vessel (if known);
- (8) year of manufacture or model year (if known);
- (9) manufacturer's hull identification number (if any);
- (10) overall length of vessel;
- (11) type of vessel (open, cabin, houseboat, personal watercraft, pontoon, other);
- (12) hull material (wood, metal fiberglass, inflatable, plastic, other);

- (13) type of propulsion (inboard; outboard; inboard-outdrive; jet drive; ~~sail~~; sail; auxiliary sail/inboard; auxiliary sail/outboard);
- (14) type of fuel (gasoline, diesel, electric, electricity other);
- (15) proof of ownership document;
- (16) signature of owner(s).

(c) Livery Vessel Owners. A "livery" vessel is one that is rented or leased to an individual for a specific time period by the owner. The registration and numbering requirements of G.S. 75A-4 and 75A-7 shall apply to livery vessels. In any case where the motor is not rented with the vessel, the description of the motor and type of fuel may be omitted from the application. The standard application form for vessel registration shall be used for livery vessels with the term "livery" marked in the section designated for "use of vessel."

(d) Dealers and Manufacturers of Vessels. A "manufacturer" as the term is used in this Rule is defined as a person, firm, or corporation engaged in the business of manufacturing vessels either upon prior commission or for the purpose of selling them after manufacture. A "dealer" as the term is used in this Rule is defined as a person, firm, or corporation engaged in the business of offering vessels for sale at retail or wholesale from an established location(s). The registration and numbering requirements of G.S. 75A-4 and 75A-7 shall apply to vessels belonging to dealers and manufacturers. The standard application for a certificate of vessel number shall be used for dealer and manufacturer certificates with the term "demonstration" marked in the section designated for "use of vessel." Upon receipt of a properly completed application and fee for dealer or manufacturer vessel registration, the Wildlife Resources Commission shall issue to the applicant a dealer's or manufacturer's certificate of vessel number, as appropriate, which may be used in connection with the operation of any vessel in the possession of the dealer or manufacturer when the vessel is being demonstrated. Additional dealer's or manufacturer's certificates of vessel number may be obtained by making application in the same manner as prescribed for the initial certificate with payment of an additional fee for each additional certificate. Dealers and manufacturers have the option of registering individual vessels in accordance with Rule .0104(a) of this Section.

*Authority G.S. 75A-3; 75A-5; 75A-7; 75A-19; 33 C.F.R. 174.17.*

#### .0103 TRANSFER OF OWNERSHIP

(a) Transfer of titled vessels.

- (1) When the ownership of a titled vessel is transferred, the current owner(s) as recorded on the face of the Certificate of Title for Watercraft shall complete the Assignment of Title section on the reverse side of the certificate of title according to the given instructions and transmit the title to the new owner(s). If the certificate of title contains any encumbrances, security interests, or liens on its



face, the Release of First Lien section on the face reverse side of the certificate of title must be completed by the lienholder(s) according to given instructions before the title is transmitted to the new owner(s). If more than one lien is outstanding on the title, all liens must be satisfied as evidenced by attaching additional Release of Lien statements completed in the same fashion as the Release of First Lien section before the certificate of title is transmitted to the new owner(s).

- (2) The new owner(s) must complete and submit an Application for Title and Registration (~~Form WT-1~~) along with the properly assigned certificate of title and applicable registration and title fees to the Vessel Registration and Title Section of the Wildlife Resources Commission for processing. The new owner(s) shall indicate on the application whether or not the vessel will be titled under the new ownership; and, if so, whether or not any liens exist on the vessel. If the new owner(s) elects to transfer the title, then a new Certificate of Title for Watercraft shall be issued, including recordation of any new liens that are listed on the application.
- (b) Transfer of non-titled vessels.
  - (1) Direct transfer from one individual owner to another.
    - (A) If the ownership of a once-registered vessel is transferred, the previous owner shall complete the statement of transfer provided with the certificate of vessel number, date it as of the day of the transaction, sign it, and deliver it to the new owner.
    - (B) The new owner shall complete the transfer of vessel ownership by preparing and submitting an official application form for this purpose within 10 days from the date of transfer. The original vessel registration number must be retained when a vessel most recently registered in North Carolina is registered to a new owner. A new vessel registration number shall be issued to vessels most recently registered in another State or never before registered.
    - (C) For 60 days following the transfer of ownership of a once-registered vessel, the new owner may use the certificate of vessel number of the prior owner as a temporary certificate of number pending receipt of his own certificate provided the certificate is validated in accordance with Part (b)(1)(A) of this Rule.
    - (D) An individual may also transfer ownership of a vessel by preparing a Bill of Sale naming the new owner, provided both parties to the sale sign the Bill of Sale before a notary public. If a Bill of Sale is the instrument of transfer, the new owner may use a copy of it

as a temporary certificate of vessel number for a period of 60 days. The notarized Bill of Sale must accompany the application for transfer of ownership and the application must be mailed within 10 days of the date of sale.

- (2) Transfer of a once-registered vessel through a dealer.
  - (A) An owner selling or transferring a once-registered vessel to a dealer shall, on the day of the transaction, give the certificate of vessel number to the dealer after dating and signing the statement of transfer provided with the certificate.
  - (B) When the vessel is subsequently sold, the dealer shall, on the day of the transaction, date and sign the statement of transfer which was received from the previous owner and give it to the new owner. If no certificate of vessel registration is available, a Bill of Sale may be used to document transfer of ownership to the purchaser, provided both parties to the sale sign the Bill of Sale before a notary public.
  - (C) For a period of 60 days following the transfer of ownership of a once-registered vessel, the new owner may use the certificate of vessel number of the prior owner as a temporary certificate of vessel number, provided the certificate is validated in accordance with Part (b)(1)(A) of this Rule; or a copy of the notarized Bill of Sale may be used as a temporary certificate.
- (3) Transfer of a vessel individually-registered to a dealer or manufacturer. Vessels that have been individually numbered by dealers or manufacturers shall upon transfer of ownership be governed by the provisions of Subparagraph (b)(1) of this Rule.

*Authority G.S. 75A-3; 75A-5; 75A-19; 33 C.F.R. 174.21.*

#### **.0104 CERTIFICATE OF NUMBER**

(a) General. Upon receipt of a completed application, together with fee, the Wildlife Resources Commission shall issue to the applicant a certificate of vessel number which shall authorize the operation of the vessel. The certificate of vessel number shall be carried while operating the vessel and shall be presented for inspection to any law enforcement officer upon request. The certificate of vessel number shall include the following information:

- (1) name of owner(s);
- (2) address of owner, including zip code;
- (3) state of principal use of vessel;
- (4) number awarded to vessel;
- (5) expiration date of certificate;
- (6) use of vessel (pleasure, livery, demonstration, commercial passenger, commercial fishing, ~~other~~);



other commercial);

- (7) make of vessel (if known);
- (8) year of manufacture or model year (if known);
- (9) manufacturer's hull identification number (if any);
- (10) overall length of vessel;
- (11) type of vessel (open, cabin, ~~house~~, houseboat, personal watercraft, pontoon, other);
- (12) hull material (wood, metal, steel, ~~aluminum~~, fiberglass, plastic, inflatable, other);
- (13) type of propulsion (inboard, outboard, inboard-outdrive, ~~sail~~; sail, auxiliary sail/inboard, auxiliary sail/outboard, jet drive);
- (14) type of fuel (gasoline, diesel, electric, other);
- (15) notice to owner that he shall report within 15 days changes of address or ownership, and destruction or abandonment of vessel;
- (16) notice to the owner that the operator shall:
  - (A) always carry this certificate on vessel when in use;
  - (B) report every accident involving injury or death to persons, or property damage over one hundred dollars (\$100.00);
  - (C) stop and render assistance if involved in boating accident.

(b) Livery Vessel Owners. The certificate of number awarded to a livery vessel shall be plainly marked "livery vessel" and in any case where the motor is not rented with the vessel, the description of the motor and type of fuel shall be omitted from the certificate.

(c) Dealers and Manufacturers. The certificate of vessel number awarded to dealers and manufacturers shall be plainly marked "dealer" or "manufacturer" in lieu of the description of the boat, motor and type of fuel. Any dealer or any permittee of a dealer demonstrating or testing a vessel may utilize a set of dealer's numbers and the corresponding dealer's certificate of vessel number to operate any vessel held for sale, but only for demonstration or testing purposes. Vessels owned or possessed by dealers for personal use or for any use whatsoever other than for demonstration and testing purposes must be individually registered in the name of the dealer in accordance with Paragraph (a) of this Rule.

(d) Vessel Registration Agents. In order to make certificates of vessel number readily available throughout the State, vessel dealers, manufacturers, and other related businesses which operate from established locations within North Carolina may be appointed as agents of the Wildlife Resources Commission and authorized to issue and renew certificates of vessel number and handle related transactions.

Rules governing the appointment and operations of vessel registration agents are contained in 15A NCAC 10G .0400 - WILDLIFE SERVICE AGENTS. To be appointed as a Vessel Registration Agent, a business shall enter into a written agreement with the Wildlife Resources Commission through which the agent agrees to conduct the Vessel Registration Agency as a public service and to comply with governing statutes and rules. Upon ratification of the agreement by the Executive Director, the agent is authorized

to purchase blocks of at least five certificates of number for three-year vessel registrations only, to be issued to owners of new vessels and to owners of vessels not previously registered in North Carolina.

Authority G.S. 75A-3; 75A-5; 75A-7; 75A-19; 33 C.F.R. 174.19.

#### .0105 NUMBERING PATTERN

(a) The vessel number assigned shall consist of the symbol "NC" identifying the state, followed by not more than four arabic numerals and two capital letters, in sequence, separated by a hyphen or equivalent space, in accordance with the serials, numerically and alphabetically. As examples: NC-1-A or NC-1234-AA.

(b) Since the letters "I," "O," and "Q" may be mistaken for arabic numerals, they shall not be used in the letter sequences. Letters, or letters and numbers, forming words or combinations shall not be used.

(c) The single letter "P" shall be reserved for use following the numerals of vessels numbered by governmental entities.

(d) The single letter "X" shall be reserved for use following the numerals of vessels numbered by vessel dealers and manufacturers.

Authority G.S. 75A-3; 75A-5; 75A-7; 33 C.F.R. 174.23.

#### .0109 TEMPORARY CERTIFICATE OF VESSEL NUMBER

~~(a) Upon acquisition of a vessel not previously numbered or a vessel for which no certificate of vessel number is available, Whenever the final transaction to issue, renew, or transfer a permanent certificate of vessel number or to issue a duplicate vessel registration cannot be completed for some reason and the required fee and vessel and owner information for the transaction are provided, the new owner may be issued transmit with his application for the regular certificate of vessel number a request for a temporary certificate of vessel number. The request must state the date the vessel was acquired by the applicant. For a period not exceeding 60 days following the date of the transaction, acquisition, the vessel may be operated on the temporary certificate of vessel number pending receipt of the regular certificate.~~

~~(b) In order to make temporary certificates of vessel number readily available locally throughout the State, Vessel Registration Agents appointed pursuant to Rule .0104(d) of this Section may issue temporary certificates of vessel number. Vessel Registration Agents shall be furnished a supply of temporary certificates of vessel number and application forms for use in applying for regular certificates of vessel number. Temporary certificates of vessel number shall be prepared in duplicate so as to provide an original (Part 1) and a copy (Part 2). The original shall be given to the qualified vessel owner for his use in operating the vessel and the copy shall be retained by the Vessel Registration Agent.~~

(c) ~~Vessel Registration Agents shall follow the requirements and restrictions set forth herein:~~

- (1) ~~Vessel Registration Agents may charge a reasonable fee to vessel owners for issuance of temporary certificates of vessel number commensurate with the direct cost and time involved in issuing the certificate, provided that notice of the charge for issuing a temporary certificate is prominently posted on the premises and the customer is advised of the fee before the transaction is made.~~
- (2) ~~No substitute for the printed form of the temporary certificate of vessel number supplied by the Wildlife Resources Commission shall be used by an agent and no agent shall issue any writing purporting to authorize the use of an unregistered vessel.~~
- (3) ~~When the vessel has been acquired from a source other than the agent, a temporary certificate of vessel number shall not be issued unless and until the owner produces a notarized bill of sale, a certificate of vessel number validated by the previous owner, or other memorandum of transfer which identifies the vessel and which has been dated, signed and acknowledged by the transferor before a notary public or other officer authorized to take acknowledgments.~~
- (4) ~~All required information on the temporary certificate of vessel number shall be properly entered in the spaces provided, including the date of expiration of the certificate, which shall be the 60th day following the date of acquisition of the vessel by the owner.~~
- (5) ~~After the owner signs the temporary certificate, the agent shall deliver to the owner Part 1 of the certificate and an application form with which the owner may apply for a regular certificate of vessel number.~~
- (6) ~~The agent shall keep Part 2 of the temporary certificate as a part of the official records of the agency for a period of at least 90 days. If a bill of sale or other memorandum of transfer has been required to verify ownership, a copy thereof shall be attached to the agent's copy of the temporary certificate of vessel number.~~
- (7) ~~No agent shall knowingly issue more than one temporary certificate of vessel number to the same person for the same vessel during any twelve month period.~~
- (8) ~~An agent may make application for a certificate of vessel number or for a transfer of registration on behalf of a new owner to whom a temporary certificate has been issued, provided the application and fee are submitted to the Wildlife Resources Commission within 10 days of the date of issuance of the temporary certificate.~~
- (9) ~~Upon termination of a vessel registration agency, all copies (Part 2) of temporary certificates of~~

~~vessel number previously issued and all unused forms for temporary certificates of vessel number then remaining in possession of the terminated agency shall be delivered to the Wildlife Resources Commission.~~

(d) ~~A vessel registration agency which issues temporary certificates of vessel number, being a mutual and voluntary undertaking, may be terminated at any time, with or without cause, by either party thereto by giving written notice of termination to the other party.~~

(e) ~~If the agent who issues a temporary certificate of vessel number does not submit the application for a regular certificate of vessel number on behalf of the new owner, the new owner must submit the application and fee to the Wildlife Resources Commission within 10 days of the date of issuance of the temporary certificate.~~

(b) (f) ~~In order to be valid, the temporary certificate of vessel number must contain the following:~~

- (1) ~~full name and address of issuing agent;~~
- (2) ~~full name and address of owner(s), including zip code;~~
- (3) ~~previous vessel registration number, if any (if none, so state);~~
- (4) ~~state of principal use of vessel;~~
- (5) ~~make of vessel;~~
- (6) ~~vessel length in feet;~~
- (7) ~~hull material;~~
- (8) ~~type of propulsion;~~
- (9) ~~date of purchase of vessel;~~
- (10) ~~date of application for regular certificate of vessel number;~~
- (11) ~~expiration date of temporary certificate;~~
- (12) ~~signature(s) of owner(s) and agent.~~

(g) ~~Temporary certificates of vessel number shall be issued by vessel registration agents when certificates of vessel number are presented for renewal at the vessel registration agency.~~

*Authority G.S. 75A-3; 75A-5; 33 C.F.R. 174.21.*

## SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

### .0345 CHATHAM AND WAKE COUNTIES

(a) **Regulated Areas.** This Rule applies to the following waters of the Shearon Harris Nuclear Power Plant Reservoir, otherwise known as Harris Reservoir, which is located in the counties of Chatham and Wake:

- (1) All waters within 50 yards of any marked boat launching ramp, pier, dock, mooring area, boat storage structure, bridge, or service area.
- (2) The cove located in Chatham County encompassing approximately ten acres wherein a Wildlife Resources Commission access area is located as indicated by markers placed and maintained by the Wildlife Resources Commission.
- (3) The waters surrounding and within 150 yards of the



shore of the peninsula wherein a Wildlife Resources Commission access area known as Holleman Boating Access Area is located and as indicated by markers placed and maintained by the Wildlife Resources Commission.

(b) Restricted Zones. Except for authorized personnel of the power company, no person shall operate a motorboat or vessel in any restricted zone which is marked to prevent entry by boats.

(c) Mast Height. No person shall place or operate on the regulated area described in Paragraph (a) of this Rule any sailboat or other vessel having a mast or any superstructure extending vertically above water level a distance of 35 feet or more.

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

(e) Swimming Areas. No person shall operate any vessel or water skis within a marked public swimming area.

(f) Placement and Maintenance of Markers. The Board of Commissioners of Chatham County and the Board of Commissioners of Wake County are designated suitable agencies for placement and maintenance of markers implementing this Rule within their respective counties. Provided the said boards exercise their supervisory responsibilities, they may delegate the actual placement and maintenance to some other responsible agency, corporation, group or individual. With regard to marking the regulated areas described in Paragraph (a) of this Rule, the supplementary standards set forth in Rule .0301(g) of this Section shall apply.

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

#### **.0347 CRAVEN COUNTY**

(a) Regulated Areas. This Rule applies to the following waters in Craven County:

- (1) that portion of Northwest Creek between the entrance buoys at Fairfield Harbour Marina and the mouth of Spring Creek, and to all of Spring Creek, including the bulkheaded area of Fairfield Harbour, in Craven County;
- (2) that area of water between the entrance buoys of the Olde Towne Lake, from the Trent River and including all of Olde Towne Lake and the bulkhead area of Olde Towne Harbour itself;
- (3) Matthews Point Marina. That triangular portion within 300 feet on either side and 150 feet straight off of the main pier at Matthews Point Marina located on Clubfoot and Mitchell Creeks, at the end of SR 1711 in the Harlowe area of Craven County;
- (4) that area of water within 50 yards of the fuel dock at Eastern Carolina Yacht Club.

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

(c) Green Springs Boys Club Swimming Area - No person

shall operate a vessel within the Green Springs Boys Club Swimming Area along the Neuse River as designated by marker buoys and float lines.

(d) ~~(c)~~ Placement and Maintenance of Markers. The Board of Commissioners of Craven County is hereby designated a suitable agency for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

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

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**N**otice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Wildlife Resources Commission intends to amend rules cited as 15A NCAC 10G .0402 - .0404. Notice of Rule-making Proceedings was published in the Register on September 15, 1997.

**Proposed Effective Date:** July 1, 1998

**A Public Hearing** will be conducted at 10:00 a.m. on December 30, 1997 at the Archdale Building, Room 332, 512 N. Salisbury Street, Raleigh, NC.

**Reason for Proposed Action:** The Wildlife Resources Commission initiated the amendment wildlife service agent appointment, agreement and customer support system to comply with new wildlife service agent procedures and requirements.

**Comment Procedures:** Interested persons may present their views either orally or in writing at the hearing. In addition, the record of hearing will be open for receipt of written comments from December 15, 1997 to February 14, 1998. Such written comments must be delivered or mailed to the NC Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.

**Fiscal Note:** These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

#### **SUBCHAPTER 10G - DISTRIBUTION AND SALE OF HUNTING: FISHING: AND TRAPPING LICENSE**

#### **SECTION .0400 - WILDLIFE SERVICE AGENTS**

#### **.0402 APPOINTMENT OF WILDLIFE SERVICE AGENTS**

Any business operating from a fixed location in North Carolina may apply in writing to the ~~Executive Director of~~ the Wildlife Resources Commission ~~on a form provided for~~



appointment as a Wildlife Service Agent. The applicant shall completely and accurately furnish all information requested in the application. An applicant may be appointed as a Wildlife Service Agent, if the information provided on the application and by any further investigation that may be made, provides evidence, convincing to the Executive Director, that the applicant shall comply with all rules and meets all standards and qualifications applicable to Wildlife Service Agents. In order to ensure security of State funds to be collected by Wildlife Service Agents and to determine the qualification of the applicant in the field of business, the Executive Director may require that applicants have a minimum of one year's experience in operating the business for which the application is made or some other comparable business experience. Applicants may also be required to submit financial statements of the business so that the solvency of the business can be judged. Every initial appointment as a Wildlife Service Agent is probationary for the first year and new agents are subject to close monitoring of their performance.

*Authority G.S. 113-134; 113-270.1.*

#### **.0403 WILDLIFE SERVICE AGENT AGREEMENT**

In consideration of appointment as a Wildlife Service Agent and the fees received therefrom, each Wildlife Service Agent shall annually execute an Agreement with the Commission acknowledging that the agency shall be operated in compliance with all laws, rules, and administrative directives related to the sale of licenses and the registration of vessels. Furthermore, the agency shall be operated as a public convenience; and, to that end, the agent agrees to serve the public in an efficient and helpful manner with all reasonable requests for assistance whenever open for business. It shall be the duty of the agent to be informed and knowledgeable of the laws and rules governing requirements for licenses and vessel transactions and to stay abreast of changes in these requirements so that the agent can provide accurate and reliable information and instruction to persons who seek assistance in these matters. Unless otherwise specifically provided in the Agreement, the appointment as a Wildlife Service Agent and the Agreement under which the appointment is made is singularly valid for the person named thereon who is authorized to act on behalf of the business and applies only to the business and location named. If the manager, location, or ownership of the business changes, then the Agreement becomes null and void and, if the agency is to remain operational, the Agreement it shall be amended to reflect the changes. Notice of any change in management, location, or ownership shall be sent to the Commission at least 10 days prior to the change to allow time to issue a new or amended Agreement, provided the new conditions of the agency conform to all requirements for appointment. In the event of fire, theft, or natural disaster that damages or destroys any equipment, records, or supplies related to the operations of a Wildlife Service Agent, the agent shall notify the Commission by telephone within 48 hours of the

occurrence and shall submit a written report within 10 days.

*Authority G.S. 113-134; 113-270.1.*

#### **.0404 CUSTOMER SUPPORT SYSTEM**

(a) Equipment. Each Wildlife Service Agent shall be equipped with a transaction terminal, which is a network computer linked to the Commission's central data base by telephone lines. Using the transaction terminal, the agent can issue licenses, permits, tags, vessel registrations and decals, magazine subscriptions, and other items. The record of sale and issuance of each item shall be automatically transmitted by the terminal to the Commission overnight via toll-free telephone connection. The Commission shall communicate information and instructions about individual agent accounts and messages of general interest to all agents via the transaction terminal. Agents shall also be provided two printers: one to print receipts and messages and the other to print licenses, permits, tags, decals, registrations, and other items. All necessary training, trouble-shooting, maintenance, equipment replacements, materials and supplies shall be furnished by the ~~Commission.~~ Commission subject to an operation and maintenance fee as set forth in Paragraph (c) of this Rule. Toll-free telephone service to link transaction terminals to the system's central data base shall be supplied by the Commission. Net proceeds from all transactions shall be transferred to the Commission every week via an electronic transfer of funds from the bank account designated by an agent in the Wildlife Service Agent Agreement to the Commission's account in the State Treasury.

(b) Cost to the Wildlife Service Agent. Wildlife Service Agents applying for appointment prior to July 1, 1997, shall not be charged any initial, subsequent, or periodic cost for the delivery, installation, training, operation, or maintenance of the Customer Support ~~System.~~ System other than the operation and maintenance fee as set forth in Paragraph (c) of this Rule. Agents applying after July 1, 1997, shall be assessed a ~~weekly monthly fee fee, to be known as the Wildlife Service Agent fee,~~ to cover the cost of acquisition, ~~installation,~~ operation and maintenance of the equipment and the cost of supplies and materials to operate the Customer Support System. The Wildlife Service Agent fee shall be based upon an analysis of system cost to be shared equitably by Wildlife Service Agents based upon criteria established by the Commission. The fee may be changed from time to time if the cost of the system changes. The Commission may establish categories of fees for Wildlife Service Agents when it determines that the cost of support for a particular group of agents is less due to amortization of the initial cost of equipment over the time these agents have been paying the Wildlife Service Agent fee. The Commission may establish a short-term or seasonal rate for agents to rent additional terminals to meet their customer demand. The Commission may provide more than one terminal to an agent at no additional cost if the agent handles both vessel and license transactions and meets a minimum level of transaction activity established by the Commission. If the Commission

determines that an Wildlife Service Agent is necessary to serve the public interest in a particular area due to remoteness from other agents, heavy demand for licenses or vessel registrations, or some other pertinent factor and no business in the area applies, it may waive the Wildlife Service Agent fee may be waived as an incentive to encourage an application.

(c) Bond. ~~Wildlife Service Agents shall be covered under an annual blanket security bond in the amount of two thousand five hundred dollars (\$2,500) to secure the State's investment in equipment provided to agents to operate the Customer Support System in the event of loss, damage, or destruction of the equipment due to negligence on the part of an agent. The Commission may relieve an agent from liability for loss or damage to equipment if the loss is beyond the control of the agent and not due to negligence by the agent. The Commission shall obtain the blanket security bond in the name of all active Wildlife Service Agents in July of each year and divide the cost of the bond equally among agents.~~

(c) Operation and maintenance fee. Each Wildlife Service Agent shall be assessed an operation and maintenance fee to cover the cost of equipment depreciation, repair, and replacement. The amount of the operation and maintenance fee shall be based upon actual cost as determined through experience and may be changed from time to time to keep the assessment approximately equal to the cost. The fee shall be collected as a part of all weekly electronic fund transfers from agents' accounts and all agents shall pay an equal amount per terminal.

(d) Cancellation. A Wildlife Service Agent may resign at any time by sending written notice to the Commission. The Commission will immediately instruct resigning agents in the required procedures to follow to return all equipment and supplies and to settle their accounts. The Commission may cancel any Wildlife Service Agent appointment for failure to comply with these rules or with any administrative directives related to performance as a Wildlife Service Agent. Deficiencies that may result in cancellation include but are not limited to such things as failure to deposit sufficient funds to cover the electronic transfer of funds each week, failure to use the surge protector provided in conjunction with a properly grounded electrical outlet or telephone line, failure to operate as a public convenience, failure to provide the proper license and correct information about licenses to customers, failure to return all required documentation for transactions on schedule, and failure to properly safeguard or care for the equipment. Upon resignation or termination of appointment as a Wildlife Service Agent, the previous agent must return all consigned equipment and supplies to the Commission and settle the agent financial account, both with 15 days of the date of receiving written notice from the Commission.

Authority G.S. 113-134; 113-270.1.

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**N**otice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Department of Environment and Natural Resources - Parks and Recreation Authority intends to amend rules cited as 15A NCAC .12K .0101 - .0103, .0105 - .0110 and repeal rules .0104, .0111. Notice of Rule-making Proceedings was published in the Register on July 15, 1997.

**Proposed Effective Date:** August 1, 1998

**A Public Hearing** will be conducted at 1:00 - 3:00 p.m. on January 7, 1998 at the Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury Street, Raleigh, NC.

**Reason for Proposed Action:** Current Parks and Recreation Trust Fund (PARTF) rules must be amended to comply with General Statute changes. The 1995 General Assembly created the Parks and Recreation Authority to allocate money from PARTF. The Authority has reviewed the existing PARTF rules and is recommending amendments.

**Comment Procedures:** The NC Division of Parks and Recreation will accept written comments during the 30-day comment period that are addressed to: John Poole, NC Division of Parks and Recreation, 12700 Bayleaf Church Road, Raleigh, NC 27614. Oral comments will be accepted at the public hearing.

**Fiscal Note:** Rules 15A NCAC 12K .0101 - .0104 and .0106 - .0111 do not affect the expenditures or revenues of state or local government funds. Rule 15A NCAC 12K .0105 does affect the expenditures or revenues of state government funds, but not local funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

## CHAPTER 12 - PARKS AND RECREATION AREA RULES

### SUBCHAPTER 12K - PARKS AND RECREATION TRUST FUND GRANTS FOR LOCAL GOVERNMENT

#### SECTION .0100 - GENERAL PROVISIONS

##### .0101 PURPOSE

The Parks and Recreation Trust Fund (PARTF), pursuant to G.S. 113-44.15(b)(2), is authorized to establish a matching grants program for qualified local governmental units for local park and recreation purposes. Annually, ~~20~~ 30 percent of funds appropriated to the Department of Environment, Health, and Natural Resources (Department) from PARTF will be allocated to local governmental units on a dollar-for-dollar basis. Grants ~~will shall~~ be awarded ~~using a project priority scoring system by the Parks and Recreation Authority (Authority).~~ The purpose of this Section is to set



forth ~~procedures~~ rules to govern the program.

Authority G.S. 113-44.15.

#### .0102 ELIGIBLE APPLICANTS

All county governments and incorporated municipalities of the State of North Carolina are eligible to submit applications.

- (1) Multiple ~~cities~~ municipalities and counties may apply jointly for a project.
- (2) School administrative units may submit a joint application with an incorporated city municipality or county for funding of facilities, ~~located on property owned by the school administrative unit. This application will result in the school administrative unit and county or city being jointly responsible for compliance with all rules pertaining to operation and maintenance of PARTF assisted facilities developed on the land.~~
- (3) ~~Unincorporated areas or communities must seek county sponsorship of their project to be eligible.~~
- (4) All applications submitted to the Department must be approved by the local governing body through a resolution or ordinance and funding requested by the mayor, city manager, chairperson of county commissioners or county manager.
- (5) A grantee with an active PARTF project by the closing date of an announced application submission period shall be ineligible for funds for the fiscal year covered by the submission period.

Authority G.S. 113-44.15.

#### .0103 FUNDING CYCLE

Annual funding cycle schedule dates shall be the following:

- (1) An announcement letter describing the funding schedule and how to apply shall be mailed to all eligible applicants by September 30. This information shall be made available to other interested parties who contact the Department of Environment and Natural Resources (Department) at: N.C. Division of Parks and Recreation, P.O. Box 27687, Raleigh, North Carolina 27611-7687.
- (1) ~~Requests for proposals shall be mailed to all eligible applicants during September.~~
- (2) ~~Notification of Intent to apply forms shall be submitted to the regional park and recreation consultant serving the applicant by December 15th.~~
- (2) Local governments may request a maximum of two hundred fifty thousand dollars (\$250,000) in PARTF assistance with each application.
- (3) ~~All formal applications Applications shall be received by submitted to the regional park and recreation consultant serving the applicant by March 1st. Department or its designee by 5:00 pm on January 31. If the deadline falls on a weekend or holiday, applications are due by 5:00 pm on the~~

following business day.

- (4) ~~The PARTF Review Committee Authority shall meet during the first week of April within 120 days of the application deadline and shall recommend a list of projects to the Department for funding. to select projects for funding. The Authority will meet within 30 days after the end of the fiscal year to select projects for funding using revenues credited to PARTF during the fourth quarter.~~
- (5) ~~The Governor shall announce approved projects by April 20th.~~

Authority G.S. 113-44.15.

#### .0104 APPLICATION SCHEDULE

- (a) A request for proposals, which announce the funding cycle and how to apply, shall be distributed statewide to all mayors, chairpersons of county commissioners, councils of governments and local park and recreation directors.
- (b) Notification of Intent (NOI) forms and applications shall be submitted to the regional park and recreation consultant serving the applicant.
- (c) NOIs and applications shall be submitted according to the dates specified in the funding cycle.
- (d) State Clearinghouse environmental review comments made as a result of formal application review must be addressed prior to execution of the project agreement.

Authority G.S. 113-44.15.

#### .0105 EVALUATION OF APPLICATIONS

- (a) All applications shall be evaluated and ranked based on criteria patterned after the Open Project Selection Process established for the Land and Water Conservation Fund. Each completed eligible applicant application shall be evaluated by the Department or its designee on the information provided in the application and in accordance with the PARTF criteria project priority scoring system described in Paragraph (f) (d) of this Rule.
- (b) ~~The regional park and recreation consultants shall review and evaluate local government applications at the regional level before forwarding applications to the Department's PARTF Office.~~
- (b) The Authority shall review the project evaluations and other relevant data prepared by the applicant and by Department staff. The Authority shall approve projects for funding.
- (c) PARTF program staff shall review, evaluate and rank all project applications based on the Department's approved PARTF project priority scoring system.
- (c) All general criteria in Paragraph (d) of this Rule shall be addressed by the applicant. The Department or its designee will review all applications for completeness. Incomplete applications will be returned to the applicant.
- (d) The PARTF program staff shall recommend a list of projects for funding to the PARTF Review Committee. The PARTF Review Committee's membership will be appointed



by the Director of the North Carolina Division of Parks and Recreation and shall include representation from a broad range of recreation interests, including representation by minority and disabled interests:

(d) The following general criteria will be used to evaluate projects.

- (1) New public recreation facilities provided by the project;
- (2) The degree of local recreational planning for the project and how the specific elements in the project conform to the plan(s);
- (3) The acquisition or the conservation of unique natural, cultural, recreational, or scenic resources;
- (4) The level of public involvement in developing and supporting the project;
- (5) The applicant's commitment to operating and maintaining the project;
- (6) The suitability of the site for the proposed project development;
- (7) The level of compliance with prior grant agreements; and
- (8) Other factors, such as the geographic distribution of projects, the presence or absence of other funding sources, and the population of the applicant, may also be considered by the Authority in its funding decisions.

(c) ~~During each funding cycle, the PARTF Review Committee shall review the evaluations, recommendations and other relevant data prepared by the applicant and the PARTF program staff. The Committee shall recommend a list of projects to the Department for funding.~~

(f) ~~The PARTF project priority scoring system shall be as follows:~~

- (1) ~~Recreation Experiences Provided. (50 Points Possible)~~  
~~The project provides the first recreation opportunities by the local sponsor in their jurisdiction. (17 Points)~~  
~~The projects provides at least three new recreation opportunities in the proposed park. (13 Points) or provides at least two new recreation opportunities in the proposed park. (10 Points)~~  
~~The project renovates an obsolete high use, primary recreation facility. (10 Points)~~  
~~The project provides for greenways, trails or other connectors between public facilities. (5 Points)~~  
~~The project provides new access and facilities to a public water resource. (3 Points)~~  
~~The project renovates or provides support facilities critical to recreation experiences. (2 Points)~~
- (2) ~~Degree of Recreation Planning/Degree Project Conforms to Planning (15 Points Possible)~~  
~~The applicant has completed a Master Plan for the subject property. (7 Points)~~  
~~The proposed project is identified in the local sponsor's short or long range plan or in their 3 to 5-year Capital Improvement Plan for parks and~~

~~recreation. (3 Points)~~

~~The proposed project is identified in the sponsor's systemwide comprehensive park and recreation plan. (3 Points)~~

~~At least one of the above plans have been adopted by the local governing body. (1 Point)~~

~~Elements of the project are identified as a critical need in the local American with Disabilities Act Transition Plan. (1 Point)~~

- (3) ~~Critical Acquisition and Conservation of Unique Natural Resources (15 Points Possible)~~

~~The site is a highly threatened area. If the site is not purchased at this time, a quality recreation site or unique natural resource will be lost. (15 Points)~~

~~The site is an excellent natural or recreation resource and shall be acquired for current or future development. (10 Points)~~

~~The site is an above average natural or recreation resource and shall be acquired for current or future development. (7 Points)~~

~~The site will make an average recreation resource. (3 Points)~~

- (4) ~~Site Considerations (15 Points Possible)~~

~~The site is ideally suited for the intended development without excessive grading or construction costs, or causing negative impacts on the environment. (9 Points)~~

~~The site is enhanced by location and adjacent property uses(s). (4 Points)~~

~~The site is free of restrictive easements, overhead power lines or other intrusions. (2 Points)~~

- (5) ~~Level of Public Involvement (10 Points Possible)~~

~~Optimum public participation and support, including a pre-advertised public meeting was held for the discussion of the proposed project. (10 Points)~~

~~Adequate public involvement was demonstrated through presentations to organizations or a citizen survey. (7 Points)~~

~~The project received Advisory Committee and government officials (elected and agency) participation and support. (5 Points)~~

~~The project received only government officials' participation and support. (2 Points)~~

- (6) ~~Project Management and Programming (10 Points Possible)~~

~~The applicant has a full-time professional park and recreation department, staffed to insure adequate development, operation and maintenance of the project. (10 Points)~~

~~The applicant has full-time staff, such as public works, to insure adequate development, operation and maintenance of the project. (7 Points)~~

~~The applicant has part-time staff to insure adequate operation and maintenance of the project (5 Points)~~

~~An organized volunteer program or group will be relied on for operation and maintenance of project.~~

(3 Points)

- (7) ~~Degree Project Serves a Variety of User Groups~~  
(10 Points Possible)

The project will serve a variety of individuals, user groups and age groups. (6 Points)

The project meets facility and programming needs of the disabled. (2 Points)

The project meets facility and programming needs of the elderly. (1 Point)

The project meets facility and programming needs of low to moderate income levels. (1 Point)

- (8) ~~Application Considerations~~ (5 Points Possible)

~~Application instructions were followed and all requirements were completed and included in the application.~~ (5 Points)

Authority G.S. 113-44.15.

#### .0106 GRANT AGREEMENT

(a) Upon ~~Department~~ Authority approval, a written agreement shall be executed between the grant ~~recipients~~ recipient(s) and ~~the Authority on behalf of~~ the Department.

(b) The agreement shall define the Department's and grant recipient's responsibilities and obligations, the project period, project scope and the amount of grant assistance.

(c) The approved application and support documentation shall become a part of the grant agreement.

(d) ~~State Clearinghouse environmental review comments made as a result of application review shall be addressed by the applicant prior to execution of the project agreement. Projects judged to have a significant environmental impact shall submit an environmental assessment.~~

(~~e~~) (e) The grant agreement may be amended upon mutual consent and approval by the Department ~~on behalf of the Authority~~ and the grant recipient(s). The grant recipient(s) shall submit in writing to the Department a formal amendment request for approval. The Department ~~shall~~ may approve the amendment based on local circumstances which justify the amendment request.

(~~e~~) (f) Projects may not begin until the ~~Authority on behalf of the Department~~ and grant recipient(s) sign the agreement.

(~~f~~) (g) ~~Upon~~ Following execution of the grant agreement, a check in the amount of the approved ~~project grant~~ shall be presented to the grant recipient(s).

(~~g~~) (h) Complete accounting records including a certified project data sheet and performance report verifying eligible costs shall be submitted by the grant recipient(s) to the Department for approval prior to or at the time of the close-out inspection. The Department shall approve the accounting ~~records~~ when the records are consistent with the project agreement and budget.

Authority G.S. 113-44.15.

#### .0107 MATCHING REQUIREMENTS

The local governmental unit ~~must~~ shall match PARTF funds on a dollar-for-dollar basis, with at least an equal

amount of local funds in the form of cash, check, or money order. No federal assistance or other state funded assistance is eligible as local match sources.

Authority G.S. 113-44.15.

#### .0108 ELIGIBLE PROJECTS AND COSTS

(a) PARTF grants are awarded to grantees for projects that are for the sole purpose of providing local park and recreation opportunities to the public. Applicants may request funds for the following types of projects:

- (1) Acquisition. Fee simple acquisition of real property for the following: preservation of natural areas and future recreational development; development and to protect areas with outstanding natural or scenic resources. ~~Development of a PARTF-acquired property to allow general public access and use must occur within five years of the date of grant completion.~~

(A) Applicants acquiring property for recreation development have up to five years to begin developing recreation facilities.

(B) Applicants acquiring property to protect areas with outstanding natural or scenic resources must open these areas the general public to the extent that the resources will not be seriously impaired.

- (2) Development. Projects for the construction, expansion, and renovation/repair of the following:

(~~a~~) (A) Primary facilities including outdoor and indoor recreation facilities. Examples include camping facilities, picnic facilities, sports and playfields, trails, swimming facilities, boating/fishing facilities, spectator facilities, gymnasiums, etc.

(~~b~~) (B) Support facilities and improvements such as including roads, parking areas, handicapped accessibility, utilities, landscaping, support facilities, and other infrastructure projects, etc. that would have little or no recreational value without the primary recreation facilities.

(b) Other criteria for determining eligible projects and costs include:

- (1) Only development on or acquisition of a single project site is eligible for PARTF assistance.
- (2) Utility lines developed with PARTF assistance shall be placed underground.
- (3) Certain incidental project costs shall be eligible for PARTF assistance including appraisals, architectural and engineering fees, pre-agreement planning costs and contingency fees as follows:

(A) Pre-agreement costs such as site planning, preliminary designs, preparation of cost estimates, construction drawings and specifications may not exceed 15 percent of the total development costs and must be



incurred within one year of the application submission date.

(B) Incidental appraisal costs such as appraisals, title work, surveys and attorney fees may not exceed five percent of the appraised fair market value of the property.

(C) Architectural and engineering fees may not exceed ten percent of the total development cost of the proposed project.

(4) PARTF-assisted facilities on school property shall not be recreational facilities generally provided by the school for the use of their students.

Authority G.S. 113-44.15.

#### .0109 SITE CONTROL AND DEDICATION

(a) Land acquired with PARTF assistance shall be dedicated in perpetuity ~~as a recreation site for local park and recreation purposes~~ for the use and benefit of the general public. The dedication must shall be recorded in the public property records by the grantee.

(b) The site of a PARTF project for development ~~only~~ shall be controlled (e.g. fee simple ownership or long-term lease) by the grantee by the closing date of the application submission period. Any lease agreement must shall extend for a minimum of 25 years.

(c) Grantees shall assure that PARTF assisted development facilities are maintained and managed for public recreation use for a minimum period of 25 years after the completion date set forth in the grant agreement.

(d) ~~Projects sponsored jointly by a school administrative unit and incorporated city or county will require all sponsors to comply with all PARTF rules pertaining to operation and maintenance of PARTF assisted facilities and land. If PARTF-assisted facilities are built on public school property, the applicant(s) shall submit an agreement with the application describing that the facilities will be available to the general public during non-school hours. Projects on land owned by a school shall have sign(s) installed informing the public that the facilities are open to the general public. These signs shall also indicate the times when the facilities are reserved exclusively for school use.~~

(e) Failure by the grantee(s) to comply with the provisions of this Section and the project agreement shall ~~result result,~~ in addition to any other legal remedies, in the Authority on behalf of the Department declaring the grantee(s) ineligible for further participation in the PARTF until such time as compliance has been obtained.

Authority G.S. 113-44.15.

#### .0110 INSPECTIONS

(a) ~~Regional park and recreation consultants or PARTF staff~~ The Department or its designee shall perform at least one progress inspection and a close-out inspection of the project site to ensure compliance with the grant agreement and eligibility of the grantee(s) for future program

participation.

(b) Grantees will be responsible for conducting periodic inspections (at least one every five years) to ensure compliance with the grant agreement and 15A NCAC 12K .0109 and submitting an inspection form with an affidavit verifying its content to the PARTF program office.

(c) ~~Regional park and recreation consultants~~ The Department or its designee will conduct random inspections to verify program compliance.

Authority G.S. 113-44.15.

#### .0111 PROGRAM ACKNOWLEDGMENT

Grantee(s) shall publicly acknowledge PARTF assistance at the site through one or more of the following methods:

(1) ~~Erect and maintain a PARTF sign in a conspicuous place.~~

(2) ~~A ribbon cutting or opening ceremony with local officials and the grantee(s)' state legislators invited to participate.~~

(3) ~~Acknowledgment in a publication(s) of the grantee(s).~~

~~Projects on land owned by a school must have sign(s) installed informing the public that the facilities are open to the general public. These signs shall also indicate the times when the facilities are reserved exclusively for school use.~~

Authority G.S. 113-44.15.

### TITLE 16 - DEPARTMENT OF PUBLIC EDUCATION

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Education intends to adopt rules cited as 16 NCAC 6C .0601 - .0602. Notice of Rule-making Proceedings was not required pursuant to Chapter 716, Section 28(a), 1995 Session Laws.

**Proposed Effective Date:** April 1, 1998

**A Public Hearing** will be conducted at 1:00 p.m. on January 6, 1998 at the Education Building, 301 N. Wilmington St., Room 224, Raleigh, NC 27601-2825.

**Reason for Proposed Action:** Rules establish the required standards of conduct for professional educators licensed by the State Board of Education, the violation of which results in disciplinary action. These rules are directly related to the implementation of the School-Based Management and Accountability Act, Chapter 716 of the 1995 (Reg. Sess., 1996) Session Laws, and the State Board of Education is acting under the authority granted by that act.

**Comment Procedures:** Any person who wishes to present oral testimony relevant to the rule may register at the door before the hearing begins and present the hearing officer with



a written copy of the testimony. Written comments concerning these Rules must be submitted by January 15, 1998, to: North Carolina State Board of Education, 301 N. Wilmington St., Raleigh, NC 27601-2825; Attn: Harry E. Wilson, Rule-making Coordinator. Written comments may also be submitted to the hearing officer by FAX at (919) 715-1307.

**Fiscal Note:** These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

## CHAPTER 6 - ELEMENTARY AND SECONDARY EDUCATION

### SUBCHAPTER 6C - PERSONNEL

#### SECTION .0600 - CODE OF PROFESSIONAL PRACTICE AND CONDUCT FOR NORTH CAROLINA EDUCATORS

##### .0601 PURPOSE AND APPLICABILITY

The purpose of these Rules is to establish and uphold uniform standards of professional conduct for licensed professional educators throughout the State. These Rules shall be binding on every person licensed by the SBE, hereinafter referred to as "educator" or "professional educator," and the possible consequences of any willful breach shall include license suspension or revocation. The prohibition of certain conduct in these Rules shall not be interpreted as approval of conduct not specifically cited.

Authority G.S. 115C-296(a).

##### .0602 STANDARDS OF PROFESSIONAL CONDUCT

(a) The standards listed in this Section shall be generally accepted for the education profession and shall be the basis for State Board review of performance of professional educators. These standards shall establish mandatory prohibitions and requirements for educators. Violation of these standards shall subject an educator to investigation and disciplinary action by the SBE or LEA.

(b) Professional educators shall adhere to the following standards of professional conduct:

(1) Disregard or abandonment of generally recognized professional standards. The educator shall practice the professional standards of federal, state, and local governing bodies. Any act in deliberate disregard or abandonment of generally recognized professional standards, in the course of any of the following professional practices, shall be prohibited:

- (A) service as a positive role model for students, parents, and the community;
- (B) assessment, treatment, instruction, or

supervision of students;

- (C) employment or evaluation of personnel; and
- (D) management of funds or property.

(2) Dishonesty. The educator shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties.

(3) Misrepresentation or falsification in the course of professional practice. The educator shall not deliberately falsify, misrepresent, or omit material information concerning any of the following:

- (A) statement of professional qualifications;
- (B) application or recommendation for professional employment, promotion, or licensure;
- (C) application or recommendation for college or university admission, scholarship, grant, academic award, or similar benefit;
- (D) representation of completion of college or staff development credit;
- (E) evaluation or grading of students or personnel;
- (F) submission of financial or program compliance reports submitted to state, federal, or other governmental agencies;
- (G) submission of information in the course of an official inquiry by the employing LEA or the SBE related to facts of unprofessional conduct, provided, however, that an educator shall be given adequate notice of the allegations and may be represented by legal counsel; and
- (H) submission of information in the course of an investigation by a law enforcement agency, child protective services, or any other agency with the right to investigate, regarding school related criminal activity; provided, however, that an educator shall be entitled to decline to give evidence to law enforcement if such evidence may tend to incriminate the educator as that term is defined by the Fifth Amendment to the U.S. Constitution.

(4) Improper remunerative conduct. The educator shall not solicit current students or parents of students to purchase equipment, supplies, or services from the educator in a private remunerative capacity. An educator shall not tutor for remuneration students currently assigned to the educator's classes, unless approved by the local superintendent. An educator shall not accept any compensation, benefit, or thing of value other than the educator's regular compensation for the performance of any service that the educator is required to render in the course and scope of the educator's employment. This Rule shall not restrict performance of any overtime or supplemental services at the request of the LEA; nor shall it apply to or restrict the acceptance of

- gifts or tokens of minimal value offered and accepted openly from students, parents, or other persons in recognition or appreciation of service.
- (5) Abuse of students. The educator shall not commit any abusive act or sexual exploitation with, to, or in the presence of a student, whether or not that student is or has been under the care or supervision of that educator, as defined in Paragraph (b)(5)(A)-(F) of this Rule:
- (A) any inappropriate use of language that is considered profane, vulgar, or demeaning;
- (B) any sexual act;
- (C) any solicitation of a sexual act, whether written, verbal, or physical;
- (D) any act of child abuse, as defined by law;
- (E) any act of sexual harassment, as defined by law; and
- (F) any intentional solicitation, encouragement, or consummation of a romantic or physical relationship with a student, or any sexual contact with a student. The term "romantic relationship" shall include dating any student.
- (6) Confidential information. The educator shall keep in confidence personally identifiable information regarding students or their family members that has been obtained in the course of professional service, unless disclosure is required or permitted by law or professional standards, or is necessary for the personal safety of the student or others.
- (7) Unconstitutional or discriminatory acts. The educator shall not willfully or maliciously violate the constitutional or civil rights of a student, parent/legal guardian, or colleague.
- (8) Failure to make a required report. The educator shall make all reports required by G.S. 115C.
- (9) Alcohol or controlled substance abuse. The educator shall not:
- (A) be under the influence of, possess, use, or consume on school premises or at a school-sponsored activity a controlled substance as defined by G.S. 90-95, the Controlled Substances Act, without a prescription authorizing such use;
- (B) be under the influence of, possess, use, or consume an alcoholic beverage or a controlled substance on school premises or at a school-sponsored activity involving students; or
- (C) furnish alcohol or a controlled substance to any student except as indicated in the professional duties of administering legally prescribed medications.
- (10) Criminal acts. The educator shall not commit any act referred to in G.S. 115C-332 and any felony under the laws of the United States or of any state.
- (11) Public funds and property. The educator shall not

misuse public funds or property, funds of a school-related organization, or colleague's funds. The educator shall account for funds collected from students, colleagues, or parents/legal guardians. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

- (12) Unauthorized professional practice. The educator shall not perform any act as an employee in a position for which licensure is required by the rules of the SBE or by G.S. 115C during any period in which the educator's license has been suspended or revoked.

- (13) Prohibited harassment and retaliation. The educator shall not directly or indirectly use or threaten to use any official authority or influence in any manner that tends to discourage, restrain, interfere with, coerce, or discriminate against any subordinate or any licensee who in good faith reports, discloses, divulges, or otherwise brings to the attention of an LEA, the SBE, or any other public agency authorized to take remedial action, any facts or information relative to actual or suspected violation of any law regulating the duties of persons serving in the public school system, including but not limited to these Rules.

Authority G.S. 115C-296(a).

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Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Standards Board for Public School Administration intends to adopt rules cited as 16 NCAC 7 .0201 - .0202 and .0301 - .0303. These Rules were filed as temporary rules and were published in the Register on October 1, 1997.

**Proposed Effective Date:** August 1, 1998

**A Public Hearing** will be conducted at 10:00 a.m. on December 30, 1997 at the Education Building, 301 N. Wilmington St., Room 324, Raleigh, NC 27601-2825.

**Reason for Proposed Action:** The purpose of this rule-making is to establish procedures for the administration of an examination to be used in the licensing of principals as required by G.S. 115C-290.5(a). The intent of the new licensure examination is to identify persons eligible for licensure as public school administrators. A passing score on the Public School Administrator Exam, which is the School Leaders Licensure Assessment established by Educational Testing Services (ETS), will be a requirement for any individual seeking license as a principal effective January 1, 1998.

**Comment Procedures:** Comments will be accepted on or before the date for the public hearing. Comments must be



received by January 14, 1998. Written comments should be addressed to: North Carolina Standards Board for Public School Administration, 324 Education Building, 301 North Wilmington Street, Raleigh, NC 27601 or may be faxed to : (919) 715-2260.

**Fiscal Note:** These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

## CHAPTER 7 - NORTH CAROLINA BOARD FOR PUBLIC SCHOOL ADMINISTRATION

### SECTION .0200 - EXAMINATION PROCEDURES

#### .0201 APPLICATION FOR EXAMINATION OR REGISTRATION

Application for admission to take the Public School Administrator Exam for the principalship must be made on forms supplied by the Board along with a non-refundable application fee of fifty dollars (\$50.00) for the first application. The applications are available upon request made in person or by writing to the Board. Applicants must also supply the Board with a statement from the approved Institution of Higher Education (IHE) where preparation was completed that the individual has satisfied the educational requirements of G.S. 115C-290.7(a)(3). An application process must be begun and the proper application fee received in the Board office 60 days prior to the exam. All data received by the Board in connection with the application shall become a part of the application and shall also become a permanent record of the Board.

*Authority G.S. 115C-290.5(a)(6).*

#### .0202 WRITTEN EXAMINATION

(a) The North Carolina Public School Administrator Exam for the principalship shall be the School Leaders Licensure Assessment established by Educational Testing Service (ETS). The fee for the exam shall be established and collected by ETS.

(b) Three written exams shall be held in locations throughout the state during a calendar year.

(c) The Board shall set the passing score for the exam. The Exam shall be graded in accordance with the methods and procedures established by ETS. Applicants may retake the examination at subsequent scheduled administrations.

*Authority G.S. 115C-290.5(a)(6).*

### SECTION .0300 - RULE MAKING PROCEDURES

#### .0301 RULE-MAKING PETITIONS

A person may petition the Board to adopt a new rule or change or amend an existing rule by sending a rule-making

petition to the Board at the Board's address. The petition must be titled "Petition for Rule Making" and must include the following information: the name and address of the person submitting the petition; a citation to any rule for which a change or repeal is requested; a draft of any proposed rule or amended rule; an explanation of why the new rule, amendment or repeal is requested and the effects of the new rule, amendment, or repeal on the Board's procedure or the persons regulated by the Board; any other information the person submitting the petition considers relevant. The Board must decide whether to grant or deny a petition for rule-making within 120 days of receiving the petition. In making its decision, the Board will consider the information submitted with the petition and any other relevant information.

*Authority G.S. 115C-290.5(a)(6); 150B-4.*

#### .0302 NOTICE MAILING LIST

Any persons desiring to be placed on the mailing list for Board rule-making notices may file such request in writing, furnishing their names and mailing addresses to the Board. The letter of request shall state those subject areas within the authority of the Board for which the person wants notice. The Board may require reasonable postage and stationery, and duplicating cost to be paid by persons receiving such notice.

*Authority G.S. 115C-290.5(a)(6); 150B-4.*

#### .0303 PROCEDURE FOR DECLARATORY RULING

(a) The Board shall decide whether to grant or deny a request to make a declaratory ruling on the validity of a rule or on the applicability of particular facts of a statute or to a rule or order of the Board within 60 days of receiving the petition. The Board may refuse to grant a petition for a declaratory ruling when there has been a similar factual determination in a contested case or one is likely to be made in a pending contested case or investigation.

(b) The Board will presume that its current rules are valid unless this presumption is rebutted by persuasive evidence as offered in the petition for the declaratory ruling. When the Board determines that a rule is invalid, the Board shall initiate rule-making proceedings and send written notice of the proceeding to the person who submitted the request.

*Authority G.S. 115C-290.5(a)(6); 150B-4.*

## TITLE 19A - DEPARTMENT OF TRANSPORTATION

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Department of Transportation - Division of Highways intends to amend rules cited as 19A NCAC 02E .0218 - .0222. Notice of Rule-making Proceedings was published in the Register on September 2,



1997.

**Proposed Effective Date:** August 1, 1998

**Instructions on How to Demand a Public Hearing:** A demand for a public hearing must be made in writing and mailed to Emily Lee, NC Department of Transportation, PO Box 25201, Raleigh, NC 27611. The demand must be received within 15 days of this notice.

**Reason for Proposed Action:** Rules are proposed for amendment to clarify language for legal interpretation, change criteria for participation in program, and set standardized fees for program.

**Comment Procedures:** Any interested person may submit written comments to Emily Lee, NC Department of Transportation, PO Box 25201, Raleigh, NC 27611, within 30 days after the proposed rules are published.

**Fiscal Note:** These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

## CHAPTER 2 - DIVISION OF HIGHWAYS

### SUBCHAPTER 2E - MISCELLANEOUS OPERATIONS

#### SECTION .0200 - OUTDOOR ADVERTISING

##### .0218 LOCATION OF PANELS

The department shall control the erection and maintenance of official signs giving specific information of interest to the traveling public in accordance with following criteria:

- (1) The department may erect panels at interchanges.
- (2) Panels shall be fabricated and located as detailed on the signing plans for the interchanges and shall be located in a manner to take advantage of natural terrain and to have the least impact on the scenic environment.
- (3) A separate mainline panel shall be provided on the interchange approach for each qualified type of motorist service except as provided in Item (4) of this Rule. No more than one panel shall be erected for a type of service in each direction approaching an interchange. Panels shall be required in each direction on the mainline when lateral spacing is available, except a panel may not be required in the direction from a non-controlled access facility to a fully controlled access freeway. Where a qualified type of motorist service is not available at an interchange, the panel may not be erected. A maximum number of six specific business (logo) signs may be installed on any logo panel for each service type at an interchange.
- (4) The mainline panels shall be erected between the

previous interchange and 800 feet in advance of the exit direction sign for the interchange from which the services are available. There shall be at least 800 feet spacing between the panels and other signs. In the direction of traffic, the successive panels shall be those for "CAMPING", "LODGING", "FOOD", and "GAS" in that order. A combination type panel may be used in remote rural areas of a fully controlled access highway and when space does not permit all signs and only two of each type of service is available at the location. A maximum of three business signs may appear below each respective service on a combination type panel. If all four services are available, "GAS" and "FOOD" shall be combined on one sign, and "LODGING" and "CAMPING" shall be combined on one sign. When the number of business facilities at an interchange are increased to more than three for one or more services, existing combination service business signing must be removed and replaced with sign panels, dedicated to each service. If the spacing limitations prohibit the erection of Specific Information Panels for all of the types of services available, preference shall be given to "GAS", "FOOD", "LODGING" or "CAMPING" services in that order. No panels shall be erected where minimum spacing limitations cannot be met.

If a panel(s) cannot be erected due to spacing limitations, a supplemental service sign, which lists the additional services available, may be erected below existing sign(s). Not more than three services may be erected below an existing sign.

- (5) On each exit ramp, a ramp panel for the qualified type of motorist service may be erected. Panels shall be required in each direction on the ramps when lateral spacing is available, except where a panel may not be required in the direction from a non-controlled access facility to a fully controlled access freeway or if If all of the qualified services are visible from the exit ramp terminal, ramp panels are not required.
- (6) The ramp panel shall be erected as detailed on the signing plans for the interchange. If conditions permit, the successive panels along the ramp in the direction of traffic shall be those for "CAMPING", "LODGING", "FOOD", and "GAS" in that order.
- (7) If there is insufficient space on the ramp or the mainline for all the panels, priority shall be given to "GAS", "FOOD", "LODGING", then "CAMPING" services in that order. If panel(s) cannot be erected on a ramp due to spacing limitations, a supplemental service sign, which lists the additional services available, ~~may be erected:~~ shall be installed.
- (8) ~~Panels shall not be erected at an interchange where the motorist cannot conveniently re-enter the~~

~~freeway and continue in the same direction of travel. Where supplemental service signing is on the mainline due to space limitations, a business may purchase logo panels on ramps.~~

- (9) ~~Panels shall not be erected at an interchange where the motorist cannot conveniently re-enter the freeway and continue in the same direction of travel.~~

Authority: G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f); 23 C.F.R. 750, Subpart A; 23 U.S.C. 131(f).

## .0219 ELIGIBILITY FOR PROGRAM

Business signs may be permitted, provided said businesses comply with the following criteria and have a public telephone:

- (1) The individual business installation whose name, symbol or trademark appears on a business sign shall give written assurance of the business's conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, sex, or national origin. An individual business may apply for additional sign positions on a sign panel provided no qualified applicant is denied space on the sign panel. An individual business, under construction, may participate in the program by giving written assurance of the business's conformity with all applicable laws and requirements for that type of service, by a specified date of opening to be within one year of the date of application.
- (2) The maximum distance that a "GAS" "FOOD", or "LODGING" service may be located from the fully controlled access highway shall not exceed three miles in either direction via an all-weather road. Where no qualifying services exist within three miles, the maximum distance may be increased to six miles, provided the total travel distance to the business and return to the interchange does not exceed twelve miles. The maximum distance for a "CAMPING" service shall not exceed ten miles in either direction via an all-weather road. Said distances shall be measured from the point on the interchange crossroad, coincident with the centerline of a fully controlled access highway route median, along the roadways to the respective motorist service. The point to be measured to for each business is a point on the roadway that is perpendicular to the corner of the nearest wall of the business to the interchange. The wall to be measured to shall be that of the main building or office. Walls of sheds (concession stands, storage buildings, separate restrooms, etc.) whether or not attached to the main building shall not be used for the purposes of measuring. If the office (main building) of a business is located more than .2 mile

from a public road on a private road or drive, the distance to the office along the said drive/road shall be included in the overall distance measured to determine whether or not the business qualifies for business signing. The office shall be presumed to be at the place where the services are provided.

- (3) "GAS" and associated services. Criteria for erection of a business sign on a panel shall include:
  - (a) appropriate licensing as required by law;
  - (b) vehicle services for fuel, motor oil, tire repair (by an employee) and water;
  - (c) restroom facilities and drinking water suitable for public use;
  - (d) an on-premise attendant to collect monies, make change, and make or arrange for tire repairs;
  - (e) year-round operation at least 16 continuous hours per day, seven days a week.
- (4) "FOOD". Criteria for erection of a business sign on a panel shall include:
  - (a) appropriate licensing as required by law, and a permit to operate by the health department;
  - (b) businesses shall meet at least one of the following criteria:
    - (i) year-round operation at least 12 continuous hours per day to serve three meals a day (sandwich type entrees may be considered a meal) (breakfast, lunch, supper), seven days a week;
    - (ii) year-round operation at least 12 continuous hours per day to serve three meals a day (sandwich type entrees may be considered a meal) (breakfast, lunch, supper) six days a week;
    - (iii) year-round operation at least 8 continuous hours per day, open by at least 6:00 a.m. or open later than 11:00 p.m. and with a drive up window to serve at least two meals a day (sandwich type entrees may be considered a meal) (breakfast, lunch, supper), seven days a week.

If a business qualifies under Subitems (4) (ii) or (iii) then it must be stated on each mainline, each ramp, and each trailblazer business sign the day closed or the hours of operation.
  - (c) indoor seating for at least 20 persons;
  - (d) public restroom facilities.
- (5) "LODGING". Criteria for erection of a business sign on a panel shall include:
  - (a) appropriate licensing as required by law, and a permit to operate by the health department;
  - (b) sleeping accommodations consisting of a minimum of 10 units each, including



bathroom and sleeping room, except a Lodging business operating as a "Bed and Breakfast" establishment with less than 10 units may participate. "Bed and Breakfast" businesses shall be identified on the Logo signs by a standard message specified by the Department. "Bed and Breakfast" businesses shall only be allowed to participate in the program if the maximum number of qualified Lodging businesses do not request participation in the program and occupy spaces on the Logo sign panels;

- (c) off-street vehicle parking for each lodging room for rent;
- (d) year-round operation.
- (6) "CAMPING". Criteria for erection of a business sign on a panel shall include:
  - (a) appropriate licensing as required by law, including meeting all state and county health and sanitation codes and having water and sewer systems which have been duly inspected and approved by the local health authority (the operator shall present evidence of such inspection and approval);
  - (b) at least 10 campsites with accommodations for all types of travel-trailers, tents and camping vehicles;
  - (c) parking accommodations;
  - (d) continuous operation, seven days a week during business season;
  - (e) removal or masking of said business sign by the department during off seasons, if operated on a seasonal basis.

*Authority G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f); 23 C.F.R. 750, Subpart A; 23 U.S.C. 131(f).*

#### .0220 COMPOSITION OF SIGNS

No business sign shall be displayed which would mislead or misinform the traveling public. Any message, trademarks, or brand symbols which interfere with, imitate, or resemble any official warning or regulatory traffic sign, signal or device is prohibited.

Each specific service business sign shall include only information that is related to that specific service.

No business sign shall be displayed for a business which is not open for business and in full compliance with the standards required by the program.

*Authority G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f); 23 C.F.R. 750, Subpart A; 23 U.S.C. 131(f).*

#### .0221 FEES

(a) The fee for an initial installation is two hundred fifty dollars (\$250.00) per each mainline, per each ramp, and per

each trailblazer business sign. Contracts shall be renewed annually every November 1. The annual maintenance fee is two hundred fifty dollars (\$250.00) per each mainline, per each ramp, and per each trailblazer business sign. The initial fee shall cover a one-year period beginning with placement and acceptance of the "business sign" or "logo sign" by the department. The fee for that period of time between the first anniversary of placement and acceptance and the first annual renewal date shall be the prorated portion of the annual fee. Any business which meets the criteria to participate in the program may pay the cost of initial installation of a complete logo sign panel subject to a credit to be determined by the department at the time it receives any fee from a business which later qualifies and elects to participate in the program on the subject panel. The aforesaid payment of the cost of initial installation of a complete logo sign panel in no way relieves the participating business from the obligation of its payment of the annual maintenance fee per business sign.

(b) Fees are payable by check or money order and due in advance of the period or service covered by said fee. Failure to pay a charge when due is ground for removal of the sign and termination of the contract.

(c) When requested by a business, the department may perform additional requested services in connection with changes of the business sign, upon payment of a twenty-five dollar (\$25.00) service charge per business sign, and any new or renovated business sign required for such purpose shall be provided by the applicant. If the department removes or masks a business sign because of seasonal operation, there shall be no additional charge to the business.

(d) The department shall not be responsible for damages to business signs caused by acts of vandalism, accidents, natural causes (including natural deterioration), requiring repair or replacement of business sign(s). Applicants in such event shall provide a new or renovated business sign together with payment of a twenty-five dollar (\$25.00) service charge per business sign to the department to replace such damaged business sign(s).

(e) Any participating business, other than "GAS", "FOOD", or "LODGING" service located more than three miles from a fully controlled access highway, which did not previously participate in the initial cost of the installation of logo sign panels, and which meets the criteria to participate in the program, may by making application to the department and paying ~~the balance of construction costs not previously paid, nine hundred and ten dollars (\$910.00), per each mainline business sign and per each ramp business sign,~~ avoid being removed from this program by applications of other businesses deemed closer to the interchange. No charge shall be made for trailblazers. Any participating applicant may pay ~~the balance of construction costs~~ for only one logo sign on any sign panel. This payment shall be made only at the beginning of a contract or at the renewal time. This payment ~~of the balance of construction costs~~ in no way relieves the participating business from the obligation of its payment of the annual maintenance fee per each business sign. The annual maintenance fee shall be two hundred fifty dollars



(\$250.00) per each mainline, per each ramp, and per each trailblazer business sign.

(f) Any business, other than "GAS", "FOOD", or "LODGING" service located more than three miles from a fully controlled access highway, which meets the criteria to participate in the program, by making application to the department and prepaying all construction cost fees ~~for addition to existing logo signs~~, may avoid being removed from this program by applications of other businesses deemed to be closer to the interchange. Any business applicant may prepay the balance of construction costs for only one logo sign on any sign panel. This prepayment of all construction cost fees in no way relieves the participating business from the obligation of its payment of the annual maintenance fee per each business sign. The annual maintenance fee per each mainline, per each ramp, and per each trailblazer business sign shall be two hundred fifty dollars (\$250.00).

(g) Any participating business located more than three miles from a fully controlled access highway, that prepaid all construction costs for the initial installation of the logo background sign panels, shall be allowed a reimbursement if dislocated by another qualifying, participating business. This reimbursement amount shall be determined by the Department, based on the life-cycle costs of the logo signs and the in-service time the business logo was displayed.

(h) Any business, other than "GAS", "FOOD", or "LODGING" service located more than three miles from a fully controlled access highway, which meets the criteria to participate in the program, by making application to the department and paying nine hundred ten dollars (\$910.00) per each mainline business sign and per each ramp business sign, may avoid being removed from this program by applications of other businesses deemed closer to the interchange. No charge shall be made for trailblazers. Any business applicant may pay for only one logo sign on any sign panel. This payment shall be made only at the beginning of a contract or at the renewal time. This payment in no way relieves the participating business from the obligation of its payment of the annual maintenance fee per each business sign. The annual maintenance fee per each mainline, per each ramp, and per each trailblazer business sign shall be two hundred fifty dollars (\$250.00).

(i) No fee shall be charged for supplemental service signs.

Authority G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f); 23 C.F.R. 750, Subpart A; 23 U.S.C. 131(f).

## **.0222 CONTRACTS WITH THE DEPARTMENT**

(a) The department shall perform all required installation, maintenance, removal and replacement of all business signs upon panels.

(b) Individual businesses requesting placement of business signs on panels shall apply by submitting to the Department of Transportation a completed Agreement form. As a condition of said Agreement, the applicant must agree to submit the required initial fee within 30 days after the

business is approved by the department. The department shall provide a statement(s) to the applicant at the time agreements are provided that itemize the number of business signs required, their fee(s) and remittance requirements.

(c) Businesses must submit a layout of their proposed business sign for approval by the department before the business sign is fabricated.

(d) No business sign shall be displayed which, in the opinion of the department, is unsightly, badly faded, or in a state of dilapidation. The department shall remove, replace, or mask any such business signs as appropriate. Ordinary initial installation and maintenance services shall be performed by the department at such necessary times upon payment of the annual renewal fee, and removal shall be performed upon failure to pay any fee or for violation of any provision of the rules in this Section and the business sign shall be removed. The business shall furnish all business signs.

(e) When a business sign is removed, it shall be taken to the division traffic services shop of the division in which the business is located. The business shall be notified of such removal and given 30 days in which to retrieve their business sign(s). After 30 days, the business sign shall become the property of the department and shall be disposed of as the department shall see fit.

(f) Should the department determine that trailblazing to a business that is signed for at the interchange is desirable, it shall be done with an assembly (or series of assemblies) consisting of a ramp size business sign and an appropriate white on blue arrow. The business shall furnish all business sign(s) required and deemed necessary by the department. Fees shall be same as for other business sign(s). If several different services are located on the same business site, duplicate type logo signs shall not be erected in a single logo trailblazer installation. In such trailblazer installations, only one logo sign and one directional arrow sign shall be used. The business may submit, subject to approval by the department, different logo signs to identify different services which may be located on the same business site.

(g) Should a business qualify for business signs at two interchanges, the business sign(s) shall be erected at the nearest interchange. If the business desires signing at the other interchange also, it may be so signed provided it does not prevent another business from being signed.

(h) Where there are more businesses which meet the criteria to participate in the program than space is available on the panel(s), then those businesses closer to the interchange, measured as described in Rule .0219(b) of this Section, shall be permitted to participate, except as provided for in Rule .0221 (a), (e), and (f) of this Section.

A business under construction shall not be allowed to apply for participation in the program if its participation would prevent an existing open business applicant from participating, unless the open business has turned down a previous opportunity offered by the Department to participate in the program as provided in Paragraph (i) of this Rule. After approval of an application to participate, a business

under construction shall be allowed priority participation over another business, which qualifies and becomes open for business prior to the time specified for opening in the application by the business under construction.

(i) Should the number of businesses of a particular service at an interchange increase to more than the maximum number of business signs allowed on a panel, and a closer business qualifies and requests installation of its business signs, the business sign(s) of the farthest business shall be removed at the renewal date, provided that any business which has previously paid the full cost of erecting a panel shall not be removed under this Rule. A business with more than one sign displayed on any panel shall have the additional sign(s) removed at the end of a contract period when other qualifying business(es) applies for space on the panels. A business which has turned down a previous opportunity offered by the department to participate in the program may not qualify as a closer business under this Rule, except as provided in Rule .0221 (a), (e), and (f) of this Section. If the existing sign is designed to hold less than the maximum allowed number of business panels, then the new business must pay the full cost of upgrading the sign to the maximum size such that displacements of renters should not take place until the sign is at maximum size.

A business closed for reconstruction or renovation, or for restoration of damages caused by fire or storm shall notify the division engineer's office immediately upon closing. The business shall be granted one year to complete the construction, renovation, or restoration, provided all logo fees are maintained and the same type of qualifying service is provided after reopening, even if under a different business name. The business signs shall be removed from the panels and stored by the department until notice of reopening is received. The signs shall then be reinstalled upon payment of a fee of twenty-five dollars (\$25.00) per sign.

(j) When it comes to the attention of the department that a participating business is not in compliance with the minimum state criteria, the division engineer's office shall promptly verify the information and if a breach of agreement is ascertained, inform the business that it shall be given 30 days to correct any deficiencies or its business signs shall be removed. If the business is removed and later applies for reinstatement, this request shall be handled in the same manner as a request from a new applicant. When a participating business is determined not to be in compliance with the minimum state criteria for a second time within two years of the first determination of non-compliance, its business signs shall be permanently removed.

At the time specified for opening, if a business under construction is found to not be in compliance, or not open for business, the Division Engineer shall promptly verify the information. If a breach of agreement is ascertained, the Division Engineer shall inform the business that it shall be given 30 days to correct any deficiencies or its business signs shall not be erected. If the business later applies for reinstatement, this request shall be handled in the same manner as a request from a new applicant.

(k) The department may cover or remove any or all business signs in the conduct of maintenance or construction operations, or for research studies, or whenever deemed by the department to be in the best interest of the department or the traveling public, without advance notice thereof.

(l) The transfer of ownership of a business for which an agreement has been lawfully executed with the original owner shall not in any way affect the validity of the agreement for the business sign(s) of the business, provided that the appropriate division engineer is given notice in writing of the transfer of ownership within 30 days of the actual transfer.

(m) No new contracts shall be accepted by the Department during the month of October.

Authority G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f).

## TITLE 21 - OCCUPATIONAL LICENSING BOARDS

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Board of Examiners in Optometry intends to amend rules cited as 21 NCAC 42E .0102. Notice of Rule-making Proceedings was published in the Register on September 15, 1997.

**Proposed Effective Date:** August 1, 1998

**A Public Hearing** will be conducted at 2:00 p.m. on December 30, 1997 at 109 N. Graham Street, Wallace, NC 28466.

**Reason for Proposed Action:** The 1997 General Assembly enacted House Bill 527 (S.L. 1997-75) amending G.S. 90-114 to permit optometrists to prescribe pharmaceutical agents without consultation with a physician. The rule-making conforms the Board's rules to the revised statute.

**Comment Procedures:** Written comments concerning this Rule should be submitted to the North Carolina Board of Examiners in Optometry, 109 N. Graham St., Wallace, NC 28466.

**Fiscal Note:** This Rule does not affect the expenditures or revenues of state or local government funds. This Rules does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

## CHAPTER 42 - BOARD OF EXAMINERS IN OPTOMETRY

### SUBCHAPTER 42E - MODE OF PRACTICE

#### SECTION .0100 - RESPONSIBILITY FOR PATIENTS



**.0102 PROFESSIONAL RESPONSIBILITY**

In keeping with the professional code, the optometrist shall:

- (1) attend to the visual needs of all those seeking his services without regard to financial remuneration;
- (2) maintain adequate equipment and instruments in his office at all times to assure proper and complete examination of patients. Such equipment and instruments shall include, but not be limited to, the following: a direct ophthalmoscope; an indirect ophthalmoscope; condensing lenses; proper instrumentation for foreign body removal; biomicroscope; instrument for plotting central and peripheral fields; applanation tonometer; distance and near acuity charts; test objects for stereopsis and fusion; color vision testing apparatus; refractor, trial frame or phorometer with trial case lenses; keratometer; and retinoscope;
- (3) sterilize according to usage all instruments or equipment used in the treatment of optometric patients, including those instruments or equipment used for the removal of foreign bodies from the external eye or its adnexa. All optometric offices shall follow infection control recommendations as set forth in the infection control manual as recommended by the American Optometric Association's Committee on Primary Care and Ocular Disease, or in the clinical guidelines of the American Optometric Association's Clinical Guidelines and Quality Assurance Coordinating Committee or their successors including subsequent adoptions, amendments, and editions. Copies of this material are available for inspection at the Board's office and may be obtained by paying a fee of ten dollars (\$10.00) to the Board;
- (4) assist his patients in whatever manner possible in obtaining further care when in his opinion other than his care is needed;
- (5) maintain adequate and available records on every patient containing case history, findings, diagnosis, treatment, and disposition. In compliance with this requirement, the patient record shall include the name of the patient's family physician or any other physician who may be consulted with regard to the care of the patient. The name and dosage of any medication prescribed shall be recorded with the diagnosis and instructions to the patient concerning follow-up. In any instance where a therapeutic

~~medication, other than a medication being topically applied, is prescribed the patient record shall indicate that the consulting physician noted on the record is informed. Communication is desirable at the time of prescribing systemic medication; however, in the event communication is not possible at that moment or if previous protocols have been agreed to by the consulting physician, the record shall indicate such consultation or communication took place within 72 hours and whether such consultation or communication occurred by telephone, in writing, or otherwise, follow-up;~~

- (6) retain full and independent control of and responsibility for patient records. This requirement does not preclude the licensee from providing copies of patient spectacle prescriptions for subsequent optical services, nor does it preclude the licensee from providing copies of patient records to any entity with the consent and authorization of the patient. Patient records shall be maintained by the optometrist responsible for such records for a period of not less than 5 years following the last entry into the patient's chart;
- (7) treat all information concerning his patients as confidential and not to be communicated to others except when authorized to do so by the patient or required by law;
- (8) have an established and appropriate procedure for the provision of eye care to his patients in the event of an emergency outside of normal professional hours, or when the licensee is not available due to vacation, personal illness, attendance at professional meetings or continuing education programs, or other absences of a similar nature. Patients shall be informed of such procedure. The procedure referred to herein may include, but is not limited to, cooperative arrangements with another licensed optometrist or a physician licensed under North Carolina General Statutes Chapter 90, Article 1, a telephone answering system or pager; or written or posted instructions to the patient;
- (9) maintain full and independent control of the terms and conditions of any professional liability insurance coverage pertaining to his services.

*Authority G.S. 90-18; 90-114; 90-121.2; 90-127.2.*



*The Codifier of Rules has entered the following temporary rule(s) in the North Carolina Administrative Code. Pursuant to G.S. 150B-21.1(e), publication of a temporary rule in the North Carolina Register serves as a notice of rule-making proceedings unless this notice has been previously published by the agency.*

**TITLE 10 - DEPARTMENT OF HEALTH  
AND HUMAN SERVICES**

**Rule-making Agency:** *Commission for Mental Health,  
Developmental Disabilities & Substance Abuse Services*

**Rule Citation:** *10 NCAC 14G .0102*

**Effective Date:** *January 1, 1998*

**Findings Reviewed and Approved by:** *Beecher R. Gray*

**Authority for the rule-making:** *122C-3; 122C-4; 122C-51;  
122C-53(f); 131E-67; 143B-147*

**Reason for Proposed Action:** *SB 352 requires the  
Commission for MH/DD/SAS to adopt temporary rules to  
implement the forensic treatment program at Dorothea Dix  
Hospital in order to protect the health, safety and welfare of  
patients, employees, and the general public with provisions  
for locking the rooms of patients in the forensic treatment  
program during rest times, including normal sleeping hours.*

**Comment Procedures:** *Written comments concerning these  
Rules should be submitted to Charlotte F. Hall, Rulemaking  
Coordinator, Division of Mental Health, Developmental  
Disabilities and Substance Abuse Services, 325 N. Salisbury  
Street, Raleigh, NC 27603-5906. Fiscal information is  
available upon request.*

**CHAPTER 14 - MENTAL HEALTH: GENERAL**

**SUBCHAPTER 14G - COMMITTEES AND  
PROCEDURES**

**SECTION .0100 - PURPOSE: SCOPE:  
DEFINITIONS**

**.0102 DEFINITIONS**

(a) In addition to the definitions contained in this Rule, the terms defined in G.S. 122C-3, 122C-4 and 122C-53(f) also apply to all rules in Subchapters 14G, 14H, 14I, and 14J of this Chapter.

(b) As used in the rules in Subchapters 14G, 14H, 14I and 14J of this Chapter, the following terms have the meanings specified:

(1) "Abuse" means the infliction of physical or mental pain or injury by other than accidental means, or unreasonable confinement, or the deprivation by an employee of services which are necessary to the mental and physical health of the client. Temporary discomfort that is part of an approved

and documented treatment plan or use of a documented emergency procedure shall not be considered abuse.

- (2) "Basic necessities" means the essential items or substances needed to support life and health which include, but are not limited to, a nutritionally sound diet balanced during three meals per day, access to water and bathroom facilities at frequent intervals, seasonable clothing, medications to control seizures, diabetes and other like physical health conditions, and frequent access to social contacts.
- (3) "Client record" means any record made of confidential information.
- (4) "Clinically privileged" means authorization by the State Facility Director for a qualified professional to provide specific treatment/habilitation services to clients, within well-defined limits, based on the professional's education, training, experience, competence and judgment.
- (5) "Complaint" means an informal verbal or written expression of dissatisfaction, discontent, or protest by a client concerning a situation within the jurisdiction of the state facility. A complaint would usually but not necessarily precede a grievance.
- (6) "Consent" means concurrence by a client or his legally responsible person following receipt of sufficient information by the qualified professional who will administer the proposed treatment or procedure. Informed consent implies that the client or his legally responsible person was provided with sufficient information concerning proposed treatment, including both benefits and risks, in order to make an educated decision with regard to such treatment.
- (7) "Dangerous articles or substances" means, but is not limited to, any weapon or potential weapon, heavy blunt object, sharp objects, potentially harmful chemicals, or drugs of any sort, including alcohol.
- (8) "Deputy Director" means a member of the management staff of the Division with responsibility for the state facilities relative to a specific disability area. Such directors may include the Deputy Director of Mental Health, Deputy Director of Mental Retardation, Deputy Director of Substance Abuse, or such deputy's designee.
- (9) "Director of Clinical Services" means Medical Director, Director of Medical Services or such person acting in the position of Director of Clinical Services, or his designee.

- (10) "Division Director" means the Director of the Division or his designee.
- (11) "Emergency" means a situation in a state facility in which a client is in imminent danger of causing abuse or injury to self or others, or when substantial property damage is occurring as a result of unexpected and severe forms of inappropriate behavior, and rapid intervention by the staff is needed. [See Subparagraph (b)(22) of this Rule for definition of medical emergency].
- (12) "Emergency surgery" means an operation or surgery performed in a medical emergency [as defined in Subparagraph (b)(22) of this Rule] where informed consent cannot be obtained from an authorized person, as specified in G.S. 90-21.13, because the delay would seriously worsen the physical condition or endanger the life of the client.
- (13) "Exclusionary time-out" means the removal of a client to a separate area or room from which exit is not barred for the purpose of modifying behavior.
- (14) "Exploitation" means the use of a client or his resources for another person's profit, business or advantage. "Exploitation" includes borrowing, taking or using personal property from a client with or without the client's permission.
- (15) "Forensic Division" means the inpatient facility at Dorothea Dix Hospital which serves clients who are:
  - (A) admitted for the purpose of evaluation for capacity to proceed to trial;
  - (B) found not guilty by reason of insanity;
  - (C) determined incapable of proceeding to trial;  
or
  - (D) deemed to require a more secure environment to protect the health, safety and welfare of clients, staff and the general public.
- (+5) (16) "Grievance" means a formal written complaint by or on behalf of a client concerning a circumstance would usually but not necessarily follow a complaint.
- (+6) (17) "Human Rights Committee" means a committee, appointed by the Secretary, to act in a capacity regarding the protection of client rights.
- (+7) (18) "Independent psychiatric consultant" means a licensed psychiatrist not on the staff of the state facility in which the client is being treated. The psychiatrist may be in private practice, or be employed by another state facility, or be employed by a facility other than a state facility as defined in G.S. 122C-3(14).
- (+8) (19) "Interpreter services" means specialized communication services provided for the hearing impaired by certified interpreters.
- (+9) (20) "Involuntary client" means a person admitted to any regional psychiatric hospital or alcoholic rehabilitation center under the provisions of Article

5, Parts 7, 8 or 9 of Chapter 122C of the General Statutes and includes but it is not limited to clients detained pending a district court hearing and clients involuntarily committed after a district court hearing. This term shall also include individuals who are defendants in criminal actions and are being evaluated in a state facility for mental responsibility or mental competency as a part of such criminal proceedings as specified in G.S. 15A-1002 unless a valid order providing otherwise is issued from a court of competent jurisdiction and the civil commitment of defendants found not guilty by reason of insanity as specified in G.S. 15A-1321.

- (-20) (21) "Isolation time-out" means the removal of a client to a separate room from which exit is barred but which is not locked and where there is continuous supervision by staff for the purpose of modifying behavior.
- (-21) (22) "Major physical injury" means damage caused to the body resulting in substantial bleeding or contusion of tissues; fracture of a bone; damage to internal organs; loss of consciousness; loss of normal neurological function (inability to move or coordinate movement); or any other painful condition caused by such injury.
- (-22) (23) "Medical emergency" means a situation where the client is unconscious, ill, or injured, and the reasonably apparent circumstances require prompt decisions and actions in medical or other health care, and the necessity of immediate health care treatment is so reasonably apparent that any delay in the rendering of the treatment would seriously worsen the physical condition or endanger the life of the client.
- (-23) (24) "Minimal risk research" means that the risks of harm anticipated in the proposed research are not greater, considering probability and magnitude, than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.
- (-24) (25) "Minor client" means a person under 18 years of age who has not been married or who has not been emancipated by a decree issued by a court of competent jurisdiction or is not a member of the armed forces.
- (-25) (26) "Neglect" means the failure to provide care or services necessary to maintain the mental health, physical health and well-being of the client.
- (-26) (27) "Neuroleptic medication" means a category of psychotropic drugs used to treat schizophrenia and related disorders. Neuroleptics are the only category of psychotropic drugs with long-term side effects of major consequence (e.g., tardive dyskinesia). Examples of neuroleptic medications are Chlorpromazine, Thioridazine and Haloperidol.
- (-27) (28) "Normalization" means the principle of helping



the client to obtain an existence as close to normal as possible, taking into consideration the client's disabilities and potential, by making available to him patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

(28) (29) "Person standing in loco parentis" means one who has put himself in the place of a lawful parent by assuming the rights and obligations of a parent without formal adoption.

(29) (30) "Protective devices" means an intervention which provides support for weak and feeble clients or enhances the safety of behaviorally disordered clients. Such devices may include posey vests, geri-chairs or table top chairs to provide support and safety for clients with major physical handicaps; devices such as helmets and mittens for self-injurious behaviors; or devices such as soft ties used to prevent medically ill clients from removing intravenous tubes, indwelling catheters, cardiac monitor electrodes, or similar medical devices.

(30) (31) "Psychosurgery" means surgical procedures for the intervention in or alteration of a mental, emotional or behavior disorder.

(31) (32) "Psychotropic medication" means medication with the primary function of treating mental illness, personality or behavior disorders. It includes, but is not limited to, antipsychotics, anti-depressants, minor tranquilizers and lithium.

(32) (33) "Qualified professional" means any person with appropriate training or experience in the professional fields of mental health care, mental illness, mental retardation, or substance abuse, including but not limited to, physicians, psychologists, social workers, registered nurses, qualified mental retardation professionals and qualified alcoholism or drug abuse professionals, as these terms are defined in 10 NCAC 14K .0103, "Licensure Rules for Mental Health, Mental Retardation and Other Developmental Disabilities, and Substance Abuse Facilities", division publication APSM 40-2. In addition, qualified professionals shall include special education instructors, physical therapists, occupational therapists, speech therapists and any other recognized professional group designated by the State Facility Director.

(33) (34) "Regional alcoholic rehabilitation center" means a state facility for substance abusers as specified in G.S. 122C-181(a)(3).

(34) (35) "Regional mental retardation center" means a state facility for the mentally retarded as specified in G.S. 122C-181(a)(2).

(35) (36) "Regional psychiatric hospital" means a state facility for the mentally ill as specified in G.S. 122C-181(a)(1).

(36) (37) "Representative payee" means the person,

group, or facility designated by a funding source, such as Supplemental Security Income (SSI), to receive and handle funds according to the guidelines of the source on behalf of a client.

(37) (38) "Research" means inquiry involving a trial or special observation made under conditions determined by the investigator to confirm or disprove an hypothesis or to explicate some principle or effect.

(38) (39) "Respite client" means a client admitted to a mental retardation center for a short-term period, normally not to exceed 30 days. The primary purpose of such admission is to provide a temporary interval of rest or relief for the client's regular caretaker.

(39) (40) "Responsible professional" shall have the meaning as specified in G.S. 122C-3 except the "responsible professional" shall also be a qualified professional as defined in Subparagraph (b)(32) in this Rule.

(40) (41) "Restraint" means the limitation of one's freedom of movement. In accordance with G.S. 122C-60, restraint includes the following:

(A) mechanical restraint which is restraining a client with the intent of controlling behavior with mechanical devices which include, but are not limited to, cuffs, ankle straps, sheets or restraining shirts. This does not include handcuffs used for the purpose of escorting forensic clients;

(B) physical restraint which is restraining a client by physically holding or subduing the client until he is calm. This does not refer to the utilization of those protective intervention techniques (PIT), as specified in the "Protective Intervention Course Manual", division publication APSM 80-2, relative to transporting a client to seclusion or isolation time out or applying mechanical restraints.

(41) (42) "Seclusion" means isolating a client in a separate locked room for the purpose of controlling a client's behavior. In the Forensic Division at Dorothea Dix Hospital, seclusion shall not include the routine use of locked rooms; isolation of clients admitted for evaluation of capacity to proceed to trial who are considered to be an escape risk; or juveniles requiring separation from adult clients. Seclusion shall not include the following in the forensic unit at Dorothea Dix Hospital: the routine use of locked cells, isolation due to escape attempts, security risks or juvenile court orders requiring the separation of juveniles from adults.

(42) (43) "State Facility Director" means the chief administrative officer or manager of a state facility or his designee.

(43) (44) "Strike" means, but is not limited to, hitting, kicking, slapping or beating whether done with a



part of one's body or with an object.

- (44) (45) "Timeout" means the removal of a client from other clients to another space within the same activity area for the purpose of modifying behavior.
- (45) (46) "Treatment" means the act, method, or manner of habilitating or rehabilitating, caring for or managing a client's physical or mental problems.
- (46) (47) "Treatment plan" means a written individual plan of treatment or habilitation for each client to be undertaken by the treatment team and includes any documentation of restriction of client's rights.
- (47) (48) "Treatment team" means an interdisciplinary group of qualified professionals sufficient in number and variety by discipline to adequately assess and address the identified needs of the client.
- (48) (49) "Unit" means an integral component of a state facility distinctly established for the delivery of one or more elements of service to which specific staff and space are assigned, and for which responsibility has been clearly assigned to a director, supervisor, administrator, or manager.
- (49) (50) "Voluntary client" means a person admitted to a state facility under the provisions of Article 5, Parts 2, 3, 4 or 5 of Chapter 122C of the General Statutes.

*History Note:* Authority G.S. 122C-3; 122C-4; 122C-51; 122C-53(f); 131E-67; 143B-147;  
*Eff. October 1, 1984;*  
*Amended Eff. June 1, 1990; April 1, 1990; July 1, 1989;*  
*Temporary Amendment Eff. January 1, 1998.*

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

**Rule-making Agency:** *Marine Fisheries Commission*

**Rule Citation:** *15A NCAC 3J .0202*

**Effective Date:** *December 1, 1997*

**Findings Reviewed and Approved by:** *Beecher R. Gray*

**Authority for the rule-making:** *G.S. 113-134; 113-182-143B-289.22*

**Reason for Proposed Action:** *As a result of the closure to the area south of Cape Hatteras to flynets and the limited trawl season on summer flounder, fishermen are using shrimp trawls to target finfish. Weakfish catches in shrimp trawls, particularly in the area south of Cape Hatteras, have created a compliance issue with Amendment #3 to the Atlantic States Marine Fisheries Commission (ASMFC) Fishery Management Plan for Weakfish. In a letter dated June 3, 1997, the ASMFC put North Carolina on notice that the State will not be in compliance with the Weakfish Plan unless an effective*

*change in rule is made to ensure that the target reduction in the harvest of weakfish is achieved. If ruled in non-compliance, the entire weakfish fishery and any other fishery taken with gear used to take weakfish could be closed in ocean waters.*

*The Marine Fisheries Commission accepted comments from the public at hearings on a modification of this Rule in September and October of 1997. Based on the comments at these hearings and data gathered by the Division of Marine Fisheries, the temporary rule was adopted and is necessary to maintain compliance.*

**Comment Procedures:** *Written comments may be submitted to the Marine Fisheries Commission, Attention Juanita Gaskill, PO Box 769, Morehead City, NC 28557. Comments will be accepted through February 1, 1998. The Marine Fisheries Commission will consider this Rule for adoption as a permanent rule at a Business Meeting scheduled for February 19 - 20, 1998, location to be announced through a news release to the media.*

## CHAPTER 3 - MARINE FISHERIES

### SUBCHAPTER 3J - NETS, POTS, DREDGES, AND OTHER FISHING DEVICES

#### SECTION .0200 - NET RULES, SPECIFIC AREAS

#### .0202 ATLANTIC OCEAN

*In the Atlantic Ocean:*

- (1) It is unlawful to use nets from June 15 through August 15 in the waters of Masonboro Inlet or in the ocean within 300 yards of the beach between Masonboro Inlet and a line running 138° through the water tank on the northern end of Wrightsville Beach, a distance parallel with the beach of 4,400 yards.
- (2) It is unlawful to use trawls within one-half mile of the beach between the Virginia line and Oregon Inlet.
- (3) It is unlawful to use a trawl with a mesh length less than four inches in the main body, three inches in the extension, and one and three-fourths inches in the cod end or tail bag inshore of a line beginning at a point 34° 41' 18" N - 76° 40' 08" W on the western side of Beaufort Inlet Channel (the present location of buoy "11" QK F1); thence westward parallel to and one-half mile from the ocean back to a point 34° 40' 32" N - 76° 53' 45" W off Salter Path.
- (4) It is unlawful to use trawl nets, including flynets, southwest of the 9960-Y chain 40250 LORAN C line (running offshore in a southeasterly direction) from Cape Hatteras to the North Carolina/South Carolina line except:
  - (a) Shrimp trawls as defined in 15A NCAC 3L

.0103;

- (b) Crab trawls as defined in 15A NCAC 3L .0202; or
- (c) Flounder trawls as defined in 15A NCAC 3M .0503.

- (5) It is unlawful to possess finfish (including pursuant to 15A NCAC 3M .0102) incidental to shrimp or crab trawl operations from December 1 through March 31 unless the weight of the combined catch of shrimp and crabs exceeds the weight of finfish; provided, however, it is lawful to possess an additional 300 pounds of kingfish (Menticirrhus, sp.) taken south of Bogue Inlet.
- (6) (5)It is unlawful to use unattended gill nets or block or stop nets in the Atlantic Ocean within 300 yards of the beach from Beaufort Inlet to the South Carolina line from sunset Friday to sunrise Monday from Memorial Day through Labor Day.
- (7) (6)It is unlawful to use gill nets in the Atlantic Ocean with a mesh length greater than seven inches from April 15 through December 15.

History Note: Authority G.S. 113-134; 113-182; 143B-289.4;  
Eff. January 1, 1991;  
Amended Eff. March 1, 1996; September 1, 1991;  
Temporary Amendment Eff. December 1, 1997.

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Rule-making Agency: Commission for Health Services

Rule Citation: 15A NCAC 13B .1301

Effective Date: December 22, 1997

Findings Reviewed and Approved by: Beecher R. Gray

Authority for the rule-making: G.S. 130A-309.26; 130A-131.10

Reason for Proposed Action: The Commission for Health Services has been directed by Session Law 1997-517 to write a rule that requires that the disposition of a "recognizable fetus" be carried out by cremation or burial. The General Assembly directed the effective date for the law to be October 1, 1997.

Comment Procedures: Written comments may be submitted to Joan Troy, Solid Waste Section, 401 Oberlin Rd., Suite 150, Raleigh, NC 27611-7867. It is very important that all interested and potentially affected persons, groups, businesses, associations, institutions or agencies make their views known to the Commission for Health Services through the public hearing and process for comment.

## SUBCHAPTER 13B - SOLID WASTE MANAGEMENT

### SECTION .1300 - DISPOSITION OF FETAL REMAINS

#### .1301 MANNER OF DISPOSITION OF FETAL REMAINS

~~(a) All facilities authorized to terminate pregnancies, and all medical or research laboratories or facilities to which the remains of terminated pregnancies are sent by facilities authorized to terminate pregnancies, shall dispose of the remains of terminated pregnancies by either:~~

- ~~(1) burial;~~
- ~~(2) cremation; or~~
- ~~(3) incineration in accordance with 15A NCAC 13B-1200.~~

~~(b) The obligation to dispose of the remains of terminated pregnancies by a facility authorized to terminate pregnancies ceases as to any remains of terminated pregnancies that the facility has sent to a medical or research laboratory or facility:~~

All hospitals, other medical facilities or medical or research laboratories shall dispose of fetal remains by burial, cremation or incineration in accordance with 15A NCAC 13B .1200, except that burial or cremation shall be the only methods of disposal of recognizable fetuses. For purposes of this Rule, a recognizable fetus means a fetus that has developed beyond completion of the second trimester of gestation, consistent with G.S. 90-210.20(c1).

History Note: Authority G.S. 130A-309.26; 130A-131.10;  
Eff. October 1, 1990;  
Temporary Amendment Eff. December 22, 1997.

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Rule-making Agency: DENR - Commission for Health Services

Rule Citation: 15A NCAC 18A .3101 - .3111

Effective Date: November 21, 1997

Findings Reviewed and Approved by: Beecher R. Gray

Authority for the rule-making: G.S. 130A-131.7; 130A-131.8; 130A-131.9A-G

Reason for Proposed Action: Need to provide clarification and conformity with recently adopted legislation that became effective October 1, 1997.

Comment Procedures: Written comments should be mailed to: Ed Norman, DENR-Division of Environmental Health, PO Box 29534, Raleigh, NC 27626-0534.

## CHAPTER 13 - SOLID WASTE MANAGEMENT



CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .3100 - LEAD POISONING  
PREVENTION IN CHILDREN PROGRAM

.3101 DEFINITIONS

As used in this article, unless the context requires otherwise:

- (1) "Abatement" means the elimination or control of lead poisoning hazards by methods approved by the Department.
- (2) "Confirmed elevated blood lead level" means a blood lead concentration of 20 micrograms per deciliter or greater determined by the lower of two consecutive blood tests within a six month period.
- (3) "Day care facility" means a structure or structures used as a school, nursery, child care center, clinic, treatment center or other facility serving the needs of children under six years of age including the grounds, any outbuildings, or other structures appurtenant to the facility.
- (4) "Department" means the Department of Environment, Health, and Natural Resources or its authorized agent.
- (5) "Dwelling" or "Dwelling unit" means a structure, all or part of which is designed or used for human habitation, including the common areas, the grounds, any outbuildings, or other structures appurtenant to the dwelling or dwelling unit.
- (6) "Elevated blood lead level" means:
  - (a) For the purposes of reporting by laboratories, a blood lead level of 1 microgram per deciliter or greater; or
  - (b) For the purposes of investigation, identification, and notification of lead poisoning hazards, a persistent elevated blood lead level of 15-19 micrograms per deciliter; or
  - (c) For the purposes of investigation, identification, notification, and abatement of lead poisoning hazards, a confirmed elevated blood lead level of 20 micrograms per deciliter or greater.
- (7) "Lead poisoning hazard" means the presence of readily accessible or mouthable lead-bearing substances measuring 1.0 milligram per square centimeter or greater by x-ray fluorescence or 0.5 percent or greater by chemical analysis; or 400 parts per million or greater in soil; or 15 parts per billion or greater in drinking water; or 100 micrograms per square foot or greater for dust on floors; or 500 micrograms per square foot or greater for dust on window sills; or 800 micrograms per square foot or greater for dust in window troughs.

- (8) "Managing agent" means any person who has charge, care, or control of a building or part thereof in which dwelling units or rooming units are leased.
- (9) "Mouthable lead-bearing substance" means any substance on surfaces or fixtures 5 feet or less from the floor or ground that form a protruding corner or similar edge, or protrude 1/2 inch or more from a flat wall surface, or are free-standing, containing lead-contaminated dust at a level that constitutes a lead poisoning hazard. Mouthable surfaces or fixtures include toys, doors, door jams, stairs, stair rails, windows, window sills, and baseboards.
- (10) "Persistent elevated blood lead level" means a blood lead concentration of 15-19 micrograms per deciliter determined by the lowest of three consecutive blood tests. The first two blood tests shall be performed within a six month period and the third blood test shall be performed at least 12 weeks and not more than six months after the second blood test.
- (11) "Readily accessible lead-bearing substance" means any substance containing lead at a level that constitutes a lead poisoning hazard which can be ingested or inhaled by a child under six years of age. Readily accessible substances include deteriorated paint that is peeling, chipping, cracking, flaking, or blistering to the extent that the paint has separated from the substrate. Readily accessible substances also include soil, water, and paint that is chalking.
- (12) "Regularly visits" means presence at a dwelling, dwelling unit, school, or day care facility for at least two days a week for more than three hours per day.
- (13) "Supplemental Address" means a dwelling, dwelling unit, school, or day care facility where a child with a persistent elevated blood lead level or a confirmed elevated blood lead level regularly visits or attends. Supplemental address also means a dwelling, dwelling unit, school, or day care facility where a child resided, regularly visited, or attended within the six months immediately preceding the determination of a persistent elevated blood lead level or a confirmed elevated blood lead level.
- (1) "Adequately trained maintenance supervisor" is a person who has completed a one-day course approved by the Department that provides basic information on lead-based paint hazards and good practices for operations and maintenance and interim controls.
- (2) "Adequately trained worker" is a person who has either completed a one-day course approved by the Department that provides basic information on lead-based paint hazards and good practices for operations and maintenance and interim controls or has an understanding of lead-based paint hazards,

- unsafe work practices, occupant protection, and dust cleanup methods by such means as on-the-job training and video instruction as approved by the Department.
- (3) "Inspection" is a surface by surface investigation to determine the presence of lead-based paint and may include dust and soil sampling and a report of the results.
- (4) "Risk assessment" is an on-site investigation of a residential housing unit to discover any lead-based paint hazards. A risk assessment includes:
- (a) an investigation of the age, history, management, and maintenance of the residential housing unit;
  - (b) the number of children less than six years old and women of child-bearing age who are residents;
  - (c) a visual assessment;
  - (d) limited environmental sampling; and
  - (e) preparation of a report identifying acceptable abatement, remediation, and interim control strategies based on specific conditions.
- (5) "Safe work practices" are methods used to avoid creating lead-based paint hazards during on-site work that disturbs paint that may contain lead. Such methods include:
- (a) taking precautions to prevent the spread of lead-contaminated dust by limiting access to the work area to workers only until final cleanup is completed and by having workers remove protective clothing such as gloves and shoes before leaving the work area;
  - (b) covering the work area including doorways and sealing floors, closets, and cabinets with heavy duty polyethylene plastic secured with duct tape or the equivalent;
  - (c) For exterior surfaces, securing heavy duty polyethylene plastic on the ground from the foundation extending 10 feet beyond the perimeter of the work area;
  - (d) shutting off the heating, ventilation, and cooling system and covering heating, ventilation, and cooling registers with heavy duty polyethylene plastic secured with duct tape or the equivalent;
  - (e) protecting workers by providing necessary protective equipment, training, and cleanup equipment and by not allowing eating, drinking, chewing gum or tobacco, or smoking in the work area;
  - (f) protecting occupants which may include temporary relocation as necessary;
  - (g) protecting occupants' belongings by covering with heavy duty polyethylene plastic secured with duct tape or the equivalent or by removing them from the work area;
  - (h) misting interior painted surfaces before disturbing and hand scraping all loose paint, wallpaper, and plaster;
  - (i) wet sweeping and collecting and containing visible debris and plastic sheeting in a secure container;
  - (j) performing specialized cleaning upon completion of work to remove residual dust and debris;
  - (k) removing all materials, tools, and contained debris from the work area and the residential housing unit upon completion of maintenance activities; and
  - (l) avoiding unsafe practices, including prohibited methods listed in G.S. 130A-131.9C(g).
- (6) "Specialized cleaning" is the use of cleaning protocols that have been shown to be effective in removing lead-contaminated dust as specified by the U.S. Department of Housing and Urban Development in the Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing and any updates and revisions.
- (7) "Visual inspection" is an on-site investigation by a certified lead inspector or a certified lead risk assessor to determine the completion of abatement, remediation, and maintenance standard activities. A visual inspection may include paint, dust, and soil sampling, and a notification of the results.

*History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A-G; Eff. October 1, 1990; Transferred and Recodified from 15A NCAC 191 .0101 Eff. August 28, 1991; Transferred and Recodified from 15A NCAC 21E .0401 Eff. February 18, 1992; Amended Eff. August 1, 1996; January 1, 1995; July 1, 1992; Temporary Amendment Eff. November 21, 1997.*

### **.3102 PERSISTENT ELEVATED BLOOD LEAD LEVEL**

All laboratories doing business in this State shall report to the Department elevated blood lead levels for children less than six years of age and for individuals whose ages are unknown at the time of testing. Reports shall be made within five working days after test completion on forms provided by the Department or on self-generated forms containing: the child's full name, date of birth, sex, race, address, and medicaid number, if any; the name, address, and telephone number of the requesting health care provider; the name, address, and telephone number of the testing laboratory; the laboratory results, the specimen type--venous or capillary; the laboratory sample number, and the dates the sample was collected and analyzed. Such reports may be made by electronic submissions.

The determination of a persistent elevated blood lead level may be based on more than three consecutive blood lead tests



performed within the timeframe set forth in G.S. 130A-131.7 so long as all of the consecutive blood lead test results are equal to 15 micrograms per deciliter or greater. Individual blood lead test results in the sequence may exceed 19 micrograms per deciliter so long as no two consecutive blood lead test results are equal to 20 micrograms per deciliter or greater.

*History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A-G;*

*Eff. October 1, 1990;*

*Transferred and Recodified from 15A NCAC 19I .0102 Eff. August 28, 1991;*

*Transferred and Recodified from 15A NCAC 21E .0402 Eff. February 18, 1992;*

*Amended Eff. August 1, 1996; January 1, 1995;*

*Temporary Amendment Eff. November 21, 1997.*

### .3103 EXAMINATION AND TESTING

When the Department has a reasonable suspicion that a child less than six years of age has a persistent elevated blood lead level or a confirmed elevated blood lead level, the Department shall require that child to be examined and tested within 30 days. The Department shall require from the owner, managing agent, or tenant of the dwelling, dwelling unit, school, or day care facility information on each child who resides in, regularly visits, or attends, or, who has within the past six months, resided in, regularly visited, or attended the dwelling or facility. The information required shall include each child's name and date of birth, the names and addresses of each child's parents, legal guardian, or full-time custodian. The owner, managing agent, or tenant shall submit the required information within 10 days of receipt of the request from the Department.

(a) When the Department learns of a lead poisoning hazard in a residential housing unit or a child-occupied facility, the Department shall notify the parents of all children less than six years old who reside in, regularly visit, or attend the unit or facility. The notice shall advise the parents of the adverse health effects of lead exposure and recommend that they have their child examined and tested.

(b) Examination and testing shall be required for all children in a residential housing unit or a child-occupied facility in which a lead poisoning hazard has been identified if any child tested who has resided in, regularly visited, or attended the unit or facility has an elevated blood lead level.

(c) Notification of the need for testing shall be repeated every six months until all lead-based paint hazards have been abated and all other lead poisoning hazards have been remediated.

(d) Children less than six months old are not required to be tested when lead poisoning hazards are identified in a residential housing unit or a child-occupied facility. The Department may require that these children be examined and tested within 30 days after reaching six months of age if they continue to reside in, regularly visit, or attend a unit or facility containing lead poisoning hazards.

*History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A-G;*

*Eff. October 1, 1990;*

*Transferred and Recodified from 15A NCAC 19I .0103 Eff. August 28, 1991;*

*Transferred and Recodified from 15A NCAC 21E .0403 Eff. February 18, 1992;*

*Amended Eff. August 1, 1996;*

*Temporary Amendment Eff. November 21, 1997.*

### .3104 INVESTIGATION TO IDENTIFY LEAD POISONING HAZARDS

(a) When the Department learns of a persistent elevated blood lead level or a confirmed elevated blood lead level, the Department shall conduct an investigation to identify the lead poisoning hazards to children. The Department shall investigate the dwelling, dwelling unit, school, or day care facility where the child with the persistent elevated blood lead level or the confirmed elevated blood lead level resides, regularly visits, or attends. The Department shall also investigate the supplemental addresses of the child who has a persistent elevated blood lead level or a confirmed elevated blood lead level.

(b) The Department shall also conduct an investigation when it reasonably suspects that a lead poisoning hazard to children exists in a dwelling, dwelling unit, school, or day care facility occupied, regularly visited, or attended by a child less than six years of age.

(c) In conducting an investigation, the Department may take samples of surface materials, or other materials suspected of containing lead, for analysis and testing. If samples are taken, chemical determination of the lead content of the samples shall be by atomic absorption spectroscopy or equivalent methods approved by the Department.

(a) Reasonable suspicion of a lead poisoning hazard to children may be based on the presence of the following characteristics:

- (1) a residential housing unit or a child-occupied facility built before 1950, a unit or facility built before 1978 that contains readily accessible deteriorated paint, or a unit or facility built before 1978 that is undergoing or has undergone renovations or remodeling within the last six months, unless the unit is lead-safe housing or is in compliance with the maintenance standard;
- (2) a child less than six years old residing in, regularly visiting, or attending the unit or facility; and
- (3) a referral by a local, state, or federal health or environmental official, building inspector, or child care consultant.

(b) Notwithstanding the existence of a certificate of compliance with the maintenance standard, the Department shall investigate a residential housing unit occupied or regularly visited by a child less than six years old who has a persistent elevated blood lead level or confirmed lead poisoning.

(c) The Department may upon request conduct an

investigation to identify lead poisoning hazards at a proposed or substitute residential housing unit of a child less than six years old with a persistent elevated blood lead level or confirmed lead poisoning who is seeking alternative housing.

*History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A-G;*

*Eff. October 1, 1990;*

*Transferred and Recodified from 15A NCAC 19I .0104 Eff. August 28, 1991;*

*Transferred and Recodified from 15A NCAC 21E .0404 Eff. February 18, 1992;*

*Amended Eff. August 1, 1996;*

*Temporary Amendment Eff. November 21, 1997.*

### **.3105 LEAD POISONING HAZARD AND CLEARANCE STANDARD FOR SOIL**

Upon determination that a lead poisoning hazard exists, the Department shall give written notice of the lead poisoning hazard to the owner or managing agent of the dwelling, dwelling unit, school or day care facility and to all persons residing in or attending the dwelling or facility. The written notice to the owner or managing agent shall include a list of possible methods of abatement of the lead poisoning hazard:

(a) Bare soil at a residential housing unit or a child-occupied facility is a lead poisoning hazard when:

- (1) it contains 400 parts per million lead or greater in high contact areas for children including sandboxes, gardens, play areas, pet sleeping areas, and areas within 3 feet of a residential housing unit or a child-occupied facility;
- (2) it contains 2000 parts per million lead or greater in other locations at a residential housing unit or a child-occupied facility where contact by children is less likely; or
- (3) it is determined by the Department to be hazardous to children less than six years old pursuant to 15 USC §§ 2681 et seq., 42 USC §§ 4851 et seq. and the regulations promulgated under these Sections.

(b) Unless otherwise determined by the Department on the basis of credible site-specific evidence including soil lead bioavailability, speciation, or particle size, land use and condition, or epidemiologic or other relevant scientific data, all remediation plans pursuant to G.S. 130A-131.9C shall require that:

- (1) bare soil lead concentrations of 400 parts per million or greater and less than 5000 parts per million at a residential housing unit or a child-occupied facility in high contact areas for children including sandboxes, gardens, play areas, pet sleeping areas, and areas within 3 feet of the unit or facility be:
  - (A) permanently covered with four to six inches of gravel, mulch, or sod with a vegetative cover;
  - (B) physically restricted by a permanent barrier;
  - (C) removed; or

- (D) paved over with concrete or asphalt;
- (2) bare soil lead concentrations of 2000 parts per million or greater and less than 5000 parts per million in other locations at a residential housing unit or a child-occupied facility be:
  - (A) permanently covered with four to six inches of gravel, mulch, or sod with a vegetative cover;
  - (B) physically restricted by a permanent barrier;
  - (C) removed; or
  - (D) paved over with concrete or asphalt;
- (3) bare soil lead concentrations of 5000 parts per million or greater at a residential housing unit or a child-occupied facility must be removed or paved with concrete or asphalt; and
- (4) ground coverings such as gravel, mulch, sod, or other vegetative covers must be properly installed, established, and maintained.

*History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A-G;*

*Eff. October 1, 1990;*

*Transferred and Recodified from 15A NCAC 19I .0105 Eff. August 28, 1991;*

*Transferred and Recodified from 15A NCAC 21E .0405 Eff. February 18, 1992;*

*Amended Eff. August 1, 1996; January 1, 1995;*

*Temporary Amendment Eff. November 21, 1997.*

### **.3106 ABATEMENT AND REMEDIATION**

(a) ~~Upon determination that a child less than six years of age has a confirmed elevated blood lead level of 20 micrograms per deciliter or greater and that child resides in, attends, or regularly visits, a dwelling, dwelling unit, school or day care facility containing lead poisoning hazards, the Department shall require abatement of the lead poisoning hazards. The Department shall also require the abatement of the lead poisoning hazards identified at the supplemental addresses of a child less than six years of age with a confirmed elevated blood lead level of 20 micrograms per deciliter or greater.~~

(b) ~~When abatement is required under Paragraph (a) of this Rule, the owner or managing agent shall submit a written lead poisoning hazard abatement plan to the Department within 14 days of receipt of the lead poisoning hazard notification and shall obtain written approval of the plan prior to initiating abatement. The lead poisoning hazard abatement plan shall comply with Paragraphs (g), (h), and (i) of this Rule.~~

(c) ~~If the abatement plan submitted fails to meet the requirements of this Rule, the Department shall issue an abatement order requiring submission of a modified abatement plan. The order shall indicate the modifications which shall be made to the abatement plan and the date by which the plan as modified shall be submitted to Department.~~

(d) ~~If the owner or managing agent does not submit an abatement plan within 14 days, the Department shall issue an~~



abatement order requiring submission of an abatement plan within five days of receipt of the order.

(e) ~~The owner or managing agent shall notify the Department and the occupants of the dates of abatement activities at least three days prior to the commencement of abatement activities:~~

(f) ~~Abatement shall be completed within 60 days of the Department's approval of the abatement plan. If the abatement activities are not completed within 60 days as required, the Department shall issue an order requiring completion of abatement activities. An owner or managing agent may apply to the Department for an extension of the deadline for abatement. The Department may issue an order extending the deadline for 30 days upon proper written application by the owner or managing agent:~~

(g) ~~The following methods of abatement of lead poisoning hazards in paint are prohibited:~~

- ~~(1) stripping paint on-site with methylene chloride-based solutions;~~
- ~~(2) torch or flame burning;~~
- ~~(3) heating paint with a heat gun above 1100 degrees Fahrenheit;~~
- ~~(4) covering with new paint or wallpaper unless all readily accessible lead-based paint has been removed;~~
- ~~(5) uncontrolled abrasive blasting; or~~
- ~~(6) uncontrolled waterblasting.~~

(h) ~~All lead-containing waste and residue of the abatement of lead shall be removed and disposed of by the person performing the abatement in accordance with applicable federal, state, and local laws and rules.~~

(i) ~~All abatement plans shall require that the lead poisoning hazards be reduced to below the following levels:~~

- ~~(1) Floor lead dust levels are less than 100 micrograms per square foot;~~
- ~~(2) Window sill lead dust levels are less than 500 micrograms per square foot;~~
- ~~(3) Window trough lead dust levels are less than 800 micrograms per square foot;~~
- ~~(4) Soil lead levels are less than 400 parts per million; and~~
- ~~(5) Drinking water lead levels less than 15 parts per billion.~~

(j) ~~The Department shall verify by visual inspection that the approved abatement plan has been completed. The Department may also verify plan completion by residual lead dust monitoring and soil or drinking water lead level measurement:~~

(a) Notwithstanding the existence of a certificate of compliance, the Department may require abatement of lead-based paint hazards and remediation of other lead poisoning hazards identified at a residential housing unit that is occupied or regularly visited by a child less than six years old who has confirmed lead poisoning when:

- (1) a visual inspection reveals that the owner or managing agent has failed to continue to comply with the maintenance standard; or

- (2) the blood lead level of a child with confirmed lead poisoning increases on two consecutive blood tests within a six-month period.

(b) When compliance with the maintenance standard is used to meet remediation requirements, maintenance standard activities must be conducted in accordance with an approved remediation plan in accordance with G.S. 130A-131.9C. The remediation plan must address all lead poisoning hazards identified on interior and exterior surfaces including floors, walls, ceilings, windows, porches, decks, garages, railings, steps, and bare soil.

(c) Abandonment of a residential housing unit or a child-occupied facility is an acceptable method of remediation. A remediation plan of abandonment shall contain a statement that the owner or managing agent agrees to submit a modified remediation plan to the Department at least 14 days before the abandoned unit or facility is reoccupied if the property will be used as a residential housing unit or a child-occupied facility. The lead-based paint hazards must be abated and other lead poisoning hazards must be remediated in accordance with an approved remediation plan. Nothing in this rule shall be construed as authorizing an owner or managing agent to evict an occupant of a residential housing unit in violation of G.S. 42.

(d) Demolition of a residential housing unit or a child-occupied facility is an acceptable method of remediation. The remediation plan shall indicate containment measures for lead-contaminated dust and soil, and storage and disposal methods for lead-contaminated construction debris. The owner or managing agent must notify the Department and the occupants of any adjacent unit or facility of the dates of demolition at least three days prior to commencement of demolition.

*History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A-G;*

*Eff. January 1, 1995;*

*Amended Eff. September 1, 1996;*

*Temporary Amendment Eff. November 21, 1997.*

## **.3107 MAINTENANCE STANDARD**

(a) Using safe work practices:

- (1) repair and repaint deteriorated paint on interior surfaces of a residential housing unit and correct the cause of deterioration including structural conditions causing water infiltration, interior moisture, and poor paint adhesion;

- (2) for pre-1950 single family and duplex residential housing units, both interior and exterior surfaces including all walls, ceilings, windows, porches, decks, garages, railings, and steps must be repaired and repainted and the causes of deterioration corrected. In addition, a vegetative cover must be established and maintained in areas of bare soil within three feet of the residential housing unit.

(b) Use specialized cleaning on interior horizontal surfaces to remove dust that may contain lead.

(c) Correct conditions in which painted surfaces are rubbing, binding, or being damaged to protect the integrity of the paint and to prevent the generation of lead dust.

(d) Steam shampoo carpets or use other specialized cleaning methods to remove dust that may contain lead.

(e) Provide smooth and cleanable interior horizontal surfaces by recoating deteriorated hardwood floors with a durable coating, replacing or recovering worn-out linoleum floors, making interior window sills smooth and cleanable, capping window troughs with vinyl or aluminum coil stock, and providing drainage from storm window frames.

(f) Provide occupants with the Environmental Protection Agency-developed pamphlet "Protect Your Family from Lead in Your Home", any summaries of reports prepared by a certified lead inspector or a certified lead risk assessor on lead-based paint hazards, an educational pamphlet developed by the Department describing the maintenance standard and the effects of compliance on the owner, and information related to previous certificates of compliance issued.

*History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A-G;*

*Temporary Adoption Eff. November 21, 1997.*

### **.3108 APPLICATION AND ISSUANCE OF CERTIFICATE OF COMPLIANCE**

(a) Written application for a certificate of compliance shall be made by an owner or managing agent on a form and in a manner prescribed by the Department and shall include a copy of the tax record or other documentation indicating the date of construction of the residential housing unit.

(b) To obtain a certificate of compliance with the maintenance standard, an owner or managing agent shall comply with the provisions of G.S. 130A-131, G.S. 130A-31.9E and these Rules.

(c) Proof of compliance shall include:

- (1) a sworn statement by the owner or managing agent that all work was conducted by adequately trained workers under the on-site supervision of an adequately trained maintenance supervisor;
- (2) a sworn statement by the occupants, if any, acknowledging that information was provided as required under G.S. 130A-131.7 and these Rules;
- (3) a written summary in a manner prescribed by the Department of the visual inspection conducted by a certified lead inspector or a certified lead risk assessor; and
- (4) laboratory measurements of at least two composite dust samples, one each from floors and either interior window sills or window troughs, collected by a certified lead inspector or a certified lead risk assessor indicating the absence of dust that constitutes a lead poisoning hazard. Each composite sample must contain no more than four subsamples including a bedroom, a playroom, a den, and a kitchen. All samples must be analyzed by a laboratory recognized by the U.S. Environmental

Protection Agency pursuant to section 405(b) of the Toxic Substances Control Act as being capable of performing analyses for lead in paint, dust, and soil samples, or a laboratory otherwise approved by the Department.

(d) The Department shall issue a certificate of compliance within 30 days after receipt of proof of compliance unless the residential housing unit has been designated for on-site monitoring by the Department. If the residential housing unit has been selected for on-site monitoring, the certificate of compliance shall be issued within 30 days after the Department has verified compliance with G.S. 130A-131.7 and these Rules by a visual inspection. The visual inspection shall occur within 30 days after receipt of the application for a certificate of compliance.

(e) The certificate of compliance shall be signed, dated, and issued by the Department. The certificate shall state the date of issue, the date of expiration, and the address of the residential housing unit.

(f) The certificate of compliance shall expire one year from the date of its issuance.

(g) The owner or managing agent shall notify the Department and the occupants of a residential housing unit three days prior to commencing maintenance, renovation, or remodeling activities that occur after a certificate of compliance is issued but before the certificate expires. Such activities shall be performed using safe work practices.

(h) The Department shall notify the occupants at the time a certificate of compliance is issued or reissued. Such notification shall include an educational pamphlet describing the maintenance standard and the effects of compliance on the owner and the lead poisoning hazard information package described in these Rules.

*History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A-G;*

*Temporary Adoption Eff. November 21, 1997.*

### **.3109 REVOCATION AND DENIAL OF CERTIFICATE OF COMPLIANCE**

(a) The Department may deny or revoke a certificate of compliance when:

- (1) the Department finds failure or refusal to comply or maintain compliance with G.S. 130A-131.7 or these Rules;
- (2) the Department finds that the information submitted by the owner or managing agent is incomplete or falsified; or
- (3) the Department is denied entry by the owner or managing agent to conduct a visual inspection.

(b) The Department shall give notice of denial or revocation to the owner or managing agent within 30 days after receipt of the application for a certificate of compliance, or within 30 days after the Department was denied entry by the owner or managing agent to conduct a visual inspection, or within 30 days after the Department finds that the owner or managing agent failed to comply or maintain compliance



with the provisions of G.S. 130A-131.7 or these Rules.

(c) The notice of denial or revocation of a certificate of compliance shall be in writing and shall set forth the grounds for the denial or revocation.

(d) The notice of denial or revocation shall indicate that the owner or managing agent has the right to appeal the denial or revocation in accordance with G.S. 130A-24(a1).

(e) The notice of denial or revocation shall be sent by certified mail return receipt requested or by a method approved by the Department.

*History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A-G;*

*Temporary Adoption Eff. November 21, 1997.*

### **.3110 MONITORING**

(a) The Department shall monitor the validity of information submitted by owners who seek certificates of compliance with the maintenance standard.

(b) Monitoring activities shall include a review of application materials submitted and may include on-site compliance monitoring to verify the accuracy and adequacy of the information provided.

(c) The Department shall design and implement a plan to conduct visual inspections of up to 50 percent of the residential housing units for which applications are submitted for certificates of compliance with the maintenance standard.

(d) For residential housing units subject to abatement and remediation requirements, the Department shall conduct visual inspections and residual lead dust monitoring to verify continued compliance with the maintenance standard annually and at any other time the Department deems necessary to carry out the provisions of G.S. 130A-131.7, G.S. 130-131.9A, G.S. 130A-131.9C, G.S. 130A-131.9E or these Rules.

*History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A-G;*

*Temporary Adoption Eff. November 21, 1997.*

### **.3111 RESIDENT RESPONSIBILITIES**

When a child less than six years old has an elevated blood lead level of 10 micrograms per deciliter or greater, the Department shall provide to the owner or managing agent and the parents or legal guardians of the child a lead poisoning hazard information package. The information provided shall comply with the provisions of G.S. 130A-131.9G.

*History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A-G;*

*Temporary Adoption Eff. November 21, 1997.*

## **TITLE 16 - DEPARTMENT OF PUBLIC EDUCATION**

*Rule-making Agency: State Board of Education*

**Rule Citation:** *16 NCAC 6G .0501*

**Effective Date:** *November 14, 1997*

**Findings Reviewed and Approved by:** *Beecher R. Gray*

**Authority for the rule-making:** *G.S. 115C-238.29F(c)(1)*

**Reason for Proposed Action:** *The State Board of Education adopted this Rule to implement sec. 5 of SL 1997-430, which requires the Board to adopt rules to specify the types and amounts of liability insurance coverage that charter schools must obtain.*

**Comment Procedures:** *Questions or written comments regarding this matter may be directed to Harry E. Wilson, Rule-Making Coordinator, 2086 Education Building, 301 N. Wilmington St., Raleigh, NC 27601-2825; (919) 715-1310.*

## **CHAPTER 6 - ELEMENTARY AND SECONDARY EDUCATION**

### **SUBCHAPTER 6G - EDUCATION AGENCY RELATIONS**

#### **SECTION .0500 - CHARTER SCHOOLS**

##### **.0501 LIABILITY INSURANCE**

(a) Each charter school shall obtain the following types and amount of liability insurance coverage:

- (1) errors and omissions: one million dollars (\$1,000,000) per claim;
- (2) general liability: one million dollars (\$1,000,000) per occurrence;
- (3) boiler and machinery: the replacement cost of the building;
- (4) real and personal property: the appraised value of the building and contents;
- (5) fidelity bonds: the amount of funds received by the charter school in the previous fiscal year from state and local sources;
- (6) automobile liability: one million dollars (\$1,000,000) per occurrence; and
- (7) workers' compensation: as specified by G.S. 97.

(b) The provisions of this Rule shall not preclude any charter school from obtaining liability insurance coverage in addition to or in excess of the requirements of this Rule.

*History Note: Authority G.S. 115C-238.29F(c)(1);  
Temporary Adoption Eff. November 14, 1997.*

## **TITLE 26 - OFFICE OF ADMINISTRATIVE HEARINGS**

*Rule-making Agency: Office of Administrative Hearings*

**Rule Citation:** 26 NCAC 4 .0101, .0201 - .0204

**Effective Date:** January 1, 1998

**Findings Reviewed and Approved by:** James P. Cain

**Authority for the rule-making:** G.S. 7A-751(a)

**Reason for Proposed Action:** *The Office of Administrative Hearings adopted these temporary rules to implement Section 2 of SL 1997-520 which granted the authority to the Civil Rights Division of the Office of Administrative Hearings to investigate and to determine probable cause in alleged political discrimination complaints.*

**Comment Procedures:** *Written comments concerning this rule-making should be directed to Susana Honeywell, Rule-making Coordinator, PO Drawer 27447, Raleigh, NC 27611-7447 or fax comments to 919-733-3407 to the attention of Susana Honeywell.*

## CHAPTER 4 - CIVIL RIGHTS DIVISION

### SECTION .0100 - GENERAL

#### .0101 INTRODUCTION

(a) ~~The Equal Employment Opportunity Commission (EEOC) has designated the North Carolina State Office of Administrative Hearings as a 706 Deferral Agency. The North Carolina General Assembly has designated the Office of Administrative Hearings as the State's 706 Deferral Agency in G.S. 7A-759.~~

(b) ~~The Office of Administrative Hearings (OAH) accepts deferral by the EEOC of the following classes of charges filed with the EEOC in North Carolina. All charges alleging race, color, sex, religion, age or national origin discrimination in employment, or retaliation for opposition to such alleged discrimination, filed by previous and current state employees or applicants for employment who were or are subject to North Carolina General Statutes Section 126-16 and which have been filed with the EEOC within the time limits set forth in 29 C.F.R. 1601.13 and 29 C.F.R. 1626.7(b).~~

(c) ~~The Civil Rights Division is the unit within the Office of Administrative Hearings charged with the responsibility of carrying out the investigations and conciliations of deferred charges.~~

(d) ~~The Civil Rights Division will shall process all deferred charges in accordance with applicable administrative rules, policies, guidelines and standards promulgated by EEOC.~~

(e) ~~The the Federal regulations implementing Title VII of the Civil Rights Act of 1964 or 1964, the Age Discrimination in Employment Act or Act, and the Americans with Disabilities Act both and which are published in 29 C.F.R., Parts 900 through 1899 are adopted and are hereby incorporated by reference to include subsequent amendments. Copies of 29 C.F.R., Parts 900 through 1899 are available at~~

a cost of twenty-one dollars (\$21.00) from the Government Printing Office, Superintendent of Documents, Attn. New Orders, PO Box 371954, Pittsburgh, PA 15250-7954, and shall govern the processing of deferred charges. This adoption is in accordance with G.S. 150B-14(c).

*History Note: Filed as a Temporary Rule Eff. October 15, 1986 for a Period of 120 Days to Expire on February 11, 1987;*

*Authority G.S. 7A-751; 7A-759;*

*Eff. February 1, 1987;*

*Amended Eff. July 1, 1989;*

*Temporary Amendment Eff. January 1, 1998.*

### SECTION .0200 - POLITICAL DISCRIMINATION COMPLAINTS

#### .0201 DEFINITIONS

In addition to the definitions in G.S. 126-14.2, the following definitions apply to this Section:

- (1) "Complainant" means a state employee or applicant for initial state employment who files a political discrimination complaint with the Civil Rights Division of the Office of Administrative Hearings according to G.S. 126-14.4.
- (2) "Complaint" means a proceeding pursuant to this Section to resolve a dispute between an agency and another person that involves alleged political discrimination.
- (3) "File or filing" a political discrimination complaint means to place the paper or document to be filed into the care, custody and acceptance of the Civil Rights Division.
- (4) "No Probable Cause Determination" means the Civil Rights Division concludes that a violation of G.S. 126-14.2 has not occurred.
- (5) "Probable Cause Determination" means the Civil Rights Division concludes that a violation of G.S. 126-14.2 has occurred.
- (6) "Respondent" means a state, county, or local agency or department subject to Chapter 126 against whom a political discrimination complaint is filed.
- (7) "Serve or Service" means personal delivery or delivery by first class United States Postal Service Mail or a licensed overnight express mail service, postage prepaid and addressed to the person to be served at his or her last known address. Service by mail or overnight express mail is complete upon placing the item to be served, enclosed in a wrapper addressed to the person to be served in an official depository of the United States Postal Service or upon delivery, postage prepaid and wrapped in a wrapper addressed to the person to be served to an agent of the overnight express mail service.



- (8) "Third Party" means the person who has been allegedly hired or promoted in violation of G.S. 126-14.2.

*History Note: Authority G.S. 7A-751; 126-14.4; 150B-2; Temporary Adoption Eff. January 1, 1998.*

- (4) The date the alleged discrimination occurred;  
 (5) The name(s) of the individual(s) hired or promoted;  
 (6) A statement disclosing the particulars of the employment decision;  
 (7) The signature of the person making the complaint; and  
 (8) The date the complainant signed the complaint.

*History Note: Authority G.S. 7A-751; 126-14.4; Temporary Adoption Eff. January 1, 1998.*

**.0202 CONTENT AND FILING PROCEDURES**

(a) Forms for filing political discrimination complaints may be obtained from the Civil Rights Division, PO Drawer 27447, Raleigh, NC 27611-7447 or 919-733-0431. Any person wishing to file a complaint of alleged political discrimination shall address the complaint to:

Director of Civil Rights Division  
PO Drawer 27447  
Raleigh, NC 27611-7447

(b) The complainant may file a political discrimination complaint and related documents by facsimile (fax) transmission during regular office hours as defined in 26 NCAC 1. 0102. The faxed complaints and documents will be deemed a "filing" within the meaning of 26 NCAC 4 .0201(3) provided the original complaint or documents are received by the Civil Rights Division within five business days following the faxed transmission.

(c) The complaint shall include the following information:

- (1) Full name, address and telephone number (work and home) of person making the complaint;
- (2) Full name, address and telephone number of the agency against whom the complaint is made (the respondent);
- (3) The basis of the complaint (hiring or promotion);

**.0203 TIME**

Unless otherwise provided in the Rules of the Office of Administrative Hearings or in a specific statute, time computations in political discrimination complaints before the Civil Rights Division shall be governed by G.S. 1A-1, Rule 6.

*History Note: Authority G.S. 7A-751; 126-14.4; Temporary Adoption Eff. January 1, 1998.*

**.0204 INITIAL DETERMINATION**

The initial determination of probable cause or no probable cause shall be issued by the Director of the Civil Rights Division within 30 days of the filing of the complaint and forwarded to the complainant, respondent and the third party.

*History Note: Authority G.S. 7A-751; 126-14.4; Temporary Adoption Eff. January 1, 1998.*

*This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, December 18, 1997, 10:00 a.m., at 1307 Glenwood Ave., Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners by Monday, December 15, 1997, at 5:00 p.m. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.*

**RULES REVIEW COMMISSION MEMBERS**

**Appointed by Senate**  
 Philip O. Redwine - Chairman  
 Jim Funderburke  
 Vernice B. Howard  
 Teresa L. Smallwood  
 David Twiddy

**Appointed by House**  
 Paul Powell - Vice Chairman  
 Mark Garside  
 Steve Rader  
 George Robinson  
 Anita White

**RULES REVIEW COMMISSION MEETING DATES**

December 18, 1997  
 January 15, 1998

February 19, 1998  
 March 19, 1998

**MEETING DATE: DECEMBER 18, 1997**

**LOG OF FILINGS**

**RULES SUBMITTED: OCTOBER 20, 1997 THROUGH NOVEMBER 20, 1997**

AGENCY/DIVISION	RULE NAME	RULE	ACTION
<b>AGRICULTURE/NC BOARD OF AGRICULTURE</b>			
	Labeling	2 NCAC 48D .0103	Amend
	Meat Facilities Requirements	2 NCAC 52A .0104	Amend
	Poultry Facilities	2 NCAC 52A .0105	Repeal
	Construction of Meat Plants	2 NCAC 52A .0106	Amend
	Labeling Meat	2 NCAC 52A .0107	Amend
	Sanitation Handbook	2 NCAC 52A .0108	Amend
	Inspection Manual	2 NCAC 52A .0109	Amend
	Certain Standards Adopted	2 NCAC 52D .0101	Amend
<b>DHHS/MH/DD/SS</b>			
	Schedule II	10 NCAC 45H .0203	Amend
<b>DEPARTMENT OF INSURANCE</b>			
	Viatical Settlement	11 NCAC 12 .1703	Amend
<b>JUSTICE/NC SHERIFFS' EDUCATION &amp; TRAINING STANDARDS COMMISSION</b>			
	Location	12 NCAC 10B .0101	Amend
	Procedures	12 NCAC 10B .0107	Amend
	Sanctions for Violations	12 NCAC 10B .0202	Amend
	Suspension	12 NCAC 10B .0204	Amend
	Summary Suspensions	12 NCAC 10B .0206	Amend
	Evaluation for Training Waiver	12 NCAC 10B .0505	Amend



Detention Officer	12 NCAC 10B .0601	Amend
Evaluation for Training Waiver	12 NCAC 10B .0603	Amend
Completion of Detention Officer	12 NCAC 10B .0605	Amend
Administration	12 NCAC 10B .0702	Amend
Administration	12 NCAC 10B .0703	Amend
Responsibilities	12 NCAC 10B .0704	Amend
Certification	12 NCAC 10B .0705	Amend
Terms and Conditions	12 NCAC 10B .0706	Amend
Suspension	12 NCAC 10B .0707	Amend
Accreditation	12 NCAC 10B .0801	Amend
Accreditation	12 NCAC 10B .0802	Amend
Certification	12 NCAC 10B .0903	Amend
Limited Lecturer Certification	12 NCAC 10B .0908	Amend
Terms and Conditions	12 NCAC 10B .0909	Amend
Use of Guest Participants	12 NCAC 10B .0910	Amend
Suspension	12 NCAC 10B .0911	Amend
General Provisions	12 NCAC 10B .1002	Amend
Intermediate Law Enforcement	12 NCAC 10B .1004	Amend
Advanced Law Enforcement	12 NCAC 10B .1005	Amend
How to Apply	12 NCAC 10B .1006	Amend
General Provisions	12 NCAC 10B .1202	Amend
Intermediate Detention Officer	12 NCAC 10B .1204	Amend
Advanced Detention Officer	12 NCAC 10B .1205	Amend
How to Apply	12 NCAC 10B .1206	Amend

**LABOR/OSHA**

Purpose	13 NCAC 16 .0101	Amend
Forms	13 NCAC 16 .0102	Repeal
Definitions	13 NCAC 16 .0103	Adopt
Preoccupancy Inspections	13 NCAC 16 .0201	Amend
Migrant Housing Certificate	13 NCAC 16 .0202	Amend
Certification Denied	13 NCAC 16 .0203	Repeal
Contesting Denial	13 NCAC 16 .0204	Repeal
Issuance of Certificates	13 NCAC 16 .0205	Repeal
Posting Requirements	13 NCAC 16 .0206	Repeal
Repeat Preoccupancy Visits	13 NCAC 16 .0207	Repeal
Enforcement Visits	13 NCAC 16 .0208	Repeal
Provisional Occupancy	13 NCAC 16 .0301	Repeal
Provisional Occupancy Denied	13 NCAC 16 .0302	Repeal
Inspection	13 NCAC 16 .0303	Repeal
Enforcement Inspections	13 NCAC 16 .0401	Adopt
Citations and Penalties	13 NCAC 16 .0402	Adopt
Appealing Non-Issuance	13 NCAC 16 .0501	Adopt
Appealing Violations	13 NCAC 16 .0502	Adopt

**DENR/ENVIRONMENTAL MANAGEMENT COMMISSION**

Corrective Action	15A NCAC 2L .0106	Amend
Risk Based Assessment	15A NCAC 2L .0115	Adopt
General	15A NCAC 2N .0701	Amend
Corrective Action Plan	15A NCAC 2N .0707	Amend
Cleanup Costs	15A NCAC 2P .0402	Amend

**DENR/COASTAL RESOURCES COMMISSION**

General Definitions	15A NCAC 7H .0106	Amend
Estuarine and Ocean System	15A NCAC 7H .0201	Amend
Significance of the Systems	15A NCAC 7H .0202	Amend
AECs within the Estuarine	15A NCAC 7H .0204	Amend

Coastal Wetlands	15A NCAC 7H .0205	Amend
Estuarine Waters	15A NCAC 7H .0206	Amend
Use Standards	15A NCAC 7H .0208	Amend
Declaration of General Policy	15A NCAC 7M .1201	Adopt
Policy Statements	15A NCAC 7M .1202	Adopt

**DENR/COMMISSION FOR HEALTH SERVICES**

Scope of Delegated Authority	15A NCAC 18A .2301	Amend
Eligibility	15A NCAC 18A .2302	Amend
Delegation of Authority	15A NCAC 18A .2303	Amend
Lapsed Delegations	15A NCAC 18A .2304	Amend
Agents Serving as Contractors	15A NCAC 18A .2305	Amend
Evaluation	15A NCAC 18A .2307	Amend
Denial	15A NCAC 18A .2308	Adopt
Re-Authorization	15A NCAC 18A .2309	Adopt
Appeals Procedures	15A NCAC 18A .2310	Adopt
Determination of Financial Eligibility	15A NCAC 24A .0202	Amend

**NC LICENSING BOARD FOR GENERAL CONTRACTORS**

Classification	21 NCAC 12 .0202	Amend
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**NC MEDICAL BOARD**

Definitions	21 NCAC 32H .0102	Amend
Advanced Life Support	21 NCAC 32H .0201	Amend
Program Approval	21 NCAC 32H .0202	Amend
Approval Requirements	21 NCAC 32H .0203	Amend
Hospital Involvement	21 NCAC 32H .0301	Amend
Plan for Participating Hospitals	21 NCAC 32H .0302	Amend
Sponsor Hospital	21 NCAC 32H .0303	Amend
Educational Programs	21 NCAC 32H .0401	Amend
Emergency Medical Technician	21 NCAC 32H .0402	Amend
Emergency Medical Technician	21 NCAC 32H .0403	Amend
Mobile Intensive Care Nurse	21 NCAC 32H .0404	Amend
ALS Professional Performance	21 NCAC 32H .0405	Amend
Emergency Medical Technician	21 NCAC 32H .0406	Repeal
Emergency Medical Technician	21 NCAC 32H .0407	Amend
Emergency Medical Technician	21 NCAC 32H .0408	Amend
Physician Assistant	21 NCAC 32H .0409	Amend
Certification Requirements	21 NCAC 32H .0501	Amend
Certification Requirements	21 NCAC 32H .0502	Amend
Approval Requirements	21 NCAC 32H .0503	Amend
Certification Requirements	21 NCAC 32H .0504	Repeal
Certification Requirements	21 NCAC 32H .0505	Amend
Certification Requirements	21 NCAC 32H .0506	Amend
Approval Requirements	21 NCAC 32H .0507	Amend
Aeromedical Medical Crew	21 NCAC 32H .0508	Amend
Grounds for Denial	21 NCAC 32H .0601	Amend
Procedures for Denial	21 NCAC 32H .0602	Amend
Required Forms	21 NCAC 32H .0801	Amend
Conditions	21 NCAC 32H .0901	Amend
Air Ambulance Program	21 NCAC 32H .1004	Amend

**NC BOARD OF NURSING**

Selection and Qualifications	21 NCAC 36 .0109	Amend
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**RULES REVIEW OBJECTIONS**



**COMMERCE**

**Community Assistance**

4 NCAC 19L .0401 - General	RRC Objection	11/20/97
4 NCAC 19L .0404 - Grant Category Allocation	RRC Objection	11/20/97
4 NCAC 19L .0505 - Selection Criteria	RRC Objection	11/20/97
4 NCAC 19L .0707 - Eligibility Requirements	RRC Objection	11/20/97
4 NCAC 19L .0708 - Selection Criteria	RRC Objection	11/20/97
4 NCAC 19L .0911 - Recordkeeping	RRC Objection	11/20/97
4 NCAC 19L .1009 - Housing Rehabilitation	RRC Objection	11/20/97
4 NCAC 19L .1011 - Lead-Based Paint	RRC Objection	11/20/97
4 NCAC 19L .1303 - Selection Criteria	RRC Objection	11/20/97
4 NCAC 19L .1703 - Selection Criteria	RRC Objection	11/20/97
4 NCAC 19L .1804 - Size of Loan Approvals	RRC Objection	11/20/97
4 NCAC 19L .1805 - Selection Criteria	RRC Objection	11/20/97

**ENVIRONMENT, HEALTH, AND NATURAL RESOURCES**

**Coastal Resources Commission**

15A NCAC 7H .1104 - General Conditions	RRC Objection	11/20/97
15A NCAC 7H .1304 - General Conditions	RRC Objection	11/20/97
15A NCAC 7H .1404 - General Conditions	RRC Objection	11/20/97
15A NCAC 7H .1504 - General Conditions	RRC Objection	11/20/97
15A NCAC 7H .1704 - General Conditions	RRC Objection	11/20/97
15A NCAC 7H .1804 - General Conditions	RRC Objection	11/20/97
15A NCAC 7H .1904 - General Conditions	RRC Objection	11/20/97
15A NCAC 7H .2004 - General Conditions	RRC Objection	11/20/97
15A NCAC 7H .2104 - General Conditions	RRC Objection	11/20/97
15A NCAC 7M .0303 - Policy Statements	RRC Objection	11/20/97

**Health Services**

15A NCAC 18A .1938 - Responsibilities	RRC Objection	10/16/97
Agency Revised Rule	Obj. Removed	11/20/97
15A NCAC 18A .1958 - Non-Ground Absorption Sewage Treatment Systems	RRC Objection	10/16/97
Agency Revised Rule	Obj. Removed	11/20/97

**Soil and Water Conservation**

15A NCAC 6E .0104 - Best Management Practices Eligible for Cost Share Payments	RRC Objection	10/16/97
Agency Responded	Obj. Cont'd	11/20/97
15A NCAC 6E .0105 - Cost Share and Incentive Payments	RRC Objection	10/16/97
Agency Responded	Obj. Cont'd	11/20/97

**Water Pollution Controls Systems**

15A NCAC 8F .0201 - Duties and Requirements of Owners	RRC Objection	09/18/97
No Response from Agency	Obj. Cont'd	10/16/97
Agency Revised Rule	Obj. Removed	11/20/97
15A NCAC 8F .0203 - Duties and Requirements of an Operator in Charge	RRC Objection	09/18/97
No Response from Agency	Obj. Cont'd	10/16/97
Agency Revised Rule	RRC Objection	11/20/97

**HUMAN RESOURCES**

**Facility Services**

10 NCAC 3D .2001 - Definitions	RRC Objection	10/16/97
Agency Revised Rule	Obj. Removed	11/20/97
10 NCAC 3D .2101 - Level I Trauma Center Criteria	RRC Objection	10/16/97
Agency Revised Rule	Obj. Removed	11/20/97

10 NCAC 3D .2102 - Level II Trauma Center Criteria	RRC Objection	10/16/97
Agency Revised Rule	Obj. Removed	11/20/97
10 NCAC 3D .2105 - Initial Designation Process	RRC Objection	10/16/97
Agency Revised Rule	Obj. Removed	11/20/97
10 NCAC 3D .2106 - Renewal Designation Process	RRC Objection	10/16/97
Agency Revised Rule	Obj. Removed	11/20/97
10 NCAC 3D .2201 - Denial, Probation, Vol. Withdrawal/Rev/Trauma Ctr Designation	RRC Objection	10/16/97
Agency Revised Rule	Obj. Removed	11/20/97
10 NCAC 3D .2303 - Regional Trauma System Policy Development	RRC Objection	10/16/97
Agency Revised Rule	Obj. Removed	11/20/97
10 NCAC 3R .3073 - Dem/Proj/Pediatric Nursing Care Need Deter. (Review Cat. G)	RRC Objection	11/20/97
10 NCAC 3R .3074 - Home Health Agcy Off. Need Determination (Review Cat. F)	RRC Objection	11/20/97
10 NCAC 3R .3081 - Policies for Inpatient Rehabilitation Services	RRC Objection	11/20/97

**Medical Assistance**

10 NCAC 26B .0113 - NC Medicaid Criteria/Cont'd Acute Stay/Inpatient Psych. Facility		
Rule Withdrawn by Agency		09/18/97

**PUBLIC INSTRUCTION**

16 NCAC 6C .0307 - Certificate Renewal	RRC Objection	10/16/97
No Response from Agency	Obj. Cont'd	11/20/97
16 NCAC 6D .0103 - Graduation Requirements	RRC Objection	10/16/97
No Response from Agency	Obj. Cont'd	11/20/97
16 NCAC 6D .0301 - Testing Requirements and Opportunities	RRC Objection	10/16/97
No Response from Agency	Obj. Cont'd	11/20/97
16 NCAC 6G .0305 - End-of-Course Tests	RRC Objection	10/16/97
No Response from Agency	Obj. Cont'd	11/20/97
16 NCAC 6G .0306 - Testing Code of Ethics	RRC Objection	10/16/97
No Response from Agency	Obj. Cont'd	11/20/97
16 NCAC 6G .0307 - Assistance Teams	RRC Objection	10/16/97
No Response from Agency	Obj. Cont'd	11/20/97
16 NCAC 6G .0308 - Due Process Protections	RRC Objection	10/16/97
No Response from Agency	Obj. Cont'd	11/20/97

**SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS**

21 NCAC 64 .1002 - General Requirements	RRC Objection	11/20/97
21 NCAC 64 .1004 - Authorized Tasks of Speech-Language Pathology Assistants	RRC Objection	11/20/97



*This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698.*

**OFFICE OF ADMINISTRATIVE HEARINGS**

*Chief Administrative Law Judge*  
JULIAN MANN, III

*Senior Administrative Law Judge*  
FRED G. MORRISON JR.

**ADMINISTRATIVE LAW JUDGES**

Brenda B. Becton  
Sammie Chess Jr.  
Beecher R. Gray

Meg Scott Phipps  
Robert Roosevelt Reilly Jr.  
Dolores O. Smith

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<b>ADMINISTRATION</b>				
E. Edward Gambill v. Department of Administration	97 DOA 0364	Reilly	09/10/97	
<b>ALCOHOLIC BEVERAGE CONTROL COMMISSION</b>				
Michael's Mini Mart v. Alcoholic Beverage Control Commission	92 ABC 1601	Gray	08/18/97	
Everette Craig Hornbuckle v. Alcoholic Beverage Control Commission	93 ABC 0987	Gray	08/18/97	
Saleh Ahmed Ali Futhah v. Alcoholic Beverage Control Commission	94 ABC 0264	Gray	08/18/97	
Carolyn T. Ray v. Alcoholic Beverage Control Commission	95 ABC 0429	Gray	09/23/97	
Alcoholic Beverage Control Commission v. Fast Fare, Inc.	96 ABC 0483	Morrison	06/18/97	
Alcoholic Beverage Control Commission v. Mendoza Enterprises, Inc.	96 ABC 1196	Gray	08/26/97	
Paul Tyler IV Enterprises, Inc., Alpha Vinson T/A Mirrors (Sid's Showgirls) v. Alcoholic Beverage Control Commission and City of Goldsboro and Gurnan Khera	96 ABC 1804	Morrison	09/29/97	
Nasar Sader v. Alcoholic Beverage Control Commission	97 ABC 0030	Phipps	10/08/97	
Alcoholic Beverage Control Commission v. Paradise Landing, Inc.	97 ABC 0031	Gray	06/13/97	
OFFISS, Inc. v. Alcoholic Beverage Control Commission	97 ABC 0118	Gray	09/17/97	
Alcoholic Beverage Control Commission v. Altaf Hussain	97 ABC 0312	Mann	07/29/97	
Alcoholic Beverage Control Commission v. Robert Johnson	97 ABC 0321	Gray	08/25/97	
Alcoholic Beverage Control Commission v. Masonboro County Store, Inc.	97 ABC 0432	Reilly	09/09/97	
Daniel Gary Ledbetter v. Alcoholic Beverage Control Commission	97 ABC 0443	Gray	07/08/97	
Alcoholic Beverage Control Comm. v. Raymond Lee	97 ABC 0488	Smith	10/30/97	
Alcoholic Beverage Control Comm. v. Percy Daniel Bowen	97 ABC 0495	Morrison	09/24/97	
Alcoholic Beverage Control Commission v. Bridgette Dee Williams	97 ABC 0576	Phipps	09/04/97	
Alcoholic Beverage Control Commission v. Westside Tavern, Inc.	97 ABC 0586	Phipps	09/17/97	
Alcoholic Beverage Control Commission v. Grove Park Inn Resort, Inc.	97 ABC 0706	Morrison	09/15/97	12:07 NCR 609
Alcoholic Beverage Control Commission v. Kimberly Loette Hankins	97 ABC 0897	Gray	10/06/97	
<b>CORRECTION</b>				
David M. Boone v. Correction, Div. of Prison Admin. Remedy Procedure	97 DOC 0534	Morrison	06/16/97	
<b>CRIME CONTROL AND PUBLIC SAFETY</b>				
Della Sherrod v. Crime Victims Compensation Commission	96 CPS 0300	Chess	07/18/97	
Mary A. Kearney v. CPS, Victims Compensation Commission	96 CPS 2033	Becton	09/26/97	
Mae Allen Murray v. Crime Victims Compensation Commission	96 CPS 2110	Chess	10/31/97	
Beverly McLaughlin v. Crime Victims Compensation Commission	97 CPS 0170	Phipps	08/29/97	
Malcolm W. Fields v. Crime Victims Compensation Commission	97 CPS 0360	Chess	09/12/97	
Rodney P. Hodge v. Crime Victims Compensation Commission	97 CPS 0449	Reilly	07/01/97	

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Billy Steen v. Crime Victims Compensation Commission	97 CPS 0472	Morrison	07/23/97	
Clifford R. Pulley v. Crime Victims Compensation Commission	97 CPS 0523	Gray	08/06/97	
Curtis Jermaine Newkirk v. Crime Victims Compensation Commission	97 CPS 0645	Morrison	10/03/97	
Gregory Bynum v. Crime Victims Compensation Commission	97 CPS 0901	Reilly	10/16/97	
Lisa S. Snead v. Crime Victims Compensation Commission	97 CPS 1025	Reilly	11/10/97	
Robert T. Blakeney v. Office of Administrative Hearings	97 CPS 1187	Becton	11/07/97	
<b>ENVIRONMENT, HEALTH, AND NATURAL RESOURCES</b>				
Herbert C. Avery v. Environment, Health, and Natural Resources	96 EHR 0161	Chess	09/23/97	
Linda Collie v. Lenoir County Health Department	96 EHR 0264	Becton	07/16/97	
Leroy Anderson v. County of Moore Department of Health	96 EHR 1969	Morrison	07/15/97	12:03 NCR 223
E.H. Garner v. New Hanover Health Department	96 EHR 1972	Gray	08/07/97	
Peter D. McDowell, Sr. v. New Hanover Health Department	96 EHR 2075	Gray	08/07/97	
Riggings Homeowners Assoc., Inc. v. Environment, Health, & Natural Res.	97 EHR 0263	Reilly	08/13/97	
John Ronald Taylor v. Environment, Health, & Natural Resources	97 EHR 0275	Reilly	06/09/97	
Rick Parker v. Pitt County Health Dept./Mr. Ernie Nichols	97 EHR 0470	Phipps	07/01/97	
James R. Melvin v. Environment and Natural Resources	97 EHR 0682	Phipps	09/23/97	
Lee A. Riggs v. Craven County Health Department	97 EHR 0851	Becton	10/02/97	
Robert E. Cahoon v. Carteret County Health Department	97 EHR 0878	Becton	09/30/97	
John Martin v. Environment, Health, and Natural Resources	97 EHR 0993* <sup>21</sup>	Phipps	10/13/97	
John Martin v. Environment, Health, and Natural Resources	97 EHR 0994* <sup>21</sup>	Phipps	10/13/97	
Gilbert T. Davis, Jr. v. Forsyth County Environmental Affairs Dept.	97 EHR 1281	Smith	11/10/97	
<b>Land Resources</b>				
James H. Lowdermilk & J. Wayne Lowdermilk v. EHNHR, Land Res.	96 EHR 0745	Gray	10/30/97	
Charles G. Smith v. EHNHR, Division of Land Resources	96 EHR 0855	Gray	10/30/97	
Henry Yancey Ingram, II & Hope Fanning Ingram v. EHNHR, Land Res.	96 EHR 0908	Gray	10/30/97	
<b>Environmental Management</b>				
Henry G. Dail, Dail Brothers v. EHNHR, Environmental Management	96 EHR 2104	Gray	08/27/97	
<b>Marine Fisheries</b>				
John A. Trahan v. EHNHR, Division of Marine Fisheries	97 EHR 0400	Chess	10/30/97	
<b>Maternal and Child Health</b>				
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<b>Solid Waste Management</b>				
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John & Veronica Spearman v. Department of Human Resources	96 DHR 1543	Chess	09/12/97	
New Beginnings Christian Academy v. Department of Human Resources	96 DHR 1925	Reilly	08/22/97	
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DeRothea G. Williams d/b/a Dee Williams & Company, a proprietorship v. Buncombe County Partnership for Children, Inc., a NC Nonprofit Corp.; NC Department of Human Resources [Division of Child Development]; NC Department of Environment, Health, and Natural Resources [Division of Maternal and Child Health]	97 DHR 0424	Morrison	09/22/97	
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Linda Rouse Sharp v. Department of Human Resources	97 DHR 0610	Mann	08/28/97	
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Maggie J. Barnhill v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 0465	Gray	07/30/97	
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Deborah L. McBurnie v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 0608	Chess	09/02/97	
Kelly M. Poole v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 0629	Chess	09/02/97	
Debbie Williams v. DHR, Fac. Svcs., Health Care Pers. Reg. Sec.	97 DHR 0630	Gray	10/01/97	
Therese Victoria Wilson v. DHR, Fac. Svcs, Health Care Pers. Reg. Sec.	97 DHR 0632	Phipps	08/25/97	
Notisha Utley v. DHR, Fac. Svcs, Health Care Pers. Reg. Sec.	97 DHR 0646	Phipps	09/26/97	
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Angela D. Johnson v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 0723	Chess	08/06/97	
Cressie D. Mears v. DHR, Division of Facility Services	97 DHR 0793	Chess	08/21/97	
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<i>Certificate of Need Section</i>				
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Cecil Hall v. Department of Human Resources	96 CRA 1749* <sup>5</sup>	Mann	07/10/97	
Neil G. McGilberry v. Department of Human Resources	96 CRA 1767* <sup>6</sup>	Becton	07/15/97	
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William E. Daley Jr. v. Wake County Child Support Enforcement	96 CRA 1789	Reilly	09/25/97	
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James Withers v. Department of Human Resources	96 CRA 1820	Reilly	07/24/97	
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Justin M. Woazeah, Sr. v. Department of Human Resources	96 CSE 1453* <sup>9</sup>	Chess	07/22/97	
William A. Underhill v. Department of Human Resources	96 CSE 1455	Mann	07/18/97	
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\* Consolidated Cases.

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Andrew J. Hough v. Department of Human Resources	97 CSE 0615	Reilly	08/21/97	
Michael V. Dockery v. Department of Human Resources	97 CSE 0642	Mann	10/03/97	
William Irving Commodore v. Department of Human Resources	97 CSE 0671	Mann	10/03/97	
David F. Norman v. Department of Human Resources	97 CSE 0672	Gray	07/28/97	



# CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Richmond P. Lambert III v. Department of Human Resources	97 CSE 0712	Morrison	10/06/97	
Carvin Ray Burris v. Department of Human Resources	97 CSE 0751	Becton	09/11/97	
Mar F. Jones v. Department of Human Resources	97 CSE 0777	Phipps	08/28/97	
Denis J. Quinn v. Department of Human Resources	97 CSE 0794	Reilly	09/24/97	
Franklin DeAngelo Staten v. Department of Human Resources	97 CSE 0822	Morrison	11/06/97	
Nathaniel D. Carter v. Department of Human Resources	97 CSE 0931	Smith	09/25/97	
Dennis W. Clowers v. Department of Human Resources	97 CSE 0944	Becton	09/11/97	
Tracy A. Merrill v. Department of Human Resources	97 CSE 0947	Phipps	11/18/97	
Daniel J. McDowell v. Department of Human Resources	97 CSE 0984	Morrison	09/10/97	
Enrico Phineas Acher v. Department of Human Resources	97 CSE 0990	Reilly	11/05/97	
Roger Waldren v. Department of Human Resources	97 CSE 1042	Chess	10/13/97	
Randy Allen Vore v. Department of Human Resources	97 CSE 1071	Mann	10/07/97	
Walter McNeil v. Department of Human Resources	97 CSE 1324	Becton	09/11/97	
David Hobson v. Department of Human Resources	97 CSE 1747**1	Phipps	07/24/97	
Jerry Whitley v. Mecklenburg County Child Support Enforcement	97 CSE 2037	Reilly	08/21/97	
Linda Wade-Hargrove v. Department of Human Resources	97 DCS 0365	Becton	07/11/97	
Regina C. Sullivan v. Department of Human Resources	97 DCS 0482	Becton	07/18/97	
Teri Lynne Lanier v. Department of Human Resources	97 DCS 0738	Smith	09/05/97	
Katrina T. Johnson v. Department of Human Resources	97 DCS 0856	Becton	09/24/97	
Clarisa Carter Watson v. Department of Human Resources	97 DCS 0909	Gray	10/02/97	
<b>INSURANCE</b>				
Joseph J. Peacock v. Department of Insurance	96 INS 0433	Becton	07/25/97	12:04 NCR 327
<b>JUSTICE</b>				
Barbara Carter Irons v. DHR, Division of Facility Services	97 DOJ 0669	Phipps	08/27/97	12:06 NCR 501
Paul Harvey Taylor v. Department of Justice, Company Police Program	97 DOJ 0916	Reilly	10/03/97	
Christopher Michael Lynn v. Company Police Program	97 DOJ 1120	Chess	10/22/97	
Imran Ramnarine v. Department of Justice, Company Police Program	97 DOJ 2071	Becton	06/11/97	
<b>Alarm Systems Licensing Board</b>				
Kim Brian Phelps v. Alarm Systems Licensing Board	96 DOJ 1785	Gray	08/08/97	
Daniel Joseph Dunne, III v. Alarm Systems Licensing Board	97 DOJ 0868	Phipps	09/12/97	
<b>Education and Training Standards Division</b>				
Charles Thomas Ohnmacht, Jr. v. Criml. Justice Ed./Training Stds. Comm.	96 DOJ 0353	Phipps	06/13/97	
Jon Randolph O'Dell v. Criml. Justice Ed./Training Stds. Comm.	96 DOJ 1466	Phipps	09/16/97	
James Haywood Mathews, Jr. v. Criml. Justice Ed./Training Stds. Comm.	96 DOJ 1957	Reilly	07/31/97	
Christopher Lee v. Criminal Justice Ed. & Training Standards Comm.	97 DOJ 0076	Morrison	06/19/97	
Steven Wayne Olsen v. Criminal Justice Ed. & Training Standards Comm.	97 DOJ 0077	Phipps	08/21/97	
Garfield Duncan Whitaker v. Criminal Justice Ed. & Training Stds. Comm.	97 DOJ 0121	Phipps	11/04/97	
Joseph Lonnie Wesson v. Criminal Justice Ed. & Training Standards Comm.	97 DOJ 0136	Reilly	08/26/97	
Frank Arlander Hearne v. Criml. Justice Ed. & Training Stds. Comm.	97 DOJ 0137	Reilly	06/10/97	
Audrey McDonald Rodgers v. Sheriffs' Ed. & Training Stds. Comm.	97 DOJ 0308	Reilly	07/31/97	
Gerald S. Wingate v. Sheriffs' Ed. & Training Stds. Comm.	97 DOJ 0428	Gray	10/09/97	
William Malcolm Mourino v. Sheriffs' Ed. & Training Stds. Comm.	97 DOJ 0430	Phipps	09/16/97	
Derrick W. Bowns v. Sheriffs' Education & Training Standards Comm.	97 DOJ 0661	Smith	08/29/97	
Joseph Ray Davis v. Sheriffs' Ed. & Training Stds. Comm.	97 DOJ 0747	Gray	10/02/97	
William Wayne McDowell v. Sheriffs' Education & Training Stds. Comm.	97 DOJ 0817	Morrison	08/22/97	
<b>Private Protective Services Board</b>				
Private Protective Services Board v. Phillip L. Hanson	96 DOJ 0795	Smith	06/05/97	
Ronald Anthony Bobek v. Private Protective Services Board	97 DOJ 0476	Morrison	06/20/97	
Joseph D. White v. Private Protective Services Board	97 DOJ 0724	Gray	10/06/97	
Harry A. House v. Private Protective Services Board	97 DOJ 0727	Phipps	09/11/97	
Earl Thomas Wilson v. Private Protective Services Board	97 DOJ 0996	Gray	10/06/97	
Patti Jones v. Private Protective Services Board	97 DOJ 1195	Reilly	11/03/97	
John Stokes, Jr. v. Private Protective Services Board	97 DOJ 1196	Reilly	11/03/97	
<b>PUBLIC INSTRUCTION</b>				
Nicholas Eirschele, by his parents, Charles & Kathy Eirschele v. Craven County Board of Education	96 EDC 0655	Mann	09/02/97	
Karen L. Holgersen v. Department of Public Instruction	96 EDC 0808	Smith	05/27/97	
Meridith Kirkpatrick, by her parent, Susan Kirkpatrick and Meridith Kirkpatrick, Individually v. Lenoir County Board of Education	96 EDC 0979	Overby	06/02/97	
Brian Allen Hoffman v. Department of Public Instruction	96 EDC 1013	Gray	10/24/97	
Alexander & Linda Brody & their son, James Brody v. Dare County Public Schools	96 EDC 1095	Creech	08/25/97	12:07 NCR 581
Brenda Joyce Brooks Lovely v. State Board of Education	97 EDC 0089	Morrison	08/01/97	
John G. Schaenman v. State Board of Education	97 EDC 0095	Morrison	10/07/97	
Norman D. Crotts v. State Board of Education	97 EDC 0117	Reilly	09/23/97	
Paul W. Bonham v. State Board of Education, Dept. of Public Instruction	97 EDC 0343	Smith	10/28/97	
Fred W. Crawford II v. Charlotte/Mecklenburg Board of Education	97 EDC 0345	Smith	10/21/97	
Walter R. Bennett v. State Board of Education	97 EDC 0657	Smith	09/29/97	

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<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Julius O. Webb v. Hertford County Board of Education	97 EDC 0736	Gray	09/09/97	
H. Margaret Willetts v. Department of Public Instruction	97 EDC 0978	Phipps	10/29/97	
Karen Clark Ceccato v. Department of Public Instruction	97 EDC 0989	Smith	09/16/97	
Carl Smith Herman v. State Board of Education	97 EDC 1050	Becton	10/27/97	
<b>STATE PERSONNEL</b>				
<i>Brunswick Community College</i>				
Dr. Donald W. Skinner v. Brunswick Community College	97 OSP 0310	Phipps	06/12/97	
<i>Correction</i>				
Rodney Jones, Paula Hawkins, James McKoy v. Dept. of Correction	96 OSP 1051* <sup>17</sup>	Phipps	08/20/97	
Rodney Jones, Paula Hawkins, James McKoy v. Dept. of Correction	96 OSP 1119* <sup>17</sup>	Phipps	08/20/97	
Rodney Jones, Paula Hawkins, James McKoy v. Dept. of Correction	96 OSP 1120* <sup>17</sup>	Phipps	08/20/97	
Larry Wayne Pruitt, Jr. v. Department of Correction	96 OSP 1133	Gray	08/11/97	
William Hershel Bradley v. Franklin Freeman, Supt. Mark Hughes, Grant Spicer, Asst. Supt. Wade Hatley, et al, Department of Correction	96 OSP 1604	Phipps	06/19/97	
Dennis Harrell v. Department of Correction	96 OSP 2039	Chess	06/18/97	
Ray Evans Joyner v. Correction, Div. of Adult Probation/Parole	97 OSP 0100	Becton	09/18/97	
Morton Floyd v. New Hanover Department of Correction	97 OSP 0152	Gray	06/13/97	
Fannie P. Greene v. Adult Probation, State of NC	97 OSP 0261	Gray	11/20/97	
William G. Jordan v. Department of Correction	97 OSP 0469	Morrison	10/31/97	12:11 NCR 987
William A. Rich v. Dennis Rowland (Asst. Supt.) Wake Corr. Ctr. DOC	97 OSP 0542	Gray	09/02/97	
Torie M. Osborne v. Department of Correction	97 OSP 0601	Smith	10/27/97	
Lonnie F. McCaskill, III v. Department of Correction	97 OSP 0761	Gray	10/02/97	
William E. McCaskill v. Department of Correction	97 OSP 0770	Becton	09/26/97	
Andrew Pinto v. Department of Correction	97 OSP 0873	Becton	10/31/97	
Ronald M. Johnson v. Emp. Rel. Comm., DOC (Morrison Youth Inst.)	97 OSP 0940	Gray	10/02/97	
<i>Crime Control and Public Safety</i>				
Timothy M. Lassiter v. Crime Control & Public Safety, St. Hwy Patrol	97 OSP 0423	Phipps	10/29/97	
Carroll E. Ward v. State Highway Patrol	97 OSP 0750	Mann	09/16/97	
<i>Employment Security Commission</i>				
Broxie J. Nelson v. Employment Security Commission	96 OSP 0378	Becton	07/10/97	
Mary H. Ranson v. Employment Security Commission	97 OSP 0387	Mann	07/24/97	
<i>Environment, Health, and Natural Resources</i>				
James Fred Swain v. Environment, Health, and Natural Resources	96 OSP 0440	Gray	10/02/97	12:09 NCR 851
James S. Kantor v. Environment, Health, and Natural Resources	96 OSP 0633	Smith	09/30/97	12:09 NCR 854
<i>Human Resources</i>				
Betty J. Souther v. New River Area MH/DD/SA Program	94 OSP 0327	Becton	10/20/97	
Willie D. Parks v. Cherry Hospital, Department of Human Resources	96 OSP 0617	Phipps	09/10/97	
Robert Tilson Morley v. Department of Human Resources	96 OSP 0969	Gray	08/21/97	
Glen Sutton v. Cumberland County Department of Social Services	96 OSP 1296	Gray	07/17/97	
Brenda C. Burgess v. Dept. of Human Resources (Broughton Hospital)	96 OSP 1485	Phipps	10/13/97	
Pamela Massey v. Department of Human Resources	96 OSP 1927	Becton	08/28/97	12:06 NCR 497
Clifton Dean Hill v. Department of Human Resources	97 OSP 0007	Phipps	06/20/97	12:02 NCR 107
Bennie Allen Suttle v. Department of Human Resources	97 OSP 0069	Reilly	09/30/97	
Calvin E. Kaiser v. Southeastern Mental Health Center	97 OSP 0073	Gray	08/08/97	
Sandra Riley v. Onslow County Department of Social Services	97 OSP 0217	Reilly	10/14/97	
Vicky Angel Morgan v. Buncombe County Department of Social Services	97 OSP 0283	Becton	10/02/97	
Rick A. Sanders v. Department of Health and Human Services	97 OSP 0307	Reilly	10/16/97	
Troy Gaines v. Durham County Mental Health Department	97 OSP 0347	Mann	08/05/97	
Edward Percell Eason v. Department of Human Resources	97 OSP 0363	Gray	08/15/97	
Dale Dees v. Trend Community Mental Health Services	97 OSP 0402	Mann	11/24/97	12:12 NCR 1087
Lisha Dawn Byrd v. Human Resources (Western Carolina Center)	97 OSP 0491	Morrison	08/28/97	
Richard G. Steeves v. Scotland County Board of Health	97 OSP 0622* <sup>23</sup>	Phipps	10/21/97	
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DHR, Deaf & Hard of Hearing CNCSD, Evonne Broadnax v. DHR, Deaf & Hard of Hearing CNCSD	97 OSP 0756	Becton	09/03/97	
Richard G. Steeves v. Scotland County Board of Health & Scotland County	97 OSP 0760* <sup>23</sup>	Phipps	10/21/97	
Julia R. Baker v. Union County Department of Social Services	97 OSP 0783	Gray	10/13/97	
<i>Public Instruction</i>				
Frances Phillips Melott v. Department of Public Instruction	95 OSP 0907	Trawick	06/09/97	
<i>Transportation</i>				
Tommie R. Jones, Samuel W. Winstead, Timothy C. Sturges, Michael J. Boone, and Ronnie Batchelor v. Dept. of Transportation, Div. of Motor Vehicles, Enforcement Section	96 OSP 0781* <sup>26</sup>	Phipps	11/13/97	12:11 NCR 979
Tommie R. Jones, Samuel W. Winstead, Timothy C. Sturges, Michael J. Boone, and Ronnie Batchelor v. Dept. of Transportation, Div. of Motor	96 OSP 0782* <sup>26</sup>	Phipps	11/13/97	12:11 NCR 979

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<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Vehicles, Enforcement Section				
Tommie R. Jones, Samuel W. Winstead, Timothy C. Sturges, Michael J. Boone, and Ronnie Batchelor v. Dept. of Transportation, Div. of Motor Vehicles, Enforcement Section	96 OSP 0783* <sup>26</sup>	Phipps	11/13/97	12:11 NCR 979
Georgia B. Warren v. Dept. of Transportation, Div. of Motor Vehicles, Enforcement Section	96 OSP 0784* <sup>26</sup>	Phipps	11/13/97	12:11 NCR 979
Tommie R. Jones, Samuel W. Winstead, Timothy C. Sturges, Michael J. Boone, and Ronnie Batchelor v. Dept. of Transportation, Div. of Motor Vehicles, Enforcement Section	96 OSP 0785* <sup>26</sup>	Phipps	11/13/97	12:11 NCR 979
Tommie R. Jones, Samuel W. Winstead, Timothy C. Sturges, Michael J. Boone, and Ronnie Batchelor v. Dept. of Transportation, Div. of Motor Vehicles, Enforcement Section	96 OSP 0786* <sup>26</sup>	Phipps	11/13/97	12:11 NCR 979
Wendell L. Webb v. Department of Transportation, Ferry Division	96 OSP 1710* <sup>24</sup>	Phipps	10/31/97	
Wendell L. Webb v. Department of Transportation, Ferry Division	97 OSP 0198* <sup>24</sup>	Phipps	10/31/97	
Frank A. Tice, III v. Department of Transportation	97 OSP 0380	Mann	09/05/97	
<b>University of North Carolina</b>				
Boyd S. Taylor v. NC Central University	94 OSP 0363	Chess	09/12/97	
Diane Riggsbee-Raynor v. UNC at Chapel Hill	96 OSP 0326	Chess	06/04/97	12:01 NCR 39
Helen McIntyre v. UNC-TV University of North Carolina	96 OSP 0822	Gray	09/26/97	
Elaine P. Browne v. Winston-Salem State University	96 OSP 1007	Reilly	09/24/97	
Carol Glosson v. University of NC Hospitals at Chapel Hill	96 OSP 1015	Becton	10/08/97	
Theresa Rogers v. University of NC Hospitals at Chapel Hill	96 OSP 1065	Morrison	10/23/97	
Ann O. Meares v. NC State University	96 OSP 1870	Chess	09/22/97	
Darrell J. Hampton v. NC Central University	97 OSP 0155	Mann	08/11/97	
Clinton A. Browne v. NC A&T State University	97 OSP 0199	Phipps	09/18/97	
Kenneth L. Jarman v. East Carolina University	97 OSP 0249	Gray	09/26/97	
William A. Covington v. NC A & T State University	97 OSP 0686	Becton	08/29/97	
Beth W. Vinson v. Western Carolina University	97 OSP 0762	Phipps	10/10/97	
Viola Simmons v. UNC-Wilmington	97 OSP 0859	Gray	11/18/97	
Helen McIntyre v. UNC-TV University of North Carolina	97 OSP 0991	Gray	09/26/97	
Helen McIntyre v. UNC-TV University of North Carolina	97 OSP 1148	Gray	10/16/97	
E. Julius Carter v. UNC-Greensboro	97 OSP 1202	Phipps	11/05/97	
<b>SECRETARY OF STATE</b>				
Greenway Capital Corp. & Stacey Lee Davis v. Securities Div. Sec'y/State	94 SOS 0097	Gray	10/28/97	
Teresa M. Coltrain v. Secretary of State	97 SOS 0499	Reilly	10/22/97	12:10 NCR 914
<b>STATE TREASURER</b>				
Shelby H. Underwood, et.al. v. Trustees Teachers/St. Emp Ret. Sys.	96 DST 0390	Reilly	08/05/97	
Richard Albert Jose v. State Treasurer Retirement Systems Div.	97 DST 0281	Reilly	10/02/97	
<b>TRANSPORTATION</b>				
Audrey W. Harris v. Transportation, Manson/Wheat Contr., & Wake Elec.	97 DOT 0566	Gray	07/28/96	
<b>UNIVERSITY OF NORTH CAROLINA</b>				
Clinton S. Rogers v. UNC-Chapel Hill	97 UNC 1062	Becton	10/31/97	



STATE OF NORTH CAROLINA

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
97 OSP 0402

COUNTY OF BUNCOMBE

DALE DEES,

Petitioner.

v.

TREND COMMUNITY MENTAL HEALTH SERVICES,

Respondent.

**RECOMMENDED DECISION**

This contested case was heard before Julian Mann, III, Chief Administrative Law Judge, on the 9th and 10th of October, 1997 in the Buncombe County Courthouse, Asheville, North Carolina.

**APPEARANCES**

For the Petitioner: Michael E. Casterline, Attorney at Law  
68 North Market Street,  
Asheville, North Carolina, 28804

For the Respondent: Samuel H. Fritschner, Attorney at Law  
Post Office Box 928,  
Hendersonville, North Carolina 28793

**ISSUE**

Did respondent have just cause to dismiss petitioner?

**INTERPRETER**

Barry Elkins

The petitioner is hearing impaired and Mr. Elkins appeared as a sworn interpreter for this contested case hearing.

**EXHIBITS**

For Petitioner: Petitioner's Exhibits 1, 2, 3, 4, 5, 7, 9, 11, 12, 13, 14, 15, 17, 18, 19, and 20

For Respondent: Respondent's Exhibits 2 and 3

**STIPULATED FACTS**

1. That Dale Dees was hired by Trend Community Mental Health Services in November, 1994, to work in the Forest Bend Group Home in Brevard, North Carolina as a habilitation assistant.
2. That throughout his employment with Trend, Dees received satisfactory employee reviews.
3. That Dees was promoted to Second Shift Supervisor at Forest Bend, effective August 25, 1996.
4. That Denise Robinson and Melissa Dill were co-workers of Dees at Forest Bend.
5. That on November 20, 1996, Dill reported that she had seen Dees kick a Forest Bend client, Tony Harris, "in the butt" during a behavioral incident at the group home.

6. That Dees was suspended with pay on November 21, 1996 and his employment with Trend was terminated on December 4, 1996, for reasons of personal misconduct after an internal investigation by Trend.
7. That on December 17, 1996, following the Employee Grievance Procedure, Dees gave notice of his appeal of Trend's decision to terminate his employment.
8. That Dees' appeal was denied by Trend's Operations Director, Paul vander Straeten, on January 14, 1997.
9. That on January 24, Dees gave notice to Trend that he would continue to pursue his appeal, as per the Employee Grievance Procedure.
10. That Dees' appeal was denied by Trend's Executive Director, Ronald Metzger, on February 13, 1997.
11. That on February 24, Dees gave notice to Trend that he would continue to pursue his appeal, as per the Employee Grievance Procedure.
12. That Dees' appeal was denied again by Trend's Executive Director, Ronald Metzger, based on advisory findings by the Trend Area Board's appeal committee, on March 13, 1997.
13. That on April 11, Dees petitioned the North Carolina Office of Administrative Hearings for a contested case hearing, contending that he was discharged without just cause, and as the result of discrimination based on sex and handicapping condition.

Based upon the testimony and evidence presented at the hearing, the documents and exhibits received into evidence and the entire record in this proceeding, the undersigned, by the greater weight of the evidence, makes the following:

**FINDINGS OF FACT**

1. The Office of Administrative Hearings has personal and subject matter jurisdiction over this contested case pursuant to Chapters 126 and 150B of the North Carolina General Statutes.
2. The petitioner is presently a citizen and resident of Buncombe County, North Carolina.
3. Petitioner is an employee covered under the provisions of G.S. 126-5(a)(2).
4. The respondent, Trend Community Mental Health Service, is an area mental health agency which provides care for residents and patients with developmental disabilities and substance abuse problems and serves Transylvania and Henderson Counties. Its Executive Director is Ronald C. Metzger. Its Board Chairman is Thomas Mahan, PhD.
5. The petitioner is presently 36 years old. He is hearing and speech impaired.
6. The petitioner was employed at respondent's Forest Bend Group Home. The Forest Bend Group Home is an intermediate care facility. This group home is located at 1 South Oak Street, Brevard, North Carolina.
7. Petitioner was first employed in November of 1994 with respondent as an habilitation assistant. In August of 1996, Petitioner was promoted to a shift supervisor. He has no prior disciplinary actions contained within his personnel record.
8. On or about November 20, 1996, the petitioner was involved in an incident with one of the residents at the Forest Bend Group Home. For purposes of confidentiality, this resident will be referred to as "Mr. T." Mr. T is a permanent resident being served at Forest Bend and is developmentally disabled; has seizure activity; and is mentally retarded. Mr. T, although an older adult, has a mental age between 4 and 5 years old. For the most part, Mr. T is a docile patient, although he can become physically and verbally aggressive.
9. Prior to November 20, 1997, petitioner and Mr. T developed a special relationship between caregiver and resident. Petitioner would take Mr. T out for walks; pick flowers; play with blocks and other toys; and occasionally engaged in "horseplay." Due to petitioner's close association and relationship with Mr. T, petitioner had, in the past, been able to redirect untoward behavior by Mr. T.

10. During the 24 hour period of November 19, 1997, the petitioner worked at the Forest Bend Group Home for a sixteen hour shift from 7:00 a.m. until 11:00 p.m. On November 20th, he arrived at the group home at approximately 7:00 a.m. The petitioner was somewhat tired and exhausted from the extended previous day's work in the group home.

11. Petitioner's immediate supervisor is Florence Denise Robinson. On November 20, 1997, the petitioner assisted Ms. Robinson in activities during breakfast for the residents. Petitioner and Ms. Robinson had worked together for over a year. They had a strong mutual respect for each other, and there was no friction or tension between them.

12. Ms. Robinson was the only disinterested eyewitness to the events that ultimately resulted in the petitioner's termination. During the breakfast meal on November 20, 1997, Mr. T became verbally abusive after he was instructed by Ms. Robinson to take his breakfast dishes to the sink. He refused, and petitioner attempted to redirect the negative activity and to encourage Mr. T to follow the directive from Ms. Robinson. At that point, Mr. T called the petitioner a "bitch." Mr. T walked over to the sink with his dishes and petitioner touched Mr. T with his foot in a backwards fashion and in a playful manner. Ms. Robinson characterized this movement as "a teasing like manner." Mr. T cursed some more and threw his plate into the sink and broke it. At that point, Petitioner intervened with a PIC (Preventative Intervention Course) technique, which was not fully successful. Ultimately, Mr. T completely unharmed, was returned to his room. This concluded the incident in question.

13. Ms. Robinson described this touching by the petitioner with Mr. T as a "nudge" and not unlike a Marx Brothers' "comic relief" contact. Ms. Robinson characterized the undersigned finds as a fact that there was no intent on the part of petitioner to be mean, hostile, assaultive, or to in any way inflict any bodily harm on Mr. T, nor did any bodily harm result.

14. During the hearing, the touching was also verbally characterized as a side swipe or horseplay.

15. At the conclusion of the incident in question, Ms. Robinson and petitioner discussed the situation and Mr. T's untoward reaction to the petitioner's touching, in order to prevent this type of interactive procedure in the future. Ms. Robinson, at the end of this conversation, elected not to report the incident to her superiors.

16. Melissa Dill did report the incident. Melissa Dill is a habilitation assistant and previously had an amorous relationship with the petitioner. The relationship was broken off. Previously, Miss Dill had suggested that petitioner had caused her pregnancy, which she later recanted. At the time of this incident, Miss Dill was angry with the petitioner and indicated that she witnessed the interaction between the petitioner and Mr. T. Later Ms. Dill recanted this assertion. The only eyewitness to the event was Ms. Robinson.

17. Some of the information received by respondent's management indicated that petitioner had kicked Mr. T in an assaultive manner. Ultimately, the agency director, Mr. Metzger, determined that petitioner's conduct was sufficiently reprehensible to constitute gross misconduct and ultimately as grounds to discharge the petitioner from employment. Mr. Metzger determined that any touching in the manner reported to him was a dischargeable offense, regardless of intent, and left him with no alternative but to dismiss petitioner. Mr. Metzger acknowledged that petitioner had been a good employee and had made contributions to the program at Forest Bend.

18. Mr. Metzger reported the incident to the Department of Social Services for an investigation. After investigation, the County Department of Social Services found no basis for abuse. The evidence in the case indicated that Mr. Metzger and others sitting in determination of the disciplinary action were in a position to be influenced by Mr. T's reaction that morning as well as an anonymous, unsubstantiated, unproven hearsay document (Petitioner Exhibit 9 1) which Respondent had received through the mail implicating Petitioner in other misconduct.

Based upon the foregoing findings of fact, the undersigned makes the following:

#### CONCLUSIONS OF LAW

1. Pursuant to Chapters 125 and 150B of the North Carolina General Statutes, the Office of Administrative Hearings has personal and subject matter jurisdiction to hear Petitioner's appeal and issue a recommendation to the State Personnel Commission.

2. The State Personnel Commission has authority to issue an advisory opinion to the Respondent.

3. There are two bases for the dismissal of employees under the N.C. Gen. Stat. § 26-35 standard of "just cause" and



they are "unacceptable job performance" and "unacceptable personal conduct." "Unacceptable job performance" includes the failure to satisfactorily perform job requirements as directed by management; this determination is made by the supervisor. 25 N.C-k Admin. Code 11.2301(c). "Unacceptable personal conduct" includes conduct for which no reasonable person would expect to receive a prior warning and "conduct unbecoming an employee that is detrimental to the agency." 25 N.C. Admin. Code 11.2301(d)(1,5). Certain actions by an employee may fall into both categories depending upon the fact of the particular case. 25 N.C. Admin. Code 11.2301(e). Petitioner is an employee covered under the provisions of G.S. 126-5(a)(2).

4. Petitioner's conduct on the morning of November 20, 1996, although arguably inappropriate under the circumstances, was not sufficient to constitute gross misconduct or personal misconduct, particularly in light of petitioner's extended work day for 16 hours from his previous shift. The Petitioner's nurturing relationship with Mr. T and his attempt at the time to redirect Mr. T's untoward behavior and verbal abuse, was a good faith attempt on the part of the Petitioner to accomplish a work objective. There was no intent on the Petitioner's part to direct offensive, unwelcome or assaultive contact on Mr. T. Not all touching between health care personnel and residents would constitute assaultive, abusive behavior. Based upon prior experience, the touching should not have been unwelcome or offensive. What heightened this particular incident was Mr. T's uncharacteristic reaction to the touching and horseplay gesture.

5. Not only did this touching not constitute grounds for gross or personal misconduct as just cause for the petitioner's discharge but, by its nature and circumstances, was related to the petitioner's job performance at the time. Petitioner was attempting to redirect untoward conduct by a means that petitioner believed would redirect Mr. T's behavior, based upon their past close relationship.

6. Due to the heightened attention paid by officials to any allegation of patient abuse from assaultive behavior, it is understandable how Respondent's management would be particularly apprehensive and concerned about any contact between an employee and a resident that could be interpreted as patient abuse.

7. In the interpretive guidelines of intermediate care facilities for persons with mental retardation, the term "physical" abuse is defined. "Physical abuse" refers to any physical motion or action, (e.g., hitting, slapping, punching, kicking, pinching, etc.) by which bodily harm or trauma occurs. It includes use of corporal punishment as well as the use of any restrictive, intrusive procedure to control inappropriate behavior for purposes of punishment. Petitioner did not commit physical abuse.

8. In the interpretive guidelines of intermediate care facilities for persons with mental retardation, the term "verbal" abuse is defined. "Verbal abuse" refers to any use of oral, written or gestured language by which abuse occurs. This includes pejorative and derogatory terms to described persons with disabilities." Petitioner did not commit verbal abuse

9. In the interpretive guidelines of intermediate care facilities for persons with mental retardation, the term "abuse" is defined. "Abuse" refers to the ill treatment, violation, revilement, malignment, exploitation and/or otherwise disregard of any individual, whether purposeful or due to carelessness, inattentiveness or admission of the perpetrator. Likewise, petitioner did not commit abuse.

10. If under the circumstances, petitioner's attempt to redirect Mr. T's behavior was determined to be inappropriate, petitioner should have been counseled; given a written warning-, or some other form of disciplinary action, short of dismissal, as no reasonable person would expect that petitioner's conduct would warrant dismissal under these circumstances without prior warnings.

11. Petitioner's own account of the incident is not credible in light of Ms. Robinson's testimony. Ordinarily, this lack of credibility would seriously injure petitioner's case, but the account of Ms. Robinson must be taken as an accurate portrayal of the incident and, notwithstanding the petitioner's different account, does not rise to the level of misconduct sufficient to discharge the petitioner.

12. The undersigned finds that the petitioner's conduct was not outside of the scope of his duties while he was attempting to redirect Mr. T's behavior and, therefore, is Job related performance as opposed to personal misconduct. Petitioner should have received progressive warnings as to his job performance prior to his termination.

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned enters the following:

**RECOMMENDED DECISION**

That Respondent's personnel action to discharge the petitioner be rescinded and that the petitioner be reinstated to his former position with back pay and attorney's fees.

**ORDER**

It is hereby ordered that the agency serve a copy of the final decision on the Office of Administrative Hearings, PO Drawer 27447, Raleigh, NC 27611-7447, in accordance with North Carolina General Statute 15013-36(b).

**NOTICE**

The agency making the final decision in this contested case is required to give each party an opportunity to file exceptions to this recommended decision and to present written arguments to those in the agency who will make the final decision. G.S. 15013-36(a).

The agency that will make the final decision in this contested case is Trend Community Mental Health Services.

This the, 24th day of November, 1997.

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Julian Mann, III  
Chief Administrative Law Judge

*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**

<b>TITLE</b>	<b>DEPARTMENT</b>	<b>LICENSING BOARDS</b>	<b>CHAPTER</b>
1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Auctioneers	4
4	Commerce	Barber Examiners	6
5	Correction	Certified Public Accountant Examiners	8
6	Council of State	Chiropractic Examiners	10
7	Cultural Resources	General Contractors	12
8	Elections	Cosmetic Art Examiners	14
9	Governor	Dental Examiners	16
10	Human Resources	Dietetics/Nutrition	17
11	Insurance	Electrical Contractors	18
12	Justice	Electrolysis	19
13	Labor	Foresters	20
14A	Crime Control & Public Safety	Geologists	21
15A	Environment, Health, and Natural Resources	Hearing Aid Dealers and Fitters	22
16	Public Education	Landscape Architects	26
17	Revenue	Landscape Contractors	28
18	Secretary of State	Marital and Family Therapy	31
19A	Transportation	Medical Examiners	32
20	Treasurer	Midwifery Joint Committee	33
*21	Occupational Licensing Boards	Mortuary Science	34
22	Administrative Procedures	Nursing	36
23	Community Colleges	Nursing Home Administrators	37
24	Independent Agencies	Occupational Therapists	38
25	State Personnel	Opticians	40
26	Administrative Hearings	Optometry	42
27	NC State Bar	Osteopathic Examination & Reg. (Repealed)	44
		Pastoral Counselors, Fee-Based Practicing	45
		Pharmacy	46
		Physical Therapy Examiners	48
		Plumbing, Heating & Fire Sprinkler Contractors	50
		Podiatry Examiners	52
		Professional Counselors	53
		Psychology Board	54
		Professional Engineers & Land Surveyors	56
		Real Estate Appraisal Board	57
		Real Estate Commission	58
		Refrigeration Examiners	60
		Sanitarian Examiners	62
		Social Work Certification	63
		Soil Scientists	69
		Speech & Language Pathologists & Audiologists	64
		Substance Abuse Professionals	68
		Therapeutic Recreation Certification	65
		Veterinary Medical Board	66

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





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This index provides information related to notices, rules and other documents published in the Register. It includes information about rules for which Notice of Rule-Making Proceedings or Notice of Text have been published, rules submitted to the Rules Review Commission and rules codified since the last session of the General Assembly. For assistance contact the Rules Division at 919/733-2678.

Fiscal Note: S = Rule affects the expenditure or distribution of state funds. L = Rule affects the expenditure or distribution of local government funds. SE = Rule has a substantial economic impact of at least \$5,000,000 in a 12-month period. \* = Rule-making agency has determined that the rule does not impact state or local funds and does not have a substantial economic impact. See G.S. 150B-21.4.

## ADMINISTRATION

### State Building Commission

1 NCAC 30G .0101		11:04 NCR 194	11:19 NCR 1414	*	Approve	03/20/97			11:26 NCR 2004	
1 NCAC 30G .0102		11:04 NCR 194	11:19 NCR 1414	*	Object	03/20/97				
1 NCAC 30G .0103		11:04 NCR 194	11:19 NCR 1414	*	Approve	05/15/97	*		11:30 NCR 2314	
1 NCAC 30G .0104		11:04 NCR 194	11:19 NCR 1414	S/L	Approve	03/20/97	*		11:26 NCR 2004	
1 NCAC 30G .0105		11:04 NCR 194	11:19 NCR 1414	S/L	Object	03/20/97				
					Approve	05/15/97	*		11:30 NCR 2314	
					Approve	03/20/97			11:26 NCR 2004	

## ADMINISTRATIVE HEARINGS

### Civil Rights Division

26 NCAC 04 .0101		12:12 NCR 1071								
26 NCAC 04 .0201		12:12 NCR 1071								
26 NCAC 04 .0202		12:12 NCR 1071								
26 NCAC 04 .0203		12:12 NCR 1071								
26 NCAC 04 .0204		12:12 NCR 1071								

### Hearings Division

26 NCAC 03	12:08 NCR 621									
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### Rules Division

26 NCAC 02C	11:19 NCR 1413									
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## AGRICULTURE

2 NCAC 48A .0206	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review	12/19/96	*		11:22 NCR 1717	
2 NCAC 48A .0211	10:24 NCR 3056		11:06 NCR 324	*	Approve	01/16/97				
2 NCAC 48A .0214	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review	12/19/96	*		11:22 NCR 1717	
2 NCAC 52A .0104	11:27 NCR 2053		12:03 NCR 169	*	Approve	01/16/97			11:22 NCR 1717	

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2 NCAC 52A .0105	11:27 NCR 2053		12:03 NCR 169	*						
2 NCAC 52A .0106	11:27 NCR 2053		12:03 NCR 169	*						
2 NCAC 52A .0107	11:27 NCR 2053		12:03 NCR 169	*						
2 NCAC 52A .0108	11:27 NCR 2053		12:03 NCR 169	*						
2 NCAC 52A .0109	11:27 NCR 2053		12:03 NCR 169	*						
2 NCAC 52B .0212	11:14 NCR 1107		11:22 NCR 1709	*	Approve	05/15/97			11:30 NCR 2314	
2 NCAC 52B .0303	11:14 NCR 1107		11:22 NCR 1709	*	Approve	05/15/97			11:30 NCR 2314	
2 NCAC 52C .0701	11:14 NCR 1107		11:22 NCR 1709	*	Approve	05/15/97			11:30 NCR 2314	
2 NCAC 52D .0101	11:27 NCR 2053		12:03 NCR 169	*						
<b>Marketing Authority</b>										
2 NCAC 43F .0103	11:14 NCR 1107		11:22 NCR 1706	*	Object	05/15/97				
2 NCAC 43H .0101	11:14 NCR 1107		11:22 NCR 1706	*	Approve	06/19/97	*		12:03 NCR 213	
2 NCAC 43H .0107	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97			11:30 NCR 2314	
2 NCAC 43L .0202	11:14 NCR 1107		11:22 NCR 1706	*	Object	05/15/97	*			
2 NCAC 43L .0401	11:14 NCR 1107		11:22 NCR 1706	*	Approve	06/19/97			12:03 NCR 213	
2 NCAC 43L .0402	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97			11:30 NCR 2314	
2 NCAC 43L .0403	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97			11:30 NCR 2314	
2 NCAC 43L .0405	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97	*		11:30 NCR 2314	
<b>Plant Conservation Board</b>										
2 NCAC 48F .0301	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97			11:26 NCR 2004	
2 NCAC 48F .0302	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97			11:26 NCR 2004	
2 NCAC 48F .0304	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97	*		11:26 NCR 2004	
2 NCAC 48F .0305	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97	*		11:26 NCR 2004	
2 NCAC 48F .0306	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97	*		11:26 NCR 2004	
<b>Structural Pest Control</b>										
2 NCAC 34 .0102	12:09 NCR 743									
2 NCAC 34 .0302	12:09 NCR 743									
2 NCAC 34 .0303	12:09 NCR 743									
2 NCAC 34 .0306	12:09 NCR 743									



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2 NCAC 34 .0308	12:09 NCR 743									
2 NCAC 34 .0309	12:09 NCR 743									
2 NCAC 34 .0312	12:09 NCR 743									
2 NCAC 34 .0313	12:09 NCR 743									
2 NCAC 34 .0323	12:09 NCR 743									
2 NCAC 34 .0325	12:09 NCR 743									
2 NCAC 34 .0328	12:09 NCR 743									
2 NCAC 34 .0401	12:09 NCR 743									
2 NCAC 34 .0402	12:09 NCR 743									
2 NCAC 34 .0403	12:09 NCR 743									
2 NCAC 34 .0404	12:09 NCR 743									
2 NCAC 34 .0406	12:09 NCR 743									
2 NCAC 34 .0501	12:09 NCR 743									
2 NCAC 34 .0502	12:09 NCR 743									
2 NCAC 34 .0503		11:21 NCR 1651	12:06 NCR 455	*						
2 NCAC 34 .0503	12:09 NCR 743									
2 NCAC 34 .0504	12:09 NCR 743									
2 NCAC 34 .0505	12:09 NCR 743									
2 NCAC 34 .0506	12:09 NCR 743									
2 NCAC 34 .0507	12:09 NCR 743									
2 NCAC 34 .0508	12:09 NCR 743									
2 NCAC 34 .0601	12:09 NCR 743									
2 NCAC 34 .0602		11:21 NCR 1651	12:06 NCR 455	*						
2 NCAC 34 .0602	12:09 NCR 743									
2 NCAC 34 .0604		11:21 NCR 1651	12:06 NCR 455	*						
2 NCAC 34 .0604	12:09 NCR 743									
2 NCAC 34 .0605		11:21 NCR 1651	12:06 NCR 455	*						
2 NCAC 34 .0605	12:09 NCR 743									
2 NCAC 34 .0701	12:09 NCR 743									
2 NCAC 34 .0702	12:09 NCR 743									

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2 NCAC 34 .0703	12-09 NCR 743									
2 NCAC 34 .0803	12-09 NCR 743									
2 NCAC 34 .0902	12-09 NCR 743									
2 NCAC 34 .0904	12-09 NCR 743									
2 NCAC 34 .1101	12-09 NCR 743									
<b>ARCHITECTURE, BOARD OF</b>										
21 NCAC 02 .0208	12-04 NCR 244									
21 NCAC 02 .0210	12-04 NCR 244									
21 NCAC 02 .0213	12-04 NCR 244			*						
21 NCAC 02 .0901	12-04 NCR 244		12-09 NCR 795							
21 NCAC 02 .0902	12-04 NCR 244		12-09 NCR 795	S/1/SE						
21 NCAC 02 .0903	12-04 NCR 244		12-09 NCR 795	S/1/SE						
21 NCAC 02 .0904	12-04 NCR 244		12-09 NCR 795	S/1/SE						
21 NCAC 02 .0905	12-04 NCR 244		12-09 NCR 795	S/1/SE						
21 NCAC 02 .0906	12-04 NCR 244		12-09 NCR 795	S/1/SE						
21 NCAC 02 .0907	12-04 NCR 244		12-09 NCR 795	S/1/SE						
21 NCAC 02 .0908	12-04 NCR 244		12-09 NCR 795	S/1/SE						
21 NCAC 02 .0909	12-04 NCR 244		12-09 NCR 795	S/1/SE						
21 NCAC 02 .0910	12-04 NCR 244		12-09 NCR 795	S/1/SE						
<b>AUCTIONEERS LICENSING BOARD</b>										
21 NCAC 04B .0202	11-18 NCR 1368		11-28 NCR 2129	*	Approve	11/20/97	*			
<b>CERTIFIED PUBLIC ACCOUNTANT EXAMINERS</b>										
21 NCAC 08A .0309	12-08 NCR 619									
21 NCAC 08F .0103	12-08 NCR 619									
21 NCAC 08F .0105	12-08 NCR 619									
21 NCAC 08F .0302	12-08 NCR 619									
21 NCAC 08F .0304	12-08 NCR 619									
21 NCAC 08F .0401	12-08 NCR 619									
21 NCAC 08F .0410	12-08 NCR 619									

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21 NCAC 08G .0404	12:08 NCR 619									
21 NCAC 08G .0406	12:08 NCR 619									
21 NCAC 08H .0001	12:08 NCR 619									
21 NCAC 08I .0005	12:08 NCR 619									
21 NCAC 08J .0001	12:08 NCR 619									
21 NCAC 08J .0006	12:08 NCR 619									
21 NCAC 08J .0008	12:08 NCR 619									
21 NCAC 08K .0301	12:08 NCR 619									
<b>COMMERCE</b>										
4 NCAC 01E	11:09 NCR 569									
4 NCAC 01F	11:09 NCR 569									
4 NCAC 01H	11:09 NCR 569									
4 NCAC 01I	11:09 NCR 569									
4 NCAC 01J	11:09 NCR 569									
4 NCAC 01K	11:09 NCR 569									
<b>Community Assistance</b>										
4 NCAC 01K .0501	11:09 NCR 569									
4 NCAC 01K .0502	11:09 NCR 569									
4 NCAC 01K .0503	11:09 NCR 569									
4 NCAC 01K .0504	11:09 NCR 569									
4 NCAC 01K .0505	11:09 NCR 569									
4 NCAC 01K .0506	11:09 NCR 569									
4 NCAC 19L .0401	11:09 NCR 569		11:14 NCR 1113	*	Object	11/20/97				
4 NCAC 19L .0403	11:09 NCR 569		11:14 NCR 1113	*	Approve	11/20/97	*			
4 NCAC 19L .0404	11:09 NCR 569		11:14 NCR 1113	*	Object	11/20/97				
4 NCAC 19L .0407	11:09 NCR 569		11:14 NCR 1113	*	Approve	11/20/97				
4 NCAC 19L .0501	11:09 NCR 569		11:14 NCR 1113	*	Approve	11/20/97	*			
4 NCAC 19L .0502	11:09 NCR 569		11:14 NCR 1113	*	Approve	11/20/97	*			
4 NCAC 19L .0505	11:09 NCR 569		11:14 NCR 1113	*	Object	11/20/97				
4 NCAC 19L .0706	11:09 NCR 569		11:14 NCR 1113	*	Approve	11/20/97	*			



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4 NCAC 19L .0707	11:09 NCR 569		11:14 NCR 1113	*	Object	11/20/97				
4 NCAC 19L .0708	11:09 NCR 569		11:14 NCR 1113	*	Object	11/20/97				
4 NCAC 19L .0802	11:09 NCR 569		11:14 NCR 1113	*	Approve	11/20/97				
4 NCAC 19L .0805	11:09 NCR 569									
4 NCAC 19L .0901	11:09 NCR 569		11:14 NCR 1113	*	Approve	11/20/97	*			
4 NCAC 19L .0906	11:09 NCR 569		11:14 NCR 1113	*	Approve	11/20/97	*			
4 NCAC 19L .0907	11:09 NCR 569		11:14 NCR 1113	*	Approve	11/20/97				
4 NCAC 19L .0911	11:09 NCR 569		11:14 NCR 1113	*	Object	11/20/97				
4 NCAC 19L .1002	11:09 NCR 569		11:14 NCR 1113	*	Approve	11/20/97	*			
4 NCAC 19L .1004	11:09 NCR 569		11:14 NCR 1113	*	Approve	11/20/97	*			
4 NCAC 19L .1009	11:09 NCR 569		11:14 NCR 1113	*	Object	11/20/97				
4 NCAC 19L .1011	11:09 NCR 569		11:14 NCR 1113	*	Object	11/20/97				
4 NCAC 19L .1301	11:09 NCR 569		11:14 NCR 1113	*	Approve	11/20/97	*			
4 NCAC 19L .1302	11:09 NCR 569		11:14 NCR 1113	*	Approve	11/20/97	*			
4 NCAC 19L .1303	11:09 NCR 569		11:14 NCR 1113	*	Object	11/20/97				
4 NCAC 19L .1701	11:09 NCR 569		11:14 NCR 1113	*	Approve	11/20/97	*			
4 NCAC 19L .1702	11:09 NCR 569		11:14 NCR 1113	*	Approve	11/20/97	*			
4 NCAC 19L .1703	11:09 NCR 569		11:14 NCR 1113	*	Object	11/20/97				
4 NCAC 19L .1801	11:09 NCR 569		11:14 NCR 1113	*	Approve	11/20/97	*			
4 NCAC 19L .1802	11:09 NCR 569		11:14 NCR 1113	*	Approve	11/20/97	*			
4 NCAC 19L .1803	11:09 NCR 569		11:14 NCR 1113	*	Approve	11/20/97	*			
4 NCAC 19L .1804	11:09 NCR 569		11:14 NCR 1113	*	Object	11/20/97				
4 NCAC 19L .1805	11:09 NCR 569		11:14 NCR 1113	*	Object	11/20/97				
4 NCAC 19L .1900	11:09 NCR 569		11:14 NCR 1113	*	Object	11/20/97				
<b>Credit Union Division</b>										
4 NCAC 06C .0205	10:18 NCR 2398		11:29 NCR 2182	*	Approve	08/21/97			12:07 NCR 561	
4 NCAC 06C .0407	10:18 NCR 2398		11:29 NCR 2182	*	Object	08/21/97			12:10 NCR 878	
4 NCAC 06C .0409	10:18 NCR 2398		11:29 NCR 2182	*	Approve	09/18/97	*		12:07 NCR 561	
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4 NCAC 13A .0101	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13A .0102	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13A .0105	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13A .0202	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13A .0203	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13A .0204	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13B .0001	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13B .0002	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13B .0003	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13B .0004	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13B .0005	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13C .0001	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13D .0101	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0101	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0102	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0103	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0201	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0202	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0301	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0302	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0401	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0402	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0403	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0404	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0405	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0501	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0502	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0601	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0602	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0603	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	

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					Action	Date				
4 NCAC 13E .0701	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0702	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0801	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0803	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0901	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0902	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13F .0301	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13F .0302	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
<b>COMMUNITY COLLEGES</b>										
23 NCAC 01A .0001	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02C .0108	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02C .0202	11:18 NCR 1369		12:09 NCR 802	*						
23 NCAC 02C .0207	11:18 NCR 1369		12:09 NCR 802	*						
23 NCAC 02C .0305	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02C .0604	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02C .0701	11:18 NCR 1369		12:09 NCR 802	*						
23 NCAC 02D .0103	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02D .0201	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02D .0202	11:17 NCR 1336									
23 NCAC 02D .0202	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02D .0203	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02D .0301	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02D .0323	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02D .0324	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02D .0327	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02E .0101	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02E .0102	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02E .0201	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02E .0203	10:24 NCR 3058		11:09 NCR 585	*	Object Approve	01/16/97 02/20/97	*		11:24 NCR 1832	



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23 NCAC 02E .0203	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02E .0204	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02E .0205	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02E .0501	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02E .0604	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
<b>COSMETIC ART EXAMINERS</b>										
21 NCAC 14A .0101	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14B .0605	12:06 NCR 925		12:11 NCR 925	*						
21 NCAC 14G .0103	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14G .0107	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14G .0113	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14H .0105	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14H .0113	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14H .0118	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14H .0119	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14I .0104	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14I .0105	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14I .0107	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14I .0109	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14I .0401	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14J .0102	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14J .0103	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14J .0104	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14J .0105	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14J .0202	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14J .0204	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14J .0205	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14J .0206	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14J .0303	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14J .0306	12:06 NCR 453		12:11 NCR 925	*						

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21 NCAC 14J .0307	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14J .0401	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14J .0402	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14J .0403	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14J .0404	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14J .0501	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14K .0101	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14K .0103	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14L .0101	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14L .0105	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14L .0108	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14L .0214	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14N .0102	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14N .0103	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14N .0104	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14N .0105	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14N .0107	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14N .0108	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14N .0113	12:06 NCR 453		12:11 NCR 925	*						

## CRIME CONTROL & PUBLIC SAFETY

### Governor's Crime Commission

14A NCAC 07 .0313 11:24 NCR 1818

## CULTURAL RESOURCES

### North Carolina Historical Commission

7 NCAC 04R 12:06 NCR 444

### USS North Carolina Battleship Commission

7 NCAC 05 .0203

11:19 NCR 1436

Temp Expired

## DENTAL EXAMINERS

21 NCAC 16B .0303 11:20 NCR 1538

11:25 NCR 1915

Approve

09/18/97

12:10 NCR 878

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					Action	Date				
21 NCAC 161.0001	11:20 NCR 1538		11:25 NCR 1915	*	Object	09/18/97				
21 NCAC 161.0002	11:20 NCR 1538		11:25 NCR 1915	*	Approve	10/16/97	*		12:11 NCR 947	
21 NCAC 161.0003	11:20 NCR 1538		11:25 NCR 1915	*	Extended review	09/18/97				
21 NCAC 161.0004	11:20 NCR 1538				Approve	11/20/97	*			
21 NCAC 161.0005	11:20 NCR 1538				Approve	09/18/97			12:10 NCR 878	
21 NCAC 161.0006	11:20 NCR 1538									
21 NCAC 16M.0001	11:20 NCR 1538		11:25 NCR 1915	*	Approve	09/18/97			12:10 NCR 878	
21 NCAC 16M.0003	11:20 NCR 1538		11:25 NCR 1915	*	Approve	09/18/97			12:10 NCR 878	
21 NCAC 16R.0001	11:20 NCR 1538		11:25 NCR 1915	*	Object	09/18/97				
21 NCAC 16R.0002	11:20 NCR 1538		11:25 NCR 1915	*	Approve	10/16/97	*		12:11 NCR 947	
21 NCAC 16R.0003	11:20 NCR 1538		11:25 NCR 1915	*	Extended review	09/18/97				
21 NCAC 16R.0004	11:20 NCR 1538		11:25 NCR 1915	*	Approve	11/20/97	*			
21 NCAC 16V.0101	10:16 NCR 2043		11:20 NCR 1556	*						
21 NCAC 16V.0102	10:16 NCR 2043		11:20 NCR 1556	*						
<b>ENVIRONMENT AND NATURAL RESOURCES</b>										
Notice of Intent to Redevelop a Brownfields Property										
15A Public Notice - Division of Water Quality										
15A Administrative Order on Consent - Division of Waste Management										
15A NCAC 01J.0401	12:08 NCR 614	12:09 NCR 833								Notice Subject Matter
15A NCAC 01J.0402	12:08 NCR 614	12:09 NCR 833								Notice Subject Matter
15A NCAC 01K	10:19 NCR 2506									
15A NCAC 01M.0101		11:19 NCR 1439	Temp Expired							12:10 NCR 864
15A NCAC 01M.0102		11:19 NCR 1439	Temp Expired							12:03 NCR 112
15A NCAC 01M.0201		11:19 NCR 1439	Temp Expired							12:03 NCR 158
15A NCAC 01M.0202		11:19 NCR 1439	Temp Expired							
15A NCAC 01M.0301		11:19 NCR 1439	Temp Expired							
15A NCAC 01M.0302		11:19 NCR 1439	Temp Expired							



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					Action	Date				
15A NCAC 01M .0303		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0304		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0305		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0306		11:19 NCR 1439	Temp Expired							
15A NCAC 01N	12:08 NCR 614									
15A NCAC 12B .0901		12:03 NCR 209								
15A NCAC 19G .0102	12:02 NCR 52	12:03 NCR 209								
<b>Coastal Resources Commission</b>										
15A NCAC 07	11:04 NCR 183									
15A NCAC 07H .0106	11:19 NCR 1408		11:27 NCR 2058	*						
15A NCAC 07H .0201	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0202	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0203	11:22 NCR 1704		agency withdrew							
15A NCAC 07H .0204	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0205	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0206	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0207	11:22 NCR 1704		agency withdrew							
15A NCAC 07H .0208	11:22 NCR 1704		11:27 NCR 2058	*	Object Approve	08/21/97 09/18/97	*		12:10 NCR 878	
15A NCAC 07H .0208	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .0208	11:19 NCR 1408		11:27 NCR 2058	*						
15A NCAC 07H .0210	12:02 NCR 52									
15A NCAC 07H .0304	11:15 NCR 1200	11:15 NCR 1226 Temp Expired	11:27 NCR 2069	S	Approve	10/16/97	*		12:11 NCR 947	
15A NCAC 07H .0305	11:15 NCR 1200	12:08 NCR 726	11:27 NCR 2069	S	Approve	10/16/97			12:11 NCR 947	
15A NCAC 07H .0306	11:04 NCR 183	12:08 NCR 726	11:11 NCR 907	*						
15A NCAC 07H .0309	11:08 NCR 442		11:12 NCR 981	*	Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 07H .0310	12:11 NCR 919									
15A NCAC 07H .1104	11:04 NCR 183		11:11 NCR 907	*	Object	11/20/97				

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					Action	Date				
15A NCAC 0711 .1202	11:04 NCR 183		11:11 NCR 907	*	Approve	08/21/97	*		12:07 NCR 561	
15A NCAC 0711 .1204	11:04 NCR 183		11:11 NCR 907	*	Object	08/21/97				
15A NCAC 0711 .1205	11:04 NCR 183		11:11 NCR 907	*	Approve	09/18/97	*		12:10 NCR 878	
15A NCAC 0711 .1304	11:04 NCR 183		11:11 NCR 907	*	Approve	08/21/97	*		12:07 NCR 561	
15A NCAC 0711 .1404	11:04 NCR 183		11:11 NCR 907	*	Object	11/20/97				
15A NCAC 0711 .1504	11:04 NCR 183		11:11 NCR 907	*	Object	11/20/97				
15A NCAC 0711 .1600	11:15 NCR 1200		11:11 NCR 907	*	Object	11/20/97				
15A NCAC 0711 .1601	11:15 NCR 1200		11:27 NCR 2071	*						
15A NCAC 0711 .1604	11:15 NCR 1200		11:27 NCR 2071	*						
15A NCAC 0711 .1605	11:15 NCR 1200		11:27 NCR 2071	*						
15A NCAC 0711 .1704	11:04 NCR 183		11:11 NCR 907	*	Object	11/20/97				
15A NCAC 0711 .1804	11:04 NCR 183		11:11 NCR 907	*	Object	11/20/97				
15A NCAC 0711 .1904	11:04 NCR 183		11:11 NCR 907	*	Object	11/20/97				
15A NCAC 0711 .2004	11:04 NCR 183		11:11 NCR 907	*	Object	11/20/97				
15A NCAC 0711 .2104	11:04 NCR 183		11:11 NCR 907	*	Object	11/20/97				
15A NCAC 07K .0203	11:04 NCR 183		11:11 NCR 907	*	Approve	08/21/97	*		12:07 NCR 561	
15A NCAC 07M .0301	10:16B NCR 1921		11:11 NCR 907	*	Approve	11/20/97	*			
15A NCAC 07M .0302	10:16B NCR 1921		11:11 NCR 907	*	Approve	11/20/97				
15A NCAC 07M .0303	10:16B NCR 1921		11:11 NCR 907	*	Object	11/20/97				
15A NCAC 07M .0304	10:16B NCR 1921		11:11 NCR 907	*	Approve	11/20/97				
15A NCAC 07M .0305	10:16B NCR 1921		11:11 NCR 907	*	Approve	11/20/97				
15A NCAC 07M .0306	10:16B NCR 1921		11:11 NCR 907	*	Approve	11/20/97	*			
15A NCAC 07M .0307	10:16B NCR 1921		11:11 NCR 907	*	Approve	11/20/97				
15A NCAC 07M .0308	10:16B NCR 1921		11:11 NCR 907	*	Approve	11/20/97				
15A NCAC 07M .0309	10:16B NCR 1921		11:11 NCR 907	*	Approve	11/20/97	*			
15A NCAC 07M .0401	10:18 NCR 2317		11:11 NCR 931	*	Approve	01/16/97	*			
15A NCAC 07M .0402	10:18 NCR 2317		11:11 NCR 931	*	Approve	01/16/97	*			
15A NCAC 07M .0403	10:18 NCR 2317		11:11 NCR 931	*	Approve	01/16/97	*			
15A NCAC 07M .1201	11:19 NCR 1408		11:27 NCR 2058	*	Object	01/16/97	*		11:24 NCR 1832	
					Approve	02/20/97	*			

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15A NCAC 07M 1202	11:19 NCR 1408		11:27 NCR 2058	*						
<b>Environmental Management Commission</b>										
15A NCAC 02	10:24 NCR 3045									
15A NCAC 02	11:04 NCR 183									
15A NCAC 02	11:19 NCR 1408									
15A NCAC 02B 0101	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B 0202	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B 0202	11:02 NCR 75		12:06 NCR 462	S/L/SE						
15A NCAC 02B 0223	11:02 NCR 75									
15A NCAC 02B 0223	11:03 NCR 109									
15A NCAC 02B 0224	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B 0227	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B 0230	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B 0231	11:02 NCR 75		11:10 NCR 824	L/SE						
			11:14 NCR 1136							
15A NCAC 02B 0232	11:02 NCR 75		11:10 NCR 824	L						
			11:14 NCR 1136							
15A NCAC 02B 0233	11:02 NCR 75		12:06 NCR 462	S/L/SE						
		12:02 NCR 77	11:10 NCR 824	L						
			11:14 NCR 1136	L						
15A NCAC 02B 0234	11:02 NCR 75		12:06 NCR 462	S/L/SE						
			11:10 NCR 824	*						
15A NCAC 02B 0235	11:02 NCR 75		11:14 NCR 1136	S/L/SE						
			12:06 NCR 462	*						
15A NCAC 02B 0236	11:02 NCR 75		12:06 NCR 462	S/L/SE						
			11:10 NCR 824	L						
15A NCAC 02B 0238	11:02 NCR 75		11:14 NCR 1136	S/L/SE						
15A NCAC 02B 0239	11:02 NCR 75		12:06 NCR 462	S/L/SE						
15A NCAC 02B 0240	11:02 NCR 75		12:06 NCR 462	S/L/SE						
15A NCAC 02B 0303	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B 0304	11:24 NCR 1818		12:01 NCR 6	*						



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15A NCAC 02B .0304	11:26 NCR 1976		12:01 NCR 6	S						
15A NCAC 02B .0304	11:26 NCR 1984		12:01 NCR 6	S						
15A NCAC 02B .0305	11:20 NCR 1534		12:05 NCR 414	*						
15A NCAC 02B .0306	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0306	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0307	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0307	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0308	11:20 NCR 1534		11:28 NCR 2121	*						
15A NCAC 02B .0308	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0308	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0308	12:12 NCR 993									
15A NCAC 02B .0309	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0309	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0311	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0311	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0311	12:10 NCR 865									
15A NCAC 02B .0313	11:24 NCR 1818		12:05 NCR 416	*						
15A NCAC 02B .0313	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0313	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0313	12:10 NCR 865									
15A NCAC 02B .0315	11:24 NCR 1818		12:07 NCR 515	L						
15A NCAC 02B .0316	11:20 NCR 1534									
15A NCAC 02B .0316	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0316	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0317	11:26 NCR 1976		12:01 NCR 6	*						
	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02D .0101	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D .0101	12:02 NCR 52									
15A NCAC 02D .0104	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D .0105	11:15 NCR 1200		12:04 NCR 270	*						

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15A NCAC 02D 0108	11:15 NCR 1200									
15A NCAC 02D 0202	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D 0302	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D 0307	11:15 NCR 1200									
15A NCAC 02D 0501	11:15 NCR 1200									
15A NCAC 02D 0501	11:04 NCR 183									
15A NCAC 02D 0506	10:18 NCR 2318		12:10 NCR 867	*						
15A NCAC 02D 0507	10:18 NCR 2318		12:10 NCR 867	*						
15A NCAC 02D 0508	10:18 NCR 2318		12:10 NCR 867	*						
15A NCAC 02D 0509	10:18 NCR 2318		12:10 NCR 867	*						
15A NCAC 02D 0510	10:18 NCR 2318		12:10 NCR 867	*						
15A NCAC 02D 0511	10:18 NCR 2318		12:10 NCR 867	*						
15A NCAC 02D 0513	10:18 NCR 2318		12:10 NCR 867	*						
15A NCAC 02D 0514	10:18 NCR 2318		12:10 NCR 867	*						
15A NCAC 02D 0515	10:18 NCR 2318		12:10 NCR 867	*						
15A NCAC 02D 0518	11:19 NCR 1408									
15A NCAC 02D 0521	11:15 NCR 1200									
15A NCAC 02D 0521	11:04 NCR 183		12:10 NCR 867	*						
15A NCAC 02D 0524	11:15 NCR 1200									
15A NCAC 02D 0525	11:15 NCR 1200									
15A NCAC 02D 0531	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D 0535	10:18 NCR 2317		11:16 NCR 1271	*	Approve	04/17/97			11:29 NCR 2211	
	10:18 NCR 2317		12:08 NCR 650	*						
15A NCAC 02D 0540	10:18 NCR 2318		12:10 NCR 867	*						
15A NCAC 02D 0601	10:18 NCR 2318									
15A NCAC 02D 0602	10:18 NCR 2318									
15A NCAC 02D 0604	10:18 NCR 2318									
15A NCAC 02D 0605	10:18 NCR 2318									
15A NCAC 02D 0606	10:18 NCR 2318									
15A NCAC 02D 0607	10:18 NCR 2318									

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15A NCAC 02D .0608	10:18 NCR 2318									
15A NCAC 02D .0610	11:15 NCR 1200									
15A NCAC 02D .0611	11:15 NCR 1200									
15A NCAC 02D .0612	11:15 NCR 1200									
15A NCAC 02D .0613	11:15 NCR 1200									
15A NCAC 02D .0614	11:15 NCR 1200									
15A NCAC 02D .0615	11:15 NCR 1200									
15A NCAC 02D .0806	11:26 NCR 1976									
15A NCAC 02D .0902	11:19 NCR 1408									
15A NCAC 02D .0903	11:15 NCR 1200									
15A NCAC 02D .0909	11:19 NCR 1408									
15A NCAC 02D .0912	11:15 NCR 1200									
15A NCAC 02D .0914	11:15 NCR 1200		12:10 NCR 867	*						
15A NCAC 02D .0917	11:19 NCR 1408									
15A NCAC 02D .0918	11:19 NCR 1408									
15A NCAC 02D .0919	11:19 NCR 1408									
15A NCAC 02D .0920	11:19 NCR 1408									
15A NCAC 02D .0921	11:19 NCR 1408									
15A NCAC 02D .0922	11:19 NCR 1408									
15A NCAC 02D .0923	11:19 NCR 1408									
15A NCAC 02D .0924	11:19 NCR 1408									
15A NCAC 02D .0927	10:18 NCR 2317		12:08 NCR 650	*						
15A NCAC 02D .0927	10:24 NCR 3045		12:10 NCR 867	*						
15A NCAC 02D .0934	11:19 NCR 1408									
15A NCAC 02D .0938	12:02 NCR 52		12:10 NCR 867	*						
15A NCAC 02D .0948	11:19 NCR 1408									
15A NCAC 02D .0949	11:19 NCR 1408									
15A NCAC 02D .0950	11:19 NCR 1408									
15A NCAC 02D .0951	11:19 NCR 1408									
15A NCAC 02D .0953	11:15 NCR 1200		12:04 NCR 270	*						



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15A NCAC 02D .0953	11:26 NCR 1976		12:10 NCR 867	*						
15A NCAC 02D .0954	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D .1005	11:15 NCR 1200									
15A NCAC 02D .1100	11:08 NCR 442									
15A NCAC 02D .1102	11:08 NCR 442		12:08 NCR 650	SE						
15A NCAC 02D .1103	11:08 NCR 442		12:08 NCR 650	SE						
15A NCAC 02D .1104	11:08 NCR 442		12:08 NCR 650	SE						
15A NCAC 02D .1104	12:02 NCR 52	12:02 NCR 77								
15A NCAC 02D .1105	11:15 NCR 1200									
15A NCAC 02D .1106	11:08 NCR 442		12:08 NCR 650	SE						
15A NCAC 02D .1106	11:26 NCR 1976									
15A NCAC 02D .1107	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D .1109	10:18 NCR 2317		12:08 NCR 650	*						
15A NCAC 02D .1112	10:18 NCR 2317		12:08 NCR 650	*						
15A NCAC 02D .1201	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1201	10:18 NCR 2317		12:08 NCR 650	*						
15A NCAC 02D .1202	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1203	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1203	11:15 NCR 1200									
15A NCAC 02D .1204	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1204	11:04 NCR 183		12:04 NCR 270	*						
15A NCAC 02D .1204	10:18 NCR 2318									
15A NCAC 02D .1205	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1205	10:18 NCR 2317		12:08 NCR 650	*						
15A NCAC 02D .1206	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1206	11:04 NCR 183		12:04 NCR 270	*						
15A NCAC 02D .1207	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1208	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97	*		11:29 NCR 2211	
15A NCAC 02D .1209	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97	*		11:29 NCR 2211	
15A NCAC 02D .1305	11:04 NCR 183		12:04 NCR 270	*						

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15A NCAC 02L.0106

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15A NCAC 02L .0115	11:15 NCR 1200		11:21 NCR 1639	L						
	11:15 NCR 1204	12:08 NCR 713								
15A NCAC 02L .0202	10:20 NCR 2591									
15A NCAC 02N	11:15 NCR 1200									
15A NCAC 02N	11:15 NCR 1204									
15A NCAC 02N .0701	11:15 NCR 1200	12:08 NCR 713	11:21 NCR 1639	*						
15A NCAC 02N .0707	11:15 NCR 1204	12:08 NCR 713	11:21 NCR 1639	*						
15A NCAC 02P	11:15 NCR 1200									
15A NCAC 02P .0402	11:15 NCR 1204	10:19 NCR 2512	11:21 NCR 1639	*						
		12:08 NCR 713		*						
15A NCAC 02Q .0101	10:18 NCR 2317		12:08 NCR 650	*						
15A NCAC 02Q .0102	10:18 NCR 2317		12:08 NCR 650	*						
15A NCAC 02Q .0102			11:06 NCR 350	*						
15A NCAC 02Q .0102	11:19 NCR 1408									
15A NCAC 02Q .0102	12:02 NCR 52									
15A NCAC 02Q .0103	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02Q .0108	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02Q .0201	12:02 NCR 52		12:10 NCR 867	*						
15A NCAC 02Q .0207	11:19 NCR 1408		12:04 NCR 270	*						
15A NCAC 02Q .0300	11:26 NCR 1976									
15A NCAC 02Q .0301	10:18 NCR 2317		12:08 NCR 650	*						
15A NCAC 02Q .0302	10:18 NCR 2317		12:08 NCR 650	*						
15A NCAC 02Q .0306	10:18 NCR 2317		12:08 NCR 650	*						
15A NCAC 02Q .0307	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02Q .0312	10:18 NCR 2317		12:08 NCR 650	*						
15A NCAC 02Q .0312	10:24 NCR 3045		11:16 NCR 1271	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02Q .0313	10:24 NCR 3045		11:16 NCR 1271	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02Q .0400	12:04 NCR 240									
15A NCAC 02Q .0501	10:18 NCR 2317		12:08 NCR 650	*						
15A NCAC 02Q .0521	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02Q .0525	10:24 NCR 3045		11:16 NCR 1271	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02Q .0527	10:18 NCR 2317		12:08 NCR 650	*						



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15A NCAC 02Q .0527	10-24 NCR 3045		11-16 NCR 1271	*	Approve	04/17/97			11-29 NCR 2211	
15A NCAC 02Q .0607	10-24 NCR 3045		11-16 NCR 1271	*	Approve	04/17/97			11-29 NCR 2211	
15A NCAC 02Q .0700	11-08 NCR 442									
15A NCAC 02Q .0701	11-08 NCR 442		12-08 NCR 650	SE						
15A NCAC 02Q .0702	11-08 NCR 442		12-08 NCR 650	SE						
15A NCAC 02Q .0703	11-08 NCR 442		12-08 NCR 650	SE						
15A NCAC 02Q .0704	11-08 NCR 442		12-08 NCR 650	SE						
15A NCAC 02Q .0705	11-08 NCR 442		12-08 NCR 650	SE						
15A NCAC 02Q .0706	11-08 NCR 442		12-08 NCR 650	SE						
15A NCAC 02Q .0707	11-08 NCR 442		12-08 NCR 650	SE						
15A NCAC 02Q .0708	11-08 NCR 442		12-08 NCR 650	SE						
15A NCAC 02Q .0709	11-08 NCR 442		12-08 NCR 650	SE						
15A NCAC 02Q .0710	11-08 NCR 442		12-08 NCR 650	SE						
15A NCAC 02Q .0711	11-08 NCR 442		12-08 NCR 650	SE						
15A NCAC 02Q .0712	11-08 NCR 442		12-08 NCR 650	SE						
15A NCAC 02Q .0713	11-08 NCR 442		12-08 NCR 650	SE						
15A NCAC 02Q .0801	12-02 NCR 52									
15A NCAC 02Q .0803	12-02 NCR 52									
15A NCAC 02Q .0805	10-18 NCR 2317		12-04 NCR 270	S						
15A NCAC 02Q .0806	10-24 NCR 3045		12-04 NCR 270	S						
15A NCAC 02Q .0807	10-24 NCR 3045		12-04 NCR 270	*						
15A NCAC 02R .0100	12-02 NCR 52									
15A NCAC 02R .0200	12-02 NCR 52									
15A NCAC 02R .0300	12-02 NCR 52									
15A NCAC 02R .0400	12-02 NCR 52									
15A NCAC 02R .0500	12-02 NCR 52									
15A NCAC 02R .0501		11-27 NCR 2075	12-08 NCR 650	S						
15A NCAC 02R .0502		11-27 NCR 2075	12-08 NCR 650	*						
15A NCAC 02R .0503		11-27 NCR 2075	12-08 NCR 650	*						
15A NCAC 02R .0504		11-27 NCR 2075	12-08 NCR 650	*						

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15A NCAC 02R .0600	12:02 NCR 52									
<b>Health Services, Commission for</b>										
15A NCAC 13A .0100	12:02 NCR 52									
15A NCAC 13A .0101	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0101	N/A		N/A		Approve	07/17/97			12:04 NCR 317	
15A NCAC 13A .0105	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0107	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0109	12:07 NCR 509									
15A NCAC 13A .0110	12:07 NCR 509									
15A NCAC 13A .0111	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0111	12:07 NCR 509									
15A NCAC 13A .0112	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0119	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13B .1301		12:12 NCR 1064								
15A NCAC 13B .1627	11:08 NCR 442		11:13 NCR 1055	*						
15A NCAC 13B .1800	11:08 NCR 442									
15A NCAC 13B .1800	11:26 NCR 1976									
15A NCAC 18A	11:04 NCR 183									
15A NCAC 18A .0134	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:22 NCR 1717	
15A NCAC 18A .0168	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97	*			
15A NCAC 18A .0176	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:22 NCR 1717	
15A NCAC 18A .0182	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97	*			
15A NCAC 18A .0183	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:22 NCR 1717	
15A NCAC 18A .0185	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97	*			
15A NCAC 18A .0187	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:22 NCR 1717	
15A NCAC 18A .0301	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97	*			
15A NCAC 18A .0421	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	

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15A NCAC 18A .0614	11:08 NCR 442		11:12 NCR 987	*	Approve Object	01/16/97 12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .0618	11:08 NCR 442		11:12 NCR 987	*	Approve Object	01/16/97 12/19/96			11:22 NCR 1717	
15A NCAC 18A .0621	11:08 NCR 442		11:12 NCR 987	*	Approve Object	01/16/97 12/19/96			11:22 NCR 1717	
15A NCAC 18A .0901	11:08 NCR 442		11:12 NCR 987	*	Approve Object	01/16/97 12/19/96			11:22 NCR 1717	
15A NCAC 18A .1301	11:08 NCR 442		11:12 NCR 987	*	Approve Object	01/16/97 12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .1319	11:08 NCR 442		11:12 NCR 987	*	Approve Object	01/16/97 12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .1937	11:19 NCR 1408	11:20 NCR 1561	12:02 NCR 61	*	Approve Object	01/16/97 10/16/97	*		11:22 NCR 1717	
15A NCAC 18A .1938	11:19 NCR 1408	11:20 NCR 1561	12:02 NCR 61	*	Approve Object	01/16/97 10/16/97	*		11:22 NCR 1717	
15A NCAC 18A .1958	11:19 NCR 1408	11:20 NCR 1561	12:02 NCR 61	*	Approve Object	01/16/97 10/16/97	*		11:22 NCR 1717	
15A NCAC 18A .1961	11:19 NCR 1408	11:20 NCR 1561	12:02 NCR 61	*	Approve Object	01/16/97 10/16/97	*		11:22 NCR 1717	
15A NCAC 18A .2301	12:03 NCR 168		12:07 NCR 519	*	Approve Object	11/20/97 10/16/97	*		12:11 NCR 947	
15A NCAC 18A .2302	12:03 NCR 168		12:07 NCR 519	*	Approve Object	11/20/97 10/16/97	*			
15A NCAC 18A .2303	12:03 NCR 168		12:07 NCR 519	*	Approve Object	11/20/97 10/16/97	*			
15A NCAC 18A .2304	12:03 NCR 168		12:07 NCR 519	*	Approve Object	11/20/97 10/16/97	*			
15A NCAC 18A .2305	12:03 NCR 168		12:07 NCR 519	*	Approve Object	11/20/97 10/16/97	*			
15A NCAC 18A .2306	12:03 NCR 168		12:07 NCR 519	*	Approve Object	11/20/97 10/16/97	*			
15A NCAC 18A .2307	12:03 NCR 168		12:07 NCR 519	*	Approve Object	11/20/97 10/16/97	*			
15A NCAC 18A .2308	12:03 NCR 168		12:07 NCR 519	*	Approve Object	11/20/97 10/16/97	*			
15A NCAC 18A .2309	12:03 NCR 168		12:07 NCR 519	*	Approve Object	11/20/97 10/16/97	*			
15A NCAC 18A .2310	12:03 NCR 168		12:07 NCR 519	*	Approve Object	11/20/97 10/16/97	*			
15A NCAC 18A .2508	12:08 NCR 614		12:07 NCR 519	*	Approve Object	11/20/97 10/16/97	*			
15A NCAC 18A .2513	12:08 NCR 614		12:07 NCR 519	*	Approve Object	11/20/97 10/16/97	*			
15A NCAC 18A .2515	12:08 NCR 614		12:07 NCR 519	*	Approve Object	11/20/97 10/16/97	*			
15A NCAC 18A .2517	12:08 NCR 614		12:07 NCR 519	*	Approve Object	11/20/97 10/16/97	*			
15A NCAC 18A .2518	12:08 NCR 614		12:07 NCR 519	*	Approve Object	11/20/97 10/16/97	*			
15A NCAC 18A .2522	12:08 NCR 614		12:07 NCR 519	*	Approve Object	11/20/97 10/16/97	*			



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15A NCAC 18A .2623	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2624	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2626	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2627	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2628	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2630	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2632	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2633	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2638	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2643	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .3101	12:11 NCR 920	12:12 NCR 1064								
15A NCAC 18A .3102	12:11 NCR 920	12:12 NCR 1064								
15A NCAC 18A .3103	12:11 NCR 920	12:12 NCR 1064								
15A NCAC 18A .3104	12:11 NCR 920	12:12 NCR 1064								
15A NCAC 18A .3105	12:11 NCR 920	12:12 NCR 1064								
15A NCAC 18A .3106	12:11 NCR 920	12:12 NCR 1064								
15A NCAC 18A .3107	12:11 NCR 920	12:12 NCR 1064								
15A NCAC 18A .3108	12:11 NCR 920	12:12 NCR 1064								
15A NCAC 18A .3109	12:11 NCR 920	12:12 NCR 1064								
15A NCAC 18A .3110	12:11 NCR 920	12:12 NCR 1064								
15A NCAC 18A .3111	12:11 NCR 920	12:12 NCR 1064								
15A NCAC 19A .0101	11:26 NCR 1976		12:02 NCR 61	S/L	Approve	10/16/97	*		12:11 NCR 947	
15A NCAC 19A .0101	12:02 NCR 52	12:02 NCR 88								
15A NCAC 19A .0102	11:26 NCR 1976		12:02 NCR 61	S/L	Approve	10/16/97	*		12:11 NCR 947	
15A NCAC 19A .0201	11:26 NCR 1976		12:02 NCR 61	*	Approve	10/16/97	*		12:11 NCR 947	
15A NCAC 19A .0203	11:21 NCR 1638		12:02 NCR 61	*	Approve	10/16/97	*		12:11 NCR 947	
15A NCAC 19A .0205	11:26 NCR 1976		12:02 NCR 61	*	Approve	10/16/97	*		12:11 NCR 947	
15A NCAC 19C .0800	12:10 NCR 866									
15A NCAC 19C .0801		12:01 NCR 31								
15A NCAC 19C .0802		12:01 NCR 31								

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15A NCAC 19C .0803		12:01 NCR 31								
15A NCAC 211 .0101		11:07 NCR 422	11:20 NCR 1552	*	Approve	04/17/97	*		11:29 NCR 2211	
15A NCAC 211 .0101		11:07 NCR 422	11:20 NCR 1552	*	Approve	04/17/97	*		11:29 NCR 2211	
15A NCAC 24A .0202		11:24 NCR 1827	12:02 NCR 61	S	Approve	10/16/97			12:11 NCR 947	
15A NCAC 24A .0202		12:01 NCR 31	12:07 NCR 519	S						
15A NCAC 26C .0001	11:19 NCR 1408									
15A NCAC 26C .0002	11:19 NCR 1408									
15A NCAC 26C .0003	11:19 NCR 1408									
15A NCAC 26C .0004	11:19 NCR 1408									
15A NCAC 26C .0005	11:19 NCR 1408									
15A NCAC 26C .0006	11:19 NCR 1408									
15A NCAC 26C .0007	11:19 NCR 1408									
<b>Marine Fisheries Commission</b>										
15A NCAC 03	11:11 NCR 881									
15A NCAC 03	11:20 NCR 1537									
15A NCAC 03	11:26 NCR 1985									
15A NCAC 031 .0101	11:26 NCR 1976		12:05 NCR 418	*						
15A NCAC 031 .0117	11:26 NCR 1976	11:26 NCR 2000	12:05 NCR 418	*						
15A NCAC 031 .0103	11:26 NCR 1976		12:05 NCR 418	*						
15A NCAC 031 .0104	11:26 NCR 1976		12:05 NCR 418	*						
15A NCAC 031 .0202	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 031 .0202	11:26 NCR 1976	12:12 NCR 1063	12:05 NCR 418	*						
15A NCAC 031 .0208	11:26 NCR 1976		12:12 NCR 1002	*						
15A NCAC 031 .0301	11:26 NCR 1976		12:05 NCR 418	*						
15A NCAC 031 .0102	11:07 NCR 407		12:05 NCR 418	*						
15A NCAC 03M .0204		11:14 NCR 1153	11:11 NCR 888	*						
15A NCAC 03M .0503		11:18 NCR 1383	11:18 NCR 1371	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 03M .0503	11:20 NCR 1537	12:05 NCR 431	11:26 NCR 1988	*	Approve	08/21/97			12:07 NCR 561	
15A NCAC 03M .0506		11:18 NCR 1383	12:05 NCR 418	*	Approve	08/21/97	*		12:07 NCR 561	



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15A NCAC 03M .0506	11:26 NCR 1976		12:05 NCR 418	*						
15A NCAC 03M .0507		11:11 NCR 938 Temp Expired	11:26 NCR 1988	*	Approve	08/21/97			12:07 NCR 561	
15A NCAC 03M .0513	11:26 NCR 1976		12:05 NCR 418	*						
15A NCAC 03M .0513	11:26 NCR 1985		12:12 NCR 1002	*						
15A NCAC 03M .0514		11:18 NCR 1383	11:26 NCR 1088	*	Approve	08/21/97			12:07 NCR 561	
15A NCAC 03O .0204	N/A	N/A	N/A		Approve	08/21/97			12:07 NCR 561	
15A NCAC 03O .0211	11:26 NCR 1976		12:05 NCR 418	*						
<b>Parks and Recreation Commission</b>										
15A NCAC 12K .0101	12:02 NCR 52		12:12 NCR 1046	*						
15A NCAC 12K .0103	12:02 NCR 52		12:12 NCR 1046	*						
15A NCAC 12K .0104	12:02 NCR 52		12:12 NCR 1046	*						
15A NCAC 12K .0105	12:02 NCR 52		12:12 NCR 1046	S						
15A NCAC 12K .0106	12:02 NCR 52		12:12 NCR 1046	*						
15A NCAC 12K .0107	12:02 NCR 52		12:12 NCR 1046	*						
15A NCAC 12K .0108	12:02 NCR 52		12:12 NCR 1046	*						
15A NCAC 12K .0109	12:02 NCR 52		12:12 NCR 1046	*						
15A NCAC 12K .0110	12:02 NCR 52		12:12 NCR 1046	*						
15A NCAC 12K .0111	12:02 NCR 52		12:12 NCR 1046	*						
<b>Radiation Protection</b>										
15A NCAC 11 .0104	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0117	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0301	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0339	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0340	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0353	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0358	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0401	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0402	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0403	12:04 NCR 240		12:09 NCR 749	*						

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15A NCAC 11 .0404	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0405	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0406	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0407	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0408	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0409	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0410	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0411	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0412	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0413	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0414	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0415	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0416	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0417	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0418	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0419	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0420	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0421	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0422	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0423	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0424	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0425	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0426	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0427	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0428	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .1100	12:04 NCR 240									
15A NCAC 11 .1400	12:04 NCR 240									
15A NCAC 11 .1601	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .1603	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .1611	12:04 NCR 240		12:09 NCR 749	*						

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15A NCAC 11.1620	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11.1647	12:04 NCR 240		12:09 NCR 749	*						
<b>Soil &amp; Water Conservation</b>										
15A NCAC 06E.0104	N/A	N/A	N/A		Object	10/16/97				
15A NCAC 06E.0105	N/A	N/A	N/A		Object	10/16/97				
15A NCAC 06E.0106	N/A	N/A	N/A		Approve	10/16/97			12:11 NCR 947	
15A NCAC 06E.0107	N/A	N/A	N/A		Approve	10/16/97			12:11 NCR 947	
15A NCAC 06E.0108	N/A	N/A	N/A		Approve	10/16/97			12:11 NCR 947	
<b>Water Pollution Control System Operators Certification Commission</b>										
15A NCAC 08A	11:26 NCR 1976									
15A NCAC 08B	11:26 NCR 1976									
15A NCAC 08C	11:26 NCR 1976									
15A NCAC 08D	11:26 NCR 1976									
15A NCAC 08E	11:26 NCR 1976									
15A NCAC 08F	11:26 NCR 1976									
15A NCAC 08F.0101	11:19 NCR 1442		11:28 NCR 2123	*	Approve	09/18/97	*		12:10 NCR 878	
15A NCAC 08F.0102	11:19 NCR 1442		11:28 NCR 2123	*	Withheld	09/18/97	*			
					Approve	11/20/97				
15A NCAC 08F.0201	11:19 NCR 1442		11:28 NCR 2123	S	Object	09/18/97	*			
					Approve	11/20/97			12:10 NCR 878	
15A NCAC 08F.0202	11:19 NCR 1442		11:28 NCR 2123	S	Object	09/18/97	*			
15A NCAC 08F.0203	11:19 NCR 1442		11:28 NCR 2123	S	Object	11/20/97	*			
					Approve	09/18/97			12:10 NCR 878	
15A NCAC 08F.0301	11:19 NCR 1442		11:28 NCR 2123	S	Object	11/20/97	*			
					Approve	09/18/97			12:10 NCR 878	
15A NCAC 08F.0401	11:19 NCR 1442		11:28 NCR 2123	*	Approve	09/18/97	*		12:10 NCR 878	
15A NCAC 08F.0402	11:19 NCR 1442		11:28 NCR 2123	S	Approve	09/18/97	*		12:10 NCR 878	
15A NCAC 08F.0403	11:19 NCR 1442		11:28 NCR 2123	S	Withheld	09/18/97	*			
					Approve	11/20/97				
					Approve	09/18/97			12:10 NCR 878	
15A NCAC 08F.0404	11:19 NCR 1442		11:28 NCR 2123	S	Approve	09/18/97	*		12:10 NCR 878	
15A NCAC 08F.0405	11:19 NCR 1442		11:28 NCR 2123	S	Approve	09/18/97	*		12:10 NCR 878	
15A NCAC 08F.0406	11:19 NCR 1442		11:28 NCR 2123	S	Approve	09/18/97	*		12:10 NCR 878	
15A NCAC 08F.0407	11:19 NCR 1442		11:28 NCR 2123	S	Approve	09/18/97	*		12:10 NCR 878	



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15A NCAC 08F .0501		11:19 NCR 1442	11:28 NCR 2123	*	Approve	09/18/97	*		12:10 NCR 878	
15A NCAC 08F .0502		11:19 NCR 1442	11:28 NCR 2123	S	Approve	09/18/97			12:10 NCR 878	
15A NCAC 08F .0503		11:19 NCR 1442	11:28 NCR 2123	S	Approve	09/18/97			12:10 NCR 878	
15A NCAC 08F .0504		11:19 NCR 1442	11:28 NCR 2123	S	Approve	09/18/97			12:10 NCR 878	
15A NCAC 08F .0505		11:19 NCR 1442	11:28 NCR 2123	S	Approve	09/18/97	*		12:10 NCR 878	
15A NCAC 08F .0506		11:19 NCR 1442	11:28 NCR 2123	*	Approve	09/18/97			12:10 NCR 878	
<b>Water Treatment Facility Certification Board</b>										
15A NCAC 18D .0105	10:18 NCR 2317		12:11 NCR 922	*						
15A NCAC 18D .0201	10:18 NCR 2317		12:11 NCR 922	S/L						
15A NCAC 18D .0307	10:18 NCR 2317		12:11 NCR 922	*						
15A NCAC 18D .0308	10:18 NCR 2317		12:11 NCR 922	S/L						
15A NCAC 18D .0309	10:18 NCR 2317		12:11 NCR 922	*						
15A NCAC 18D .0405	10:18 NCR 2317		12:11 NCR 922	*						
15A NCAC 18D .0701	10:18 NCR 2317		12:11 NCR 922	*						
<b>Wildlife Resources Commission</b>										
15A NCAC 10B .0100	12:06 NCR 445			*						
15A NCAC 10B .0111	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10B .0113	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10B .0115	11:11 NCR 882	Agency Withdrew Rule-making								
15A NCAC 10B .0116	11:12 NCR 959		11:18 NCR 1372	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 10B .0200	12:06 NCR 445			*						
15A NCAC 10B .0202	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10B .0203	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10B .0208	11:02 NCR 76		11:08 NCR 495	*	Agency Withdrew Rule-making					
15A NCAC 10B .0209	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10B .0216	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10B .0300	12:06 NCR 445									
15A NCAC 10B .0400	12:06 NCR 445									
15A NCAC 10C .0101	12:06 NCR 445									
15A NCAC 10C .0102	12:06 NCR 445									

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15A NCAC 10C .0103	12:06 NCR 445									
15A NCAC 10C .0104	12:06 NCR 445									
15A NCAC 10C .0105	12:06 NCR 445									
15A NCAC 10C .0106	12:06 NCR 445									
15A NCAC 10C .0107	11:02 NCR 76	Agency Withdrew Rule-making	12:12 NCR 1004	*						
15A NCAC 10C .0107	12:06 NCR 445									
15A NCAC 10C .0108	12:06 NCR 445									
15A NCAC 10C .0109	12:06 NCR 445									
15A NCAC 10C .0110	12:06 NCR 445									
15A NCAC 10C .0111	12:06 NCR 445									
15A NCAC 10C .0203	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10C .0205	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10C .0206	12:06 NCR 445									
15A NCAC 10C .0211	12:06 NCR 445									
15A NCAC 10C .0212	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10C .0215	12:06 NCR 445									
15A NCAC 10C .0302	12:06 NCR 445									
15A NCAC 10C .0304	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10C .0305	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10C .0401	11:02 NCR 76	Agency Withdrew Rule-making								
15A NCAC 10C .0401	11:07 NCR 408	Agency Withdrew Rule-making								
15A NCAC 10C .0401	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10C .0402	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10C .0404	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10C .0407	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10D .0001	12:06 NCR 445									
15A NCAC 10D .0002	11:02 NCR 76		11:08 NCR 495	*						Agency Withdrew Rule-making
15A NCAC 10D .0002	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10D .0003	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10D .0004	12:06 NCR 445		12:12 NCR 1004	*						

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15A NCAC 10E .0001	12:06 NCR 445									
15A NCAC 10E .0002	12:06 NCR 445									
15A NCAC 10E .0003	12:06 NCR 445									
15A NCAC 10E .0004	12:06 NCR 445									
15A NCAC 10F .0100	12:06 NCR 445									
15A NCAC 10F .0102	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10F .0103	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10F .0104	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10F .0105	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10F .0109	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10F .0300	11:01 NCR 13	Agency Withdrew Rule-making								
15A NCAC 10F .0302	11:05 NCR 272		11:14 NCR 1150	*	Approve	03/20/97	*		11:26 NCR 2004	
15A NCAC 10F .0305	12:10 NCR 865									
15A NCAC 10F .0307	11:08 NCR 451		11:14 NCR 1150	*	Approve	03/20/97	*		11:26 NCR 2004	
15A NCAC 10F .0308	11:21 NCR 1638		11:29 NCR 2206	*	Approve	09/18/97			12:10 NCR 878	
15A NCAC 10F .0311	12:01 NCR 5		12:07 NCR 517	*						
15A NCAC 10F .0311	12:11 NCR 920									
15A NCAC 10F .0317	11:13 NCR 1039		11:19 NCR 1427	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 10F .0317	12:11 NCR 920									
15A NCAC 10F .0318	12:06 NCR 445									
15A NCAC 10F .0327	11:14 NCR 1109		11:20 NCR 1551	*	Approve	04/17/97	*		11:29 NCR 2211	
15A NCAC 10F .0327	12:11 NCR 920		12:11 NCR 921	*						
15A NCAC 10F .0330	12:05 NCR 337		N/A	*	Approve	09/18/97			12:10 NCR 878	
15A NCAC 10F .0330	N/A	N/A								
15A NCAC 10F .0333	12:01 NCR 5		12:07 NCR 517	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 10F .0339	11:13 NCR 1039		11:19 NCR 1427	*	Approve	04/17/97			12:10 NCR 878	
15A NCAC 10F .0339	11:21 NCR 1638		11:29 NCR 2206	*	Approve	09/18/97				
15A NCAC 10F .0339	12:05 NCR 337		12:11 NCR 921	*						
15A NCAC 10F .0345	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10F .0347	12:06 NCR 445		12:12 NCR 1004	*						



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15A NCAC 10F .0355	11-25 NCR 1905	12-08 NCR 728	12-01 NCR 18	*	Approve	10/16/97			12-11 NCR 947	
15A NCAC 10F .0360	12-01 NCR 5		12-07 NCR 517	*						
15A NCAC 10F .0367	11-16 NCR 1269									
15A NCAC 10G	11-01 NCR 13	Agency Withdrew Rule-making								
15A NCAC 10G .0100	11-02 NCR 76	Agency Withdrew Rule-making								
15A NCAC 10G .0400	12-06 NCR 445									
15A NCAC 10G .0402	12-06 NCR 445			*						
15A NCAC 10G .0403	12-06 NCR 445		12-12 NCR 1004	*						
15A NCAC 10G .0404	12-06 NCR 445		12-12 NCR 1004	*						
15A NCAC 10H .0100	12-06 NCR 445		12-12 NCR 1004	*						
15A NCAC 10H .0300	12-06 NCR 445									
15A NCAC 10H .0800	12-06 NCR 445									
15A NCAC 10H .0900	12-06 NCR 445									
15A NCAC 10H .1000	12-06 NCR 445									
15A NCAC 10H .1100	12-06 NCR 445									
15A NCAC 10H .1200	12-06 NCR 445									
15A NCAC 10I .0001	12-06 NCR 445									
15A NCAC 10I .0002	12-06 NCR 445									
15A NCAC 10I .0003	12-06 NCR 445									
15A NCAC 10I .0004	12-06 NCR 445									
15A NCAC 10I .0005	12-06 NCR 445									
15A NCAC 10J .0001	12-06 NCR 445									
15A NCAC 10J .0002	12-06 NCR 445									
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 21 NCAC 12 .0204 11:28 NCR 2117  
 21 NCAC 12 .0503 11:28 NCR 2117  
 21 NCAC 12 .0504 11:28 NCR 2117  
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 21 NCAC 12 .0902 11:28 NCR 2117  
 21 NCAC 12 .0903 11:28 NCR 2117  
 21 NCAC 12 .0904 11:28 NCR 2117  
 21 NCAC 12 .0905 11:28 NCR 2117  
 21 NCAC 12 .0906 11:28 NCR 2117  
 21 NCAC 12 .0907 11:28 NCR 2117  
 21 NCAC 12 .0908 11:28 NCR 2117  
 21 NCAC 12 .0909 11:28 NCR 2117  
 21 NCAC 12 .0910 11:28 NCR 2117  
 21 NCAC 12 .0911 11:28 NCR 2117  
 21 NCAC 12 .0912 11:28 NCR 2117

12:07 NCR 524  
 12:04 NCR 292  
 12:04 NCR 292  
 12:04 NCR 292  
 12:04 NCR 292  
 12:04 NCR 292

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## GOVERNOR'S EXECUTIVE ORDERS

Number 112 - Eff. 05/22/97  
 Number 113 - Eff. 06/12/97  
 Number 114 - Eff. 06/26/97  
 Number 115 - Eff. 07/03/97  
 Number 116 - Eff. 07/21/97  
 Number 117 - Eff. 09/07/97  
 Number 118 - Eff. 09/15/97  
 Number 119 - Eff. 10/01/97

12:01 NCR 1  
 12:01 NCR 1  
 12:03 NCR 110  
 12:03 NCR 110  
 12:04 NCR 227  
 12:07 NCR 505  
 12:08 NCR 612  
 12:08 NCR 612

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Number 120 - Eff. 10/22/97

## HOUSING FINANCE AGENCY

24 NCAC 01P .0101		11:14 NCR 1154	11:28 NCR 2132	S	Approve	07/17/97			12:04 NCR 317	
24 NCAC 01P .0102		11:14 NCR 1154	11:28 NCR 2132	S	Approve	07/17/97			12:04 NCR 317	
24 NCAC 01P .0103		11:14 NCR 1154	11:28 NCR 2132	S	Object	07/17/97				
24 NCAC 01P .0201		11:14 NCR 1154	11:28 NCR 2132	S	Approve	08/21/97	*		12:07 NCR 561	
24 NCAC 01P .0202		11:14 NCR 1154	11:28 NCR 2132	S	Approve	07/17/97	*		12:04 NCR 317	
24 NCAC 01P .0203		11:14 NCR 1154	11:28 NCR 2132	S	Approve	07/17/97	*		12:04 NCR 317	
					Approve	07/17/97			12:04 NCR 317	

12:11 NCR 917

## HEALTH AND HUMAN SERVICES

10 NCAC 01B .0501	11:23 NCR 1779		12:09 NCR 747	*						
10 NCAC 01B .0502	11:23 NCR 1779		12:09 NCR 747	*						

Aging

10 NCAC 22	10:23 NCR 2956									
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## Child Day Care Commission

10 NCAC 03U	12:08 NCR 617									
10 NCAC 03U .0302	11:24 NCR 1817									
10 NCAC 03U .0506	11:24 NCR 1817									
10 NCAC 03U .0509	11:24 NCR 1817									
10 NCAC 03U .0601	11:24 NCR 1817									
10 NCAC 03U .0602	11:24 NCR 1817	12:08 NCR 710								
10 NCAC 03U .0604	11:03 NCR 109		11:09 NCR 571	*	Approve	03/20/97			11:26 NCR 2004	
10 NCAC 03U .0604	11:24 NCR 1817	12:08 NCR 710								
10 NCAC 03U .0605	11:24 NCR 1817	12:08 NCR 710								
10 NCAC 03U .0700	11:08 NCR 449									
10 NCAC 03U .0705	11:14 NCR 1108		11:27 NCR 2054	*						
10 NCAC 03U .0705	11:24 NCR 1817	12:08 NCR 710								
10 NCAC 03U .0707	11:08 NCR 449		11:17 NCR 1338	*	Object	03/20/97	*		11:29 NCR 2211	
					Approve	04/17/97				
10 NCAC 03U .0714	11:24 NCR 1817									
10 NCAC 03U .0802	11:24 NCR 1817									
10 NCAC 03U .0803	11:24 NCR 1817									



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					Action	Date				
10 NCAC 03U .0901	11:08 NCR 449		11:17 NCR 1338	*						
10 NCAC 03U .1402	11:24 NCR 1817									
10 NCAC 03U .1403	11:24 NCR 1817									
10 NCAC 03U .1717	11:14 NCR 1108		11:27 NCR 2054	*						
10 NCAC 03U .1717	11:24 NCR 1817									
10 NCAC 03U .2500	11:29 NCR 2181									
10 NCAC 03U .2510	11:08 NCR 449									
10 NCAC 03U .2603	11:24 NCR 1817									
10 NCAC 03U .2606	11:08 NCR 449									
10 NCAC 03U .2610	11:24 NCR 1817									
10 NCAC 03U .2611	11:24 NCR 1817									
<b>Facility Services</b>										
Public Notice - Draft 1998 State Medical Facilities Plan										
Abbreviated Notice of Temporary Rule-making										
10 NCAC 03	10:18 NCR 2399									12:01 NCR 2
10 NCAC 03R .0214	12:08 NCR 617									12:06 NCR 443
10 NCAC 03R .3000	11:23 NCR 1780									
10 NCAC 03R .3001	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3002		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3020	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
					Object	11/21/96	*			
					Approve	03/20/97	*		11:26 NCR 2004	
10 NCAC 03R .3030	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3030		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	10/17/96				11:11 NCR 888
					Object	11/21/96	*			
					Approve	03/20/97	*		11:26 NCR 2004	
					Extend Review	03/20/97	*		12:07 NCR 561	
					Approve	08/21/97	*		12:10 NCR 878	
10 NCAC 03R .3031	11:23 NCR 1780									
10 NCAC 03R .3032	10:23 NCR 2956		11:06 NCR 328	S/L/SE	Object	01/16/97				
10 NCAC 03R .3033		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Extend Review	03/20/97				
					Approve	08/21/97	*		12:07 NCR 561	

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					Action	Date				
10 NCAC 03R .3034		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3035		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Return to agency	03/20/97				
10 NCAC 03R .3036		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3037		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Return to agency	03/20/97				
10 NCAC 03R .3038		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3040		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Return to agency	03/20/97				
10 NCAC 03R .3040	10:23 NCR 2956		11:06 NCR 328	S/L/SE	Object	01/16/97				
10 NCAC 03R .3050	10:23 NCR 2956		11:06 NCR 328	S/L/SE	Return to agency	03/20/97				
10 NCAC 03R .3051		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3052		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3053		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3053		11:22 NCR 1713								
10 NCAC 03R .3053		12:06 NCR 481								
10 NCAC 03R .3054		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3055		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3056		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3057		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3058		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3059		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3060		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3060		12:06 NCR 481		*	Approve	11/20/97	*			
10 NCAC 03R .3061		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97	*			
10 NCAC 03R .3061		12:06 NCR 481		*	Approve	11/20/97	*			
10 NCAC 03R .3062		11:21 NCR 1655	12:04 NCR 246	*	Withdrawn by agcy	11/97				
10 NCAC 03R .3062		12:06 NCR 481		*	Withdrawn by agcy	11/97				
10 NCAC 03R .3063		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97	*			
10 NCAC 03R .3063		12:06 NCR 481		*	Withdrawn by agcy	11/97				
10 NCAC 03R .3064		11:21 NCR 1655	12:04 NCR 246	*	Withdrawn by agcy	11/97				
10 NCAC 03R .3064		12:06 NCR 481		*	Withdrawn by agcy	11/97				

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					Action	Date				
10 NCAC 03R .3065		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97	*			
10 NCAC 03R .3065		12:06 NCR 481								
10 NCAC 03R .3066		11:21 NCR 1655	12:04 NCR 246	*	Withdrawn by agcy 11/97					
10 NCAC 03R .3066		12:06 NCR 481			Withdrawn by agcy 11/97					
10 NCAC 03R .3067		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3068		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3069		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3070		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3071		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3072		11:21 NCR 1655	12:04 NCR 246	S/L/SE	Approve	11/20/97				
10 NCAC 03R .3072		12:06 NCR 481								
10 NCAC 03R .3073		11:21 NCR 1655	12:04 NCR 246	S/L/SE	<b>Object</b>	11/20/97				
10 NCAC 03R .3074		11:21 NCR 1655	12:04 NCR 246	S/L/SE	<b>Object</b>	11/20/97				
10 NCAC 03R .3075		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3076		11:21 NCR 1655	12:04 NCR 246	S/L/SE	Approve	11/20/97				
10 NCAC 03R .3077		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3078		11:21 NCR 1655	12:04 NCR 246	S/L/SE	Approve	11/20/97				
10 NCAC 03R .3079		11:21 NCR 1655	12:04 NCR 246	S/L/SE	Approve	11/20/97				
10 NCAC 03R .3080		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3081		11:21 NCR 1655	12:04 NCR 246	*	<b>Object</b>	11/20/97				
10 NCAC 03R .3082		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3083		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3084		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3085		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3086		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3087		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .3088		11:21 NCR 1655	12:04 NCR 246	*	Approve	11/20/97				
10 NCAC 03R .6001	11:22 NCR 1704									

## Medical Assistance

Medicaid Disproportionate Share List



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					Action	Date				
10 NCAC 26B .0113	10-16 NCR 1721		11-28 NCR 2118	S/L	Agency withdrew	09/18/97				
10 NCAC 26B .0123		11-19 NCR 1436	11-24 NCR 1824	*	Approve	10/16/97	*		12-11 NCR 947	
10 NCAC 26D .0110	12-06 NCR 444				Approve	06/19/97	*		12-03 NCR 213	
10 NCAC 26G .0707	11-08 NCR 450	11-15 NCR 1205	11-18 NCR 1371	*	Approve	04/17/97			11-29 NCR 2211	
10 NCAC 26H .0101	11-14 NCR 1108									
10 NCAC 26H .0102	11-14 NCR 1108									
10 NCAC 26H .0102	12-09 NCR 743									
10 NCAC 26H .0104	11-16 NCR 1268		11-23 NCR 1781	S/L	Approve	05/15/97	*		11-30 NCR 2314	
10 NCAC 26H .0211	12-09 NCR 743									
10 NCAC 26H .0212		11-15 NCR 1205	Temp Expired							
10 NCAC 26H .0212		12-09 NCR 827								
10 NCAC 26H .0213		11-15 NCR 1205	Temp Expired							
10 NCAC 26H .0213	11-18 NCR 1368		12-07 NCR 511	S/SE						
10 NCAC 26H .0213		11-26 NCR 1997								
10 NCAC 26H .0213		12-09 NCR 827								
10 NCAC 26H .0401	12-08 NCR 618									
10 NCAC 26H .0506	10-21 NCR 2686									
10 NCAC 26H .0506		11-19 NCR 1438	11-29 NCR 2205	S/L/SE	Approve	09/18/97	*		12-10 NCR 878	
10 NCAC 26H .0602		12-04 NCR 313								
10 NCAC 26K .0106	12-05 NCR 337									
10 NCAC 26K .0106	12-06 NCR 444									
10 NCAC 26M .0201	12-06 NCR 444									
10 NCAC 26M .0202	12-06 NCR 444									
10 NCAC 26M .0203	12-05 NCR 337									
10 NCAC 26M .0203	12-06 NCR 444									
10 NCAC 26M .0204	12-06 NCR 444									
10 NCAC 50A .0604	12-06 NCR 444									
10 NCAC 50B .0202		11-10 NCR 841	11-28 NCR 2118	*	Approve	07/17/97	*		12-04 NCR 317	
10 NCAC 50B .0202	12-06 NCR 444									

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10 NCAC 50B .0404		11:10 NCR 841	11:28 NCR 2118	L	Approve	07/17/97			12:04 NCR 317	
10 NCAC 50B .0409		11:10 NCR 841	11:28 NCR 2118	*	Approve	07/17/97			12:04 NCR 317	
10 NCAC 50D .0101	10:24 NCR 3057	11:04 NCR 196	Temp Expired							
10 NCAC 50D .0102	10:24 NCR 3057	11:04 NCR 196	Temp Expired							
10 NCAC 50D .0103	10:24 NCR 3057	11:04 NCR 196	Temp Expired							
10 NCAC 50D .0201	10:24 NCR 3057	11:04 NCR 196	Temp Expired							
10 NCAC 50D .0301	10:24 NCR 3057	11:04 NCR 196	Temp Expired							
10 NCAC 50D .0302	10:24 NCR 3057	11:04 NCR 196	Temp Expired							
10 NCAC 50D .0401	10:24 NCR 3057	11:04 NCR 196	Temp Expired							
10 NCAC 50D .0402	10:24 NCR 3057	11:04 NCR 196	Temp Expired							
10 NCAC 50D .0501	10:24 NCR 3057	11:04 NCR 196	Temp Expired							
10 NCAC 50D .0502	10:24 NCR 3057	11:04 NCR 196	Temp Expired							
10 NCAC 50D .0503	10:24 NCR 3057	11:04 NCR 196	Temp Expired							
<b>Medical Care Commission</b>										
10 NCAC 03B	11:16 NCR 1268									
10 NCAC 03B .1001		11:20 NCR 1560	11:29 NCR 2187	*	Approve	10/16/97	*		12:11 NCR 947	
10 NCAC 03B .1002		11:20 NCR 1560	11:29 NCR 2187	*	Approve	10/16/97	*		12:11 NCR 947	
10 NCAC 03C .3707	11:20 NCR 1534		11:29 NCR 2187	*	Approve	10/16/97			12:11 NCR 947	
10 NCAC 03D .0801	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0802	11:23 NCR 1779		12:05 NCR 339	S/L						
10 NCAC 03D .0803	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0806	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0901	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0902	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0904	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0905	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0907	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0908	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0909	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0911	11:23 NCR 1779		12:05 NCR 339	*						

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10 NCAC 03D .0913	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0915	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0916	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0917	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0918	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0919	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0920	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0921	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0922	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0923	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0924	11:23 NCR 1779		12:05 NCR 339	S/L						
10 NCAC 03D .0925	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0926	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .1001	11:23 NCR 1779		12:05 NCR 339	S/L						
10 NCAC 03D .1002	11:23 NCR 1779		12:05 NCR 339	S/L						
10 NCAC 03D .1003	11:23 NCR 1779		12:05 NCR 339	S/L						
10 NCAC 03D .1004	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .1103	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .1202	11:23 NCR 1779		12:05 NCR 339	S/L						
10 NCAC 03D .1203	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .1204	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .1205	11:23 NCR 1779		12:05 NCR 339	S/L						
10 NCAC 03D .1206	11:23 NCR 1779		12:05 NCR 339	S/L						
10 NCAC 03D .1301	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .1302	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .1401	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .1403	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .1500	11:23 NCR 1779									
10 NCAC 03D .2001	10:18 NCR 2399		11:29 NCR 2187	*	Object Approve	10/16/97 11/20/97	*			



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10 NCAC 03D 2101	10:18 NCR 2399		11:29 NCR 2187	*	Object	10/16/97				
10 NCAC 03D 2102	10:18 NCR 2399		11:29 NCR 2187	*	Approve	11/20/97	*			
10 NCAC 03D 2103	10:18 NCR 2399		11:29 NCR 2187	*	Object	10/16/97	*			
10 NCAC 03D 2104	10:18 NCR 2399		11:29 NCR 2187	*	Approve	11/20/97	*		12:11 NCR 947	
10 NCAC 03D 2105	10:18 NCR 2399		11:29 NCR 2187	*	Approve	10/16/97	*		12:11 NCR 947	
10 NCAC 03D 2106	10:18 NCR 2399		11:29 NCR 2187	*	Object	10/16/97	*			
10 NCAC 03D 2201	10:18 NCR 2399		11:29 NCR 2187	*	Approve	11/20/97	*			
10 NCAC 03D 2202	10:18 NCR 2399		11:29 NCR 2187	*	Object	10/16/97	*			
10 NCAC 03D 2203	10:18 NCR 2399		11:29 NCR 2187	*	Approve	11/20/97	*			
10 NCAC 03D 2301	10:18 NCR 2399		11:29 NCR 2187	*	Object	10/16/97	*			
10 NCAC 03D 2302	10:18 NCR 2399		11:29 NCR 2187	*	Approve	11/20/97	*			
10 NCAC 03D 2303	10:18 NCR 2399		11:29 NCR 2187	*	Object	10/16/97	*			
10 NCAC 03D 2401	10:18 NCR 2399		11:29 NCR 2187	*	Approve	10/16/97	*		12:11 NCR 947	
10 NCAC 03M 0105	11:23 NCR 1779		12:06 NCR 459	*	Approve	11/20/97	*		12:11 NCR 947	
10 NCAC 03M 0205	11:23 NCR 1779		12:06 NCR 459	*	Approve	10/16/97	*		12:11 NCR 947	
<b>Mental Health, Developmental Disabilities and Substance Abuse Services</b>										
10 NCAC 14G 0102		12:12 NCR 1060								
10 NCAC 14V 3402	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
10 NCAC 14V 3803	11:08 NCR 449		11:24 NCR 1822	*	Approve	05/15/97	*		11:30 NCR 2314	
10 NCAC 14V 5602	11:08 NCR 449		11:24 NCR 1822	*	Withdrawn	01/16/97	*		11:30 NCR 2314	
10 NCAC 15A 0128	11:08 NCR 449		11:24 NCR 1822	*	Approve	05/15/97	*		11:30 NCR 2314	
10 NCAC 15A 0129	11:08 NCR 449		11:24 NCR 1822	*	Withdrawn	01/16/97	*		11:30 NCR 2314	
10 NCAC 18W 0201	10:15 NCR 1478		11:14 NCR 1124	S	Approve	05/15/97	*		11:30 NCR 2314	
10 NCAC 18W 0202	10:15 NCR 1478		11:14 NCR 1124	S	Object	02/20/97	*		11:30 NCR 2314	
10 NCAC 18W 0203	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*		11:30 NCR 2314	

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					Action	Date				
10 NCAC 18W .0204	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0205	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97				
10 NCAC 18W .0206	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 18W .0207	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0208	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0209	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0210	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0211	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
10 NCAC 18W .0212	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 18W .0213	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0214	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0215	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
10 NCAC 18W .0216	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 18W .0217	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
10 NCAC 18W .0218	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 18W .0219	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 4511 .0200	11:08 NCR 449		11:14 NCR 1124	S	Object	01/16/97	*			
10 NCAC 4511 .0203	11:08 NCR 449	11:29 NCR 2208	11:29 NCR 2208	*						
<b>Secretary of Human Resources</b>										
10 NCAC 14V .7006		12:01 NCR 31	12:07 NCR 511	*						
10 NCAC 14V .7101	11:30 NCR 2300		12:06 NCR 459	*						
10 NCAC 14V .7102	11:30 NCR 2300		12:06 NCR 459	*						
10 NCAC 14V .7103	11:30 NCR 2300		12:06 NCR 459	S						
10 NCAC 14V .7104	11:30 NCR 2300		12:06 NCR 459	S						
10 NCAC 14V .7105	11:30 NCR 2300		12:06 NCR 459	S						
<b>Social Services Commission</b>										
10 NCAC 24A .0508	12:12 NCR 993									
10 NCAC 30 .0207	12:11 NCR 919									

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					Action	Date				
10 NCAC 35E .0101		11:16 NCR 1288	11:30 NCR 2301	*	Approve	08/21/97	*		12:07 NCR 561	
10 NCAC 35E .0105		11:16 NCR 1288	11:30 NCR 2301	*	Approve	08/21/97	*		12:07 NCR 561	
10 NCAC 35E .0106		11:16 NCR 1288	11:30 NCR 2301	*	Approve	08/21/97	*		12:07 NCR 561	
10 NCAC 35E .0308		11:16 NCR 1288	11:30 NCR 2301	*	Approve	08/21/97	*		12:07 NCR 561	
10 NCAC 41A .0007		12:11 NCR 938								
10 NCAC 41E	12:11 NCR 919									
10 NCAC 41F .0707		12:11 NCR 938								
10 NCAC 41F .0813		12:11 NCR 938								
10 NCAC 41G	12:11 NCR 919									
10 NCAC 41I .0100	10:17 NCR 2228									
10 NCAC 41I .0102	10:17 NCR 2228		10:21 NCR 2687	*						
10 NCAC 42J .0001		11:16 NCR 1288	11:30 NCR 2301	*	Approve	08/21/97	*		12:07 NCR 561	
10 NCAC 42J .0004		11:16 NCR 1288	11:30 NCR 2301	*	Approve	08/21/97			12:07 NCR 561	
10 NCAC 42J .0005		11:16 NCR 1288	11:30 NCR 2301	*	Object	08/21/97	*		12:10 NCR 878	
10 NCAC 42R .0201	12:11 NCR 919									
10 NCAC 47A .0502		12:11 NCR 938								
10 NCAC 47B .0102		12:11 NCR 938								
10 NCAC 47B .0303		12:11 NCR 938								
10 NCAC 47B .0304		12:11 NCR 938								
10 NCAC 47B .0305		12:11 NCR 938								
10 NCAC 47B .0403		12:11 NCR 938								
<b>Vocational Rehabilitation Services</b>										
10 NCAC 20C .0200	12:08 NCR 618									
10 NCAC 20C .0600	12:08 NCR 618									
<b>INSURANCE</b>										
11 NCAC 06	12:09 NCR 744									
11 NCAC 10	12:09 NCR 744									
11 NCAC 10 .0602		11:15 NCR 1223	11:19 NCR 1426	*	Approve	03/20/97	*		11:26 NCR 2004	
11 NCAC 10 .0603		11:15 NCR 1223	11:19 NCR 1426	*	Approve	03/20/97	*		11:26 NCR 2004	



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					Action	Date				
11 NCAC 10 .0606		11:15 NCR 1223	11:19 NCR 1426	*	Approve	03/20/97	*		11:26 NCR 2004	
11 NCAC 11	12:09 NCR 744									
11 NCAC 12	12:09 NCR 744									
11 NCAC 12 .1801		12:11 NCR 942								
11 NCAC 12 .1802		12:11 NCR 942								
11 NCAC 12 .1803		12:11 NCR 942								
11 NCAC 12 .1804		12:11 NCR 942								
11 NCAC 13	12:09 NCR 744									
11 NCAC 14	12:09 NCR 744									
11 NCAC 15	12:09 NCR 744									
11 NCAC 16	12:09 NCR 744									
11 NCAC 17	12:09 NCR 744									
11 NCAC 19	12:09 NCR 744									
11 NCAC 20	12:09 NCR 744									
11 NCAC 21	12:09 NCR 744									
<b>Fire and Rescue Commission</b>										
11 NCAC 05	12:09 NCR 744									11:27 NCR 2049
<b>Home Inspector Licensure Board</b>										
<b>Home Inspector Licensure Board</b>										
11 NCAC 08	12:09 NCR 744									
11 NCAC 08 .1000	12:09 NCR 744									
11 NCAC 08 .1001		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97	06/19/97			12:03 NCR 213	Temp Filed over obj
11 NCAC 08 .1002		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97	06/19/97			12:03 NCR 213	Temp Filed over obj
11 NCAC 08 .1003		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97	06/19/97			12:03 NCR 213	Temp Filed over obj
11 NCAC 08 .1004		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97	06/19/97			12:03 NCR 213	Temp Filed over obj
11 NCAC 08 .1005		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97	06/19/97	*		12:03 NCR 213	Temp Filed over obj
11 NCAC 08 .1006		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97	06/19/97			12:03 NCR 213	Temp Filed over obj
11 NCAC 08 .1007		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97	06/19/97			12:03 NCR 213	Temp Filed over obj

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					Action	Date				
11 NCAC 08 .1203		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw 03/97	06/19/97			12:03 NCR 213	Temp Filed over obj
11 NCAC 08 .1204		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw 03/97	06/19/97			12:03 NCR 213	Temp Filed over obj
11 NCAC 08 .1205		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw 03/97	06/19/97			12:03 NCR 213	Temp Filed over obj
11 NCAC 08 .1206		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw 03/97	06/19/97			12:03 NCR 213	Temp Filed over obj
11 NCAC 08 .1207		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw 03/97	06/19/97			12:03 NCR 213	Temp Filed over obj
11 NCAC 08 .1208		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw 03/97	06/19/97			12:03 NCR 213	Temp Filed over obj
11 NCAC 08 .1209		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw 03/97	06/19/97			12:03 NCR 213	Temp Filed over obj
<b>JUSTICE</b>										
<b>Alarm Systems Licensing Board</b>										
12 NCAC 11	11:30 NCR 2300									
12 NCAC 11 .0202	10:24 NCR 3057		11:14 NCR 1136	*	Tabled	06/19/97			12:07 NCR 561	
					Approve	08/21/97				
12 NCAC 11 .0204	12:12 NCR 993									
12 NCAC 11 .0210	12:08 NCR 618									
<b>Criminal Justice Education and Training Standards Commission</b>										
12 NCAC 09A .0103	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09B .0102	11:14 NCR 1109		11:20 NCR 1539	*	Object	04/17/97				
12 NCAC 09B .0111	11:14 NCR 1109		11:20 NCR 1539	*	Approve	05/15/97	*		11:30 NCR 2314	
12 NCAC 09B .0206	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09B .0224	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09B .0225	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09B .0409	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0304	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0307	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0309	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97	*		11:29 NCR 2211	
12 NCAC 09C .0601	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0602	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	



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12 NCAC 09C .0603	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0604	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0605	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0606	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0607	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0608	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
<b>Private Protective Services Board</b>										
12 NCAC 07D .110	11:10 NCR 818									
12 NCAC 07D .116	11:16 NCR 1268									
12 NCAC 07D .0100	11:16 NCR 1268									
12 NCAC 07D .0104	11:16 NCR 1268		12:09 NCR 748	*						
12 NCAC 07D .0201	11:10 NCR 818		12:08 NCR 622	*						
12 NCAC 07D .0204	11:14 NCR 1108		12:08 NCR 622	*						
12 NCAC 07D .0504	11:10 NCR 818		12:08 NCR 622	*						
12 NCAC 07D .0701	11:10 NCR 818		12:08 NCR 622	*						
12 NCAC 07D .0801	11:10 NCR 818		12:08 NCR 622	*						
12 NCAC 07D .0902	11:10 NCR 818		12:08 NCR 622	*						
12 NCAC 07D .1106	11:14 NCR 1108		12:08 NCR 622	*						
<b>Sheriffs' Education and Training Standards Commission</b>										
12 NCAC 10B .0101	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0103	12:07 NCR 508		12:12 NCR 995	*						
12 NCAC 10B .0107	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0202	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0204	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0206	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0304	12:04 NCR 242		12:08 NCR 624	L						
12 NCAC 10B .0401	12:07 NCR 508		12:12 NCR 995	S/L						
12 NCAC 10B .0402	12:07 NCR 508		12:12 NCR 995	*						
12 NCAC 10B .0403	12:07 NCR 508		12:12 NCR 995	*						
12 NCAC 10B .0406	12:07 NCR 508		12:12 NCR 995	*						

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12 NCAC 10B .0407	12:07 NCR 508		12:12 NCR 995	*						
12 NCAC 10B .0408	12:07 NCR 508		12:12 NCR 995	*						
12 NCAC 10B .0409	12:07 NCR 508		12:12 NCR 995	*						
12 NCAC 10B .0505	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0601	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0603	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0605	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0701	12:07 NCR 508		12:12 NCR 995	*						
12 NCAC 10B .0702	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0702	12:07 NCR 508		12:12 NCR 995	*						
12 NCAC 10B .0703	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0704	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0705	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0706	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0707	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0801	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0802	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0903	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0908	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0909	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0910	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0911	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .1002	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .1004	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .1005	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .1006	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .1101	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .1101	12:07 NCR 508		12:08 NCR 624	*						
12 NCAC 10B .1102	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .1102	12:07 NCR 508		12:08 NCR 624	*						

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					Action	Date				
12 NCAC 10B .1103	12-04 NCR 242		12-08 NCR 624	*						
12 NCAC 10B .1103	12-07 NCR 508									
12 NCAC 10B .1104	12-04 NCR 242		12-08 NCR 624	*						
12 NCAC 10B .1104	12-07 NCR 508									
12 NCAC 10B .1105	12-04 NCR 242		12-08 NCR 624	*						
12 NCAC 10B .1202	12-04 NCR 242		12-08 NCR 624	*						
12 NCAC 10B .1204	12-04 NCR 242		12-08 NCR 624	*						
12 NCAC 10B .1205	12-04 NCR 242		12-08 NCR 624	*						
12 NCAC 10B .1206	12-04 NCR 242		12-08 NCR 624	*						
12 NCAC 10B .1301	12-07 NCR 508		12-12 NCR 995	*						
12 NCAC 10B .1302	12-07 NCR 508		12-12 NCR 995	S						
12 NCAC 10B .1303	12-07 NCR 508		12-12 NCR 995	S						
12 NCAC 10B .1304	12-07 NCR 508		12-12 NCR 995	S						
12 NCAC 10B .2002	12-07 NCR 508		12-12 NCR 995	*						
12 NCAC 10B .2101	12-07 NCR 508		12-12 NCR 995	*						
12 NCAC 10B .2102	12-07 NCR 508		12-12 NCR 995	*						
12 NCAC 10B .2104	12-07 NCR 508		12-12 NCR 995	*						
12 NCAC 10B .2105	12-07 NCR 508		12-12 NCR 995	*						
<b>State Bureau of Investigation/Division of Criminal Information</b>										
12 NCAC 04E .0103	11-11 NCR 881		11-17 NCR 1339	*	Approve	05/15/97			11-30 NCR 2314	
12 NCAC 04E .0104	11-17 NCR 1336		11-22 NCR 1710	*	Approve	07/17/97	*		12-04 NCR 317	
12 NCAC 04E .0401	11-17 NCR 1336		11-22 NCR 1710	*	Approve	07/17/97			12-04 NCR 317	
12 NCAC 04E .0404	11-17 NCR 1336		11-22 NCR 1710	*	Approve	07/17/97	*		12-04 NCR 317	
12 NCAC 04E .0405	11-17 NCR 1336		11-22 NCR 1710	*	Approve	07/17/97	*		12-04 NCR 317	

## **LABOR**

### **Boiler & Pressure Vessel**

13 NCAC 13 .0213

11-25 NCR 1918

### **Occupational Safety and Health**

\* Verbatim Adoption Federal Standards



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*13 NCAC 07F .0101										12:08 NCR 613
*13 NCAC 07F .0501										12:08 NCR 613
*13 NCAC 07F .0502										12:08 NCR 613
13 NCAC 07A .0302	11:26 NCR 1984		12:03 NCR 170	*	Approve	11/20/97	*			
13 NCAC 07A .0708	11:26 NCR 1984		12:03 NCR 170	*	Approve	11/20/97	*			
13 NCAC 07A .0900	11:11 NCR 881									
13 NCAC 07F	11:03 NCR 106									
13 NCAC 07F .0101	11:24 NCR 1817		12:05 NCR 354	*	Approve	11/20/97	*			
13 NCAC 07F .0101	11:26 NCR 1984		12:03 NCR 170	*						
13 NCAC 07F .0102	11:26 NCR 1984		12:03 NCR 170	*	Approve	11/20/97				
13 NCAC 07F .0201	11:03 NCR 106									
13 NCAC 07F .0201	11:09 NCR 568									
13 NCAC 07F .0201	11:24 NCR 1817		12:02 NCR 60	*	Approve	11/20/97	*			
13 NCAC 07F .0201	11:26 NCR 1984		12:03 NCR 170	*						
13 NCAC 07F .0301	11:03 NCR 106									
13 NCAC 07F .0301	11:26 NCR 1984		12:03 NCR 170	*	Approve	11/20/97	*			
13 NCAC 07F .0426	11:26 NCR 1984		12:03 NCR 170	*	Approve	11/20/97	*			
13 NCAC 07F .0501	11:26 NCR 1984		12:03 NCR 170	*	Approve	11/20/97	*			
13 NCAC 07F .0502	11:26 NCR 1984		12:03 NCR 170	*	Approve	11/20/97	*			
13 NCAC 16 .0101	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0102	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0103	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0201	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0202	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0203	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0204	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0205	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0206	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0207	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0208	11:26 NCR 1984		12:05 NCR 412	*						

republished 11:24 NCR 1817

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13 NCAC 16 .0301	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0302	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0303	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0401	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0402	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0501	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0502	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0601	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0602	11:26 NCR 1984		12:05 NCR 412	*						
<b>LANDSCAPE ARCHITECTS, BOARD OF</b>										
21 NCAC 26 .0104		12:08 NCR 730								
21 NCAC 26 .0105		12:08 NCR 730								
21 NCAC 26 .0302		12:08 NCR 730								
21 NCAC 26 .0506		12:08 NCR 730								
21 NCAC 26 .0507		12:08 NCR 730								
21 NCAC 26 .0508		12:08 NCR 730								
21 NCAC 26 .0509		12:08 NCR 730								
<b>MEDICAL BOARD</b>										
21 NCAC 32B	11:18 NCR 1369									
21 NCAC 32B	12:04 NCR 245									
21 NCAC 32F .0103		11:18 NCR 1386 Temp Expired	12:04 NCR 294	*						
21 NCAC 32H .0102	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0201	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0202	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0203	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0301	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0302	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0303	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0401	11:26 NCR 1986		12:04 NCR 294	*						

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21 NCAC 32H .0402	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0402		12:04 NCR 314								
21 NCAC 32H .0403	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0404	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0405	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0406	11:26 NCR 1986		12:04 NCR 294	L						
21 NCAC 32H .0407	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0408	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0409	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0501	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0502	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0503	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0504	11:26 NCR 1986		12:04 NCR 294	L						
21 NCAC 32H .0505	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0506	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0507	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0508	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0601	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0602	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0801	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0901	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .1004	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32O	11:18 NCR 1369		12:04 NCR 294	*						
<b>MORTUARY SCIENCE, BOARD OF</b>										
21 NCAC 34A	12:09 NCR 745									
21 NCAC 34A .0201		12:07 NCR 556								
21 NCAC 34B	12:09 NCR 745									
21 NCAC 34C	12:09 NCR 745									
21 NCAC 34D	12:09 NCR 745									



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NURSING, BOARD OF											
21 NCAC 36.0109	11-24 NCR 1821		11-28 NCR 2130	*							
21 NCAC 36.0227	12-05 NCR 338										
21 NCAC 36.0320	11-14 NCR 1109		11-19 NCR 1428	*	Object	03/20/97	*		11-29 NCR 2211		
21 NCAC 36.0601	12-01 NCR 5		12-06 NCR 479	*	Approve	04/17/97					
21 NCAC 36.0602	12-01 NCR 5		12-06 NCR 479	*							
21 NCAC 36.0603	12-01 NCR 5		12-06 NCR 479	*							
21 NCAC 36.0604	12-01 NCR 5		12-06 NCR 479	*							
21 NCAC 36.0605	12-01 NCR 5		12-06 NCR 479	*							
21 NCAC 36.0606	12-01 NCR 5		12-06 NCR 479	*							
NURSING HOME ADMINISTRATORS											
21 NCAC 37D.0202		11-11 NCR 940	11-18 NCR 1372	*	Approve	04/17/97	*		11-29 NCR 2211		
21 NCAC 37G.0102		11-11 NCR 940	11-18 NCR 1372	*	Approve	04/17/97			11-29 NCR 2211		
OPTICIANS, BOARD OF											
21 NCAC 40	12-09 NCR 745										
21 NCAC 40.0108		12-07 NCR 557									
OPTOMETRY, BOARD OF											
21 NCAC 42	12-06 NCR 453										
21 NCAC 42B.0107	11-18 NCR 1369		11-25 NCR 1917	*	Approve	09/18/97			12-10 NCR 878		
21 NCAC 42E.0102		12-06 NCR 487	12-12 NCR 1058	*							
PHARMACY, BOARD OF											
21 NCAC 46.1601	12-03 NCR 168		12-07 NCR 527	*							
21 NCAC 46.1603	12-03 NCR 168		12-09 NCR 797	*							
21 NCAC 46.1604	12-03 NCR 168		12-09 NCR 797	*							
21 NCAC 46.1804	12-03 NCR 168		12-07 NCR 527	*							
21 NCAC 46.1810	12-03 NCR 168		12-09 NCR 797	*							
21 NCAC 46.1813	12-03 NCR 168		12-07 NCR 527	*							

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21 NCAC 46. 2103	12:03 NCR 168		12:09 NCR 797	*						
21 NCAC 46. 2201	12:03 NCR 168		12:07 NCR 527	*						
			12:09 NCR 797	*						
			12:07 NCR 527	*						
21 NCAC 46. 2301	12:03 NCR 168		12:09 NCR 797	*						
			12:07 NCR 527	*						
			12:09 NCR 797	*						

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21 NCAC 48A. 0003	12:08 NCR 619									
21 NCAC 48A. 0005	12:08 NCR 619									
21 NCAC 48B. 0002	12:08 NCR 619									
21 NCAC 48C. 0101	12:08 NCR 619									
21 NCAC 48C. 0102	12:08 NCR 619									
21 NCAC 48C. 0103	12:08 NCR 619									
21 NCAC 48C. 0301	12:08 NCR 619									
21 NCAC 48C. 0302	12:08 NCR 619									
21 NCAC 48C. 0401	12:08 NCR 619									
21 NCAC 48D. 0002	12:08 NCR 619									
21 NCAC 48D. 0003	12:08 NCR 619									
21 NCAC 48D. 0004	12:08 NCR 619									
21 NCAC 48D. 0005	12:08 NCR 619									
21 NCAC 48D. 0006	12:08 NCR 619									
21 NCAC 48D. 0009	12:08 NCR 619									
21 NCAC 48D. 0010	12:08 NCR 619									
21 NCAC 48E. 0101	12:08 NCR 619									
21 NCAC 48E. 0104	12:08 NCR 619									
21 NCAC 48E. 0110	12:08 NCR 619									
21 NCAC 48F. 0002	12:08 NCR 619									
21 NCAC 48G. 0202	12:08 NCR 619									
21 NCAC 48G. 0403	12:08 NCR 619									
21 NCAC 48G. 0404	12:08 NCR 619									
21 NCAC 48G. 0504	12:08 NCR 619									

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21 NCAC 48G .0512 12:08 NCR 619

21 NCAC 48G .0601 12:08 NCR 619

## **PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS, EXAMINERS OF**

21 NCAC 50 .0106 12:07 NCR 509

21 NCAC 50 .0202 12:07 NCR 509

21 NCAC 50 .0301 12:07 NCR 509 12:07 NCR 557

21 NCAC 50 .0306 12:07 NCR 509 12:07 NCR 557

21 NCAC 50 .0404 12:07 NCR 509 12:07 NCR 557

21 NCAC 50 .0405 12:07 NCR 509

21 NCAC 50 .0506 12:07 NCR 509 12:07 NCR 557

21 NCAC 50 .0510 12:07 NCR 509

21 NCAC 50 .0511 12:07 NCR 509 12:07 NCR 557

21 NCAC 50 .1102 12:07 NCR 509 12:07 NCR 557

21 NCAC 50 .1104 12:07 NCR 509

21 NCAC 50 .1201 12:07 NCR 509

21 NCAC 50 .1205 12:07 NCR 509

21 NCAC 50 .1206 12:07 NCR 509

21 NCAC 50 .1210 12:07 NCR 509

21 NCAC 50 .1212 12:07 NCR 509

21 NCAC 50 .1302 12:07 NCR 509

## **PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

21 NCAC 56 12:08 NCR 619

## **PSYCHOLOGY BOARD**

21 NCAC 54 .1611 12:05 NCR 338

21 NCAC 54 .1612 12:05 NCR 338

21 NCAC 54 .1613 12:05 NCR 338

21 NCAC 54 .2006 12:05 NCR 338

21 NCAC 54 .2010 12:05 NCR 338

21 NCAC 54 .2104 12:05 NCR 338



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					Action	Date				
21 NCAC 54 .2301	12:05 NCR 338									
21 NCAC 54 .2302	12:05 NCR 338									
21 NCAC 54 .2303	12:05 NCR 338									
21 NCAC 54 .2304	12:05 NCR 338									
21 NCAC 54 .2305	12:05 NCR 338									
21 NCAC 54 .2306	12:05 NCR 338									
21 NCAC 54 .2307	12:05 NCR 338									
21 NCAC 54 .2308	12:05 NCR 338									
21 NCAC 54 .2309	12:05 NCR 338									
21 NCAC 54 .2310	12:05 NCR 338									
21 NCAC 54 .2311	12:05 NCR 338									
21 NCAC 54 .2312	12:05 NCR 338									
21 NCAC 54 .2313	12:05 NCR 338									
21 NCAC 54 .2314	12:05 NCR 338									
21 NCAC 54 .2401	12:05 NCR 338									
21 NCAC 54 .2402	12:05 NCR 338									
21 NCAC 54 .2501	12:05 NCR 338									
21 NCAC 54 .2502	12:05 NCR 338									
21 NCAC 54 .2503	12:05 NCR 338									
21 NCAC 54 .2504	12:05 NCR 338									
21 NCAC 54 .2505	12:05 NCR 338									
21 NCAC 54 .2601	12:05 NCR 338									
21 NCAC 54 .2602	12:05 NCR 338									
21 NCAC 54 .2704	12:05 NCR 338									
21 NCAC 54 .2705	12:05 NCR 338									
21 NCAC 54 .2706	12:05 NCR 338									

## PUBLIC EDUCATION

16 NCAC 06C .0307			12:01 NCR 18	*	Object	10/16/97				
16 NCAC 06C .0310		12:03 NCR 210	12:01 NCR 18	*						

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16 NCAC 06C .0502		12-09 NCR 834								
16 NCAC 06C .0601			12-12 NCR 1050	*						
16 NCAC 06C .0602			12-12 NCR 1050	*						
16 NCAC 06D .0103			12-01 NCR 18	*	Object	10/16/97				
16 NCAC 06D .0301			12-01 NCR 18	*	Object	10/16/97				
16 NCAC 06D .0303			12-01 NCR 18	*	Approve	10/16/97			12-11 NCR 947	
16 NCAC 06D .0305			12-01 NCR 18	*	Approve	10/16/97			12-11 NCR 947	
16 NCAC 06D .0306			12-01 NCR 18	*	Approve	10/16/97			12-11 NCR 947	
16 NCAC 06E .0105		12-05 NCR 433								
16 NCAC 06G .0304			12-01 NCR 18	S	Approve	10/16/97			12-11 NCR 947	
16 NCAC 06G .0305			12-01 NCR 18	*	Object	10/16/97				
16 NCAC 06G .0306			12-01 NCR 18	*	Object	10/16/97				
16 NCAC 06G .0307			12-01 NCR 18	S	Object	10/16/97				
16 NCAC 06G .0308			12-01 NCR 18	S	Object	10/16/97				
16 NCAC 06G .0309			12-01 NCR 18	S	Approve	10/16/97	*		12-11 NCR 947	
16 NCAC 06G .0401			12-01 NCR 18	*	Approve	10/16/97			12-11 NCR 947	
16 NCAC 06G .0402			12-01 NCR 18	*	Approve	10/16/97			12-11 NCR 947	
16 NCAC 06G .0403			12-01 NCR 18	*	Approve	10/16/97			12-11 NCR 947	
16 NCAC 06G .0404			12-01 NCR 18	*	Approve	10/16/97			12-11 NCR 947	
16 NCAC 06G .0501		12-12 NCR 1071								
<b>Public School Administration, Standards Board for</b>										
16 NCAC 07 .0201		12-07 NCR 533	12-12 NCR 1052	*						
16 NCAC 07 .0202		12-07 NCR 533	12-12 NCR 1052	*						
16 NCAC 07 .0301		12-07 NCR 533	12-12 NCR 1052	*						
16 NCAC 07 .0302		12-07 NCR 533	12-12 NCR 1052	*						
16 NCAC 07 .0303		12-07 NCR 533	12-12 NCR 1052	*						

## REAL ESTATE COMMISSION

21 NCAC 58A .0101 12-08 NCR 620  
21 NCAC 58A .0103 12-08 NCR 620

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21 NCAC 58A .0104	12:08 NCR 620									
21 NCAC 58A .0105	12:08 NCR 620									
21 NCAC 58A .0107	12:08 NCR 620									
21 NCAC 58A .0108	12:08 NCR 620									
21 NCAC 58A .0109	12:08 NCR 620									
21 NCAC 58A .0110	12:08 NCR 620									
21 NCAC 58A .0114	12:08 NCR 620									
21 NCAC 58A .0302	12:08 NCR 620									
21 NCAC 58A .0302	10:22 NCR 2829		11:03 NCR 114	*	Object Approve	12/19/96 01/16/97	*		11:22 NCR 1717	
21 NCAC 58A .0502	12:08 NCR 620									
21 NCAC 58A .0505	12:08 NCR 620									
21 NCAC 58A .0506	12:08 NCR 620									
21 NCAC 58A .0601	12:08 NCR 620									
21 NCAC 58A .0613	12:08 NCR 620									
21 NCAC 58A .0614	12:08 NCR 620									
21 NCAC 58A .1501	10:22 NCR 2829		11:03 NCR 114	*	Object Approve Object Approve	12/19/96 01/16/97 12/19/96 01/16/97	*		11:22 NCR 1717 11:22 NCR 1717	
21 NCAC 58A .1502	10:22 NCR 2829		11:03 NCR 114	*			*			
21 NCAC 58A .1702	12:08 NCR 620									
21 NCAC 58B .0402	12:08 NCR 620									
21 NCAC 58E .0407	12:08 NCR 620									
<b>REVENUE</b>										
17 NCAC 01C .0506			11:10 NCR 838	*	Approve	01/16/97	*		11:22 NCR 1717	12:04 NCR 228 12:05 NCR 336 12:12 NCR 990
Tax Review Board										
Tax Review Board										
Tax Review Board										

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18 NCAC 06 .1104 12:07 NCR 534  
18 NCAC 06 .1205 12:07 NCR 534



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18 NCAC 06.1206		12:07 NCR 534								
18 NCAC 06.1211		12:07 NCR 534								
18 NCAC 06.1212		12:07 NCR 534								
18 NCAC 06.1304		12:07 NCR 534								
18 NCAC 06.1401		12:07 NCR 534								
18 NCAC 06.1410		12:07 NCR 534								
18 NCAC 06.1411		12:07 NCR 534								
18 NCAC 06.1412		12:07 NCR 534								
18 NCAC 06.1506		12:07 NCR 534								
18 NCAC 06.1509		12:07 NCR 534								
18 NCAC 06.1702		12:07 NCR 534								
18 NCAC 06.1703		12:07 NCR 534								
18 NCAC 06.1704		12:07 NCR 534								
18 NCAC 06.1705		12:07 NCR 534								
18 NCAC 06.1706		12:07 NCR 534								
18 NCAC 06.1712		12:07 NCR 534								
18 NCAC 06.1713		12:07 NCR 534								
18 NCAC 06.1714		12:07 NCR 534								
18 NCAC 06.1801		12:07 NCR 534								
18 NCAC 06.1802		12:07 NCR 534								
18 NCAC 06.1803		12:07 NCR 534								
18 NCAC 06.1804		12:07 NCR 534								
18 NCAC 06.1805		12:07 NCR 534								
18 NCAC 06.1806		12:07 NCR 534								
18 NCAC 06.1809		12:07 NCR 534								
18 NCAC 06.1811		12:07 NCR 534								

## SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGIST, BOARD OF EXAMINERS

21 NCAC 64.0209 11:23 NCR 1780 \*

12:05 NCR 427

21 NCAC 64.0303 11:23 NCR 1780

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21 NCAC 64 .1001 11:23 NCR 1780

21 NCAC 64 .1002 11:23 NCR 1780

21 NCAC 64 .1003 11:23 NCR 1780

21 NCAC 64 .1004 11:23 NCR 1780

21 NCAC 64 .1005 11:23 NCR 1780

## STATE PERSONNEL COMMISSION

25 NCAC 01D .2501

25 NCAC 01D .2503

25 NCAC 01D .2504

25 NCAC 01D .2505

25 NCAC 01D .2507

25 NCAC 01D .2508

25 NCAC 01D .2509

25 NCAC 01D .2511

25 NCAC 01D .2513

25 NCAC 01D .2514

25 NCAC 01D .2516

25 NCAC 01D .2517

25 NCAC 01E .0705 11:14 NCR 1110

25 NCAC 01E .0707 11:14 NCR 1110

25 NCAC 01E .0709 11:14 NCR 1110

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21 NCAC 68 12:09 NCR 745

21 NCAC 68 .0101 12:11 NCR 944

21 NCAC 68 .0301 12:11 NCR 944

21 NCAC 68 .0302 12:11 NCR 944

12:05 NCR 427

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21 NCAC 68 .0303		12.11 NCR 944								
21 NCAC 68 .0304		12.11 NCR 944								
21 NCAC 68 .0305		12.11 NCR 944								
21 NCAC 68 .0306		12.11 NCR 944								
21 NCAC 68 .0307		12.11 NCR 944								
<b>TRANSPORTATION</b>										
<b>Highways, Division of</b>										
19A NCAC 02B .0164	11-20 NCR 1537		11-26 NCR 1991	*	Object	07/17/97				
19A NCAC 02B .0242	11-26 NCR 1986		12-03 NCR 207	*	Approve	08/21/97			12-07 NCR 561	
19A NCAC 02B .0303	11-26 NCR 1986		12-03 NCR 207	*	Approve	10/16/97			12-11 NCR 947	
19A NCAC 02D .0415	11-20 NCR 1537		11-26 NCR 2004	*	Approve	10/16/97			12-11 NCR 947	
19A NCAC 02E .0218	12-05 NCR 337		12-12 NCR 1053	*	Approve	07/17/97			12-04 NCR 317	
19A NCAC 02E .0219	12-05 NCR 337		12-12 NCR 1053	*						
19A NCAC 02E .0220	12-05 NCR 337		12-12 NCR 1053	*						
19A NCAC 02E .0221	12-05 NCR 337		12-12 NCR 1053	*						
19A NCAC 02E .0222	12-05 NCR 337		12-12 NCR 1053	*						
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19A NCAC 03D .0525		12-08 NCR 729								
19A NCAC 03I .0100	11-19 NCR 1413									
19A NCAC 03I .0200	11-19 NCR 1413									
19A NCAC 03I .0300	11-19 NCR 1413									
19A NCAC 03I .0400	11-19 NCR 1413									
19A NCAC 03I .0500	11-19 NCR 1413									
19A NCAC 03I .0600	11-19 NCR 1413									
19A NCAC 03I .0700	11-19 NCR 1413									
19A NCAC 03I .0800	11-19 NCR 1413									
19A NCAC 03J .0102	11-11 NCR 882		11-17 NCR 1340	*	Approve	02/20/97	*		11-24 NCR 1832	
19A NCAC 03J .0306	11-11 NCR 882		11-17 NCR 1340	*	Object	02/20/97				
19A NCAC 03J .0308	11-11 NCR 882		11-17 NCR 1340	*	Approve	03/20/97	*		11-26 NCR 2004	
					Object	02/20/97				



# CUMULATIVE INDEX

(Updated through December 9, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
19A NCAC 03J .0601	11:11 NCR 882		11:17 NCR 1340	*	Approve Approve	03/20/97 02/20/97	* *		11:26 NCR 2004 11:24 NCR 1832	



# BARCLAYS OFFICIAL NORTH CAROLINA ADMINISTRATIVE CODE - 1997

DESCRIPTION	CODE	ANNUAL SUBSCRIPTION PRICE
<b>Title 1 - Dept. of Administration - Complete Title</b>	<b>201 00 001</b>	<b>\$90.00</b>
Division of Purchase & Contract	201 10 051	\$30.00
Federal Block Grant Funds	201 10 331	\$25.00
<b>Title 2 - Dept. of Agriculture - Complete Title</b>	<b>202 00 001</b>	<b>\$140.00</b>
Food & Drug Protection Division	202 15 091	\$35.00
Structural Pest Control Committee	202 15 341	\$30.00
Agricultural Markets	202 15 431	\$30.00
Plant Industry	202 15 481	\$30.00
Animal Industry	202 15 521	\$30.00
<b>Title 3 - Dept. of State Auditor - Complete Title</b>	<b>203 00 001</b>	<b>\$25.00</b>
<b>Title 4 - Dept. of Commerce - Complete Title</b>	<b>204 00 001</b>	<b>\$125.00</b>
Alcoholic Beverage Control Commission	204 15 021	\$45.00
Banking Commission	204 15 031	\$45.00
Credit Union Division	204 15 061	\$25.00
Savings & Loan Division	204 15 091	\$25.00
Industrial Commission/Workers Compensation	204 15 101	\$30.00
Savings Institutions Division	204 15 161	\$35.00
<b>Title 5 - Dept. of Corrections - Complete Title</b>	<b>205 00 001</b>	<b>\$70.00</b>
Division of Prisons	205 15 021	\$35.00
<b>Title 6 - Council of State - Complete Title</b>	<b>206 00 001</b>	<b>\$30.00</b>
<b>Title 7 - Dept. of Cultural Resources - Complete Title</b>	<b>207 00 001</b>	<b>\$60.00</b>
<b>Title 8 - State Board of Elections - Complete Title</b>	<b>208 00 001</b>	<b>\$30.00</b>
<b>Title 9 - Offices of the Governor &amp; Lt. Governor - Complete Title</b>	<b>209 00 001</b>	<b>\$45.00</b>
<b>Title 10 - Dept. of Human Resources - Complete Title</b>	<b>210 00 001</b>	<b>\$470.00</b>
Licensing of Health Facilities	210 20 101	\$95.00
Detention Facilities	210 20 201	\$40.00
Mental Health & Rehabilitation Services	210 20 301	\$110.00
Social Services	210 20 401	\$185.00
Children Services/Day Care	210 20 411	\$55.00
Services for the Aging	210 20 421	\$45.00
Services for the Blind	210 20 431	\$40.00
Services for the Deaf & Hard of Hearing	210 20 441	\$25.00
Employment Opportunities	210 20 451	\$45.00
<b>Title 11 - Dept. of Insurance - Complete Title</b>	<b>211 00 001</b>	<b>\$90.00</b>
Insurance	211 10 011	\$80.00
Consumer Services	211 10 041	\$30.00
Fire & Rescue Services	211 10 051	\$25.00
Agent Services	211 10 061	\$35.00
Engineering & Building Codes	211 10 081	\$30.00
<b>Title 12 - Dept. of Justice - Complete Title</b>	<b>212 00 001</b>	<b>\$90.00</b>
Private Protective Services	212 10 071	\$30.00
Police & Sheriff's Education & Training Standards	212 10 091	\$40.00
NC Alarm Systems Licensing Board	212 10 111	\$30.00
<b>Title 13 - Dept. of Labor - Complete Title</b>	<b>213 00 001</b>	<b>\$110.00</b>
Mine & Quarry Safety	213 15 061	\$25.00
General Safety/OSHA	213 20 001	\$70.00
Wage & Hour Rules	213 15 121	\$25.00
Boiler & Pressure Vessel Safety	213 15 131	\$25.00
Apprenticeship & Training	213 15 141	\$25.00
Elevator & Amusement Device Safety	213 15 151	\$25.00
<b>Title 14A - Dept. of Crime Control &amp; Public Safety - Complete Title</b>	<b>214 00 001</b>	<b>\$45.00</b>
Alcohol Law Enforcement	214 00 081	\$25.00
Victims Compensation Fund	214 00 111	\$25.00
<b>Title 15A - Dept. of Environ., Health, &amp; Nat. Resources - Complete Title</b>	<b>215 00 001</b>	<b>\$395.00</b>
Environmental Management	215 15 001	\$165.00
Air Quality	215 15 101	\$90.00
Water Quality	215 15 201	\$85.00
Land & Waste Management	215 15 301	\$85.00
Solid Waste Management	215 15 311	\$50.00



DESCRIPTION	CODE	ANNUAL SUBSCRIPTION PRICE
Underground Storage Tanks	215 15 321	\$30.00
Coastal Management, Fishing & Boating	215 15 401	\$53.00
Environmental Health	215 25 001	\$150.00
Radiation/Nuclear Waste	215 25 101	\$65.00
Sanitation	215 25 201	\$60.00
Public Health	215 25 301	\$85.00
Intoxilizer & Breathalyzer	215 25 311	\$25.00
<b>Title 16 - Dept. of Public Instruction - Complete Title</b>	<b>216 00 001</b>	<b>\$60.00</b>
Elementary & Secondary Education	216 10 061	\$30.00
<b>Title 17 - Department of Revenue - Complete Title</b>	<b>217 00 001</b>	<b>\$130.00</b>
Taxes on Individuals	217 15 101	\$40.00
Taxes on Business	217 15 201	\$70.00
Sales & Use Tax Division	217 15 271	\$45.00
Motor Fuels Tax Division	217 15 291	\$30.00
<b>Title 18 - Secretary of State - Complete Title</b>	<b>218 00 001</b>	<b>\$60.00</b>
Securities Division	218 10 060	\$35.00
<b>Title 19A - Dept. of Transportation - Complete Title</b>	<b>219 00 001</b>	<b>\$90.00</b>
Division of Highways	219 10 021	\$45.00
Division of Motor Vehicles	219 10 031	\$45.00
<b>Title 20 - Dept. of the State Treasurer - Complete Title</b>	<b>220 00 001</b>	<b>\$45.00</b>
<b>Title 21 - Occupational Licensing Boards - Complete Title</b>	<b>221 00 001</b>	<b>\$230.00</b>
<b>Title 22 - Administrative Procedures - Repealed</b>	<b>n/a</b>	
<b>Title 23 - Community Colleges - Complete Title</b>	<b>223 00 001</b>	<b>\$45.00</b>
<b>Title 24 - Independent Agencies - Complete Title</b>	<b>224 00 001</b>	<b>\$40.00</b>
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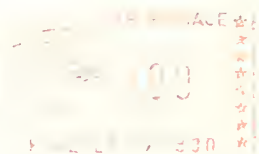
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