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NORTH CAROLINA REGISTER

VOLUME 13 • ISSUE 12 • Pages 941 - 1037

December 15, 1998

IN THIS ISSUE

Voting Rights Letters
Environment and Natural Resources
Health and Human Services
Rules Review Commission
Contested Case Decisions

PUBLISHED BY
The Office of Administrative Hearings
Rules Division
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Raleigh, NC 27611-7447
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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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contact: Jim Blackburn or Rebecca Troutman

NC League of Municipalities
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Raleigh, North Carolina 27603

contact: Paula Thomas

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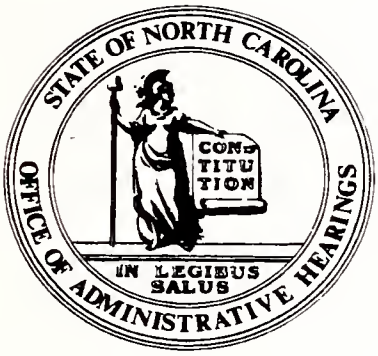
NORTH CAROLINA REGISTER



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This issue contains documents officially filed through November 20, 1998.

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IN THIS ISSUE

I. IN ADDITION
Voting Rights Letters ..... 941 - 942

II. RULE-MAKING AGENDA
Environment and Natural Resources
Environmental Management/Air Quality ... 943 - 946
Land Resources/Land Quality ..... 943 - 946
Water Resources/Planning ..... 943 - 946

III. PROPOSED RULES
Environment and Natural Resources
Wildlife Resources Commission ..... 948 - 975
Health and Human Services
Medical Assistance ..... 947 - 948

IV. TEMPORARY RULES
Environment and Natural Resources
Coastal Resources Commission ..... 976 - 979
Environmental Health 979
Health Services ..... 979 - 988
Well Contractors Certification Commission . 988 - 994

V. RULES REVIEW COMMISSION ..... 995 - 1007

VI. CONTESTED CASE DECISIONS
Index to ALJ Decisions ..... 1008 - 1014
Text of Selected Decisions
98 CPS 0427 ..... 1015 - 1017
98 DHR 0244 ..... 1018 - 1034
98 DHR 0245 ..... 1018 - 1034
98 DHR 0247 ..... 1018 - 1034
98 ELS 0047 ..... 1035 - 1037

VII. CUMULATIVE INDEX ..... 1 - 68

North Carolina Register is published semi-monthly for $195 per year by the Office of Administrative Hearings, 424 North Blount Street, Raleigh, NC 27601. (ISSN 15200604) to mail at Periodicals Rates is paid at Raleigh, NC. POSTMASTER: Send Address changes to the *North Carolina Register*, PO Drawer 27447, Raleigh, NC 27611-7447.

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

TITLE	DEPARTMENT	LICENSING BOARDS	CHAPTER
1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Athletic Trainer Examiners	3
4	Commerce	Auctioneers	4
5	Correction	Barber Examiners	6
6	Council of State	Certified Public Accountant Examiners	8
7	Cultural Resources	Chiropractic Examiners	10
8	Elections	Employee Assistance Professionals	11
9	Governor	General Contractors	12
10	Health and Human Services	Cosmetic Art Examiners	14
11	Insurance	Dental Examiners	16
12	Justice	Dietetics/Nutrition	17
13	Labor	Electrical Contractors	18
14A	Crime Control & Public Safety	Electrolysis	19
15A	Environment and Natural Resources	Foresters	20
16	Public Education	Geologists	21
17	Revenue	Hearing Aid Dealers and Fitters	22
18	Secretary of State	Landscape Architects	26
19A	Transportation	Landscape Contractors	28
20	Treasurer	Marital and Family Therapy	31
*21	Occupational Licensing Boards	Medical Examiners	32
22	Administrative Procedures (Repealed)	Midwifery Joint Committee	33
23	Community Colleges	Mortuary Science	34
24	Independent Agencies	Nursing	36
25	State Personnel	Nursing Home Administrators	37
26	Administrative Hearings	Occupational Therapists	38
27	NC State Bar	Opticians	40
		Optometry	42
		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.

NORTH CAROLINA REGISTER

Publication Schedule

(June 1998 - March 1999)

FILING DEADLINES			NOTICE OF RULE-MAKING PROCEEDINGS	NOTICE OF TEXT (either column A or column B)							TEMPORARY RULE
					A. non-substantial economic impact			B. substantial economic impact			
volume and issue number	issue date	last day for filing	earliest register issue for publication of text	earliest date for public hearing	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	270th day from issue date
12:23	06/01/98	05/08/98	08/03/98	06/16/98	07/01/98	07/20/98	01/27/99	07/31/98	08/20/98	01/27/99	02/26/99
12:24	06/15/98	05/22/98	08/14/98	06/30/98	07/15/98	07/20/98	01/27/99	08/14/98	08/20/98	01/27/99	03/12/99
13:01	07/01/98	06/10/98	09/01/98	07/16/98	07/31/98	08/20/98	01/27/99	08/31/98	09/21/98	01/27/99	03/28/99
13:02	07/15/98	06/23/98	09/15/98	07/30/98	08/14/98	08/20/98	01/27/99	09/14/98	09/21/98	01/27/99	04/11/99
13:03	08/03/98	07/13/98	10/15/98	08/18/98	09/02/98	09/21/98	01/27/99	10/02/98	10/20/98	01/27/99	04/30/99
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13:07	10/01/98	09/10/98	12/01/98	10/16/98	11/02/98	11/20/98	01/27/99	11/30/98	12/21/98	05/00	06/28/99
13:08	10/15/98	09/24/98	12/15/98	10/30/98	11/16/98	11/20/98	01/27/99	12/14/98	12/21/98	05/00	07/12/99
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13:16	02/15/99	01/25/99	05/03/99	03/02/99	03/17/99	03/22/99	05/00	04/16/99	04/20/99	05/00	11/12/99
13:17	03/01/99	02/08/99	05/03/99	03/16/99	03/31/99	04/20/99	05/00	04/30/99	05/20/99	05/00	11/26/99
13:18	03/15/99	02/22/99	05/14/99	03/30/99	04/14/99	04/20/99	05/00	05/14/99	05/20/99	05/00	12/10/99

EXPLANATION OF THE PUBLICATION SCHEDULE

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

GENERAL

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

(1) temporary rules;
(2) notices of rule-making proceedings;
(3) text of proposed rules;
(4) text of permanent rules approved by the Rules Review Commission;
(5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;
(6) Executive Orders of the Governor;
(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;
(8) orders of the Tax Review Board issued under G.S. 105-241.2; and
(9) other information the Codifier of Rules determines to be helpful to the public.

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

FILING DEADLINES

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

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

NOTICE OF RULE-MAKING PROCEEDINGS

END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PRO-CEEDINGS: 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.

EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT: The date of the next issue following the end of the comment period.

NOTICE OF TEXT

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

END OF REQUIRED COMMENT PERIOD

(1) RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT: 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.

(2) RULE WITH SUBSTANTIAL ECONOMIC IMPACT: 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.

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

FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: 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.

This Section contains public notices that are required to be published in the Register or have been approved by the Codifier of Rules for publication.

U.S. Department of Justice

Civil Rights Division

EJ:VLO:TGL:emr
DJ 166-012-3
98-1927
98-1966

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

October 27, 1998

Susan K. Nichols, Esq.
Special Deputy Attorney
P.O. Box 629
Raleigh, North Carolina 27602-0629

Dear Ms. Nichols:

This refers to Session Law 1997-265, which provides for a November 3, 1998, special referendum election to allow voters to decide if they want the right to petition to change by referendum the method of election for the county commission and school board of Beaufort 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 response to our July 27, 1998, request for additional information on August 28, 1998.

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

Session Law 1997-265, includes provisions that are enabling in nature. Therefore, Beaufort County is not relieved of its responsibility to seek Section 5 preclearance of any changes affecting voting proposed to be implemented pursuant to this legislation (e.g., special elections, methods of election). Sec 28 C.F.R. 51.15.

Sincerely,

Elizabeth Johnson
Chief, Voting Section

U.S. Department of Justice

Civil Rights Division

EJ:VLO:TGL:par
DJ 166-012-3
98-3071

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

October 23, 1998

Susan K. Nichols, Esq.
Special Deputy Attorney General
P.O. Box 629
Raleigh, North Carolina 27602-0629

Dear Ms. Nichols:

This refers to Session Law 1998-132, which schedules the November 3, 1998, special bond election for the State of 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 11, 1998.

The Attorney General does not interpose any objection of 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,

Elizabeth Johnson
Chief, Voting Section

An agency may choose to publish a rule-making agenda which serves as a notice of rule-making proceedings if the agenda includes the information required in a notice of rule-making proceedings. The agency must accept comments on the agenda for at least 60 days from the publication date. Statutory reference: G.S. 150B-21.2.

TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

This agenda will serve as the notice of rule-making proceedings for the following rule-making bodies from December 15, 1998 through February 15, 1999:
Environmental Management Commission to rules codified in 15A NCAC 2;
Land Resources Commission to rules codified in 15A NCAC 4;
Commission for Health Services to rules codified in 15A NCAC 18A;

APA #: E2706
SUBJECT: Exemptions
RULE CITATION #: 15A NCAC 2Q .0702
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.108; 143B-282; S.L. 1989, C. 168, S. 45
DIVISION/SECTION: AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 9/22/98
DURATION OF RULE: Permanent 4/1/00
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :
To exempt wood furniture manufacturing operations covered under 40 CFR Part 63, Subpart JJ, from the air toxic rules.
SCOPE/NATURE/SUMMARY :
The American Furniture Manufacturers Association (AFMA) has asked that the air toxic rules be revised to exempt wood furniture operations covered under the maximum achievable control technology (MACT) requirements. (Maximum achievable control technology requirements for wood furniture are in 40 CFR Part 63, Subpart JJ, National Emission Standards for Wood Furniture manufacturing Operations. This Subpart regulates emissions of hazardous air pollutants from solvent usage in wood furniture manufacturing operations.) The AFMA argues that emissions of toxic air pollutants from furniture facilities do not result in any acceptable ambient level being exceeded. It bases its argument on ambient monitoring done by the Division of Air Quality in Lenoir. That study did not show any exceedances of the air toxic acceptable ambient levels. This study was done before the application of MACT; therefore, after MACT is applied the ambient values should be lower.
The Department has agreed to consider this request. However, the AFMA must show by modeling that the emissions from the largest furniture facility in the State do not cause any acceptable ambient level for any toxic air pollutant to be exceeded. If the modeling results shows that the acceptable ambient levels are not exceeded, Rule 15A NCAC 2Q .0702, Exemptions, could be amended to exempt furniture operations subject to 40 CFR Part 63, Subpart JJ. The exemption may be worded such that furniture facilities not required to comply with Subpart JJ could choose to be covered under Subpart JJ and thereby qualify for the exemption.

APA #: E2714
SUBJECT: Activities Exempted form Permit Requirements
RULE CITATION #: 15A NCAC 2Q .0102
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(4) 143-215.108
DIVISION/SECTION: AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 10/5/98
DURATION OF RULE: Permanent 7/1/00
TYPE OF RULE:
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION:
To add a permit exemption for small wood-fired combustion sources.
SCOPE/NATURE/SUMMARY:

Currently, Rule 15A NCAC 2Q .0102, Activities Exempted from Permit Requirements, does not exempt small wood-fired combustion sources, such as space heaters and small boilers. Wood-fired combustion sources are not eligible for the miscellaneous exemption. The addition of an exemption for small wood-fired boilers is being considered. The exemption could be based on heat input or size of the combustion chamber. Another approach would be to allow these sources to use the miscellaneous exemption. This proposal is in keeping with the Department's policy of minimizing permitting of insignificant sources.

APA #: E2715
SUBJECT: Permissible Open Burning without a Permit
RULE CITATION #: 15A NCAC 2D .1903
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)
DIVISION/SECTION: AIR QUALITY
DIVISION CONTACT TEL#: (919)733-1489
DIVISION CONTACT: Thom Allen
DATE INITIATED: 10/5/98
DURATION OF RULE: Permanent 7/1/00
TYPE OF RULE:
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :
To add that open burning for land clearing or right-of-way maintenance will not create a nuisance.
SCOPE/NATURE/SUMMARY :
Rule 15A NCAC 2D .1903, Permissible Open Burning Without a Permit, would be amended to add to the conditions that must be met for open burning for land clearing or right-of-way maintenance that the burning does not create a nuisance. This requirement already exists for burning leaves and yard trimmings at private residences. Extending this condition to land clearing and right-of-way maintenance burning should reduce the number of complaints and problems associated with this type of burning. If such burning does cause a nuisance, the Division of Air Quality would have much more leverage to cause the problem to be corrected with this language in the rule. Currently, the Division must rely on persuasion and the desire of the burner not to cause a nuisance to correct nuisance problems when the burning is other wise performed according to the rule.

APA #: E2716
SUBJECT: Control of Emissions from Incinerators
RULE CITATION #: 15A NCAC 2D .1200
STATUTORY AUTHORITY: G. S. 143-213; 143-215.3(a)(1); 143-215.107(a)(3),(4),(5)
DIVISION/SECTION: AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 10/5/98
DURATION OF RULE: Permanent 7/1/00
TYPE OF RULE:
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :
To amend the incinerator rules to require hazardous waste incinerators to comply with the conditions set under 40 CFR 270.32(b)(2).
SCOPE/NATURE/SUMMARY :
The incinerator rules would be amended to require hazardous waste incinerators to comply with conditions, such as emission limitations and operational specifications, determined as necessary to protect human health and the environment under 40 CFR 270.32(b)(2). These conditions are established from a site specific risk assessment and are determined by the Division of Waste Management. (40 CFR 270.32 establishes RCRA permit conditions.) This rule change is being made in anticipation of the maximum achievable control technology (MACT) rule for hazardous waste combustors. This MACT combines both air pollution control requirements and hazardous waste management requirements.

APA #: E2717
SUBJECT: Control of Emissions from Incinerators
RULE CITATION #: 15A NCAC 2D .1200
STATUTORY AUTHORITY: G. S. 143-213; 143-215.3(a)(1); 143-215.107(a)(3),(4),(5)

DIVISION/SECTION: AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 10/5/98
DURATION OF RULE: Permanent 7/1/00
TYPE OF RULE:
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :
To clarify the incinerator rules by reorganizing the incinerator rules by type of incinerator.
SCOPE/NATURE/SUMMARY :
Section 15A NCAC 2D .1200, Control of Emissions from Incinerators, is currently organized by requirements: test methods and procedures, reporting and recordkeeping, emission standards, operational standards, excess emissions and start-up and shutdown, operator training and certification, and compliance schedules. This organization worked well when the requirements were few, similar, and relatively simple for the various kinds of incinerators. However, since these rules were adopted, the EPA has promulgated requirements for sewage sludge incinerators, municipal waste combustors, and hospital, medical, and infectious waste incinerators. These requirements are often complex and detailed. Incorporating these requirements into Section 15A NCAC 2D .1200 has made the incinerator rules overly convoluted. The reorganized rules would contain a rule for each type of incinerator. They would include rules for hazardous waste incinerators, sludge incinerators, municipal waste combustors, hospital, medical, and infectious waste incinerators, and other types of incinerators.

APA #: E2718
SUBJECT: Animal Operation Odor Control
RULE CITATION #: 15A NCAC 2D (New rule or section)
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(11)
DIVISION/SECTION: AIR QUALITY
DATE INITIATED: 10/5/98
DURATION OF RULE: Permanent 7/1/00
TYPE OF RULE:
STAGE OF DEVELOPMENT: Draft Rule Stage
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
GOV LEVELS AFFECTED: None
REASON FOR ACTION :
To control odorous emissions from animal operation.
SCOPE/NATURE/SUMMARY :
A new rule or a section of new rules would be adopted to control odors from animal operations. House Bill 515 requires the Environmental Management Commission to adopt a temporary rule by March 1, 1999, to regulate the emission of odors from animal operations. The temporary rule and permanent rule may be the same or they may differ.
Several options are being considered. One would specify in detail the type of best management or work practices and the use of odor control devices. Under this option work practices would be required; if they failed, odor control devices would be required. Another option would specify a percent reduction in odorous emissions. This option could also be a two-tier approach. It could require a certain percentage of reduction initially. If this reduction failed to eliminate odor problems, then a higher degree of reduction would be required. A third approach would be to establish an acceptable ambient level in terms of odor units. If emissions from an animal operation caused this ambient level to be exceeded, it would have to reduce emissions until the ambient level are met. Besides these three options, other options may be considered and adopted.
These requirements could be applied to all animal operations or only to those with odor problems. Furthermore, new operations may have different or additional requirements. The requirements would be based on "Control of Odor Emissions from Animal Operations" prepared by the Odor Control Report Task Force. Not all the recommendation in this report may be used, and requirements not identified in this report may be imposed.

APA #: E2723
SUBJECT: Change in procedure for assessing civil penalties under SPCA
RULE CITATION #: 15A NCAC 4C .0007
STATUTORY AUTHORITY:
DIVISION/SECTION: LAND RESOURCES/LAND QUALITY
DIVISION CONTACT: Bobbie Jo Moore

DIVISION CONTACT TEL#: (919)733-3833
DATE INITIATED: 10/21/98
DURATION OF RULE: Permanent 8/1/00
TYPE OF RULE:
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

The Sedimentation Control Commission proposes a change to 15A NCAC 4C .0007(a) that will enable a civil penalty assessment for the initial violation of beginning a land-disturbing activity prior to obtaining an approved erosion and sedimentation control plan. This proposal is part of a Plan of Action adopted by the Commission to aid in strengthening the Sedimentation Pollution Control Act of 1973.

SCOPE/NATURE/SUMMARY :

Currently the Sedimentation Pollution Control Act requires that a Notice of Violation must be issued and a time limit for compliance be given for violations of the Act. History indicates that land-disturbing activities are begun without prior plan approval and then a plan is only submitted once a Notice is issued. This change will enable civil penalty assessments for the initial violation of beginning a land-disturbing activity without an approved plan. This action is necessary because at times sediment damage could be lessened if a plan is approved and implemented on the site.

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 10 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the DHHS-Division of Medical Assistance intends to amend the rule cited as 10 NCAC 26H .0401. Notice of Rule-making Proceedings was published in the Register on July 15, 1998.*

Proposed Effective Date: *August 1, 2000*

A Public Hearing *will be conducted at 1:30 p.m. on December 30, 1998 at the Kirby Building, Room 132, 1985 Umstead Drive, Raleigh, NC.*

Reason for Proposed Action: *To reimburse Medicaid allowables utilizing updated Resource Based Relative Value System (RBRVS).*

Comment Procedures: *Written comments concerning this rule-making action must be submitted by January 14, 1999 to Portia W. Rochelle, Rule-making Coordinator, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, NC 27603.*

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

CHAPTER 26 - MEDICAL ASSISTANCE

SUBCHAPTER 26H - REIMBURSEMENT PLANS

SECTION .0400 - PROVIDER FEE SCHEDULES

.0401 PHYSICIAN'S FEE SCHEDULE

(a) Effective January 1, 1995, (see Paragraph (b) of this Rule) physicians' services whether furnished in the office, the patient's home, a hospital, a nursing facility or elsewhere will be reimbursed based on the North Carolina Medicaid Fee Schedule, except for payments to the various Medical Faculty Practice Plans of the University of North Carolina - Chapel Hill and East Carolina University which will be reimbursed at cost and cost settled at year end. Effective January 1, 1998, the ~~The~~ North Carolina Medicaid Fee Schedule is based on the Medicare Fee Schedule Resource Based Relative Value System (RBRVS), in effect in fiscal year ~~1993~~ 1997 (as adopted by Medicare at 56 F.R. 59501 (November 25, 1991, effective January 1, 1992, applicable to services furnished beginning January 1, 1992), but with the following clarifications and modifications:

(1) A maximum fee is established for each service and is applicable to all specialties and settings in which the service is rendered. Payment is equal to the lower of the maximum fee or the providers customary charge to the general public for the particular service rendered.

(2) Fees are established on a statewide basis using the Medicare Geographic Practice Cost Indices for North Carolina.

(3) There will be no transition period in applying the Medicaid fees whereas Medicare has a five year phase-in period.

(4) Annual changes in the Medicaid payments will be applied each January 1 and fee increases will be applied based on the forecasted Gross National Product (GNP) Implicit Price Deflator. Said annual changes in the Medicaid payments shall not exceed the percentage increase granted by the North Carolina General Assembly.

(5) Fees for services deemed to be associated with adequacy of access to health care services may be increased based on administrative review. The service must be essential to the health needs of the Medicaid recipients, no other comparable treatment available and a fee adjustment must be necessary to maintain physician participation at a level adequate to meet the needs of Medicaid recipients. A fee may also be decreased based on administrative review if it is determined that the fee may exceed the Medicare allowable amount for the same or similar services, or if the fee is higher than Medicaid fees for similar services, or if the fee is too high in relation to the skills, time, and other resources required to provide the particular service.

(6) Fees for new services are established based on this Rule, utilizing the most recent RBRVS, if applicable. If there is no relative value unit (RVU) available from Medicare, fees will be established based on the fees for similar services. If there is no RVU or similar service, the fee will be set at 75 percent of the provider's customary charge to the general public.

(b) This reimbursement limitation shall become effective in accordance with the provisions of G.S. 108A-55(c). These changes to the Physician's Fee Schedule allowables will become effective when the Health Care Financing Administration, U. S. Department of Health and Human Services, approves amendment to HCFA by the Director of the Division of Medical Assistance on or about January 1, 1998 as #MA 98-07, wherein the Director proposes amendments of the State Plan to amend Physician's Fee Schedule.

Authority G.S. 108A-25(b).

TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Wildlife Resources Commission intends to amend the rule cited as 15A NCAC 10B .0105. Notice of Rule-making Proceedings was published in the Register on October 1, 1998.

Proposed Effective Date: *July 1, 2000*

A Public Hearing *will be conducted at 10:00 a.m. on January 11, 1999 at the Archdale Building, 3rd Floor Conference Room, 512 N. Salisbury St, Raleigh, NC.*

Reason for Proposed Action: *To set/amend the rule for MIGRATORY GAME BIRDS in order to delineate the area of an experimental September teal season. Delineation of the area of the September teal season is necessary to properly manage and conserve wildlife resources. This proposed rule change is based on the Federal Frameworks for 1998-99 Early Hunting on Certain Migratory Game Birds published by the Department of the Interior.*

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, 1998 to January 14, 1999. Such written comments must be delivered or mailed to the NC Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, North Carolina 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

.0105 MIGRATORY GAME BIRDS

(a) Cooperative State Rules

(1) The taking of sea ducks (scoter, eider and old squaw) during any special federally-announced season for these species shall be limited to the waters of the Atlantic Ocean, and to those coastal waters south of US 64 which are separated by a distance of at least 800 yards of open water from any shore, island or marsh.

(2) The extra daily bag and possession limits allowed by the federal regulations on scaup apply in all coastal waters east of U.S. Highway 17, except Currituck Sound north of US 158.

(3) Tundra swans may be taken during the open season by permit only subject to limitations imposed by the U. S. Fish and Wildlife Service. A limited number of nontransferable swan permits will be issued by the Wildlife Resources Commission to applicants who will be selected at random by computer, and only one swan may be taken under each permit which must be cancelled at the time of the kill by cutting out the month and day of the kill. Accompanying the permit is a tag which must be affixed to the swan at the time and place of the kill. The tag must be affixed in accordance with instructions provided with the permit. In addition, a preaddressed post-paid card is supplied to each permittee on which to report the number of days hunted and the details of the kill if made. It is unlawful to hunt swans without having the permit and the tag in possession or to possess a swan without the cancelled permit in possession and the tag properly affixed to the swan. It is unlawful to possess a swan permit or tag while hunting that was assigned to another person or to alter the permit or tag in any way other than cutting out the proper month and day of kill.

(4) Canada geese may be taken during the open season by permit holders only subject to limitations imposed by the U.S. Fish and Wildlife Service. Permits will be issued by the North Carolina Wildlife Resources Commission. It is unlawful to hunt or possess Canada geese without having the permit in possession. It is unlawful to possess a Canada goose permit while hunting that was assigned to another person or to alter the permit in any way.

(b) Notwithstanding the provisions of G.S. 113-291.1(a) and (b), the following restrictions apply to the taking of migratory game birds:

(1) No migratory game bird may be taken:

(A) With a rifle;

(B) With a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so as to limit its total capacity to not more than three shells.

(2) No migratory game bird may be taken:

(A) From or by the use of a sinkbox or any other type of low floating device affording the hunter a means of concealment beneath the surface of the water;

(B) With the aid of bait, or on, over or within 300 yards of any place where any grain, salt or other feed is exposed so as to constitute an attraction to migratory game birds or has been so exposed during any of the 10 consecutive days preceding the taking, except that this Part shall not apply to standing crops, flooded

croplands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting;

(C) With the aid of live decoys, or on, over or within 300 yards of any place where tame or captive migratory game birds are present, unless such birds are and have been for a period of 10 consecutive days prior to such taking confined within an enclosure which substantially reduces the audibility of their calls and totally conceals them from the sight of wild migratory game birds.

(3) Waterfowl hunting and harassment and other unauthorized activities shall be prohibited on posted waterfowl management areas established by the Wildlife Resources Commission for Canada Geese and ducks restoration.

(4) In that area of Roanoke Sound adjacent to and immediately Northeast of Roanoke Island as marked by buoys designating the waterfowl rest area, it shall be unlawful to harass or take any waterfowl.

(5) The area east of US 17 shall be designated as an experimental September teal season zone as referenced by the Federal frameworks calling for state rules designating experimental areas.

Authority G.S. 113-134; 113-274; 113-291.1; 113-291.2; 50 C.F.R. 20.21; 50 C.F.R. 20.105.

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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 the rules cited as 15A NCAC 10B .0113, .0202-.0203, .0205, .0209, .0212, .0302; 15A NCAC 10C .0107, .0205-.0206, .0305, .0401; 15A NCAC 10D .0102-.0103. Notice of Rule-making Proceedings was published in the Register on October 15, 1998.

Proposed Effective Date: *July 1, 2000*

A Public Hearing *will be conducted at 7:00 pm on January 19, 1999 at the Southwestern Community College in Sylva, NC; on January 20, 1999 at the Morganton Municipal Auditorium in Morganton, NC; on January 21, 1999 at the Starmount High School in Boonville, NC; on January 25, 1999 at the Courthouse in Elizabethtown, NC; on January 26, 1999 at the Courthouse in Graham, NC; on January 27, 1999 at the Central Davidson Middle School in Lexington, NC; on February 1, 1999 at the Swain Auditorium in Edenton, NC; on February 2, 1999 at the Courthouse in New Bern, NC; on February 3, 1999 at the Courthouse in Nashville, NC.*

Reason for Proposed Action:
15A NCAC 10B .0113, .0202-.0203, .0205, .0209, .0212, .0302 *- To set/amend hunting and trapping regulations necessary to manage and preserve the resource.*
15A NCAC 10C .0107, .0205-.0206, .0305, .0401 *- To set/amend inland fishing regulations necessary to manage and preserve the resource.*
15A NCAC 10D .0102-.0103 *- To set/amend game land 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, 1998 to February 11, 1999. Such written comments must be delivered or mailed to the NC Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, North Carolina 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

.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 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 for reporting or reported within 24 hours through the Big Game Telephone Reporting System. A Wildlife Cooperator Agent located within the immediate area of open season shall supply an authorization number or an authorization number may be obtained through the Big Game Telephone Reporting System. 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 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 must be recorded on the appropriate line of the hunter's Big Game Harvest Authorization Record provided with their license 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 and Big Game Harvest Authorization Record, the hunter shall record the authorization number and retain it to thereafter constitute his permit to continue in possession of the carcass. The word "exempt" together with the reason therefor (parent's license, landowner, agricultural lessee) shall be written on the hunter's record and the registration form at the Wildlife Cooperator Agent.~~

~~Persons killing a deer under the Deer Management Assistance Program and not required to use the tag provided with the Big Game License must not record their authorization number on the Big Game Authorization Record but must keep a separate record of the authorization numbers obtained for deer killed under this program.~~

~~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.~~

(a) Upon killing a bear, deer, wild boar, or wild turkey and before moving the animal from the site of kill, the successful hunter must validate the Big Game Harvest Report Card furnished with the big game hunting license by cutting or punching out the validation box that correctly identifies the big game animal harvested.

(b) Before any harvested bear, deer, wild boar, or wild turkey is skinned, dressed, or dismembered for consumption and within 24 hours of the kill, the animal must be transported to a Wildlife Cooperator Agent within the immediate area of open season to be registered. The hunter may field dress the animal at the site of kill or before registering it at a Wildlife Cooperator Agent by bleeding and removing the digestive, respiratory, and circulatory organs; but, the hunter may not mutilate the carcass in a manner that obscures its species identity, age, or sex. When the kill occurs in a remote area, which prevents the animal from being transported as an entire carcass, the animal may be skinned and quartered before being transported to a Wildlife Cooperator Agent to be registered. When a hunter harvests a big game animal in a remote area and plans to remain in the remote area for longer than a day, the 24-hour time limit to register the kill is extended until the hunter leaves the area. Upon leaving the remote area, the hunter shall proceed directly to a Wildlife Cooperator Agent to register the kill.

(c) When a successful hunter presents a big game kill at a Wildlife Cooperator Agent for registration, the Wildlife Cooperator Agent shall issue an authorization number, which includes the date of kill, to the successful big game hunter. The hunter shall record the authorization number given by the Wildlife Cooperator Agent in the space provided immediately below the validation box that has been cut or punched out on the Big Game Harvest Report Card. The record entered on the Big Game Harvest Report Card shall thereafter constitute authorization for continued possession of the carcass. Possession of a harvested bear, deer, wild boar, or wild turkey without a validated Big Game Harvest Report Card including the authorization number obtained from a Wildlife Cooperator Agent shall be unlawful.

(d) Persons killing a big game animal and leaving it unattended must identify the carcass with their name, their hunting license number, and the date of kill or with the authorization number received at the Wildlife Cooperator Agent, if the animal has already been registered. It shall be unlawful for a person to possess a Big Game Harvest Report Card on which the species validation box has been cut or punched out, but on which the authorization number from a Wildlife Cooperator Agent has not been recorded, unless the animal is in the person's possession and being transported to a Wildlife Cooperator Agent.

(e) Persons who are by law exempt from the big game hunting license shall obtain a Big Game Harvest Report Card for License Exempt Hunters from a Wildlife Service Agent at no cost. Upon harvesting a bear, deer, wild boar, or wild turkey, the exempt person shall validate the Big Game Harvest Record Card and report the big game kill at a Wildlife Cooperator Agent as provided by this Rule.

(f) Persons killing antlerless deer under the Deer Management Assistance Program pursuant to G.S. 113-291.2(e) shall follow the tagging and reporting requirements set forth by statute and are not obligated to take any action under this Rule.

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

SECTION .0200 - HUNTING

.0202 BEAR

(a) Open Seasons for bear 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~~ 113 from the Virginia State line to ~~Wilkesboro and~~ the intersection with NC 18 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,~~ Bertie, ~~Camden, Craven, Dare, Gates, Hertford, Hyde, Jones, Pamlico, Pasquotank, Tyrrell, and Washington~~ and Hertford counties; and in the following parts of counties:

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

~~Currituck: except Knotts Island and the Outer Banks.~~

Halifax: that part east of US 301.

Martin: that part east of US 17.

Northampton: that part east of US 301.

(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.

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

Chowan: that part north of a line formed by SR 1002, SR 1222, and SR 1220.

Currituck: except Knotts Island and the Outer Banks.

(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: 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)~~ .0103(f)(53)(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, Catawba, Davie, Forsyth, ~~Gaston,~~ Iredell, ~~Lincoln,~~ Stokes, Surry, Watauga, Wilkes, and Yadkin 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.

(D) Monday before Thanksgiving week through January 1 in all of Alamance, Anson, Cabarrus, Caswell, Chatham, Cleveland, Davidson, Durham, Gaston, Granville, Guilford, Lee, Lincoln, Mecklenburg, Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Rutherford, 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;

(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~~ Section (See 10D .0103 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 ~~Wildife~~ 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.

(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) First 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 and the following parts of counties:
Camden: That part south of US 158.
Dare: Except the Outer Banks north of Whalebone.

(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 Carteret, Cleveland, Harnett, Hoke, Pamlico, Richmond, Rutherford, counties and in the following parts of counties:
Columbus: That part west of US 74, SR 1005, and SR 1125.
Cumberland: That part west of I-95.
Moore: All of the county except that part north of NC 211 and west of US 1.
Robeson: That part east of I-95.
Scotland: That part north of US 74.

(G) The first six open days, open days the week of Thanksgiving, ~~and~~ and the last six open days of the Deer with Visible Antlers season described in Subparagraph (b)(1) of this Rule in all of Greene, Pasquotank, Tyrrell, Wayne and Wilson counties and in the following parts of counties:
Camden: That part north of US 158.
Chowan: That part north of US 17 and west of NC 32.
Currituck: All of the county except the Outer Banks.
Nash: That part south of ~~US 64.~~ NC 97.
Johnston: That part north of US 70 or west of I-95.

(H) 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, 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.
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

1-95.

Moore: that part north of NC 211 and west of US 1.

Nash: That part north of ~~US 64.~~ NC 97.

(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.

(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) 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 Parts (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 Part (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) 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~~ the hunter does not have to validate the Big Game Harvest Report Card provided with the hunting license.

(f) Kill Reports. The kill shall be validated at the site of kill ~~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.

.0205 RACCOON AND OPOSSUM

(a) Open ~~Seasons~~ Season: ~~(1)~~Sunrise Monday on or nearest October 15 to ~~January 31 in and west of Stokes, Forsyth, Davie, Iredell, Mecklenburg and Union Counties;~~ the last day of February, except as follows:

~~(A)~~(1) There is no open season for hunting raccoon or opossum in that part of Madison County lying north

of the French Broad River, south of US 25-70 and west of SR 1319.

~~(B)~~(2) Raccoon and opossum may be hunted only from sunset Friday until sunrise Saturday and from sunset Saturday until 12:00 midnight Saturday 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.

~~(C)~~(3) Training raccoon and opossum dogs is prohibited from March 1 to the Monday on or nearest October 15 in the following parts of counties:

~~(i)~~(A) Cherokee: That part north of US 64 and NC 294, east of Persimmon Creek and Hiwassee Lake, south of Hiwassee Lake, and west of Nottely River.

~~(ii)~~(B) Madison: That part north of the French Broad River, south of US 25-70, and west of SR 1319.

~~(D)~~(4) Training raccoon and opossum dogs at night is prohibited from April 1 through August 15 in Caldwell and Rutherford Counties.

~~(2) Sunrise Monday on or nearest October 22 to the last day of February, in and east of Rockingham, Guilford, Davidson, Rowan, Cabarrus, Stanly and Anson Counties.~~

(b) Bag Limits

(1) Raccoon: Daily, one per individual to a maximum of two per hunting party; possession, two; season, 20, except that in and east of Rockingham, Guilford, Randolph, Montgomery and Anson counties the limits are: daily, three; possession, six; season, 30. The field possession limit while hunting is the same as the applicable daily limit.

(2) Opossum: No restriction.

Note: See 15A NCAC 10B .0111 prohibiting axes, saws and shooting in certain western counties.

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

.0209 WILD TURKEY (BEARDED TURKEYS ONLY)

(a) Open Season for wild turkey 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, Anson, Ashe, Avery, **Bladen, Buncombe, Burke, Caldwell, Caswell, Catawba, **Chatham, Cherokee, Chowan, Clay, Cleveland, Craven, Davie, Duplin, **Durham, Edgecombe, Forsyth, Gaston, Gates, Graham, **Granville, Halifax, Harnett, Haywood, Henderson, Hertford, Jackson, Jones, Lee, Lenoir, Lincoln, Macon, Madison, McDowell, Mitchell, Montgomery, Northampton, Onslow, **Orange, Person, Polk, **Richmond, Rockingham, Rutherford, **Scotland, Stokes, Surry, Swain, Transylvania, Vance, Washington, Warren, Watauga, Wilkes, Yadkin, Yancey and in the following portions of counties:

~~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: All of the county except that part bounded on the west by NC 11, on the south by NC 308, on the east by NC 45, and on the north by NC 42 and the Hertford County line. ~~south of NC 42, west of NC 45, north of NC 308, and east of US 13~~.

Brunswick: 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.

Camden: That part west of US 17.

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

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

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

~~Craven: 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.

Currituck: That part north of US 158 and west of the Intracoastal Waterway.

Davidson: That part south of I-85.

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

Guilford: That part north of I-40.

Hoke: That part south and west of NC 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, SR1124 to Judges Quarter then Quarter Canal to Juniper Bay.

Iredell: That part north of US 70.

Johnston: That part east of I-95.

**Martin: All of the county except that part west of US 17 and south of US 64.

**Moore: That part south of NC ~~211~~ 211, that part north of NC 24/27, 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.

Pamlico: That part west of NC 306.

**Pender: All of the county except that part west of I-40, north of NC 53, and east of US 421.

Perquimans: ~~That part west of the Perquimans River and south of SR 1110 and US 17 Business.~~ All of the county except that part south of US 17 and east of the Perquimans River.

Randolph: That part west of US 220 and north of US 64 and that part west of US 220 and south of NC 49.

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

Rowan: That part 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.

Stanly: That part east of a line formed by US 52 from the Cabarrus County line to NC 138 in Albemarle, NC 138 from Albemarle to NC 742 in Oakboro, and NC 742 from Oakboro to the Union

County line.

Union: That part south of US 74. ~~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 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.

.0212 FOXES (GRAY AND RED)

(a) Seasons.

(1) There shall be no closed season on taking foxes with dogs;

(2) Foxes may be taken with weapons or traps the first to fourth Saturday in January in the following counties:

~~Brunswick~~	Henderson	Stokes
Caswell	~~Johnston~~	Tyrrell
Clay	Macon	
Graham	~~Sampson~~	

(3) Foxes may be taken the Saturday next preceding Thanksgiving through January 1 by bow and arrow in all areas of the State east of Interstate Highway 77 and in Mitchell County.

(b) Bag Limit.

(1) Except in areas of open season for taking foxes with weapons or traps, foxes may not be intentionally killed by any method;

(2) In areas of open season set by the North Carolina Wildlife Resources Commission in Subparagraph (a)(2) of this Rule for taking foxes with weapons or traps the season harvest in each county is limited to the number of tags allotted for that county. Each fox must be immediately tagged at the scene of taking with tag previously obtained as provided by 15A NCAC 10B .0403(d);

(3) In areas of open season in all areas east of Interstate Highway 77 as set by the Legislature and in Subparagraph (a)(3) of this Rule, the following bag limit applies: Daily, two; season, 10.

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

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

SECTION .0300 - TRAPPING

.0302 OPEN SEASONS

(a) General. Subject to the restrictions set out in Paragraph (b) of this Rule, the following seasons for taking furbearing animals as defined in G.S. 113-129(7a), coyotes, and groundhogs shall apply as indicated, all dates being inclusive:

(1) November 7-February 12 in and west of Surry, Wilkes, Alexander, Catawba, Burke and Cleveland Counties.

(2) December 15-February 28 in and east of Hertford, Bertie, Martin, Pitt, Greene, Lenoir, Duplin, Pender and New Hanover Counties, except that in the marshes adjoining Currituck Sound in Currituck County the season is December 15-March 12 and nutria may not be shot at any time (day or night) during the open season for migratory waterfowl.

(3) December 1-February 20 in all other counties.

(4) November 1 - March 31 statewide for beaver only.

(b) Restrictions

(1) It is unlawful to trap or take otter in and west of Stokes, Forsyth, Davie, Iredell, and Mecklenburg Counties.

(2) It is unlawful to set steel traps for muskrat or mink in and west of Surry, Wilkes, Alexander, Catawba, Burke and Cleveland Counties except in or adjacent to the waters of lakes, streams or ponds.

(3) It is unlawful to trap raccoon in Yadkin County and in and west of Surry, Wilkes, Alexander, Catawba, Lincoln and Gaston Counties.

Note: See 15A NCAC 10D ~~.0002(f)~~ .0102(f) for other trapping restrictions on game lands.

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

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. It shall be unlawful to possess more than 10 American and hickory shad in aggregate taken by hook and line in any one day from joint waters.

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

.0205 PUBLIC MOUNTAIN TROUT WATERS

(a) Designation of Public Mountain Trout Waters. The waters listed herein or in 15A NCAC 10D ~~.0004~~ .0104 are designated as Public Mountain Trout Waters and further classified as Wild Trout Waters or Hatchery Supported Waters. For specific classifications, see Subparagraphs (1) 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

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 rules 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
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]
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 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 (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)~~ I-26 bridge)
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.~~ the Dillsboro dam. 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)

Big Laurel Creek (NC 208 bridge to US 25-70 bridge) Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.

Shelton Laurel Creek (headwaters to NC 208 bridge)

Shelton Laurel Creek (NC 208 bridge at Belva to the confluence with Big Laurel Creek) Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule

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 SR 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)~~ NC 226 bridge)
Cane Creek (NC 226 bridge to NC 80 bridge) Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.
Grassy Creek (East Fork Grassy Creek to mouth)
East Fork Grassy Creek
North Toe River (Avery County line to SR 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~~ (Fishtop Falls Access Area 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 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)
Mitchell River (0.6 mile upstream of the end of SR 1333 to Kapps Mill Dam) Delayed Harvest Regulations apply. See Subparagraph (5) of Paragraph (a) of this Rule.

(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)

(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)~~ (Confluence of Boone Fork and Watauga River 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)
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,~~ .0104, 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.
Unnamed tributary of Three Top Creek (portion located on Three Top Mountain Game Land) 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 Shinny 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 (Watauga County line to Long Ridge Branch)
Joes Creek (Watauga County line to 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) Henderson County:
Green River (I-26 bridge to Henderson/Polk County line)

~~(H)~~(I) 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)~~(J) Madison County:
Spillcorn Creek (entire stream) [Wild Trout/Natural Bait Waters regulations apply. See Subparagraph (6) of Paragraph (a) of this Rule.]

~~(J)~~(K) 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)

(L) Polk county
Green River (Henderson County line to Fishtop Falls Access Area)

~~(K)~~(M) Transylvania County:
Whitewater River (downstream from Silver Run Creek to South Carolina State line)

~~(L)~~(N) 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)~~
Dutch Creek (headwaters to second bridge on SR 1134)
~~Howards Creek (headwaters to lower falls)~~
Howards Creek (headwaters to lower falls)
~~Watauga River (Avery County line to SR 1559)~~
Watauga River (Avery County line to SR 1580)

(M)(O) 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)(P) 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)
Unnamed tributary of 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)~~(C) 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 rules:

(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)~~ the Dillsboro dam)

(F) Macon County:
Nantahala River (portion from Whiteoak Creek to the Nantahala Power and Light power house discharge canal)

(G) Madison County:
Big Laurel Creek (NC 208 bridge to the US 25-70 bridge)
Shelton Laurel Creek (NC 208 bridge at Belva to the confluence with Big Laurel Creek)

(H) Mitchell County:
Cane Creek (NC 226 bridge to NC 80 bridge)

~~(G)~~(I) Surry County:
Ararat River (SR 1727 downstream to Business US 52 bridge)
Mitchell River (0.6 mile upstream of the end of SR 1333 to Kapps Mill Dam)

(H)(J) Watauga County:
Watauga River ~~(SR 1559 bridge at Foscoe downstream to NC 105 bridge)~~ (Confluence of Boone Fork and Watauga River to NC 105 bridge)

~~(I)~~(K) 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) Transylvania County:
North Fork French Broad River (game land portions downstream of SR 1326)
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)

(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)]~~. .0104(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.

.0206 TROTLINES AND SET-HOOKS

Trotlines and set-hooks may be set in the inland waters of North Carolina, provided no live bait is used; except that no trotlines or set-hooks may be set in designated public mountain trout waters or in any of the impounded waters on the Sandhills Game ~~Land,~~ Land. ~~and in~~ In Lake Waccamaw, trotlines or set-hooks may be set only from October 1 through April 30. For the purposes of this Regulation, a set-hook is defined as any hook and line which is attached at one end only to a stationary or floating object and which is not under immediate control and attendance of the person using such device. Each trotline shall have attached the name and address of the user legibly and indelibly inscribed. Each trotline shall be conspicuously marked at each end with a flag, float, or other prominent object so that its location is readily discernable by boat operators and swimmers. Trotlines must be set parallel to the nearest shore in ponds, lakes, and reservoirs. All trotlines and throwlines must be fished at least once daily and all fish removed at that time. Untended trotlines, as evidenced by the absence of bait, may be removed from the water by wildlife enforcement officers when located in areas of multiple water use.

Recognizing the safety hazards to swimmers, boaters and water skiers which are created by floating metal cans and glass jugs, it is unlawful to use metal cans or glass jugs as floats. This shall not be construed to prohibit the use of plastic jugs, cork, styrofoam, or similar materials as floats.

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

SECTION .0300 - GAME FISH

.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 Sup-	7	None	All year, except

ported Trout Waters and undesignated waters			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. 17)
Smallmouth and Spotted	5 (exc. 9)	12 in. (excs. 3, 7 & 10)	ALL YEAR
White Bass	25	None	ALL YEAR
Sea Trout (Spotted or Speckled)	10	12 in.	ALL YEAR
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)	10 aggregate (exc. 18)	None	ALL YEAR ~~(exc. 18)~~**(excs. 18 & 19)**
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. 6)

(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~~ rivers, in the Tar-Pamlico River and its tributaries upstream of the Grimesland bridge and in the Neuse River and its tributaries upstream of the NC 55 bridge in Lenoir County ~~April 1 to May 31~~ no ~~fish~~ striped bass or striped bass hybrids between the lengths of 22 inches and 27 inches shall be ~~retained.~~ retained during the period April 1 through May 31.

(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 and in Falls of the Neuse Reservoir, east of SR 1004, 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.

(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 (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 Hyco, Lake ~~Ramseur and~~ Ramseur, Cane Creek Lake and the Roanoke River downstream of the US 17 bridge in Williamston and its tribuaries (including the Cashie, Middle and Eastmost rivers and their tributaries) 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) In Sutton Lake, no largemouth bass may be retained from December 1 through March 31.

(18) 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 sold as authorized under subsection 10C .0401.

(19) The season for taking American and hickory shad with dip nets and bow nets is March 1 through April 30, except in Pee Dee River downstream from Blewett Falls dam where the season prescribed in 15A NCAC 10C .0407 (4) and (75)

is in effect.

NOTE: CREEL AND SIZE LIMITS is proposed for amendment as follows with proposed changes with bold text in (a) Shad, and (b)(19) previously published in Volume 13, Issue 5, page 492 of the North Carolina Register WITH CHANGES and pending review by the Rules Review Commission at its December meeting.

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 grabbling. Nongame fishes may be taken by hook and line or grabbling 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~~ waters. ~~in~~ 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, except bowfin, taken by hook and line, grabbling or by licensed special devices may be sold. 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 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:

Cedarock Pond, Alamance County
Little Park Pond, Anson County
Lake Tomahawk, Buncombe County
Frank Liske Park Pond, Cabarrus County
Lake Rim, Cumberland County
C.G. Hill Memorial Park Pond, Forsyth County
Kernersville Lake, Forsyth County
Winston Pond, Forsyth County
Bur-Mil Park 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 Pond, Mecklenburg County
McAlpine Lake, Mecklenburg County
Lake Luke Marion, Moore County
Lake Michael, Orange 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.

SUBCHAPTER 10D - GAME LANDS REGULATIONS

SECTION .0100 - GAME LANDS REGULATIONS

.0102 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~~ Safety Zone, Restricted Firearms, 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 Firearms Zone. On portions of game lands posted as "Restricted Firearms Zones" the use of centerfire rifles is prohibited.

~~(3)~~(4) 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)~~(5) Establishment of ~~Archery~~ Archery, Restricted Firearms, 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 Butner-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) Requirement. Except as provided in 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) 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 Paragraph (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~~ .0103(e)(2) of this Section the game lands license is required only for hunting doves; all other activities are subject to the control of the landowners.

(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;

(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 Paragraph (n) of this Rule 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~~ .0103 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 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 and Fish. It is unlawful to release pen-raised animals or birds, wild animals or 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 on all state-owned Game Lands. Such vehicles may be operated September 1 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.

.0103 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); "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).

(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" 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 may be hunted with dogs.

(ii) In the counties of Cherokee, Clay, Graham, Jackson, Macon, Madison, Polk, and Swain, small game in season 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) 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.

~~(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.~~

~~(7)~~(6) 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.

~~(8)~~(7) 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.

~~(9)~~(8) 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.

~~(10)~~(9) 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 p.m. On the posted waterfowl impoundments a special permit is required for all waterfowl 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)~~(10) 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.

(C) Turkey Hunting is by permit only on that portion known as the Roan Island Tract.

~~(12)~~(11) 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)~~(12) Caswell Farm Game Land in Lenoir County

(A) Dove-Only Area

~~(14)~~(13) 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)~~(14) 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)~~(15) 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)~~(16) 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)~~(17) 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, open days the week of Thanksgiving, and the last six open days of the applicable Deer With Visible Antlers Season.

~~(19)~~(18) 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)~~(19) Columbus County Game Land in Columbus 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.

~~(21)~~(20) 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.

~~(22)~~(21) 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)~~(22) 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.
(C) Participants of the Disabled Sportsman Program 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.

~~(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)~~(30) 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)~~(31) 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)~~(32) 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)~~(33) 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)~~(34) Hyco 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.

~~(36)~~(35) 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)~~(36) 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, open days the week of Thanksgiving, and the last six open days of the applicable Deer With Visible Antlers Season.

~~(38)~~(37) 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)~~(38) 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)~~(39) 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)~~(40) 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)~~(41) 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)~~(42) 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)~~(43) 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, open days the week of Thanksgiving, and the last six open days of the applicable Deer With Visible Antlers Season.

~~(45)~~(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, open days the week of Thanksgiving, and the last six open days of the applicable Deer With Visible Antlers Season.

~~(46)~~(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.

~~(47)~~(46) 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.

~~(48)~~(47) 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.

~~(49)~~(48) 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 and that portion in Haywood County encompassed by US 276 on the north, US 74 on the west, and the Blue Ridge Parkway on the south and east.

(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.

~~(50)~~(49) 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.

~~(51)~~(50) 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.

~~(52)~~(51) 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.

~~(53)~~(52) 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.

~~(54)~~(53) 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.

(G) No all terrain vehicles shall be used on the J. Robert Gordon Field Trial Area except by licensed hunters during deer and dove open seasons pursuant to 15A NCAC 10D .0102(m).

~~(55)~~(54) 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.

(55) Scuppernong 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, open days the week of Thanksgiving, and the last six open days of the applicable Deer With Visible Antlers Season.

(56) 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.

(57) South Mountains Game Land in 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.

(58) Suggs Mill Pond Game Land in Bladen County: Hunting is by Permit only.

~~(58)~~(59) 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.

~~(59)~~(60) 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.

~~(60)~~(61) 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 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.

~~(61)~~(62) 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.

~~(62)~~(63) 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 open six days of the applicable Deer With Visible Antlers Season.

~~(63)~~(64) 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.

~~(64)~~(65) 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.

~~(65)~~(66) 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 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.

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 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Rule-making Agency: *Coastal Resources Commission*

Rule Citation: *15A NCAC 7M .0401 - .0403*

Effective Date: *December 22, 1998*

Findings Reviewed by Julian Mann III: *Approved*

Authority for the rule-making: *G.S. 113A-24; 113A-102(b); 113A-107*

Reason for Proposed Action: *A review of the current rules and scientific literature identified a need to make minor amendments to the energy policies to protect key fisheries habitat and endangered seabirds from potential impacts from offshore development or energy resources.*

Comment Procedures: *Contact Kim Crawford, NC Division of Coastal Management, PO Box 27687, Raleigh, NC 27611-7687, (919) 733-2293, by January 4, 1999.*

CHAPTER 7 - COASTAL MANAGEMENT

SUBCHAPTER 7M - GENERAL POLICY GUIDELINES FOR THE COASTAL AREA

SECTION .0400 - COASTAL ENERGY POLICIES

.0401 DECLARATION OF GENERAL POLICY

(a) It is hereby declared that the general welfare and public interest require that reliable sources of energy be made available to the citizens of North Carolina. It is further declared that the development of energy facilities and energy resources within the state and in offshore waters can serve important regional and national interests. However, unwise development of energy facilities or energy resources can conflict with the recognized and equally important public interest that rests in conserving and protecting the valuable land and water resources of the state and nation, particularly coastal lands and waters. Therefore, in order to balance the public benefits attached to necessary energy development against the need to protect valuable coastal resources, the planning of future land uses, the exercise of regulatory authority, and determinations of consistency with the North Carolina Coastal Management Program shall assure that the development of energy facilities and energy resources shall avoid significant adverse impact upon vital coastal resources or uses, public trust areas and public access rights.

(b) Exploration for the development of offshore and Outer Continental Shelf (OCS) energy resources has the potential to affect coastal resources. The Federal Coastal Zone Management Act of 1972, as amended, requires that federal oil and gas leasing actions of the US Department of the Interior be consistent to the maximum extent practicable with the enforceable policies of the federally approved North Carolina Coastal Management ~~Program.~~ and that exploration, development and production activities associated with such leases comply with those enforceable policies. Enforceable policies applicable to OCS activities include all the provisions and policies of this Rule, as well as any other applicable federally approved components of the North Carolina Coastal Management Program. All permit applications, plans and assessments related to exploration or development of OCS resources and other relevant energy facilities must contain sufficient information to allow adequate analysis of the consistency of all proposed activities with these Rules and policies.

History Note: Authority G.S. 113A-102(b); 113A-107; 113A-124;
Eff. March 1, 1979;
Amended Eff. November 3, 1997 pursuant to E.O. 121, James B. Hunt Jr., 1997;
Temporary Amendment Eff. December 22, 1998.

.0402 DEFINITIONS

(a) "Impact Assessment" is an analysis which fully discusses the potential environmental, economic and social consequences of a proposed project. At a minimum, the assessment shall include the following ~~information:~~ and for each of the following shall discuss and assess any effects on any land or water use or natural resource of the coastal area, including the effects within the coastal area caused by activities outside the coastal area.

(1) a full discussion of the preferred sites for those elements of the project affecting any land or water use or natural resource of the coastal area.

(A) In all cases where the preferred site is located within an area of environmental concern (AEC) or on a barrier island, the applicant shall identify alternative sites considered and present a full discussion [in terms of Subparagraphs (a)(2) through (8) of this Rule] of the reasons why the chosen location was deemed more suitable than another feasible alternate site.

(B) If the preferred site is not located within an AEC or on a barrier island, the applicant shall present reasonable evidence to support the proposed location over a feasible alternate site.

(C) In those cases where an applicant chooses a site previously identified by the state as suitable for such development and the site is outside an AEC or not on a barrier island, alternative site considerations shall not be required as part of this assessment procedure;

(2) a full discussion of the economic impacts, both positive and negative, of the proposed project. This discussion shall focus on economic impacts to the public, not on matters that are purely internal to the corporate operation of the applicant. No proprietary or confidential economic data shall be required. This discussion shall include analysis of likely adverse impacts upon the ability of any governmental unit to furnish necessary services or facilities as well as other secondary impacts of significance;

(3) a full discussion of potential adverse impacts on ~~estuarine or coastal resources.~~ coastal, including marine and estuarine resources and wildlife resources, as defined in G.S. 113A-129;

(4) a full discussion of potential adverse impacts on existing industry and potential limitations on the availability of natural resources, particularly water, for future industrial development;

(5) a full discussion of potential significant adverse impacts on recreational uses and scenic, archaeological and historic resources;

(6) a full discussion of potential risks of danger to human life or property;

(7) a full discussion of the procedures and time needed to secure an energy facility in the event of severe weather conditions, such as extreme wind, currents and waves due to northeasters and hurricanes;

~~(7)~~ (8) other specific data necessary for the various state and federal agencies and commissions with jurisdiction to evaluate the consistency of the proposed project with relevant standards and guidelines;

~~(8)~~ (9) a specific demonstration that the proposed project is consistent with relevant local land use plans and with guidelines governing land uses in AECs.

If appropriate environmental documents are prepared and reviewed under the provisions of the National Environmental Policy Act (NEPA) or the North Carolina Environmental Policy Act (NCEPA), this review will satisfy this definition of "impact assessment" if all issues listed in this Rule are addressed and these documents are submitted in sufficient time to be used to review state permit applications for the project or subsequent consistency determinations.

(b) "Major energy facilities" are those energy facilities which because of their size, magnitude or scope of impacts, have the potential to affect any land or water use or natural resource of the coastal area. For purposes of this definition, major energy facilities shall include, but are not necessarily limited to, the following:

(1) Any facility capable of refining oil;

(2) Any terminals (and associated facilities) capable of handling, processing, or storing liquid propane gas, liquid natural gas, or synthetic natural gas;

(3) Any oil or gas storage facility that is capable of storing 15 million gallons or more on a single site;

(4) Electric generating facilities 300 MGW or larger;

(5) Thermal energy generation;

(6) Major pipelines 12 inches or more in diameter that carry crude petroleum, natural gas, liquid natural gas, liquid propane gas, or synthetic gas;

(7) Structures, including drillships and floating platforms and structures relocated from other states or countries, located in offshore waters for the purposes of exploration for, or development or production of, oil or natural gas; and

(8) Onshore support or staging facilities related to exploration for, or development or production of, oil or natural gas.

(c) "Offshore waters" are those waters seaward of the state's three-mile offshore jurisdictional boundary in which development activities may impact any land or water use or natural resource of the state's coastal area.

History Note: Authority G.S. 113A-102(b); 113A-107; 113A-124;
Eff. March 1, 1979;
Amended Eff. October 1, 1988;
Amended Eff. November 3, 1997 pursuant to E.O. 121, James B. Hunt Jr., 1997;
Temporary Amendment Eff. December 22, 1998.

.0403 POLICY STATEMENTS

(a) The placement and operations of major energy facilities in or affecting any land or water use or natural resource of the North Carolina coastal area shall be done in a manner that allows for protection of the environment and local and regional socio-economic goals as set forth in the local land-use plan(s) and State guidelines in 15A NCAC 7H and 7M. The placement and operation of such facilities shall be consistent with established state standards and rules and shall comply with local land use plans and with guidelines for land uses in AECs.

(b) Proposals, plans and permit applications for major energy facilities to be located in or affecting any land or water use or natural resource of the North Carolina coastal area shall include a full disclosure of all costs and benefits associated with the project. This disclosure shall be prepared at the earliest feasible stage in planning for the project and shall be in the form of an impact assessment prepared by the applicant as defined in 15A NCAC 7M .0402.

(c) Local governments shall not unreasonably restrict the development of necessary energy facilities; however, they may develop siting measures that will minimize impacts to local resources and to identify potential sites suitable for energy facilities.

(d) Energy facilities that do not require shorefront access shall be sited inland of the shoreline areas. In instances when shoreline portions of the coastal zone area are necessary locations, shoreline siting shall be acceptable only if it can be demonstrated that coastal resources and public trust waters will be adequately protected, the public's right to access and passage will not be unreasonably restricted, and all reasonable mitigating measures have been taken to minimize impacts to AECs.

(e) The scenic and visual qualities of coastal areas shall be considered and protected as important public resources. Energy development shall be sited and designed to provide maximum protection of views to and along the ocean, sounds and scenic coastal areas, and to minimize the alteration of natural

landforms.

(f) All energy facilities in or affecting any land or water use or natural resource of the coastal area shall be sited and operated so as to ~~be consistent~~ comply with the following criteria. ~~to the maximum extent practicable~~.

(1) ~~Risks of environmental harm to fish spawning areas, in or affecting the coastal area, shall be assessed and minimized.~~ Adverse impacts on resources of the coastal area, including marine and estuarine resources and wildlife resources, as defined in G.S. 113A-129, and adverse impacts on land or water uses in the coastal area shall be avoided unless site specific information demonstrates that there will be no adverse impacts on land or water uses or natural resources of the coastal area.

(2) Risks of environmental harm to coastal resources and uses shall be assessed and minimized. Necessary data and information required by the state for state permits and federal consistency reviews, pursuant to 15 CFR part 930, shall completely assess the risks of oil spills, evaluate possible trajectories, and enumerate response and mitigation measures employing the best available technology to be followed in the event of a spill. The information must demonstrate that the potential for oil spills and ensuing damage to coastal resources has been minimized and shall factor environmental conditions, currents, winds, and inclement events such as northeasters and hurricanes, in trajectory scenarios. For facilities requiring an Oil Spill ~~Contingency~~ Response Plan, this information shall be included in such a plan.

(3) Dredging, spoil disposal and construction of related structures that are reasonably likely to affect any land or water use or natural resource of the coastal area shall be minimized, and any unavoidable actions of this sort shall minimize damage to the marine environment.

(4) Damage to or interference with existing or traditional uses, such as fishing, navigation and access to public trust areas, and areas with high biological or recreational value, shall be avoided to the extent that such damage or interference is reasonably likely to affect any land or water use or natural resource of the coastal area.

(5) Placement of structures in geologically unstable areas, such as unstable sediments and active faults, shall be avoided to the extent that damage to such structures resulting from geological phenomena is reasonably likely to affect any land or water use or natural resource of the coastal area.

(6) ~~Wildlife destruction or relocation shall be assessed and minimized to the extent that such destruction or relocation is reasonably likely to affect any land or water use or natural resource of the coastal area.~~ Procedures necessary to secure an energy facility in the event of severe weather conditions, such as extreme wind, currents and waves due to northeasters and hurricanes, shall be initiated sufficiently in advance of the commencement of severe weather to ensure that adverse impacts on any land or water use or natural resource of the coastal area shall be avoided.

(7) Adverse impacts on species identified as threatened or endangered on Federal or State lists shall be avoided.

(8) Major energy facilities are not appropriate uses in fragile or historic areas, and other areas containing environmental or natural resources of more than local significance, such as parks, recreation areas, wildlife refuges, and historic sites.

(9) No energy facilities shall be sited in areas where they pose a threat to the integrity of the facility and surrounding areas, such as ocean front areas with high erosion rates, areas having a history of overwash or inlet formation, and areas in the vicinity of existing inlets.

(10) In the siting of energy facilities and related structures, the following areas shall be avoided to the maximum extent ~~practicable:~~ feasible:

(A) areas of high biological significance, including offshore reefs, rock outcrops and hard bottom areas, sea turtle nesting beaches, freshwater and saltwater wetlands, primary nursery areas, submerged aquatic vegetation beds, shellfish beds, anadromous fish spawning and nursery areas, and colonial bird nesting colonies;

(B) major tracts of maritime forest and other important natural areas as identified by the North Carolina Natural Heritage Program;

(C) crossings of streams, rivers, and lakes except for existing readily-accessible corridors;

(D) anchorage areas and congested port areas;

(E) artificial reefs, shipwrecks, and submerged archaeological resources;

(F) dump sites;

(G) areas of large dunes or well-developed frontal dune systems;

(H) heavily developed and heavily used recreation areas.

(11) Where ~~impacts on these~~ the areas listed in Subparagraph (f) (10) of this Rule cannot be avoided, and the ~~impact~~ siting of the energy facility affects any land or water use or natural resource of the coastal area, damage due to siting shall be mitigated to the maximum extent ~~practicable~~ feasible and in compliance with any other standard in this Section, and affected areas shall be restored to their original functions pursuant to a plan of reclamation, which must be a part of the consistency determination or permit.

(12) Construction of energy facilities shall occur only during periods of lowest biological vulnerability. Nesting and spawning periods shall be avoided.

(13) If facilities located in the coastal area are abandoned, habitat of equal value to or greater than that existing prior to construction shall be restored as soon as practicable following abandonment. For abandoned

facilities outside the coastal area, habitat in the areas shall be restored to its preconstruction state and functions as soon as practicable if the abandonment of the structure is reasonably likely to affect any land or water use or natural resource of the coastal area.

History Note: Authority G.S. 113A-102(b); 113A-107; 113A-124;
Eff. March 1, 1979;
Amended Eff. April 1, 1992;
Amended Eff. November 3, 1997 pursuant to E.O. 121, James B. Hunt Jr., 1997;
Temporary Amendment Eff. December 22, 1998.

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Rule-making Agency: *Division of Environmental Health*

Rule Citation: *15A NCAC 18A .1611*

Effective Date: *January 1, 1999*

Findings Reviewed by Beecher R. Gray: *Approved*

Authority for the rule-making: *G.S. 95-225; 130A-5(3); 130A-230; 130A 235; 130A-236; 130-248; 130A-257*

Reason for Proposed Action: *The proposed temporary rule is presented in response SB 1171. This Bill requires that no later than January 1, 1999, the Commission for Health Services adopt a temporary rule in accordance with G.S. 150B- 21.1 that provides specific guidelines for waiving the existing water supply well setback requirements contained in 15A NCAC 18A .1720 for institutions and facilities located in single-family dwellings. The Bill requires that the Commission determine specific criteria under which 15A NCAC 18A .1720 may be waived while still protecting the public health.*

Comment Procedures: *Written comments may be submitted to Bart Campbell, DENR, Division of Environmental Health, PO Box 29534, Raleigh, NC 27626-0534.*

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .1600 - SANITATION OF RESIDENTIAL CARE FACILITIES

.1611 WATER SUPPLY

(a) Water supplies shall meet the requirements in 15A NCAC 18A ~~.1700.~~ .1700; however wells shall be approved without meeting the setback to building foundation requirements found in 15A NCAC 18A .1720, if water sampling in accordance with Paragraph (b) of this Rule does not indicate a health threat.

(b) At least once a year, samples of water shall be collected by the Department and submitted to the North Carolina State Laboratory of Public Health or other laboratory certified by the Department to perform examinations for Nitrates and Coliform bacteria. ~~However~~ If the well ~~supply serves a family foster home or a private residence regulated by these Rules and the well~~ is located ~~at least 10 feet but~~ less than 25 feet from a building foundation, the well shall also be sampled for ~~pesticides, nitrates, and bacteria~~ pesticides upon application for licensure or approval. After the initial pesticide sample is collected and analyzed, the well shall be sampled again for pesticides following any treatment for structural pests.

(c) No backflow connections or cross connections with unapproved supplies shall exist.

(d) Adequate hot water heating facilities shall be provided. Hot and cold running water under pressure shall be provided to food preparation areas and any other areas in which water is required for cleaning.

History Note: Authority G.S. 95-225; 130A-5(3); 130A-230; 130A-235; 130A-236; 130A-248; 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. July 1, 1994; September 1, 1990;
Temporary Amendment Eff. January 1, 1999; May 5, 1998.

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Rule-making Agency: *N.C. Commission for Health Services*

Rule Citation: *15A NCAC 18A .1952, .1953, .1954, .1955*

Effective Date: *January 1, 1999*

Findings Reviewed and approved by: *Beecher R. Gray*

Authority for the rule-making: *G.S. 130A-335(e)(f); 130A-335.1*

Reason for Proposed Action: *The 1998 "short" session of the N.C. General Assembly ratified on August 19, 1998, and the Governor on August 28, 1998, HB 1462 which requires the Commission for Health Services to adopt temporary rules governing effluent filters and access devices for septic tank systems by December 1, 1998 and temporary rules to be effective on January 1, 1999. (Ref. Section 3, S.L. 1998-126)*

Comment Procedures: *Written comments on amendments to Sewage Rules (15A NCAC 18A .1900 et seq.) should be submitted to Steve J. Steinbeck. On-Site Wastewater Section, P.O. Box 29594, Raleigh, NC 27626-0594 or emailed to steve_steinbeck @mail.enr.state.nc.us.*

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .1900 - SEWAGE TREATMENT AND DISPOSAL SYSTEMS

.1952 SEPTIC TANK, DOSING TANK AND LIFT STATION DESIGN

(a) A septic tank or dosing tank shall be watertight, structurally sound, and not subject to excessive corrosion or decay. Septic tanks shall be of two-compartment design. The inlet compartment of a two-compartment tank shall hold between two-thirds and three-fourths of the total tank capacity. Septic tanks shall have an approved effluent filter and access devices. The effluent filter shall function without a bypass of unfiltered wastewater, sludge or scum. The effluent filter case shall be designed to function as a sanitary tee with the inlet extending down to between 25 and 40 percent of the liquid depth. The requirement(s) for an effluent filter and access devices shall apply to septic tanks for which a Construction Authorization is issued on or after January 1, 1999. A properly designed dosing siphon or pump shall be used for discharging sewage effluent into nitrification lines when the total length of such lines exceeds 750 linear feet in a single system and as required for any pressure-dosed system. When the design daily flow from a single system exceeds 3,000 gallons per day or when the total length of nitrification lines exceeds 2,000 linear feet in a single system, alternating siphons or pumps shall be used which shall discharge to separate nitrification fields. The dose volume from pump or siphon systems shall be of such design so as to fill the nitrification lines from 66 percent to 75 percent of their capacity at each discharge except as required for low-pressure distribution systems. The discharge rate from dosing systems shall be designed to maximize the distribution of the effluent throughout the nitrification field. Septic tanks installed where the top will be deeper than ~~30~~ six inches below the finished grade shall have an access ~~manhole,~~ manhole over each compartment with cover, extending to within six inches of the finished grade, having a minimum opening adequate to accommodate the installation or removal of the septic tank ~~lid.~~ lid, septage removal, and maintenance of the effluent filter. When the top of the septic tank or access manhole is below the finished grade, the location of each manhole shall be visibly marked at finished grade. Any system serving a design unit with a design sewage flow greater than 3,000 gallons per day shall have access ~~manholes over each compartment and over the outlet sanitary tee. The access~~ manholes ~~shall~~ that extend at least to finished grade and be designed and maintained to prevent surface water inflow. The manholes shall be sized to allow proper inspection and maintenance. All dosing tanks shall have a properly functioning high-water alarm. The alarm shall be audible and visible by system users and weatherproof if installed outdoors. The alarm circuit shall be provided with a manual disconnect in a watertight, corrosion-resistant outside enclosure (NEMA 4X or equivalent) adjacent to the dosing tank.

(b) Minimum liquid capacities for septic tanks shall be in accordance with the following:

(1) Residential Septic Tanks (for each individual residence or dwelling unit):

Number of Bedrooms	Minimum Liquid Capacity	Equivalent Capacity Per Bedroom
3 or less	900 gallons	300 gallons
4	1,000 gallons	250 gallons
5	1,250 gallons	250 gallons

(2) Septic tanks for large residences, multiple dwelling units, or places of business or public assembly shall be in accordance with the following:

(A) The minimum liquid capacity of septic tanks for places of business or places of public assembly with a design sewage flow of 600 gallons per day or less shall be determined in accordance with the following: $V = 2Q$; where V is the liquid capacity of the septic tank and Q is the design daily sewage flow.

(B) Individual residences with more than five bedrooms, multiple-family residences, individual septic tank systems serving two or more residences, or any place of business or public assembly where the design sewage flow is greater than 600 gallons per day, but less than 1,500 gallons per day, the liquid capacity of the septic tank shall be designed in accordance with the following: $V = 1.17Q + 500$; where V is the liquid capacity of the septic tank and Q is the design daily sewage flow. The minimum liquid capacity of a septic tank serving two or more residences shall be 1,500 gallons.

(C) Where the design sewage flow is between 1,500 gallons per day and 4,500 gallons per day, the liquid capacity of the septic tank shall be designed in accordance with the following: $V = 0.75Q + 1,125$; where V is the liquid capacity of the septic tank and Q is the design daily sewage flow.

(D) Where the design sewage flow exceeds 4,500 gallons per day, the septic tank shall be designed in accordance with the following: $V = Q$; where V is the liquid capacity of the septic tank and Q is the design daily sewage flow.

(E) The minimum liquid capacity requirements of Subparagraph (b)(2) of this Rule shall be met by use of a single two-compartment septic tank or by two tanks installed in series, provided the first tank is constructed without a baffle wall and contains at least two-thirds of the total required liquid capacity.

(3) The minimum capacity of any septic tank shall be 750 gallons.

(c) The following are minimum standards of design and construction of pump tanks and pump dosing systems:

(1) The liquid capacity of a pump tank shall be considered as the entire internal volume with no additional requirement for freeboard. Pump tanks shall have a minimum liquid capacity in accordance with the following:

(A) Pump tanks for systems with nitrification fields installed in Soil Group I, II, or III soils, as defined in these Rules, shall have a minimum liquid capacity equal to two-thirds of the required septic tank liquid capacity.

(B) Pump tanks for systems installed in Group IV

soils shall have a minimum liquid capacity equal to the required septic tank liquid capacity.

(C) The minimum liquid capacity of any pump tank shall be 750 gallons.

(D) An alternate method to determine minimum liquid capacity of a pump tank shall be to provide for the minimum pump submergence requirement (Subparagraph (c)(5) of this Rule), the minimum dose volume requirement (Paragraph (a) of this Rule), and the minimum emergency storage capacity requirement. The emergency storage capacity requirement is determined based on the type of facility served, the classification of surface waters which would be impacted by a pump tank failure, and the availability of standby power devices and emergency maintenance personnel. The emergency storage capacity shall be the freeboard space in the pump tank above the high-water alarm activation level plus the available freeboard space in previous tankage and in the collection system below the lowest ground elevation between the pump tank and the lowest connected building drain invert. The minimum emergency storage capacity for residential systems and other systems in full-time use on sites draining into WS-I, WS-II, WS-III, SA, SB, and B waters shall be 24 hours, without standby power, or 12 hours with standby power manually activated, or four hours with standby power automatically activated or with a high-water alarm automatically contacting a 24-hour maintenance service. The minimum emergency storage capacity for systems not in full-time use and for all systems at sites draining into all other surface waters shall be 12 hours without standby power, or eight hours with standby power manually activated, or four hours with standby power automatically activated or with a high-water alarm automatically contacting a 24-hour maintenance service.

(E) Notwithstanding Paragraphs (c)(1) (A)-(D), other criteria for pump tank capacity may be approved by the local health department and the State for raw sewage lift stations, pressure sewer systems, and systems with design flows exceeding 3,000 gallons per day.

(2) The effluent pump shall be capable of handling at least one-half inch solids and designed to meet the discharge rate and total dynamic head requirements of the effluent distribution system. The pump shall be listed by Underwriter's Laboratory or an equivalent third party electrical testing and listing agency, unless the proposed pump model is specified by a registered professional engineer.

(3) Pump discharge piping shall be of Schedule 40 PVC or stronger material and adequately secured. Fittings and valves shall be of compatible corrosion-resistant material. A threaded union, flange, or similar disconnect device shall be provided in each pump discharge line. All submersible pumps shall be provided with a corrosion-resistant rope or chain attached to each pump enabling pump removal from the ground surface without requiring dewatering or entrance into the tank. Valves shall also be readily accessible from the ground surface.

(4) Antisiphon holes (three-sixteenth inch) shall be provided when the discharge or invert elevation of the distribution system is below the high-water alarm elevation in the pump tank, or in accordance with pump manufacturer's specifications. Check valves shall be provided when the volume of the supply line is greater than 25 percent of the dosing volume, or in accordance with pump manufacturer's specifications. When provided, the antisiphon hole shall be located between the pump and the check valve.

(5) Sealed mercury control floats or similar devices designed for detecting liquid levels in septic tank effluent shall be provided to control pump cycles. A separate level sensing device shall be provided to activate the high-water alarm. Pump-off level shall be set to keep the pump submerged at all times or in accordance with the manufacturer's specifications. A minimum of 12 inches of effluent shall be maintained in the bottom of the pump tank. The high-water alarm float shall be set to activate within six inches of the pump-on level. The lag pump float switch, where provided, shall be located at or above the high-water alarm activation level.

(6) Pump and control circuits shall be provided with manual circuit disconnects within a watertight, corrosion-resistant, outside enclosure (NEMA 4X or equivalent) adjacent to the pump tank, securely mounted at least 12 inches above the finished grade. The pump(s) shall be manually operable without requiring the use of special tools or entrance into the tank for testing purposes. Conductors shall be conveyed to the disconnect enclosure through waterproof, gasproof, and corrosion-resistant conduits, with no splices or junction boxes provided inside the tank. Wire grips, duct seal, or other suitable material shall be used to seal around wire and wire conduit openings inside the pump tank and disconnect enclosure.

(7) For systems requiring duplex and multiplex pumps, a control panel shall be provided which shall include short-circuit protection for each pump and for the control system, independent disconnects, automatic pump sequencer, hand-off-automatic (H-O-A) switches, run lights, and elapsed time counters for each pump. Alarm circuits shall be supplied ahead of any pump overload or short circuit protective devices. The control panel must be in a watertight, corrosion-resistant enclosure (NEMA 4X or

equivalent) unless installed within a weathertight building. The panel shall be protected from intense solar heating.

(8) Dual and multiple fields shall be independently dosed by separate pumps which shall automatically alternate. The supply lines shall be "H" connected to permit manual alternation between fields dosed by each pump. "H" connection valving shall be readily accessible from the ground surface, either from the pump tank access manhole or in a separate valve chamber outside the pump tank. Other equivalent methods of dosing dual or multiple fields may be approved by the State.

(9) The pump tank shall have a properly functioning high-water alarm. The alarm circuit shall be supplied ahead of any pump overload and short circuit protective devices. The alarm shall be audible and visible by system users and weatherproof if installed outdoors in an enclosure (NEMA 4X or equivalent).

(d) Siphons and siphon dosing tanks may be used when at least two feet of elevation drop can be maintained between the siphon outlet invert and the inlet invert in the nitrification field distribution system.

(1) Siphon dosing tanks shall be designed in accordance with the minimum dose requirements in this Rule and shall meet the construction requirements of this Section. The siphon dose tank shall provide at least 12 inches of freeboard, and the inlet pipe shall be at least three inches above the siphon trip level. The high-water alarm shall be set to activate within two inches of the siphon trip level.

(2) Siphon dosing tanks shall have a watertight access opening over each siphon with a minimum diameter of 24 inches and extending to finished grade and designed to prevent surface water inflow.

(3) The slope and size of the siphon discharge line shall be sufficient to handle the peak siphon discharge by gravity flow without the discharge line flowing full. Vents for the discharge lines shall be located outside of the dosing tank or otherwise designed to not serve as an overflow for the tank.

(4) All siphon parts shall be installed in accordance with the manufacturer's specifications. All materials must be corrosion-resistant, of cast iron, high density plastic, fiberglass, stainless steel, or equal.

(5) Siphon dosing tanks shall have a properly functioning high-water alarm that is audible and visible by system users and weatherproof if installed outdoors in an enclosure (NEMA 4X or equivalent).

(e) Raw sewage lift stations shall meet the construction standards of this Section and all horizontal setback requirements for sewage treatment and disposal systems in accordance with Rule .1950(a) of this Section unless the station is a sealed, watertight chamber, in which case the setback requirements for collection sewers in Rule .1950(e) of this Section shall apply. Sealed, watertight chambers shall be of a single, prefabricated unit, such as fiberglass, with sealed top cover, and preformed inlet and outlet pipe openings connected with solvent ~~wells,~~ welds, O-ring seals, rubber boots, stainless steel straps, or equivalent. Dual pumps shall be provided for stations serving two or more buildings or for a facility with more than six water closets. Pumps shall be listed by Underwriter's Laboratories or an equivalent third party electrical testing and listing agency, and shall be grinder pumps or solids-handling pumps capable of handling at least three-inch spheres unless the station serves no more than a single water closet, lavatory, and shower, in which case two-inch solids handling pumps shall be acceptable. Minimum pump capacity shall be 2.5 times the average daily flow rate. The dosing volume shall be set so that the pump-off time does not exceed 30 minutes, except for stations serving single buildings, and pump run-time shall be from three to ten minutes at average flow. Pump station emergency storage capacity and total liquid capacity shall be determined in accordance with Paragraph (c)(1)(D) of this Rule except for a sealed, watertight chamber serving an individual building, in which case a minimum storage capacity of eight hours shall be required. All other applicable requirements for pump tanks and pump dosing systems in accordance with Paragraph (c) of this Rule shall also apply to raw sewage lift stations.

History Note: Authority G.S. 130A-335 (e),(f), and (f1) [2nd]; Eff. July 1, 1982;
Amended Eff. August 1, 1991; January 1, 1990;
Temporary Amendment Eff. January 1, 1999.

.1953 PREFABRICATED SEPTIC TANKS AND PUMP TANKS

When prefabricated concrete tanks or tanks of other material are used, they shall be constructed in accordance with the plans which have been approved by the State and shall comply with all requirements of this Section. At least three complete sets of plans and specifications for the initial design of the prefabricated septic tank or subsequent changes and modifications shall be submitted to the Department of ~~Environment, Health,~~ Environment and Natural Resources, ~~Division of Environmental Health,~~ On-Site Wastewater Section, P.O. Box ~~27687,~~ 29594, Raleigh, North Carolina ~~27611-7687.~~ 24626-0594. Separate plans and specifications for the design of each septic tank or pump tank to be produced shall be submitted to the ~~Division of Environmental Health~~ On-Site Wastewater Section for approval. These plans and specifications shall show the design of the septic tank in detail, including:

(1) All pertinent dimensions;

(2) Reinforcement material and location;

(3) Material strength;

(4) Liquid depth;

(5) ~~Joint~~ Pipe penetration, joint material and method of sealing;

(6) Access manhole ~~and riser detail;~~ riser, lid, and other proposed appurtenances to the septic tank;

(7) Approved effluent filter(s), filter support detail and filter access detail; and

(8)~~(7)~~ Other design features.

History Note: Authority G.S. 130A-335 (e) (f), and (f1) [2nd]; Eff. July 1, 1982;

Amended Eff. January 1, 1990;
Temporary Amendment Eff. January 1, 1999.

.1954 MINIMUM STANDARDS FOR PRECAST REINFORCED CONCRETE TANKS

(a) The following are minimum standards of design and construction of precast reinforced concrete septic tanks:

(1) The minimum requirement for the liquid depth is 36 inches.

(2) A minimum of nine inches freeboard is required, the freeboard being the air space between the top of the liquid and the bottom side of the lid or cap of the tank.

(3) The length of the septic tank shall be at least twice as long as the width.

(4) There shall be three inlet openings in the tank, one on the tank end and one on each sidewall of the inlet end of the tank. The blockouts for these openings shall leave a concrete thickness of not less than one inch in the tank wall. The blockouts shall be made for a minimum of four-inch pipe or a maximum of six-inch pipe. The outlet pipe penetration of the tank shall be through a resilient, watertight, sealed, non-corrosive and flexible connective sleeve. The outlet pipe penetration shall be precast to be compatible with the connective sleeve. ~~No blockouts or openings~~ No pipe penetration points or openings shall be permitted below the tank liquid level.

(5) The inlet pipe in the tank shall be a straight pipe.

(6) The outlet shall be through an approved effluent filter secured in place in an effluent filter support case. The effluent filter support case shall serve as a functioning sanitary tee with the bottom inlet extending down between 25 and 40 percent of the liquid depth. ~~a cast-in-place concrete sanitary tee, a polyvinyl chloride (PVC) sanitary tee, or a polyethylene (PE) sanitary tee, made of not less than class 160 pipe or equivalent fittings and pipe. Class 160 pipe shall have a wall thickness of not less than 0.183 inches. The cast-in-place concrete sanitary tee shall have a minimum thickness of not less than two inches. The tee shall extend down one-fourth of the liquid depth.~~ The ~~tee~~ approved effluent filter and support case shall be furnished by the septic tank manufacturer. The invert of the outlet shall be at least two inches lower in elevation than the invert of the inlet.

(7) Other equivalent methods of supporting the effluent filter and for making the pipe penetrations shall be approved by the On-Site Wastewater Section.

(8) In order to obtain approval of an effluent filter, the filter manufacturer shall submit to the State the following information with supporting documentation:

(A) For each septic tank system that is designed to treat 3000 gallons per day or less of sewage, a written certification that the effluent filter is designed, constructed, and performs in compliance with North Carolina General Statute 130A-335.1(a)(1)(2)(3), and (4);

(B) Sizing as to capacity and wastewater strength for all models of proposed filters to be approved; and

(C) Specifications for application, installation, operation, and maintenance.

(9)~~(7)~~ All tanks shall be manufactured with a cast-in-place partition so that the tank contains two compartments. The partition shall be located at a point not less than two-thirds nor more than three-fourths the length of the tank from the inlet end. The top of the partition shall terminate two inches below the bottom side of the tank top in order to leave space for air or gas passage between compartments. The top and bottom halves of the partition shall be cast in such manner as to leave a water passage slot four inches high for the full width of the tank. The partition (both halves) shall be reinforced by the placing of six-inch by six-inch No. 10 gage welded reinforcing wire. The reinforcing wire shall be bent to form an angle of 90 degrees on the ends in order to form a leg not less than four inches long. When the wire is placed in the mold the four-inch legs should lay parallel with the sidewall wire and adjacent to it. It is recognized that there are other methods of constructing a partition or two-compartment tank. Any method other than the one described will be considered on an individual basis for approval by the ~~Division of Environmental Health.~~ On-Site Wastewater Section. However, the tank wall thickness must remain not less than two and one-half inches thick throughout the tank except for ~~blockouts.~~ the pipe penetrations.

(10)~~(8)~~ Adequate access openings must be provided in the tank top. Access shall be provided for cleaning or rodding out of the inlet pipe, for cleaning or clearing the air or gas passage space above the partition, ~~an entrance for inserting the suction hose for tank pumping, and for entrance of a person if internal repairs are needed after pumping.~~ for pumping of each compartment, and for the maintenance of the effluent filter. This shall be accomplished by properly locating two manholes or access openings with each having a minimum opening of ~~18~~ 15 inches by ~~18~~ 15 inches or 17 inches in diameter as the opening cuts the plane of the bottom side of the top of the ~~tank.~~ tank or other equidimensional opening with at least 225 square inches. The manhole covers shall be beveled on all sides in such manner as to accommodate a uniform load of 150 pounds per square foot without damage to the cover or the top of the tank. If the top of the tank is to be multislab construction, the slabs over the inlet of the tank, partition, and outlet of the tank must not weigh in excess of 150 pounds each. Multislab construction allows for the elimination of the manholes. Manhole covers, tank lids, access opening covers, or slabs shall have a handle of steel or other rot-resistant material equivalent in strength to a No. 3 reinforcing rod (rebar).

(11)~~(9)~~ The concrete tank and tank lid shall be reinforced by using a minimum reinforcing of six-inch by six-inch No. 10 gage welded steel reinforcing wire in the top, bottom ends, and sides of the tank. The reinforcing wire shall be lapped at least six inches. Concrete cover shall be required for all reinforcement. Reinforcement shall be placed to maximize the structural integrity of the tank. The ~~tank~~ tank, tank lid, riser and riser cover shall be able to withstand a uniform live loading of 150 pounds per square foot in addition to all loads to which an underground ~~tank~~ tanks, riser, or riser cover is normally subjected, such as the dead weight of the concrete and soil cover, active soil pressure on tank walls, and the uplifting force of the ground water. Additional reinforcement shall be required when the loads on a concrete ~~tank~~ tank, riser, or riser cover are exceeded by subjecting it to vehicular traffic or when the top of the tank is placed deeper than three feet below the finished grade.

(12)~~(10)~~ The top, bottom, ends, and sides of the tank must have a minimum thickness of two and one-half inches.

(13)~~(11)~~ A minimum 28-day concrete compressive strength of 3,500 pounds per square inch shall be used in the construction of the septic ~~tank.~~ tank, concrete access riser and riser cover. The concrete shall achieve a minimum compressive strength of 3,000 pounds per square inch prior to removal of the tank from the place of manufacture. It shall be the responsibility of the manufacturer to certify that this condition has been met prior to shipment. A septic tank shall be subject to testing to ascertain the strength of the concrete prior to its being approved for installation. Recognized devices for testing the strength of concrete include a properly calibrated Schmidt Rebound Hammer or Windsor Probe Test. Accelerated curing in the mold by use of propane gas or other fuels is prohibited, except in accordance with accepted methods and upon prior approval of the State.

(14)~~(12)~~ After curing, tanks manufactured in two sections and as required, concrete risers shall be joined and sealed at the joint by using a mastic, butyl rubber, or other pliable sealant that is waterproof, corrosion-resistant, and approved for use in septic tanks. The sealant shall have a minimum size of one inch nominal diameter or equivalent. Before sealing, the joint shall be smooth, intact, and free of all deleterious substances. Tank halves shall be properly aligned to ensure a tight seal. The sealant shall be provided by the manufacturer.

(15)~~(13)~~ All tanks produced shall bear an imprint identifying the manufacturer, the serial number assigned to the manufacturer's plans and specifications approved by the State, and the liquid or working capacity of the tanks. This imprint shall be located to the right of the blockout made for the outlet pipe on the outlet end of the tank. All tanks shall also be permanently marked with the date of manufacture adjacent to the tank imprint or on the top of the tank directly above the imprint.

(16) Risers and access covers shall have a clear opening sized to allow for maintenance and removal of internal devices of the septic tank and shall not allow accidental entry. The access cover and tank lid shall be designed, constructed, and maintained to prevent unauthorized access. Risers shall be sealed watertight where they join the top of the septic tank, and constructed to prevent water inflow through the lid or cover.

(b) Pump tanks shall meet the construction requirements of Paragraph (a) of this Rule with the following modifications.

(1) Tanks shall be cast with a single compartment, or, if a partition is provided, the partition shall be cast to contain a minimum of two four-inch diameter circular openings, or equivalent, located no more than 12 inches above the tank bottom.

(2) There shall be no requirement as to tank length, width, or shape, provided the tank satisfies all other requirements of this Section.

(3) The invert of the inlet openings shall be located within 12 inches of the tank top. No freeboard shall be required in the pump tank.

(4) After joining, tanks manufactured in two sections shall be plastered along the joint with hydraulic cement, cement mortar, or other waterproofing sealant. Other methods of waterproofing tanks may be used as specifically approved in the plans and specifications for the tank. Prior to backfilling, the local health department shall make a finding that a two section tank is watertight if a soil wetness condition is present within five feet of the elevation of the top of the tank.

(5) Tanks shall be vented and accessible for routine maintenance. A watertight access manhole with removable lid shall be provided over the pump with a minimum diameter of 24 inches. The access manhole shall extend at least to six inches above finished grade and be designed and maintained to prevent surface water inflow. Larger or multiple manholes shall be provided when two or more pumps are required. Pumps shall be removable without requiring entrance into the tank. Manhole lids and electrical controls shall be secured against unauthorized access. Manhole risers shall be joined to the tank top and sealed in accordance with Paragraphs (a)(12) and (b)(4) of this Rule.

(6) All pump tanks shall bear an imprint identifying the manufacturer, pump tank serial number assigned by the Division of Environmental Health, and the liquid or working capacity of the tank. The imprint shall be located to the left of the outlet blockout. All tanks shall also be permanently marked with the date of manufacture adjacent to the tank imprint or on the top of the tank directly above the imprint.

(c) Plans for prefabricated ~~tanks.~~ tanks, risers and riser

covers, other than those approved under Paragraphs (a) or (b) of this Rule ~~for precast reinforced concrete tanks,~~ shall be approved on an individual basis as determined by the information furnished by the designer which indicates the ~~tank~~ tank, riser or riser cover will provide equivalent effectiveness as those designed in accordance with the provisions of Paragraphs (a) and (b) of this Rule.

(d) Tanks other than approved prefabricated tanks shall be constructed consistent with the provisions of this Rule except as follows:

(1) Cast-in-place concrete septic and pump tanks shall have a minimum wall thickness of six inches.

(2) Concrete block or brick masonry tanks shall have a minimum wall thickness of at least six inches when the design volume is less than 1,000 gallons and a minimum wall thickness of at least eight inches when the design volume is 1,000 gallons or more. All joints between masonry units shall be mortared using masonry cement mortar or equivalent. The joints shall have a nominal thickness of three-eighths inch. All concrete block masonry tanks shall have a minimum wall reinforcement of number three reinforcing bars on 20-inch centers, or equivalent. The maximum allowable reinforcement spacing in either direction shall be four feet. All block wall cores shall be filled with concrete with a minimum compressive strength of 3,000 pounds per square inch. All tanks constructed of block or brick shall be plastered on the inside with a 1:3 mix (one part cement, three parts sand) of Portland cement at least three-eighths inch thick or the equivalent using other approved waterproofing material.

(3) The bottom of the built-in-place tank shall be poured concrete with a minimum thickness of four inches. All built-in-place tanks shall be reinforced to satisfy the structural strength requirements of Paragraph (a)(9) of this Rule. Reinforcement shall be placed in both directions throughout the entire tank, including top, bottom, walls, and ends.

(e) Manufacturers of septic tanks, effluent filters, pump tanks, risers, and riser locators shall comply with the General Statutes, this Section, and Approval conditions. If the approved products or materials are found to be in non-compliance, the Operation Permit shall not be issued or shall be denied. The State shall suspend or revoke the product approval upon a finding that the information submitted is falsified, the product has been subsequently altered, or subsequent experience with the product results in altered conclusions about its design or performance. Suspension or revocation of the product approval shall not affect systems previously installed pursuant to the approval.

History Note: Authority G.S. 130A-335 (e), (f), and (f1) [2nd]; Eff. July 1, 1982;
Amended Eff. August 1, 1991; January 1, 1990;
Temporary Amendment Eff. January 1, 1999.

.1955 DESIGN CRITERIA FOR CONVENTIONAL SEWAGE SYSTEMS

(a) Conventional septic tank systems shall utilize a septic tank of approved construction with an approved effluent filter and support case, access devices, and design volume which provides primary treatment of the sewage in accordance with the provisions of these Rules. The effluent filter support case shall be solvent welded to a PVC Schedule 40 outlet pipe with a minimum diameter of three inches inserted through the outlet connective sleeve creating a watertight and mechanically sound joint and shall extend at least 24 inches beyond the tank outlet. The filter and support case shall be installed and maintained in accordance with the filter manufacturer's specifications. The effluent filter shall be accessible without the operator entering the septic tank and removable by hand. The effluent filter shall be secured in the support case and located under the outlet access opening or manhole. When the top of the septic tank or access manhole is installed below finished grade, the location of each access opening or manhole shall be visibly marked at finished grade. The visible marker(s) shall be located over or within a five foot radius of each access opening or manhole. The marker(s) shall be identified as a septic tank locator. When not placed over each access opening or manhole, the marker(s) shall indicate location of tank access opening(s) or manhole(s). The filtered effluent from the septic tank shall be conveyed to an approved nitrification line where the soil provides for final treatment and disposal of the sewage.

(b) Table II shall be used in determining the maximum long-term acceptance rate for septic tank systems of conventional trench design. The long-term acceptance rate shall be based on the most hydraulically limiting naturally occurring soil horizon within three feet of the ground surface or to a depth of one foot below trench bottom, whichever is deeper.

TABLE II

SOIL GROUP	SOIL TEXTURE CLASSES (USDA CLASSIFICATION)		LONG-TERM ACCEPTANCE RATE gpd/ft^2
I	Sands (With S or PS structure and clay mineralogy)	Sand Loamy Sand	1.2 - 0.8
II	Coarse Loams	Sandy Loam	0.8 - 0.6

	(With S or PS structure and clay mineralogy)	Loam	
III	Fine Loams (With S or PS structure and clay mineralogy)	Sandy Clay Loam Silt Loam Clay Loam Silty Clay Loam Silt	0.6 - 0.3
IV	Clays (With S or PS structure and clay mineralogy)	Sandy Clay Silty Clay Clay	0.4 - 0.1

The long-term acceptance rate shall not exceed the mean rate for the applicable soil group for food service facilities, meat markets, and other places of business where accumulation of grease can cause premature failure of a soil absorption system. Long-term acceptance rates up to the maximum for the applicable soil group may be permitted for facilities where data from comparable facilities indicates that the grease and oil content of the effluent will be less than 30 mg/l and the chemical oxygen demand (COD) will be less than 500 mg/l.

(c) The design daily sewage flow shall be divided by the long-term acceptance rate to determine the minimum area of nitrification trench bottom. The total length of the nitrification line shall be determined by dividing the required area of nitrification trench bottom by the trench width, not to exceed 36 inches. Trenches shall be located not less than three times the trench width on centers with a minimum spacing of five feet on centers.

(d) The local health department may permit the use of a bed system on sites where the soil texture can be classified into either Soil Groups I, II, or III, meeting the other requirements of this Section, and only on lots which are limited by topography, space, or other site-planning considerations. In such cases, the number of square feet of bottom area needed shall be increased by 50 percent over what would be required for a trench system. Nitrification lines shall be at least 18 inches from the side of the bed and shall have lines on three-foot centers. When the design daily flow exceeds 600 gallons per day, bed systems shall not be used.

(e) The pipe or tubing used between the septic tank and the nitrification line shall be a minimum of three-inch nominal size Schedule 40 polyvinyl chloride (PVC), polyethylene (PE), or acrylonitrile-butadiene-styrene (ABS) or equivalent with a minimum fall of one-eighth inch per foot. However, three-inch or greater nonperforated polyethylene (PE) corrugated tubing may be substituted for Schedule 40 pipe between a distribution device and the nitrification line if the following conditions are met:

(1) the trench has a minimum bottom width of one foot;
(2) the trench bed is compacted, smooth, and at a uniform grade;
(3) the pipe is placed in the middle of the trench with a minimum of three inches of clearance between the pipe and the trench walls;
(4) washed stone or washed gravel envelope is placed in the trench on both sides of the pipe and up to a point at least two inches above the top of the pipe;
(5) a minimum of six inches of soil cover is placed and compacted over the stone or gravel envelope; and
(6) earthen dams consisting of two feet of undisturbed or compacted soil are placed at both ends of the trench separating the trench from the distribution device and the nitrification line.

All joints from the septic tank to the nitrification line shall be watertight.

(f) When four or six-inch diameter corrugated plastic tubing is used for nitrification lines, it shall be certified as complying with ASTM F 405, Standard Specification for Corrugated Polyethylene (PE) Tubing and Fittings, which is hereby adopted by reference in accordance with ~~G.S. 150B-14(c).~~ G.S. 150B-21.6. The corrugated tubing shall have three rows of holes, each hole between one-half inch and three-fourths inch in diameter, and spaced longitudinally approximately four inches on centers. The rows of holes may be equally spaced 120 degrees on centers around the periphery, or three rows may be located in the lower portion of the tubing, the outside rows being approximately on 120-degree centers. The holes may be located in the same corrugation or staggered in adjacent corrugations. Other types of pipe may be used for nitrification lines provided the pipe satisfies the requirements of this Section for hole size and spacing and the pipe has a stiffness equivalent to corrugated polyethylene tubing (ASTM F-405) or stronger. The nitrification line shall be located in the center of the nitrification trench.

(g) Nitrification trenches shall be constructed as level as possible but in no case shall the fall in a single trench bottom exceed one-fourth inch in 10 feet as determined by an engineer's level or equivalent. When surface slopes are greater than two percent, the bottom of the nitrification trenches shall follow the contour of the ground. An engineer's level or equivalent shall be used for installation and inspection. The nitrification trench shall not exceed a width of three feet and a depth of three feet, except as approved by the local health department.

(h) Rock used in soil absorption systems shall be clean, washed gravel or crushed stone and graded or sized in accordance with size numbers 3, 4, 5, 57, or 6 of ASTM D-448 (standard sizes of coarse aggregate) which is hereby adopted by

reference in accordance with ~~G.S. 150B-14(c).~~ G.S. 150B-21.6. Copies may be inspected in, and copies obtained from the Division of Environmental Health, P.O. Box 27687, Raleigh, North Carolina 27611-7687. The rock shall be placed a minimum of one foot deep with at least six inches below the pipe and two inches over the pipe and distributed uniformly across the trench bottom and over the pipe.

(i) The soil cover over the nitrification field shall be to a depth of at least six inches. The finished grade over the nitrification field shall be landscaped to prevent the ponding of surface water and runoff of surface water shall be diverted away from the nitrification field. Soil cover above the original grade shall be placed at a uniform depth over the entire nitrification field, except as required to prevent the ponding of surface water, and shall extend laterally five feet beyond the nitrification trench. The soil cover shall be placed over a nitrification field only after proper preparation of the original ground surface. The type of soil cover and placement shall be approved by the local health department.

(j) Effluent distribution devices, including distribution boxes, flow dividers, and flow diversion devices, shall be of sound construction, watertight, not subject to excessive corrosion, and of adequate design as approved by the local health department. Effluent distribution devices shall be separated from the septic tank and nitrification lines by a minimum of two feet of undisturbed or compacted soil and shall be placed level on a solid foundation of soil or concrete to prevent differential settlement of the device. The installer shall demonstrate that the distribution devices perform as designed.

(k) Grease traps or grease interceptors shall be required at food service facilities, meat markets, and other places of business where the accumulation of grease can cause premature failure of a soil absorption system. The following design criteria shall be met:

(1) The grease trap shall be plumbed to receive all wastes associated with food handling and no toilet wastes;

(2) The grease trap liquid capacity shall be sufficient to provide for at least five gallons of storage per meal served per day, or at least two-thirds of the required septic tank liquid capacity, or a capacity as determined in accordance with the following:

$$LC = D \times GL \times ST \times HR/2 \times LF$$

where LC = grease trap liquid capacity (gallons)
D = number of seats in dining area
GL = gallons of wastewater per meal (1.5 single-service; 2.5 full service)
ST = storage capacity factor = 2.5
HR = number of hours open
LF = loading factor = (1.25 interstate highway
= 1.0 other highways and recreational areas
= 0.8 secondary roads)

(3) Two or more chambers must be provided, with total length-to-width ratio at least 2:1. Chamber opening and outlet sanitary tee must extend down at least 50 percent of the liquid depth.

(4) Access manholes, with a minimum diameter of 24 inches, shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent surface water infiltration. The manholes shall also have readily removable covers to facilitate ~~inspection~~ inspection, filter maintenance, and grease removal.

(5) One tank or multiple tanks, in series, shall be constructed in accordance with Rules .1952, .1953, and .1954 of this Section, and the provisions of Paragraphs (k)(3) and (k)(4) of this Rule.

(6) Where it has been demonstrated that specially designed grease interceptors will provide improved performance, the grease trap liquid capacity may be reduced by up to 50 percent.

(l) Stepdowns or drop boxes may be used where it is determined by the local health department that topography prohibits the placement of nitrification trenches on level grade. Stepdowns shall be constructed of two linear feet of undisturbed soil and constructed to a height which fully utilizes the upstream nitrification trench. Effluent shall be conveyed over the stepdown through nonperforated pipe or tubing and backfilled with compacted soil. Drop boxes shall be constructed so that the invert of the inlet supply pipe is one inch above the invert of the outlet supply pipe which is connected to the next lower drop box. The top of the trench outlet laterals, which allow effluent to move to the nitrification lines, shall be two inches below the invert of the outlet supply line. Area taken up by stepdowns and drop boxes shall not be included as part of the minimum area required for nitrification trench bottoms.

(m) Nitrification trenches shall be installed with at least one foot of naturally occurring soil between the trench bottom and saprolite, rock, or any soil horizon unsuitable as to structure, clay mineralogy or wetness. If the separation between the bottom of the nitrification trench and any soil wetness condition is less than 18 inches, and if more than six inches of this separation consists of Group 1 soils, a low pressure pipe system shall be required.

(n) If sewage effluent pumps are used, the applicable requirements of Rule .1952 of this Section shall apply.

(o) Collection sewers shall be designed and constructed in accordance with the following minimum criteria:

(1) Building drains and building sewers shall be in accordance with the state plumbing code and approved by the local building inspector.

(2) Pipe material shall be specified to comply with the applicable ASTM standards, with methods of joining and other special installation procedures specified which are appropriate for the pipe to be used.

(3) Gravity sewers shall be designed to maintain scour velocities of at least two feet per second with the pipe half full and a minimum of one foot per second at the peak projected instantaneous flow rate. Force mains shall be sized to obtain at least a two-foot per second scour velocity at the projected pump operating flow rate.

(4) Infiltration and exfiltration shall not exceed 100 gallons per day per inch diameter per mile of gravity sewer pipe or 20 gallons per day per inch diameter per mile of pressure pipe in force mains and supply lines.

(5) Three-foot minimum cover shall be provided for all sewers unless ferrous material pipe is specified. Ferrous material pipe or other pipe with proper bedding to develop design-supporting strength shall be provided where sewers are subject to traffic-bearing loads.

(6) Manholes shall be used for sewers at any bends, junctions, and at least every 425 feet along the sewer lines. Drop manholes are required where the inlet to outlet elevation difference exceeds 2.5 feet. Manhole lids shall be watertight if located below the 100-year flood elevation, within 100 feet of any public water supply source, or within 50 feet of any private water supply source or any surface waters classified WS-I, WS-II, WS-III, SA, SB, or B.

(7) Cleanouts may be used instead of manholes for four-inch and six-inch sewers serving one or two buildings or as otherwise allowed by the North Carolina Plumbing Code. When used, cleanouts are required at least every 50 feet for four-inch sewers and every 100 feet for six-inch sewers and at all junctions and bends which exceed 45 degrees.

(8) Additional ventilation provisions may be required for collection sewers. Air relief valves shall be provided as needed for force mains.

(p) Alternating dual field nitrification systems may be utilized where soils are limited by high clogging potentials (Soil Groups III and IV) and where the potential for malfunction and need for immediate repair is required. Alternating dual nitrification fields shall be designed with two complete nitrification fields, each sized a minimum of 75 percent of the total area required for a single field and separated by an effluent flow diversion valve. The diversion valve shall be constructed to resist 500 pounds crushing strength, structurally sound, and shall be resistant to corrosion. Valves placed below ground level shall be provided with a valve box and suitable valve stem so that they may be operated from the ground surface.

History Note: Authority G.S. 130A-335 (e)(f), and (f1) [2nd]; Eff. July 1, 1982;
Amended Eff. August 1, 1991; January 1, 1990; August 1, 1988; February 1, 1987;
Temporary Amendment Eff. January 1, 1999.

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Rule-making Agency: *Well Contractors Certification Commission*

Rule Citation: *15A NCAC 27 .0100, .0201, .0301, .0401, .0410, .0420, .0430, .0440, .0501, .0510, .0520, .0601, .0701, .0801, .0810, .0820, .0830, .0840, .0901, .0910, .0920, .0930*

Effective Date: *December 15, 1998*

Findings Reviewed and Approved by: *Julian Mann, III*

Authority for the rule-making: *G.S. 87-94; 87-98.2; 87-98.4; 87-98.5; 87-98.6; 87-98.7; 87-98.8; 87-98.9; 87-98.12; 143B-300; 143B-301.11; 150B-3; 150B-38; 150B-40; 150B-43*

Reason for Proposed Action: *To establish certification procedures and requirements for well contractor certification pursuant to Session Law 1997-358 and Senate Bill 1269 (Session Law 1998-129). The intent of these rules is to provide the Well Contractors Certification Commission with the procedures and standards whereby it can determine the qualifications of persons who engage in well contractor activities. This rulemaking is also intended to provide well contractors with a legal means of operating or continuing to operate the business of well construction while at the same time protecting consumers from persons who are not qualified to construct wells. A water well is a major expense to landowners, businesses, single family residences, and renters. Proper construction of water wells is vital to securing a clean water supply. To this end providing a framework, by which well contractors can demonstrate to the Commission that they have the knowledge, skills, and abilities to construct wells in accordance with the Well Construction Standards in Title 15A NCAC 2C serves the public interest. Section 10 of Session Law 1997-0358 gives the Well Contractors Certification Commission the authority to adopt temporary rules. It is important to note that Section 2 of Senate Bill 1269 (Session Law 1998-129) extends the authority that the Well Contractors Certification Commission has to conduct Temporary Rulemaking to July 1, 1999.*

Comment Procedures: *Comments, data, statements and other information may be submitted in writing within 60 days of the publication of this issue of the North Carolina Register. Written comments may be submitted to David Hance at ENR-DWQ-Groundwater Section, P.O. Box 29578, Raleigh, North Carolina, 27626-0578, {Phone: (919) 715-6189; Fax: (919) 715-0588}. Comments will be accepted by the Commission through February 15, 1998.*

CHAPTER 27 - WELL CONTRACTOR CERTIFICATION RULES

SECTION .0100 - DUTIES AND DEFINITIONS

.0101 DUTIES OF A CERTIFIED WELL CONTRACTOR

(a) A Certified well contractor must be present at all times when well contractor activities are being conducted.

(b) Every certified well contractor shall meet the continuing education requirements of this Chapter for professional development as a condition for certification renewal.

(c) A person who has satisfactorily met the requirements of the Commission relating to well contractor activities is entitled to recognition as a Certified Well Contractor certified to practice as a well contractor in the State of North Carolina.

(1) Each well contractor shall be assigned a permanent certification number and shall be issued a certificate with that certification number. Certification numbers are not transferable and shall not be used by another well contractor.

(2) The certification number shall be carried by the well contractor on a card issued by the Commission at all times when performing well contractor activities.

History Note: Authority G.S. 87-98.2; 87-98.4; 87-98.12; 143B-301.11;
Temporary Adoption Eff. December 15, 1998.

.0110 DEFINITIONS

(a) "Commission" means the Well Contractors Certification Commission as established by the North Carolina General Assembly.

(b) "College course" means a semester unit or quarter hour unit of instruction given at a college or university, which is relevant to well contractor activities.

(c) "Course/activity" means any course or activity with a clear purpose and objective which will maintain, improve or expand skills and knowledge relevant to the practice of well contractor activities.

(d) "Department" means the Department of Environment and Natural Resources.

(e) "Personally manage" means giving directions to the on-site person who is personally supervising well contractor activities.

(f) "Personally supervise" means the on-site direction and control of all well contractor activities at any time those activities are being conducted.

(g) "Professional development hour" or "PDH" means a nominal contact hour of instruction or presentation that is the basic unit of credit for all courses or activities related to satisfying continuing education requirements.

(h) "Secretary" means the Secretary of the Department of Environment and Natural Resources.

(i) "Sponsor" means an organization or individual approved by the Commission, after having supplied information, on a form prescribed and furnished by the Commission, with respect to the organization's or individual's ability to provide instruction for courses or activities related to well contractor activities.

(j) "Well contractor" means a person in trade or business who undertakes to personally supervise or personally manage the performance of a well contractor activity on the person's behalf or for any person, firm or corporation.

(k) "Well contractor activity" means the construction, installation, repair, alteration or abandonment of any well.

History Note: Authority G.S. 87-98.2; 87.98.12; 143B-301.11;
Temporary Adoption Eff. December 15, 1998.

SECTION .0200 - WELL CONTRACTOR FEES

.0201 SCHEDULE OF CERTIFICATION FEES

(a) The following fees are required for well contractor certification applications, renewals and temporary certifications:

(1) Annual Fee: A fee of two hundred dollars ($200.00) shall accompany each new application for certification or renewal of certification.

(2) Examination Fee: A fee of fifty dollars ($50.00) shall accompany each request for examination. Where an applicant requests an examination to be administered at a time other than a regularly scheduled examination, the fee will be one hundred dollars ($100.00).

(3) Temporary Certification: A fee of one hundred dollars ($100.00) shall accompany each application for temporary certification.

(b) Regular employees of a political subdivision or governmental entity engaged in well contractor activity shall be certified in accordance with this Chapter, but shall be exempt from paying the annual fees required in this Chapter, for the well contractor activity done for the political subdivision or government entity.

History Note: Authority G.S. 87-98.9;
Temporary Adoption Eff. December 15, 1998.

SECTION .0300 - CERTIFICATION OF WELL CONTRACTORS

.0301 APPLICATION REQUIREMENTS FOR CERTIFICATION

(a) The Commission shall accept applications and renewal requests for certification as a well contractor from any person who is at least 18 years of age, has knowledge of those rules adopted by the Environmental Management Commission which deal with the regulation of wells, has had not less than two years experience in well contractor activities and whose application meets all the following conditions:

(1) Each application shall be submitted on forms provided by the Commission, which are designed for requesting certification as a well contractor by way of examination, certification without examination, or temporary certification and must be properly and accurately completed and submitted with an appropriate fee to the office of the chairman of the Commission.

(2) Each application has been determined as complete. Incomplete applications and applications not accompanied by an appropriate fee and attachments cannot be processed and will be returned to the

applicant.

(3) Each application shall contain proof of experience as provided in Paragraph (e) of this Rule.

(4) Each application shall include a request for the well contractor examination or include documentation that the applicant meets the requirement for certification without examination as provided in Section .0500 of this Chapter.

(5) Applicants who have intentionally supplied false information must wait 12 months before resubmitting an application for certification.

(b) The Commission shall not schedule an applicant to take the required examination until his application has been reviewed and the applicant has met all other conditions for certification. The applicant must pass the examination within three attempts or within a one year period of time after application submittal or a new application shall be required. An applicant who has failed the examination after three consecutive attempts shall be required to obtain eight PDH units prior to resubmittal of an application for certification.

(c) A certification shall not be issued until the applicant successfully passes the required examination or meets the requirements for certification without examination.

(d) A certification issued by the Commission shall be valid in every county in the state.

(e) Satisfactory proof of two years experience in well contractor activities shall be demonstrated by providing one of the following:

(1) A list of at least 25 wells, together with their locations, major use and approximate depth and diameter, for which the applicant has supervised or assisted in the construction, repair or abandonment process. This list shall provide the name and address of the owner or owners of each well, and the approximate date the construction of each well was completed. A copy of the completion report for each well shall accompany the list. Completion dates of the 25 wells shall be distributed over a consecutive 24 month period.

(2) Letters from three persons in a business related to well contractor activities attesting that the applicant has been working in a well contractor activity for a minimum of 24 months.

(3) A letter from at least one currently certified well contractor attesting that the applicant has been working in a well contractor activity for a minimum of 24 months.

(4) In lieu of the methods described in this Paragraph (e) of this Rule, satisfactory proof of equivalent experience may be presented to the Commission and may be accepted on an individual basis.

History Note: Authority G.S. 87-98.6; 87-98.9; 143B-301.11; Temporary Adoption Eff. December 15, 1998.

SECTION .0400 - CERTIFICATION BY EXAMINATION

.0401 SUBMITTAL AND PROCESSING OF APPLICATIONS FOR EXAMINATIONS

(a) An application being filed for examination shall be postmarked by the United States Postal Service, or otherwise received by the Commission, at least 30 days prior to the date upon which the examination is scheduled to be administered and the appropriate fee must accompany the application.

(b) Upon receipt of the application by the Commission, the application will be reviewed by the designee(s) of the Commission for eligibility to take the examination. The applicant will be notified of their eligibility by letter and will be advised of the date, time and place of the examination. A receipt for the examination fee will accompany the letter. In cases where the applicant is ineligible for examination, the applicant will also be notified by letter and advised of the reason for ineligibility. The examination fee will be refunded in the event that the applicant is determined to be ineligible for the examination, minus a 50 percent processing fee. Upon learning of ineligibility, the applicant may request a hearing before the Commission at the next regularly scheduled meeting, relative to the ineligibility, if the applicant so desires. Such requests must be in writing and shall be submitted at least 30 days prior to the next regularly scheduled meeting. Any applicant who intentionally supplies false information on the application for certification for the purpose of gaining eligibility, will be ineligible for the examination and will forfeit the examination fee.

History Note: Authority G.S. 87-98.6; 87-98.9 143B-301.11; Temporary Adoption Eff. December 15, 1998.

.0410 WELL CONTRACTOR EXAMINATIONS

(a) Well contractor examinations shall be written, comprehensive examinations that are standardized statewide. The Commission may administer an examination orally on an individual basis upon a showing by the applicant of the existence of exceptional circumstances. The examinations shall be designed to determine the applicant's: knowledge of applicable rules; ability to construct, repair and abandon a well; and the ability to supervise, direct, manage and control the contracting activities of the well contracting business.

(b) A grade on the examination of 70 percent or more shall be passing. Results of the examination shall be reported as either passing or failing.

History Note: Authority G.S. 87-98.6; 143B-301.11; Temporary Adoption Eff. December 15, 1998.

0420 TIME AND PLACE OF EXAMINATION

The Commission or its representatives shall conduct examinations for certification at the time and place hereinafter designated:

(1) An examination will be given at least twice a year. The date, time and place of examination will be determined by the Commission. Information regarding the date, time, and place will be made available upon request. Announcements of the examination will be distributed as deemed appropriate

by the Commission. Each applicant filing for examination will be notified in writing of the date, time and place of the examination and the required grade for passing the examination.

(2) Examinations may be given by the Commission at any time or place:

(a) when a sufficient number of applications have been filed to justify an examination, as determined by the Commission; or

(b) upon a showing by an applicant of the existence of exceptional circumstances.

(3) Each applicant filing for examination will be notified in writing of the date, time and place of the examination and the required grade for passing the examination.

History Note: Authority G.S. 143B-301.11; 87-98.6; Temporary Adoption Eff. December 15, 1998.

.0430 CONDUCTING AND GRADING EXAMINATIONS

(a) Examinations, prepared by members of the Commission or its authorized representatives and approved by the Commission, will be given only to those who, after filing a proper application, have been determined to be eligible. Examinations will be conducted and graded under the supervision of a representative of the Commission, or its authorized representatives. Assistance in conducting and grading the examinations may be sought from members of the Department and other appropriate persons with the approval of the Commission. When each applicant receives his examination, he will identify himself by way of his driver's license or other form of photographic identification satisfactory to the proctor and the identification number will be recorded on the face of the examination paper.

(b) Representatives of the Commission or other authorized representatives, who are supervising the examinations may take appropriate action against applicants, including dismissal from the examination, if cheating does occur. If the applicant holds a certificate already, the Commission may revoke the certification in accordance with G.S. 87-98.8 and 15A NCAC 27 . 0901 for cheating on an examination.

History Note: Authority G.S. 87-98.6; 87-98.8; 143B-301.11; Temporary Adoption Eff. December 15, 1998.

.0440 EXAMINATION RESULTS AND ISSUANCE OF CERTIFICATES

(a) Within as short a period as feasible, after an examination, the applicant will be informed, in writing only, by the Commission or its authorized representatives as to the results of his examination. If a passing score is made, such notification constitutes certification by the Commission. After each examination, a list of those certified shall be drawn up and made a part of the permanent records of the Commission. Copies of these lists will be provided to each Commission member. Upon completion of the examination process, the applicant who passes the examination will be issued a certificate.

(b) Under normal circumstances, neither the examination grade nor the examination paper of any applicant will be made available to anyone other than the members of the Commission and those approved persons who assist in conducting and grading the examinations. The examination papers will be held by the Commission in a secure location for a period of six months following notification to the applicant. Questions by the applicant concerning the examination must be made in writing to the Commission within that period. An applicant who fails to pass an examination shall be entitled to and notified of the privilege to review his examination in the presence of one or more Commission members or its authorized representative in Raleigh, or at another location approved by the Commission.

History Note: Authority G.S. 87-98.6; 87-98.8; 143B-301.11; Temporary Adoption Eff. December 15, 1998.

SECTION .0500 - CERTIFICATION WITHOUT EXAMINATION

.0501 CERTIFICATION BY LEGISLATIVE EXEMPTION

(a) Unless an applicant is found to have engaged in an act that would constitute grounds for disciplinary action, the Commission shall issue a certificate without examination to any person who since July 1, 1992 has been actively and continuously engaged in well contractor activity, and:

(1) Has been continuously registered with the Department; or

(2) Employed by a firm or corporation that has been continuously registered with the Department.

(b) To obtain certification under this Section, a person must submit an application to the Commission and pay the annual fee prior to January 1, 1999.

(c) A well contractor who is certified under this Section must continuously maintain the certification in good standing in order to remain certified.

(d) If a certificate issued under this Section is not renewed under G.S. 87-98.7, is suspended, or is revoked, the well contractor must apply for certification by examination in order to be recertified.

History Note: Authority G.S. 87-98.7; 143B-301.11; Session Laws 1997, c. 358, s. 9; Temporary Adoption Eff. December 15, 1998.

.0510 RECIPROCAL WAIVER OF EXAMINATION FOR CERTIFICATION

(a) The Commission may waive the examination requirement of this Chapter for an applicant who is licensed or holds a certification to practice well contractor activities in another State which also provides for equivalent reciprocal waiver of examination for licensing of certification to practice well construction activities in that state to North Carolina certified well contractors.

(b) The Commission may grant a waiver of the examination requirement to an applicant who provides evidence satisfactory to the Commission that the applicant:

(1) Meets the requirements for Certification established by the Commission under this Chapter; and
(2) Became licensed or certified in the other State after passing in that state an examination that is equal or comparable to the examination for which the applicant is seeking the waiver.

History Note: Authority G.S. 87-98.6; 87-98.7; 143B-301.11; Temporary Adoption Eff. December 15, 1998.

.0520 TEMPORARY CERTIFICATION

(a) Temporary certification may be granted to any applicant in accordance with the requirements of G.S. 87-98.7(c).

(b) An applicant for temporary certification shall be required to meet all the application criteria as outlined in 15A NCAC 27 .0301(a).

History Note: Authority G.S. 87-98.6; 87-98.7; 143B-301.11; Temporary Adoption Eff. December 15, 1998.

SECTION .0600 - CERTIFICATION RENEWAL

.0601 CONDITIONS AND LIMITATIONS FOR RENEWAL OF CERTIFICATIONS

(a) Certification issued pursuant to this Rule shall not be transferable and shall expire on December 31 of each year through the year 2000. Certification shall expire on June 30, 2001 and shall expire on June 30 of each year thereafter. A certification may be renewed without examination for ensuing years by making application to the Commission no later than the expiration date of the certification and paying the renewal fee. Receipt by the Commission of such application and the appropriate fee(s) shall extend the validity of the current certification until a new certification is received or the applicant is notified by the Commission that formal administrative action has been taken to suspend, revoke or deny renewal of the certification.

(b) If a certification is not renewed in accordance with G.S. 87-98.9, the certification shall become void and may be renewed only in accordance with the requirements of G.S. 87-98.7(b).

(c) No application for a renewal shall be granted if the applicants certification is suspended or revoked until the period for such suspension or revocation has expired.

(d) Individuals certified under this program shall immediately notify the Well Contractors Certification Commission in writing of any change of their business or personal address.

(e) The Commission shall notify the well contractor of nonpayment of the annual renewal fee in accordance with G.S. 87-98.9. Notice shall be attempted by certified mail or personal service.

History Note: Authority G.S. 87-98.6; 87-98.7; 143B-301.11; Temporary Adoption Eff. December 15, 1998.

SECTION .0700 - TYPES OF CERTIFICATION

.0701 ESTABLISHMENT OF TYPES OF CERTIFICATION

The Commission shall establish types of certification as necessary to carry out the provisions of the Well Contractors Certification Act.

History Note: Authority G.S. 87-98.5; 143B-301.11; Temporary Adoption Eff. December 15, 1998.

SECTION .0800 - CONTINUING EDUCATION REQUIREMENTS

.0801 REQUIREMENTS

Every certified well contractor is required to obtain eight Professional Development Hours (PDH) units during the renewal period. If a registrant exceeds the annual requirement in any renewal period, a maximum of eight PDH units may be carried forward into the subsequent renewal period. Selection of courses and activities which meet the requirements of 15A NCAC 27 .0820 of this Section is the responsibility of the certified well contractor. Certified well contractors have the option of selecting courses other than those offered by sponsors. Post evaluation of courses offered by other than sponsors as defined in 15A NCAC 27 .0110(j) could result in non-acceptance. PDH units may be earned as follows:

(1) Completion of college courses.
(2) Completion of continuing education courses.
(3) Completion of correspondence, televised, videotaped, audiotapes, and other short courses/tutorials.
(4) Presenting or attending seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions or conferences.
(5) Teaching or instructing in Items (1), (2), or (3) of this Rule.
(6) Authoring published papers, articles, or books.
(7) Active participation in professional or technical societies.

History Note: Authority G.S. 87-98.12; 143B-301.11; Temporary Adoption Eff. December 15, 1998.

.0810 UNITS

The conversion of other units of credit to PDH units is as follows:

(1)	Completion of college courses	45 PDH
(2)	Completion of continuing education courses	30 PDH
(3)	Completion of correspondence, televised, videotaped, audiotapes, and other short courses/tutorials that provides a completion certification	1 PDH
(4)	Presenting or attending seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions or conferences	1 PDH

(5) For teaching in Items (1) - (4) of this Rule, PDH credits are doubled. Teaching credits are valid for teaching a course or

seminar for the first time only. Teaching credit does not apply to full-time faculty, as defined by the institution where the course is being taught.

(6) Each published paper, article or book 10 PDH

(7) Active participation in professional and technical society (Each Organization) 2 PDH

History Note: *Authority G.S. 87-98.12; 143B-301.11; Temporary Adoption Eff. December 15, 1998.*

.0820 DETERMINATION OF CREDIT

The Certification Commission has final authority with respect to approval of courses, sponsors, credit, PDH values for courses, and other methods of earning credit. The types of credit that will be considered by the Commission are as follows:

(1) Credit for college or community college courses will be based upon course credit established by the college.

(2) Credit for seminars, workshops correspondence, televised, videotaped, audiotapes, and other short courses/tutorials will be based on one PDH unit for each hour of attendance or contact time. Attendance at programs presented at professional and technical society meeting will earn PDH units for the actual time of each program.

(3) Credit determination for published papers, articles and books is the responsibility of the individual well contractor.

(4) Credit for active participation in professional and technical societies (limited to two PDH per organization), requires that the well contractor attend at least 50 percent of the regularly scheduled meetings. PDH credits are not earned until the end of each year of membership.

(5) Courses or activities offered by sponsors must contain a clear purpose and objective and result in the maintenance, improvement or expansion of skills and knowledge related to practicing well contractor activities and shall be deemed acceptable for meeting continuing education requirements without scrutiny of individual course content.

History Note: *Authority G.S. 87-98.12; 143B-301.11; Temporary Adoption Eff. December 15, 1998.*

.0830 RECORDKEEPING

The responsibility of maintaining records to be used to support credits claimed is the responsibility of the contractor. Records required include, but are not limited to:

(1) A log showing the type of activity claimed, sponsoring organization, location, duration, instructors or speakers name and P.H. credits earned; or

(2) Attendance verification records in the form of completion certificates, or other documents supporting evidence of attendance.

History Note: *Authority G.S. 87-98.12; 143B-301.11; Temporary Adoption Eff. December 15, 1998.*

.0840 EXEMPTIONS

A well contractor may be exempt from the professional development educational requirements for one of the following reasons:

(1) Well contractors, certified by way of examination or reciprocity, shall be exempt from obtaining the professional development hours prior to the first renewal.

(2) A well contractor serving on temporary active duty in the uniformed services of the United States for a period of time exceeding 120 consecutive days in a year shall be exempt from obtaining the professional development hours required during that year.

(3) Well contractors experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the board may be exempt. Supporting documentation must be furnished to the board.

History Note: *Authority G.S. 87-98.12; 143B-301.11; Temporary Adoption Eff. December 15, 1998.*

SECTION .0900 - PROCEDURES FOR DISCIPLINARY ACTIONS

.0901 REVOCATION, RELINQUISHMENT OR EXPIRATION OF CERTIFICATION

(a) The Commission may revoke or suspend the certification of a well contractor in accordance with the provisions of G.S. 87-98.8 and G.S. 150B-3. Prior to the Commission's taking action on a proposed revocation or suspension, the well contractor shall be given an opportunity to submit a written statement and present oral argument before the Commission at a regularly scheduled meeting. Notice of the meeting shall be delivered personally or by certified mail at least 15 days prior to the meeting.

(b) Notice of the revocation or suspension shall be delivered to the well contractor personally or by certified mail at least 20 days prior to the effective date of the revocation or suspension. The notice shall contain the alleged facts or conduct upon which the revocation or suspension is based and shall inform the well contractor of the opportunity to contest the action under G.S. 150B before the effective date of revocation or suspension.

(c) Certification may be relinquished by submission to the Certification Commission of the original certificate and a notarized statement of relinquishment.

(d) The Certification Commission may issue a written reprimand to a well contractor in accordance with G.S. 87-98.8. The reprimand shall be delivered personally or by certified mail. A copy of the letter will be kept in the well contractor's file and

a copy will be sent to the well contractor's employer of record. The well contractor will be given the opportunity to put a letter of rebuttal into the file when a reprimand has been issued.

History Note: Authority G.S. 87-98.8; 143B-300; 150B-3; 150B-38; 150B-40; 150B-43;
Temporary Adoption Eff. December 15, 1998.

.0910 RECERTIFICATION FOLLOWING REVOCATION OR RELINQUISHMENT

(a) After revocation or relinquishment has been effective for a period determined by the Commission, a person may apply in writing for recertification by the Commission, including in his petition any relevant facts concerning changes to conditions under which revocation or relinquishment occurred. Such facts shall show clearly that applicant will comply with the laws and regulations.

(b) Within 120 days following receipt of an application for recertification, the Commission will notify the applicant by letter of its decision to deny or grant examination eligibility in accordance with procedures set out in 15A NCAC 27 .0301. Additional eligibility requirements including a show cause conference may be imposed by the Commission as it deems appropriate. Eligibility will only be granted if there is substantial evidence that the conditions leading to the revocation or relinquishment have been corrected.

(c) Recertification of a person as a well contractor shall only occur by means of application and examination. The examinations will not be waived. The applicant shall meet the eligibility requirements set forth in 15A NCAC 27 .0301. The Applicant shall not be eligible for temporary certification under G.S. 87-98.7(c).

(d) Upon notification of the Commission's decision to deny eligibility, the applicant may appeal the decision pursuant to the procedures contained in Article 3A of G.S. 150B.

History Note: Authority G.S. 87.98.8; 143B-301.11; 150B-3; 150B-43;
Temporary Adoption Eff. December 15, 1998.

.0920 NOTIFICATION TO THE DEPARTMENT

The Commission shall notify the Department of all actions taken in accordance with the requirements of this Section.

History Note: Authority G.S. 87.98.8; 143B-301.11;
Temporary Adoption Eff. December 15, 1998.

.0930 CIVIL PENALTIES

(a) Civil Penalties may be assessed by the Secretary against any person who directly commits or causes a violation of the provisions of the North Carolina Well Contractors Certification Act or any rule adopted thereunder. Each day of a continuing violation shall be a separate violation.

(b) The Commission shall make the final agency decision in civil penalties assessed by the Secretary and shall exercise its quasi-judicial powers in accordance with G.S. 150B.

History Note: Authority G.S. 87-94; 87.98.4; 143B-301.11;
Temporary Adoption Eff. December 15, 1998.

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, December 17, 1998, 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 14, 1998, 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
Teresa L. Smallwood, Vice Chairman
Jim Funderburke
Vernice B. Howard
Philip O. Redwine
David Twiddy

Appointed by House
Paul Powell, Chairman
Anita White, 2nd Vice Chairman
Mark Garside
Steve Rader
George Robinson

RULES REVIEW COMMISSION MEETING DATES

December 17, 1998

January 21, 1999

MEETING DATE: NOVEMBER 19, 1998

LOG OF FILINGS

RULES SUBMITTED: OCTOBER 20, 1998 THROUGH NOVEMBER 20, 1998

AGENCY/DIVISION	RULE NAME	RULE CITATION	ACTION
DEPARTMENT OF ADMINISTRATION			
	Responsibility	1 NCAC 5A .0001	Amend
	Forms: Procedures: Terms and Conditions	1 NCAC 5A .0008	Amend
	Definitions	1 NCAC 5A .0012	Amend
	Procedure	1 NCAC 5B .0101	Amend
	Verbal Requests	1 NCAC 5B .0102	Amend
	Types of Specifications	1 NCAC 5B .0201	Amend
	Development of Specifications	1 NCAC 5B .0203	Amend
	Submission for Adoption	1 NCAC 5B .0206	Amend
	Qualified Products List	1 NCAC 5B .0208	Amend
	Contracting Requirements	1 NCAC 5B .0301	Amend
	Mailing Lists	1 NCAC 5B .0302	Repeal
	Telegraph, Facsimile, & Telephone Offers	1 NCAC 5B .0303	Amend
	Public Opening	1 NCAC 5B .0305	Amend
	Late Offers, Modifications & Withdrawals	1 NCAC 5B .0306	Amend
	Evaluation	1 NCAC 5B .0309	Amend
	Notification of Award	1 NCAC 5B .0310	Amend
	Solicitation Documents	1 NCAC 5B .0314	Amend
	Division of Requirements	1 NCAC 5B .0315	Adopt
	Advertisement Requirements	1 NCAC 5B .0316	Adopt
	Mandatory Conferences/Site Visits	1 NCAC 5B .0317	Adopt
	General Delegation	1 NCAC 5B .0401	Repeal
	Review by Board of Award	1 NCAC 5B .0402	Repeal
	Division of Requirements	1 NCAC 5B .0403	Repeal
	Negotiation	1 NCAC 5B .0503	Amend

General Procedures	1 NCAC 5B .0601	Amend
Policy	1 NCAC 5B .0701	Amend
General Policy	1 NCAC 5B .0801	Repeal
Procedure	1 NCAC 5B .0802	Repeal
Specifications	1 NCAC 5B .0905	Amend
Report of Discrepancy	1 NCAC 5B .0906	Amend
Use	1 NCAC 5B .1101	Amend
Determining Factors	1 NCAC 5B .1102	Amend
Special Items	1 NCAC 5B .1105	Amend
Procedures	1 NCAC 5B .1301	Repeal
Designation of Authorized Persons	1 NCAC 5B .1303	Repeal
Policy	1 NCAC 5B .1401	Amend
Approval and Documentation	1 NCAC 5B .1402	Amend
Confidentiality	1 NCAC 5B .1501	Amend
Funds for Different Sources	1 NCAC 5B .1505	Amend
Change in Corporate Structure	1 NCAC 5B .1507	Amend
Purchasing from or Through Agency	1 NCAC 5B .1509	Amend
Use of Purchasing Power	1 NCAC 5B .1510	Amend
Antitrust Violations	1 NCAC 5B .1511	Amend
Availability of Services	1 NCAC 5B .1512	Amend
Cooperative Purchasing	1 NCAC 5B .1513	Amend
Good Requiring Immediate Acceptance	1 NCAC 5B .1517	Repeal
Board of Award	1 NCAC 5B .1518	Amend
Protest Procedures	1 NCAC 5B .1519	Amend
Default Proceedings: Debarment	1 NCAC 5B .1520	Amend
Faithful Performance	1 NCAC 5B .1521	Amend
Exemptions	1 NCAC 5B .1601	Amend
Emergencies	1 NCAC 5B .1602	Amend
Special Delegations	1 NCAC 5B .1603	Amend
General Delegations	1 NCAC 5B .1604	Adopt
Compliance Reviews	1 NCAC 5B .1605	Adopt
Record Maintenance	1 NCAC 5B .1901	Amend
Files	1 NCAC 5B .1903	Amend
Applications for Addition to Mailing List	1 NCAC 5B .1906	Repeal
Term Contracts	1 NCAC 5B .1907	Repeal
Canvassing Bid Files	1 NCAC 5B .1909	Repeal

DEPARTMENT OF ADMINISTRATION/NC STATE COMMISSION OF INDIAN AFFAIRS

Organizational Assistance	1 NCAC 15 .0202	Amend
Tribal Organizational Options	1 NCAC 15 .0203	Amend
Petition for Recognition	1 NCAC 15 .0204	Amend
Procedure for Recognition	1 NCAC 15 .0207	Amend
Tribal Definition	1 NCAC 15 .0208	Amend
Criteria for Recognition as a Tribe	1 NCAC 15 .0209	Amend
Criteria for Recognition	1 NCAC 15 .0210	Repeal
Recognition Requirement	1 NCAC 15 .0211	Amend
Tribal Roll	1 NCAC 15 .0214	Amend

DEPARTMENT OF ADMINISTRATION

State Clearinghouse	1 NCAC 25 .0211	Amend
Environmental Bulletin	1 NCAC 25 .0212	Amend
Environmental Policy Act Advisory Comm	1 NCAC 25 .0213	Amend
Minimum Criteria	1 NCAC 25 .0301	Amend
Approval of Criteria	1 NCAC 25 .0302	Amend
Revision of Criteria	1 NCAC 25 .0303	Amend
Document under NEPA Deemed Adequate	1 NCAC 25 .0402	Amend
Internal Review	1 NCAC 25 .0504	Amend
Content of FONSI	1 NCAC 25 .0505	Amend

Review Process	1 NCAC 25 .0506	Amend
Scoping	1 NCAC 25 .0602	Amend
Format and Content	1 NCAC 25 .0603	Amend
Review Process	1 NCAC 25 .0605	Amend

DEPARTMENT OF ADMINISTRATION/STATE BUILDING COMMISSION

Evaluation Review	1 NCAC 30F .0305	Amend

DEPARTMENT OF COMMERCE/COMMERCE FINANCE CENTER

Operator	4 NCAC 1E .0104	Amend
Pre-Application Conference	4 NCAC 1E .0202	Amend
Formal Application Procedures	4 NCAC 1E .0205	Amend
Formal Application: Public Hearing	4 NCAC 1E .0206	Amend
Project Certification From DENR	4 NCAC 1E .0207	Amend
Manufacturing Wage Test	4 NCAC 1E .0303	Amend
Jobs Saved or Generated Test	4 NCAC 1E .0306	Amend
Background and Objectives	4 NCAC 11 .0101	Amend
Definitions	4 NCAC 11 .0102	Amend
Date of Receipt of Applications	4 NCAC 11 .0201	Amend
Application Categories and Requirements	4 NCAC 11 .0202	Amend
Review of Applications and Funding	4 NCAC 11 .0301	Amend
Eligibility Requirements	4 NCAC 11 .0302	Amend
Review: APP/Funding/Emergency Asst Projects	4 NCAC 11 .0303	Repeal
Eligibility Requirements	4 NCAC 11 .0304	Repeal
General	4 NCAC 11 .0401	Repeal
Required Findings	4 NCAC 11 .0402	Amend
Formal Applications Procedures	4 NCAC 11 .0403	Amend
Formal Application Procedures: Approval	4 NCAC 11 .0404	Amend
Findings Requirements	4 NCAC 11 .0405	Repeal
General	4 NCAC 11 .0501	Amend
Limitations	4 NCAC 11 .0502	Amend
Reversion of Funds	4 NCAC 11 .0503	Amend
Reporting Requirements	4 NCAC 11 .0601	Repeal
Designation of the Fifty Counties	4 NCAC 11 .0701	Amend
Program Purpose and Objective	4 NCAC 1K .0101	Amend
Definitions	4 NCAC 1K .0102	Amend
Eligible Applicants	4 NCAC 1K .0103	Amend
Funding Limitations	4 NCAC 1K .0104	Amend
Projects not to be Considered for Funding	4 NCAC 1K .0105	Amend
Pre-Application Conference	4 NCAC 1K .0202	Amend
Applications	4 NCAC 1K .0203	Amend
Discretionary Public Hearing	4 NCAC 1K .0204	Amend
Formal Application Procedures: Approval	4 NCAC 1K .0205	Amend
Formal Application Procedures: Denial	4 NCAC 1K .0206	Amend
General	4 NCAC 1K .0301	Amend
Criteria for Making Necessary Findings	4 NCAC 1K .0302	Amend
Grant Agreement and Funding Approval	4 NCAC 1K .0401	Amend
Method of Payment	4 NCAC 1K .0402	Amend
Monitoring and Grant Close Out	4 NCAC 1K .0404	Amend

DHHS/COMMISSION FOR MH/DD/SAS

Carolina Alternatives	10 NCAC 14C .1151	Amend

DHHS/DIVISION OF MEDICAL ASSISTANCE

Rate Setting Method for Non-State Facilities	10 NCAC 26H .0304	Amend
Purpose: Scope and Notice of Change	10 NCAC 261 .0101	Amend
Program Definition	10 NCAC 26M.0201	Amend
Enrollment	10 NCAC 26M .0202	Amend

	Access to Care	10 NCAC 26M .0203	Amend
	Enrollee and Subcontractor Appeals	10 NCAC 26M .0305	Amend
DEPARTMENT OF INSURANCE			
	High Deductible Plans	11 NCAC 12 .0840	Adopt
	Creditable Coverage	11 NCAC 12 .0841	Adopt
	Guaranteed Issue for Eligible	11 NCAC 12 .0842	Adopt
DEPARTMENT OF LABOR			
	Wage and Hour Office	13 NCAC 12 .0101	Repeal
	Forms	13 NCAC 12 .0104	Repeal
	Certification of Tips	13 NCAC 12 .0303	Amend
	Withholding of Wages	13 NCAC 12 .0304	Amend
	Authorization for Withholding of Wages	13 NCAC 12 .0305	Amend
	Vacation Pay	13 NCAC 12 .0306	Amend
	Bonuses and Commissions	13 NCAC 12 .0307	Amend
	Final Pay for Separated Employees	13 NCAC 12 .0308	Adopt
	Form of Payment of Wages	13 NCAC 12 .0309	Adopt
	Other Amounts Promised as Wages	13 NCAC 12 .0310	Adopt
	Counting Employees	13 NCAC 12 .0502	Repeal
	Conduct of Investigations	13 NCAC 12 .0602	Amend
	Supervision of Payment	13 NCAC 12 .0603	Repeal
	dministrative Remedies	13 NCAC 12 .0604	Amend
	Litigation	13 NCAC 12 .0605	Repeal
	Civil Penalties	13 NCAC 12 .0701	Amend
	Civil Penalty Assessment	13 NCAC 12 .0702	Amend
	Scope of Promised Wages	13 NCAC 12 .0803	Adopt
	Notification at Time of Hiring	13 NCAC 12 .0804	Adopt
	Notification During Employment	13 NCAC 12 .0805	Adopt
	Meaning of Maintained in a Place Accessible	13 NCAC 12 .0806	Adopt
	Methods of Providing Emp. with Itemized State	13 NCAC 12 .0807	Adopt
DEPARTMENT OF LABOR			
	Workplace Retaliatory Discrimination Office	13 NCAC 19 .0101	Adopt
	Forms	13 NCAC 19 .0102	Adopt
	Definitions	13 NCAC 19 .0201	Adopt
	Contents of Complaint	13 NCAC 19 .0301	Adopt
	Filing of Complaints	13 NCAC 19 .0302	Adopt
	Investigation	13 NCAC 19 .0401	Adopt
	Interviews	13 NCAC 19 .0402	Adopt
	Right-to-Sue Letters	13 NCAC 19 .0501	Adopt
	Requests for Right-to-Sue Letters	13 NCAC 19 .0502	Adopt
	Administrative Closings	13 NCAC 19 .0601	Adopt
	Withdrawals	13 NCAC 19 .0602	Adopt
	Right-to-Sue Dismissals	13 NCAC 19 .0603	Adopt
	Right-to-Sue Closure	13 NCAC 19 .0604	Adopt
	Settlements	13 NCAC 19 .0605	Adopt
	Settlement	13 NCAC 19 .0701	Adopt
	Litigation	13 NCAC 19 .0702	Adopt
DENR			
	Scope of Delegated Authority	15 NCAC 1O .0101	Adopt
	Eligibility for Delegation of Authority	15 NCAC 1O .0102	Adopt
	Delegation of Authority	15 NCAC 1O .0103	Adopt
	Lapsed Delegations	15 NCAC 1O .0104	Adopt
	Agents Serving as Contractors	15 NCAC 1O .0105	Adopt
	Evaluation	15 NCAC 1O .0106	Adopt
	Denial, Suspension and Revocation	15 NCAC 1O .0107	Adopt

Re-Authorization	15 NCAC 1O .0108	Adopt
Appeals Procedures	15 NCAC 1O .0109	Adopt

DENR/ENVIRONMENTAL MANAGEMENT COMMISSION

Randleman Lake Water Supply Watershed	15 NCAC 2B .0248	Adopt
Wastewater Discharge Requirements	15 NCAC 2B .0249	Adopt
Protection and Maintenance of Reparian Areas	15 NCAC 2B .0250	Adopt
Stormwater Requirements	15 NCAC 2B .0251	Adopt
Cape Fear River Basin	15 NCAC 2B .0311	Amend

DENR/SOIL AND WATER CONSERVATION COMMISSION

Cost Share Agreement	15 NCAC 6E .0107	Amend

DENR/COASTAL RESOURCES COMMISSION

Specific Use Standards for Ocean Hazard Areas	15 NCAC 7H .0308	Amend
Reserve Components	15 NCAC 7O .0105	Amend
Reserve Use Requirements	15 NCAC 7O .0202	Amend

DENR/WILDLIFE RESOURCES COMMISSION

Manner of Taking Inland Game Fish	15 NCAC 10C .0302	Amend
Open Seasons: Creel and Size Limits	15 NCAC 10C .0305	Amend
Special Device Fishing	15 NCAC 10C .0404	Amend
Possession of Licenses	15 NCAC 10C .0405	Amend
Dare County	15 NCAC 10F .0310	Amend

DENR/DIVISION OF PARKS AND RECREATION

Use of Pyrotechnics in State Parks	15 NCAC 12B .0901	Amend

DENR/COMMISSION FOR HEALTH SERVICES

Tagging	15 NCAC 18A .0425	Amend
Public Display of Consumer Advisory	15 NCAC 18A .0432	Adopt
Modifications of the Adoption by Reference	15 NCAC 18A .1202	Amend
Shellfish	15 NCAC 18A .2612	Amend

REVENUE, DEPARTMENT OF

Approval Required for Substitute Forms	17 NCAC 1C .0601	Adopt

REVENUE, DEPARTMENT OF

Inheritance and Estate Tax Return	17 NCAC 3B .0102	Repeal
Inheritance and Estate Tax Certificate	17 NCAC 3B .0103	Repeal
Inheritance and Estate Tax Waiver	17 NCAC 3B .0104	Repeal
Lock Box Release	17 NCAC 3B .0106	Repeal
Life Insurance: Accidental Death	17 NCAC 3B .0108	Repeal
Life Insurance: Mortgage Cancellation	17 NCAC 3B .0109	Repeal
Deductions: Mortgage Note	17 NCAC 3B .0110	Repeal
Valuation: Treasury Bonds	17 NCAC 3B .0111	Repeal
Valuation: Real Property	17 NCAC 3B .0112	Repeal
Federal Estate Tax	17 NCAC 3B .0113	Repeal
Mortgages against Real Property	17 NCAC 3B .0114	Repeal

REVENUE, DEPARTMENT OF

General License Provisions	17 NCAC 4D .0204	Repeal
Liquid Base Rate Illustrated	17 NCAC 4D .0303	Repeal
Products not used in manufacturing Process	17 NCAC 4D .0305	Repeal
Domestic Use Versus Commercial Use	17 NCAC 4D .0401	Repeal
Representative List	17 NCAC 4D .0402	Repeal
Federal Government	17 NCAC 4D .0501	Repeal
Application for Exemption Required	17 NCAC 4D .0505	Repeal

	Exempt Sales Records	17 NCAC 4D .0506	Repeal
	Natural Products Determined	17 NCAC 4D .0508	Repeal
	Only NC Taxpaid Indicia Allowed	17 NCAC 4D .0610	Repeal
	Report by Distributor or Wholesaler	17 NCAC 4D .0901	Repeal
	Report by Retailer	17 NCAC 4D .0902	Repeal
	Report by Dealer on Trains	17 NCAC 4D .0903	Repeal
	Discount for Timely Filing and Payment	17 NCAC 4D .0907	Repeal
	Invoicing Requirements	17 NCAC 4D .0908	Repeal
	Liability Under G.S. 105-113.51(a)	17 NCAC 4D .1001	Repeal
	Liability Under G.S. 105-113.51(b)	17 NCAC 4D .1003	Repeal
REVENUE, DEPARTMENT OF			
	Extension of Filing Date	17 NCAC 5B .0107	Amend
	Investment in Subsidiary	17 NCAC 5B .1105	Amend
	Business and Nonbusiness Income	17 NCAC 5C .0703	Amend
	Extension of Filing Date	17 NCAC 5C .2004	Amend
	Requirements when Corporation Ends	17 NCAC 5C .2101	Amend
	Withdrawals/Filing Requirement	17 NCAC 5C .2102	Repeal
REVENUE, DEPARTMENT OF			
	Items Requiring Special Attention	17 NCAC 6B .0104	Amend
	Common Carriers	17 NCAC 6B .0110	Amend
	Electronic Filing of Individual Income Tax Returns	17 NCAC 6B .0118	Amend
	Credit for Child and Dependent Care	17 NCAC 6B .0606	Amend
	Penalties for Failure to File	17 NCAC 6B .3203	Amend
	Fraud Penalty	17 NCAC 6B .3206	Amend
	Failure to File Informational Returns	17 NCAC 6B .3207	Repeal
	Failure to File Penalties	17 NCAC 6B .3719	Repeal
	Definition of Resident	17 NCAC 6B .3901	Amend
	Taxable Income of Residents	17 NCAC 6B .3904	Amend
	Tax Credits	17 NCAC 6B .4004	Amend
	Additional Withholding	17 NCAC 6C .0124	Amend
REVENUE, DEPARTMENT OF			
	Returns	17 NCAC 7B .0104	Amend
	Sales by Manufacturers	17 NCAC 7B .0206	Amend
	Out-of-State Deliveries	17 NCAC 7B .1301	Amend
	Deliveries to Donees	17 NCAC 7B .1303	Amend
	Refunds to Nonprofit Entities	17 NCAC 7B .1602	Amend
	Governmental Entities not Eligible for Refunds	17 NCAC 7B .1704	Amend
	Sales to and by Hospitals	17 NCAC 7B .1801	Amend
	Sales to Tire Recappers	17 NCAC 7B .1905	Amend
	Food and Food Products	17 NCAC 7B .2201	Amend
	Seafoods	17 NCAC 7B .2212	Amend
	Florists' Delivery Associations	17 NCAC 7B .2802	Amend
	Telecommunications and Telegraph Companies	17 NCAC 7B .3201	Amend
	Exempt Orthopedic Appliances	17 NCAC 7B .3301	Amend
	Exempt Therapeutic Devices	17 NCAC 7B .3302	Amend
	Sales of Lubricants	17 NCAC 7B .3702	Amend
	Monthly Sales and Use Tax Report Form	17 NCAC 7B .5401	Repeal
	Quarterly Sales and Use Tax Report Form	17 NCAC 7B .5402	Repeal
	Sales and Use Tax Chart	17 NCAC 7B .5403	Repeal
	Sales and Use Tax Chart: E-502A	17 NCAC 7B .5404	Repeal
	Res. Application: Sales/Use Tax	17 NCAC 7B .5405	Repeal
	Notice of Proposed Tax Assessment Form	17 NCAC 7B .5406	Repeal
	Application/Renewal of Wholesale License Form	17 NCAC 7B .5408	Repeal
	Notice of Delinq2uent Tax Report Form	17 NCAC 7B .5409	Repeal
	Extension of Time for Filing Sales and Use Tax	17 NCAC 7B .5410	Repeal

Certificate of Overpayment for 90 Days Form	17 NCAC 7B .5411	Repeal
Certificate of Overpayment Form	17 NCAC 7B .5412	Repeal
Receipt for Sales Tax Paid Form	17 NCAC 7B .5414	Repeal
Merchants Certificate of Registration Form	17 NCAC 7B .5415	Repeal
Schedule of County Sales and Use Taxes Form	17 NCAC 7B .5416	Repeal
Certificate of Authority Form	17 NCAC 7B .5417	Repeal
Bond Form	17 NCAC 7B .5418	Repeal
Numerical and Alphabetical List of Counties	17 NCAC 7B .5419	Repeal
Analysis of Tax by Leased Department Form	17 NCAC 7B .5420	Repeal
Analysis of State Sales and Use Tax by City Form	17 NCAC 7B .5421	Repeal
Sales Report for Fair Concessions Form	17 NCAC 7B .5422	Repeal
List of Post Offices in Taxing Counties Form	17 NCAC 7B .5423	Repeal
Notice of Amended Assessment Form	17 NCAC 7B .5424	Repeal
Manufacturers Certificate Form	17 NCAC 7B .5428	Repeal
Interstate Carrier Claim for Refund Form	17 NCAC 7B .5429	Repeal
Claim for Refund of Taxes Form: Churches	17 NCAC 7B .5430	Repeal
Claim for Refund of Taxes Form: General Refund	17 NCAC 7B .5431	Repeal
Affidavit Form	17 NCAC 7B .5432	Repeal
Certificate of Resale Form	17 NCAC 7B .5433	Repeal
Commercial Fisherman's Certificate Form	17 NCAC 7B .5434	Repeal
Contractor's and Subcontractor's Certificate Form	17 NCAC 7B .5435	Repeal
Logging and Pulpwood Certificate Form	17 NCAC 7B .5438	Repeal
Purchaser's Affidavit of Export Form	17 NCAC 7B .5440	Repeal
Request for Sales/Use Tax Credit by Vendee Form	17 NCAC 7B .5442	Repeal
Sales and Use Tax Chart	17 NCAC 7B .5443	Repeal
Semimonthly Sales and Use Tax Report Form	17 NCAC 7B .5444	Repeal
Motor Vehicle Lease and Rental Report Form	17 NCAC 7B .5447	Repeal
Scrap Tire Disposal Tax Report Form	17 NCAC 7B .5448	Repeal
Monthly Sales and Use Tax Report Form	17 NCAC 7B .5449	Repeal
Notice/Taxpayers Filing 13 Reports a Year Form	17 NCAC 7B .5450	Repeal
Notice for Taxpayers Filing 26 Reports/Year Form	17 NCAC 7B .5451	Repeal
Extension of Time for Filing Sales and Use Tax	17 NCAC 7B .5452	Repeal
Special Sales and Use Tax Remittance Form	17 NCAC 7B .5453	Repeal
Notice of Tax Due Form	17 NCAC 7B .5454	Repeal
Notice of Tax Due Form	17 NCAC 7B .5455	Repeal
Notice to Newly Registered Wholesale Merchants	17 NCAC 7B .5456	Repeal
Notice to all Taxpayers Form	17 NCAC 7B .5457	Repeal
Utilities and Municipalities Sales Tax Report Form	17 NCAC 7B .5458	Repeal
Claim/Refund of County Sales & Use Taxes Form	17 NCAC 7B .5459	Repeal
Use Tax Report Form	17 NCAC 7B .5460	Repeal
Claim for Refund of State & County Sales/Use	17 NCAC 7B .5461	Repeal
Claim/Refund of White Goods Disposal Tax Form	17 NCAC 7B .5463	Repeal

REVENUE, DEPARTMENT OF

Carry Forward Credits	17 NCAC 9I .0301	Repeal

TRANSPORTATION, DEPARTMENT OF/RAIL DIVISION

Definition of Program	19 NCAC 6B .0401	Amend
Eligible Costs	19 NCAC 6B .0404	Amend
Ineligible Costs	19 NCAC 6B .0405	Amend
Industry Certification	19 NCAC 6B .0409	Amend
Application Evaluation	19 NCAC 6B .0410	Amend
Procurements	19 NCAC 6B .0412	Repeal
Request for Reimbursement	19 NCAC 6B .0413	Amend
Retainage	19 NCAC 6B .0414	Repeal
Repayment	19 NCAC 6B .0417	Amend
Grant Agreement	19 NCAC 6B .0418	Adopt

STATE BOARDS/NC ACUPUNCTURE LICENSING BOARD

Qualifications for Licensure	21 NCAC 1 .0101	Amend
Qualifications for Licensure thru Reciprocity	21 NCAC 1 .0105	Amend

STATE BOARDS/NC STATE BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS

Definitions	21 NCAC 8A .0301	Amend
Holding out to the Public	21 NCAC 8A .0308	Amend
Direct Supervision Defined	21 NCAC 8A .0310	Amend
New CPA Firm, Ongoing CPA Firm	21 NCAC 8A .0315	Amend
Communication of Results of CPA Exam	21 NCAC 8F .0107	Amend
Candidates' Accountancy Law Course Requirement	21 NCAC 8F .0504	Amend
Reciprocal Certificates	21 NCAC 8H .0101	Amend
Temporary Permit	21 NCAC 8H .0102	Amend
Modification of Discipline and New Cert.	21 NCAC 8I .0104	Amend
Supervision of CPA Offices	21 NCAC 8J .0102	Repeal
Mailing Addresses of Certificate Holders	21 NCAC 8J .0107	Amend
CPA Firm Registration	21 NCAC 8J .0108	Amend
Registration and SQR Fees	21 NCAC 8J .0110	Amend
Compliance with CPA Firm	21 NCAC 8J .0111	Amend
Registration and Renewal	21 NCAC 8K .0104	Amend
Supplemental Reports	21 NCAC 8K .0105	Amend
Registration Requirements	21 NCAC 8M .0102	Amend
Prohibition of Abuse	21 NCAC 8M .0103	Amend
CPA Firms Deemed in Compliance	21 NCAC 8M .0104	Amend
Selection of Engagement to be Reviewed	21 NCAC 8M .0201	Amend
Notice to Clients	21 NCAC 8M .0202	Amend
Certain Offices Excluded	21 NCAC 8M .0204	Amend
Selection of a Review Team	21 NCAC 8M .0206	Amend
Duty to Respond to Questions	21 NCAC 8M .0207	Amend
Qualifications of Reviewers & Team Captains	21 NCAC 8M .0301	Amend
Independence for a Reviewed CPA Firm	21 NCAC 8M .0302	Amend
Conflict of Interest	21 NCAC 8M .0303	Amend
Performing the Review	21 NCAC 8M .0304	Amend
Confidentiality	21 NCAC 8M .0305	Amend
Reporting Requirements	21 NCAC 8M .0306	Amend
SQR Advisory Committee	21 NCAC 8M .0401	Amend
Objections to SQR Advisory Committee	21 NCAC 8M .0402	Amend
Review of Protest	21 NCAC 8M .0403	Amend
Deceptive Conduct Prohibited	21 NCAC 8N .0202	Amend
Reporting Convictions, Judgements	21 NCAC 8N .0208	Amend
Forms of Practice	21 NCAC 8N .0302	Amend
Objectivity and Conflicts of Interest	21 NCAC 8N .0303	Amend
Advertising or Other Forms of Solicitation	21 NCAC 8N .0306	Amend
CPA Firm Names	21 NCAC 8N .0307	Amend

STATE BOARDS/NC MEDICAL BOARD

Fee	21 NCAC 32F .0103	Adopt
Definitions	21 NCAC 32M .0101	Adopt
Scope of Practice	21 NCAC 32M .0102	Adopt
Nurse Practitioner Approval	21 NCAC 32M .0103	Adopt
Requirements for Approval of Nurse Practitioner	21 NCAC 32M .0104	Adopt
Annual Renewal	21 NCAC 32M .0105	Adopt
Continuing Education	21 NCAC 32M .0106	Adopt
Inactive Status	21 NCAC 32M .0107	Adopt
Prescribing Authority	21 NCAC 32M .0108	Adopt
Quality Assurance Standards	21 NCAC 32M .0109	Adopt
Method of Identification	21 NCAC 32M .0110	Adopt
Disciplinary Action	21 NCAC 32M .0111	Adopt

Fees	21 NCAC 32M .0112	Adopt
Practice During a Disaster	21 NCAC 32M .0113	Adopt
Definitions	21 NCAC 32O .0101	Repeal
Qualifications for License	21 NCAC 32O .0102	Repeal
Temporary License	21 NCAC 32O .0103	Repeal
Inactive License Status	21 NCAC 32O .0104	Repeal
Annual Registration	21 NCAC 32O .0105	Repeal
Continuing Medical Education	21 NCAC 32O .0106	Repeal
Exemption from License	21 NCAC 32O .0107	Repeal
Scope of Practice	21 NCAC 32O .0108	Repeal
Prescriptive Authority	21 NCAC 32O .0109	Repeal
Supervision of Physician Assistants	21 NCAC 32O .0110	Repeal
Supervising Physicians	21 NCAC 32O .0111	Repeal
Notification of Intent to Practice	21 NCAC 32O .0112	Repeal
Satellite Settings	21 NCAC 32O .0113	Repeal
Exclusions of Limitations on Employment	21 NCAC 32O .0114	Repeal
Assumption of Professional Liability	21 NCAC 32O .0115	Repeal
Violations	21 NCAC 32O .0116	Repeal
Disciplinary Authority	21 NCAC 32O .0117	Repeal
Continuing Medical Education Required	21 NCAC 32R .0101	Adopt
Approved Categories of CME	21 NCAC 32R .0102	Adopt
Exceptions	21 NCAC 32R .0103	Adopt
Reporting	21 NCAC 32R .0104	Adopt
Definitions	21 NCAC 32S .0101	Adopt
Qualifications for License	21 NCAC 32S .0102	Adopt
Temporary License	21 NCAC 32S .0103	Adopt
Inactive License Status	21 NCAC 32S .0104	Adopt
Annual Registration	21 NCAC 32S .0105	Adopt
Continuing Medical Education	21 NCAC 32S .0106	Adopt
Exemption from License	21 NCAC 32S .0107	Adopt
Scope of Practice	21 NCAC 32S .0108	Adopt
Prescriptive Authority	21 NCAC 32S .0109	Adopt
Supervision of Physician Assistants	21 NCAC 32S .0110	Adopt
Supervising Physicians	21 NCAC 32S .0111	Adopt
Notification of Intent to Practice	21 NCAC 32S .0112	Adopt
Violations	21 NCAC 32S .0113	Adopt
Disciplinary Authority	21 NCAC 32S .0114	Adopt
Title and Practice Protection	21 NCAC 32S .0115	Adopt
Identification Requirements	21 NCAC 32S .0116	Adopt
Fees	21 NCAC 32S .0117	Adopt
Practice During a Disaster	21 NCAC 32S .0118	Adopt
STATE BOARDS/NC BOARD OF NURSING		
Approval and Practice Parameters	21 NCAC 36 .0227	Amend
STATE BOARDS/NC BOARD OF PHARMACY		
Definitions	21 NCAC 46 .1317	Amend
Drug Distribution and Control	21 NCAC 46 .1414	Amend
Requirement of Personal Appearance	21 NCAC 46 .1606	Amend
Prescription: Receiving and Dispensing	21 NCAC 46 .1804	Amend
Automated Dispensing or Drug Supply Devices	21 NCAC 46 .1814	Adopt
Pharmacist Work Conditions	21 NCAC 46 .2506	Adopt

RULES REVIEW COMMISSION

November 19, 1998

MINUTES

The Rules Review Commission met on November 19, 1998, in the Assembly Room of the Methodist Building, 1307 Glenwood Avenue, Raleigh, North Carolina. Commissioners in attendance were Chairman Paul Powell, David R. Twiddy, Jim R. Funderburk, Anita A. White, Mark P. Garside, and George S. Robinson (by telephone).

Staff members present were: Joseph J. DeLuca, Staff Director; Bobby Bryan, Rules Review Specialist; and Sandy Webster.

The following people attended:

David Brown	DENR/Child Day Care
Nancy Scott	Attorney General
Juanita Gaskill	DENR/Marine Fisheries
Aaron Padgett	DENR/Radiation Protection
Jim Hall	DENR/Child Day Care
R M Fry	DENR/Radiation Protection
Dedra Alston	DENR
Dwight Lancaster	DENR/Water Quality
Shirley Bullard	DHHS
Jerry Perkins	DENR/State Revolving Fund
Ed Buchan	DENR/DEH
Marc Lodge	DHHS
Ellie Sprenkel	Insurance
Sharnese Ransome	DHHS/Social Services
Theresa Shackelford	Insurance
Janice Fain	DHHS/Child Day Care
Anna Carter	DHHS/Child Day Care
Susan Randolph	DHHS
Thomas Allen	DENR/Water Quality
T. Reeder	DENR/Water Quality
Roberta Oeullette	NC Appraisal Board
Mel Black	NC Appraisal Board
Valerie Chaffin	Hunton & Williams
McKinley Wooten	Attorney General
Frank Crawley	Attorney General
W R Hoke	Electrical Contractors
Denise Stanford	NC Board of Pharmacy

APPROVAL OF MINUTES

The meeting was called to order at 10:05 a.m. with Chairman Powell presiding. He asked for any discussion, comments, or corrections concerning the minutes of the October 22, 1998 meeting. There being none, the minutes were approved.

FOLLOW-UP MATTERS

4 NCAC 3B .0101, .0102, and .0103: COMMERCE/Banking Commission – No response was received from the agency on these rules.

4 NCAC 3H .0002: COMMERCE/Banking Commission – No response was received from the agency on this rule.

10 NCAC 3R .6112: DHHS/Medical Care Commission – No response was received from the agency on this rule.

12 NCAC 9B .0301 and .0603: JUSTICE/Criminal Justice Education & Training Standards Commission – The rewritten rule submitted for .0301 was objected to by the Commission because (d) still requires instructors to meet any continuing education courses "deemed necessary and appropriate by the Commission." The deletion of (b) was approved by the Commission. The rewritten rule submitted for .0603 was approved by the Commission contingent upon receiving the technical change. The change was subsequently received.

15A NCAC 10F .0301: DENR/Wildlife Resources Commission – The rewritten rule submitted by the agency was approved by the Commission.

15A NCAC 13B .1624: DENR/Commission for Health Services – The rewritten rule submitted by the agency was approved by the Commission.

15A NCAC 16A .0101: DENR/Commission for Health Services – The repeal submitted by the agency was approved by the Commission.

15A NCAC 18A .2522, .2537, .2804, .2808, .2827, and .2833: DENR/ Commission for Health Services – The rewritten rules submitted by the agency were approved by the Commission with the exception of .2804 which was objected to by the Commission. It is still unclear what sources of potentially hazardous food the day care centers are required to use and how they are to identify such sources.

LOG OF FILINGS

Chairman Powell presided over the review of the log and all rules were unanimously approved with the following exceptions:

10 NCAC 3U .0305, and .2805: DHHS/Child Care Commission - The Commission objected to .0305 and .2805 due to ambiguity. It is not clear how the compliance history ratings are determined.

10 NCAC 3U .1601: DHHS/Child Care Commission - The Commission objected to .1601 due to ambiguity. As written, .1601 appears to apply to all centers, but the section title implies that it only applies to programs seeking to be recognized as meeting enhanced standards. It is not clear to whom the .1600 rules apply.

10 NCAC 3U .2806: DHHS/Child Care Commission - The Commission objected to .2806 due to ambiguity. In (b)(2), (c)(2), and (d)(2), it is not clear what constitutes a "nationally recognized" accrediting organization.

10 NCAC 3U .2810: DHHS/Child Care Commission - The Commission objected to .2810 due to ambiguity. In (c), it is not clear what standards the division will use in approving individuals to perform rating scale assessments.

10 NCAC 20C .0206: DHHS/Division of Vocational Rehabilitation Services - The Commission objected to this rule due to lack of statutory authority and ambiguity. In (l) there is no authority for allowing the waiver provision without specific guidelines. "[G]ood cause" is not specific. It is also unclear whether the unit manager may refuse to approve the waiver if "good cause" (once it is specified) is shown. This may simply be a requirement that the waiver be in writing and that the unit manager be the decision maker.

10 NCAC 41E, G, R, S and T: DHHS/Social Services Commission – These rules were withdrawn by the agency.

Commissioner White recused herself from the Department of Insurance rules.

11 NCAC 8 .0912 – INSURANCE/Manufactured Housing Board: The Commission objected to this rule due to lack of statutory authority. In (f)(4), there is no authority for including questions about federal laws and rules on the examination. There is also no authority for the exemption in (l). G.S. 143-143.11(h) requires a person to pass an examination in order to obtain a license.

12 NCAC 7D .1201, and .1202: JUSTICE/NC Private Protective Services Board - The Commission objected to the .1200 rules due to lack of statutory authority. There is no authority for setting requirements for instructors of instructors. G.S. 74C-13(h) and (l) require trainers to be certified but there is no authority for those training them to be.

12 NCAC 7D .1301, .1302, .1303, .1304, .1305, .1306, and .1307: JUSTICE/NC Private Protective Services Board - The Commission objected to each of the .1300 rules due to lack of statutory authority and also to .1301 and .1302 due to lack of necessity and to .1304 and .1305 due to ambiguity. There is no authority cited for requiring continuing education for licensees. Conversely G.S. 74C-9(f) allows renewal upon payment of the proper fee and evidence of insurance. In addition, .1301 is not necessary because it has no requirements. In .1302, the term "accredited sponsor" is not used in the rules and thus does not need defining. In .1304(c) and .1305, it is not clear what standards the Board will use in determining if a course will be sanctioned.

15A NCAC 1N .0403: DENR – The Commission objected to this rule due to ambiguity. In (1), it is not clear what standards the division will use in requiring business plan submittal.

15A NCAC 1N .0604: DENR – The Commission objected to this rule due to ambiguity. The rule states that points may be awarded in both Items (1) and (2), but Item (2) states that points may be awarded if not awarded in (1). This is contradictory and thus ambiguous.

15A NCAC 1N .0701: DENR – The commission objected to this rule due to ambiguity. In (c)(4), it is not clear what standards the division will use in setting capacity development requirements.

15A NCAC 1N .0703: DENR – The Commission objected to this rule due to ambiguity. In (1), it is not clear what standards the receiving agency (Division of Environmental Health) will use in approving loan commitment decreases.

15A NCAC 1O: DENR – These rules were withdrawn by the agency.

15A NCAC 2D .1208: DENR/Environmental Management Commission - The Commission objected to this rule due to ambiguity. In (a)(3)(A)(ii), it is not clear what standards the Administrator will use in waiving requirements.

15A NCAC 3P .0202: DENR/Marine Fisheries Commission - The Commission objected to this rule due to ambiguity. It is unclear what constitutes "undisputed facts" in the context of a request for a declaratory ruling in (b), (b)(1), (d), (f)(1), and (g)(3).

15A NCAC 8G .0401, .0402, .0403, .0404, .0405, .0406, .0407, and .0409: DENR/Water Pollution Control Systems Operators Certification Commission - The Commission objected to .0401 through .0409 due to lack of statutory authority and ambiguity. It is unclear what standards the Commission will use for approving the training programs in (b)(1). If the standards are not in the rules there is no authority to set those standards outside rulemaking. In .0409, it is also unclear what standards the Commission will use in determining whether to require training. This appears to be a slight variation on the waiver theme, but that is not abundantly clear to this reviewer.

15A NCAC 8G .0505 and .0802: DENR/Water Pollution Control Systems Operators Certification Commission – The Commission objected to .0505 and .0802 due to ambiguity. In .0505(d) the first sentence seems to say that all scores are final and will not be changed. The last sentence states that exams shall be regraded if an "error is found in the examination." The rule is not clear as to what is going on. Does it mean that grades will not be changed if the error is that a correct answer was not properly credited but will be changed if the error was in the question itself? In .0802 the rule is unclear about the delegation of authority; the roles of the Commission, chairman, and advisory committee; and the appellate path to follow.

15A NCAC 8G .0902: DENR/Water Pollution Control Systems Operators Certification Commission - The Commission objected .0902 due to lack of statutory authority. There is no authority to set reporting requirements outside rulemaking as set out in (6).

15A NCAC 8G .1001: DENR/Water Pollution Control Systems Operators Certification Commission – This rule was withdrawn by the agency.

15A NCAC 8G .1102: DENR/Water Pollution Control Systems Operators Certification Commission – This rule was withdrawn by the agency.

21 NCAC 46 .1612: NC Board of Pharmacy - The Commission objected to this rule due to lack of statutory authority. There is no authority cited for the late renewal fee. G.S. 150B-19(5) is not sufficient authority. Note that the agency did not attempt to specifically characterize the late renewal fee as any of the five listed general fees allowed by 150B-19(5).

21 NCAC 46 .2306: NC Board of Pharmacy - The Commission objected to this rule due to lack of statutory authority. This rule does not appear to be consistent with the statute. It seems to expand the universe of those to whom the prescription information is available.

21 NCAC 46 .2502: NC Board of Pharmacy – The Commission objected to .2502 due to lack of statutory authority and ambiguity. In (g) there appears to be an exception or waiver of the rule forbidding serving as pharmacist-manager at more than one pharmacy. However there are no specific guidelines for the Board's consideration. Paragraphs (k) – (m) are ambiguous. Paragraph (l) especially is not clear about what the Board shall or shall not do under the circumstances. These paragraphs should be reviewed and perhaps rewritten to make clear what danger the Board is addressing; the solution it requires; and the need to be sure that the rules do not conflict with, or mislead someone about the effect of, the conduct of a civil lawsuit in any action over the dispensing or delivery of a product by a pharmacist.

21 NCAC 46 .2506: NC Board of Pharmacy – This rule was withdrawn by the agency.

21 NCAC 46 .2609: NC Board of Pharmacy - The Commission objected to this rule due to lack of statutory authority and ambiguity. There does not appear to be any authority cited to allow the board to test whether such a supplier has "a working knowledge of the services provided and how they relate to each patient's goals." The authority cited is limited to require these providers to deliver the equipment in a certain manner. As long as that is done, i.e., the rules for dispensing or delivering this equipment are followed, then the supplier's knowledge is irrelevant and beyond the scope of the board's authority to test. In the alternative, even if the board has the authority to test such knowledge, what constitutes this "working knowledge" is vague and undefined. In addition the Commission is not sure about the necessity for this rule. The only authority cited for this rule refers to dispensing or delivering "devices" or "medical equipment" including certain rehabilitation equipment. It is unclear to me whether this rule purports to regulate more than the items mentioned in the definition of medical equipment. As long as it does not there is no problem with the authority. But then it is unclear what the interplay is between this rule and the next one for your review covering all medical equipment. This latter problem is probably easily addressed by adding a provision that this rule, and not .2611, covers the delivery of rehabilitation equipment, or specifying what parts of .2611 also apply. But until that is done, this rule is unclear to me.

21 NCAC 46 .2611: NC Board of Pharmacy - The Commission objected to this rule due to lack of statutory authority and ambiguity. This rule presents one of the same problems as the previous rule. There does not appear to be any authority cited to allow the board to test whether such a supplier has "a working knowledge of the services provided and how they relate to each patient's goals." The authority cited is limited to require these providers to deliver the equipment in a certain manner. As long as that is done, i.e., the rules for dispensing or delivering this equipment are followed, then the supplier's knowledge is irrelevant and beyond the scope of the board's authority to test. In the alternative, even if the board has the authority to test such knowledge, what constitutes this "working knowledge" is vague and undefined.

21 NCAC 57A .0305: NC Appraisal Board - The Commission objected to this rule due to lack of statutory authority and necessity. There is no authority to require people not to talk about the exam's contents. The exam would appear to be a public record and as such available to the public. Even if it were not a public record it would seem that it would not have been the legislature's intent to allow the agency to forbid this activity and thus is unnecessary. Finally, it certainly appears to be a first amendment violation, although that is not a basis for objecting to it. However it would be a good reason for the agency to withdraw it. Note that the agency has extremely broad authority to adopt rules concerning the qualifications of its licensees, but this is not a qualification rule. The authority would lie in the legislature's broad grant of power to adopt rules "reasonably necessary to implement, administer, and enforce the provisions of this Chapter..." (G.S. 93E-1-10) including the administration of exams (G.S. 93E-1-6(c)).

COMMISSION PROCEDURES AND OTHER MATTERS

The President Pro Tempore of the Senate has appointed two new Commissioners – John Arrowwood and Laura Devan. Teresa Smallwood was reappointed. No appointments have been made by the Speaker. Elections will be postponed until the January meeting.

The next meeting will be on December 17, 1998.

The meeting adjourned at 11:55 a.m.

Respectfully submitted,
Sandy Webster

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. Also, the Contested Case Decisions are available on the Internet at the following address: http://www.state.nc.us/OAH/hearings/decision/caseindex.htm.

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
Melissa Owens
Meg Scott Phipps
Robert Roosevelt Reilly Jr.
Dolores O. Smith

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
ALCOHOLIC BEVERAGE CONTROL COMMISSION				
Alcoholic Beverage Control Commission v. Kenneth Jerome	97 ABC 1205	Phipps	07/23/98	
Alcoholic Beverage Control Commission v. Jesse Jacob Joyner, Jr.	97 ABC 1438	Phipps	06/19/98	
Alcoholic Beverage Control Commission v. Trade Oil Company, Inc.	98 ABC 0033	Reilly	08/21/98	
Alcoholic Beverage Control Commission v. Pantana Bobs, Inc.	98 ABC 0293	Reillly	09/17/98	13:11 NCR 933
Alcoholic Beverage Control Comm. v. Partnership T/A C & J's Shipwreck	98 ABC 0296	Morrison	08/19/98	
Alcoholic Beverage Control Commission v. Axis Entertainment	98 ABC 0357*[3]	Reilly	07/02/98	
Sokha Huor Ramadneh v. Alcoholic Beverage Control Commission	98 ABC 0382	Smith	06/30/98	13:03 NCR 350
Alcoholic Beverage Control Commission v. Delores Williams Alnaqib	98 ABC 0392	Chess	07/30/98	
Alcoholic Beverage Control Commission v. Axis Entertainment	98 ABC 0401*[3]	Reilly	07/02/98	
Alcoholic Beverage Control Commission v. James Aubrey Stephenson	98 ABC 0494	Chess	09/01/98	
Alcoholic Beverage Control Commission v. Bridgette Dee Williams	98 ABC 0501	Reilly	08/11/98	
Alcoholic Beverage Control Commission v. Robert Lee, Inc	98 ABC 0518	Gray	08/11/98	
Alcoholic Beverage Control Comm. v. Partnership, T/A Variety Pic Up #21	98 ABC 0714	Morrison	10/09/98	
Tarus Jackson v. Alcoholic Beverage Control Commission	98 ABC 0768	Smith	07/13/98	
Alcoholic Beverage Control Comm. v. Simple Elegance Restaurants, Inc.	98 ABC 0850	Phipps	10/26/98	
Alcoholic Beverage Control Comm. v. Daniel Hinton Green	98 ABC 0889	Morrison	11/06/98	
Alcoholic Beverage Control Comm. v. Zaheer Ahmad Bajwa	98 ABC 0960	Owens	10/30/98	
Alton Ollivierra Perry v. Alcoholic Beverage Control Commission	98 ABC 1298	Owens	11/23/98	
BOARD OF CONTRACTORS				
Heritage Pointe Builders, Inc. & Patrick Hannon v. Bd. of Contractors	97 LBC 0243	Phipps	08/17/98	
CRIME CONTROL AND PUBLIC SAFETY				
Loretta Battle v. Crime Victims Compensation Commission	97 CPS 0654	Gray	08/10/98	
Cynthia Austin v. Crime Victims Compensation Commission	97 CPS 1499	Reilly	08/12/98	13:05 NCR 533
Marcella Skaggs v. Crime Victims Compensation Commission	98 CPS 0065	Owens	06/05/98	
Talmadge E. McHenry v. Crime Victims Compensation Commission	98 CPS 0116	Gray	06/24/98	
Linda Caldwell Wiggins v. Crime Victims Compensation Commission	98 CPS 0153	Chess	08/27/98	
Kenneth T. Lytle v. Crime Victims Compensation Commission	98 CPS 0176	Reilly	07/06/98	
Shirley Henryhand v. Crime Victims Compensation Commission	98 CPS 0263	Morrison	08/11/98	
Brenda Jean Thomas v. Crime Victims Compensation Commission	98 CPS 0314	Morrison	08/11/98	
Tareyton L. Johnson v. Crime Victims Compensation Commission	98 CPS 0327	Reilly	09/02/98	
Mia Thompson-Clark v. Crime Victims Compensation Commission	98 CPS 0349	Chess	05/14/98	
Godfrey Akenabor v. Crime Victims Compensation Commission	98 CPS 0427	Owens	10/30/98	13:12 NCR 1015
Valine H. Thompson v. Crime Victims Compensation Commission	98 CPS 0674	Morrison	11/18/98	
Rufus K. Williams v. Department of Crime Control & Public Safety	98 CPS 0676	Morrison	10/23/98	

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
Faye E. Powell v. Crime Victims Compensation Commission	98 CPS 0808	Owens	08/28/98	
Hubert Lee Grant v. Crime Victims Compensation Commission	98 CPS 0839	Morrison	10/21/98	13:10 NCR 853
Mary Elizabeth Troutman v. Crime Victims Compensation Comm.	98 CPS 0901	Smith	11/12/98	
Brenda H. Alston v. Crime Victims Compensation Commission	98 CPS 0952	Phipps	11/10/98	
Shirley P. Chen v. Crime Victims Compensation Commission	98 CPS 1015	Phipps	09/17/98	
ENGINEERS AND SURVEYORS, BOARD OF EXAMINERS FOR				
Thomas A. Truelove, Jr., PE v. Bd./Examiners/Engineers and Surveyors	98 ELS 0047	Mann	11/12/98	13:12 NCR 1035
ENVIRONMENT AND NATURAL RESOURCES				
Ladane Williamson and Odell Decarol Williamson v. DENR	96 EHR 1926	Gray	09/01/98	13:07 NCR 609
Teresa Heflin v. Department of Environment and Natural Resources	97 EHR 0409	Morrison	07/29/98	
Ronald Prater v. Department of Environment and Natural Resources	97 EHR 0451	Reilly	07/02/98	
James F. Smith v. Department of Environment and Natural Resources	97 EHR 1365	Chess	07/17/98	
William Hickman v. Department of Environment and Natural Resources	97 EHR 1388	Gray	11/06/98	13:11 NCR 928
Hickory Alliance v. Department of Environment and Natural Resources and Godfrey Lumber Company, Inc.	97 EHR 1607	Reilly	07/17/98	
John M. Silvia v. Department of Environment and Natural Resources	97 EHR 1646	Chess	06/03/98	
Godfrey Lumber Company, Inc. v. Dept./Environment & Natural Resources and Hickory Alliance	97 EHR 1676	Reilly	07/17/98	
Gregory B. Jackson, Brenda R. Jackson v. Greene Cty. Hlth. Dept., ENR	98 EHR 0042	Reilly	07/02/98	
Robert G. Goff, Sr. v. Department of Environment and Natural Resources	98 EHR 0072*[2]	Gray	06/25/98	
Scotland Water, Cedar Circle v. Environment and Natural Resources	98 EHR 0236	Smith	06/09/98	
Womble & Company v. Dept. of Environment and Natural Resources	98 EHR 0345	Chess	11/05/98	
Eric Glenn Harrison v. Environment and Natural Resources	98 EHR 0373	Reilly	08/28/98	
Robert G. Goff, Sr. v. Department of Environment and Natural Resources	98 EHR 0448*[2]	Gray	06/25/98	
Wilbur E. Earp v. Department of Environment and Natural Resources	98 EHR 0606	Smith	10/21/98	
Norell Bahrs v. Carteret Cty. Health Dept., DENR	98 EHR 0884	Owens	11/02/98	
Charles Davis v. Department of Environment and Natural Resources	98 EHR 0890	Owens	11/09/98	
Division of Coastal Management				
Preston Warren v. Division of Coastal Management, Wilmington, NC	98 EHR 0177	Phipps	10/05/98	
Division of Environmental Health				
Gerald P. Sigal v. DENR, Division of Environmental Health	98 EHR 0051	Smith	10/02/98	
Division of Environmental Management				
Save Our Rivers, Inc., et al v. Town of Highlands, EHNR, Env. Mgmt., William W. Cobey, Jr., Secretary	91 EHR 0377	Gray	07/30/98	
US Dept. of the Interior Nat'l. Park Svce. v. Environmental Mgmt. Comm.	98 EHR 0410	Smith	08/20/98	13:06 NCR 578
Division of Marine Fisheries				
Lady LaShanda Melvin Bryant v. EHNR, Division of Marine Fisheries	97 EHR 1459	Gray	07/20/98	
Gerald Moore, et al. v. DENR, Division of Marine Fisheries	98 EHR 0322	Owens	10/08/98	13:09 NCR 797
Division of Solid Waste Management				
Steve Aldridge, et. al. v. DENR, Division of Solid Waste Management	98 EHR 0665	Chess	09/09/98	13:07 NCR 617
Division of Water Quality				
Raymond L. Martin v. DENR, Division of Water Quality	98 EHR 0590	Gray	09/21/98	
Worsley Oil Companies, Inc. v. DENR, DWQ, Groundwater Section	98 EHR 0735	Chess	08/24/98	
Silver Bullet, Inc. v. DENR, Division of Water Quality	98 EHR 0931	Chess	08/20/98	
HEALTH AND HUMAN SERVICES				
Stanley C. Ochulo v. Off./Administrative Hearings, Mr. R. Marcus Lodge	98 DHR 0021	Reilly	06/24/98	
Oliver C. Johnson, Hazel T. Johnson v. Health and Human Services	98 DHR 0090	Gray	07/08/98	
Louise Streater v. Health and Human Services	98 DHR 0196	Gray	06/03/98	
Richard E. Lawrence, Rebecca A. Lawrence v. Health and Human Services	98 DHR 0209	Phipps	07/15/98	
John David Brinson v. Department of Human Resources	98 DHR 0369	Owens	08/17/98	
Stephanie Wade v. Department of Health and Human Services	98 DHR 0666	Reilly	08/19/98	
Carolyn L. Freeman v. Department of Human Resources	98 DHR 0721	Gray	08/05/98	
Otis L. Mack, Jr. v. Office of Administrative Hearings	98 DHR 0729	Phipps	09/09/98	
Christopher Germano, Lee Germano v. Department of Health	98 DHR 0780	Owens	07/28/98	
E. Jean Woods v. EDS - Medicaid	98 DHR 1118	Gray	10/26/98	
Cheryl Lynn Staton v. Department of Health & Human Services	98 DHR 1259	Smith	11/30/98	
Mary Barrier v. Administrative Hearing	98 DHR 1287	Chess	11/19/98	
Division of Child Development				
Dulatown Presbyterian Children's Ctr. v. DHHS, Child Development	98 DHR 0654	Gray	08/06/98	
Cassandra Myers v. Division of Child Development	98 DHR 0948	Owens	09/03/98	
Dulatown Presbyterian Children Ctr. v. DHR, Child Development	98 DHR 1112	Morrison	10/16/98	
Dora's Child Development Center v. Mecklenburg Cty DSS, and DHR	98 DHR 1184	Phipps	09/25/98	

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
Division of Facility Services				
Pearlie W Lawson v DHHS, Facility Svcs , Health Care Personnel Reg.	97 DHR 1034	Becton	07/30/98	
Annie K Morgan v Health & Human Services , Facility Services	97 DHR 1046*[6]	Phipps	07/23/98	
Mooresville Hospital Mgmt. Associates, Inc d/b/a Lake Norman Regional Medical Center v DHR, Facility Services, Certificate of Need Section and Autumn Corporation and McKinley V Jurney	97 DHR 1209	Reilly	06/23/98	
Warren Moore & Catherine Moore v DHR, Div of Facility Services	97 DHR 1279	Mann	09/08/98	
Constellation Health Services, Inc and Constellation Senior Services, Inc v. DHR, Facility Services, Group Care Licensure Section and Diversified Health Group, L L.C. and The Innovative Health Group, Inc	97 DHR 1529	Gray	06/24/98	
Dialysis Care of NC, LLC, d/b/a Dialysis Care of Rowan County v DHR, Division of Facility Services, Certificate of Need Section v. Biomedical Applications of NC, Inc. d/b/a BMA of Kannapolis d/b/a Metrolina Kidney Center of Kannapolis (Lessee) and Metrolina Nephrology Associates, P.A (Lessor)	97 DHR 1588	Phipps	08/31/98	
Robin Annette Reavis v Health and Human Svcs., Div of Facility Svcs.	97 DHR 1672	Reilly	08/12/98	
Jennifer Blofeld v DHHS, Facility Svcs., Health Care Personnel Registry	98 DHR 0096	Gray	08/21/98	
Sunlite Retirement Home, Winnie Jane Johnson v. DHR, Facility Services	98 DHR 0124	Phipps	06/11/98	
Helen Shokoti v Health and Human Services, Div. of Facility Services	98 DHR 0173	Chess	08/26/98	
Ann Davis Rest Home v. Group Care Licensure Section	98 DHR 0197	Phipps	06/23/98	
Diane Lingard v DHR, Facility Svcs, Health Care Personnel Reg.	98 DHR 0214	Becton	06/22/98	
Kimberly Annette Smith Hull v. DHHS, Division of Facility Services	98 DHR 0239	Phipps	06/23/98	
Living Centers-Southeast, Inc , Lutheran Retirement Center-Wilmington, Inc., and New Hanover Health Care Center, L.L.C. v DHHS, Div. of Facility Services, Certificate of Need Section, and Devin Partnership and Devin Health Care Associates, L.L.C., Columbia Cape Fear Healthcare System, Limited Partnership, Living Centers Southeast, Inc., Lutheran Retirement Center-Wilmington Inc., and New Hanover Health Care Center L.L.C.	98 DHR 0244*[15]	Phipps	11/24/98	13:12 NCR 1018
Living Centers-Southeast, Inc., Lutheran Retirement Center-Wilmington, Inc., and New Hanover Health Care Center, L.L.C v DHHS, Div. of Facility Services, Certificate of Need Section, and Devin Partnership and Devin Health Care Associates, L.L.C., Columbia Cape Fear Healthcare System, Limited Partnership, Living Centers Southeast, Inc., Lutheran Retirement Center-Wilmington Inc., and New Hanover Health Care Center L.L.C.	98 DHR 0245*[15]	Phipps	11/24/98	13:12 NCR 1018
Living Centers-Southeast, Inc., Lutheran Retirement Center-Wilmington, Inc., and New Hanover Health Care Center, L.L.C. v. DHHS, Div. of Facility Services, Certificate of Need Section, and Devin Partnership and Devin Health Care Associates, L.L.C., Columbia Cape Fear Healthcare System, Limited Partnership, Living Centers Southeast, Inc., Lutheran Retirement Center-Wilmington Inc., and New Hanover Health Care Center L.L.C.	98 DHR 0247*[15]	Phipps	11/24/98	13:12 NCR 1018
Deborah Ann Holt v. DHHS, Division of Facility Services	98 DHR 0348	Phipps	06/22/98	
Terri Michelle Tyler v. Health & Human Svcs, Div. of Facility Services	98 DHR 0458	Gray	08/21/98	
Doris Jones Holmes v DHHS, Facility Svcs, Health Care Personnel Reg.	98 DHR 0463	Gray	08/21/98	
Annie K Morgan v Health & Human Services , Facility Services	98 DHR 0496*[6]	Phipps	07/23/98	
Shirley Bowling v DHHS, Facility Services, Health Care Personnel Reg.	98 DHR 0547	Gray	11/09/98	
Johnnie E. Williams v. DHHS, Division of Facility Services	98 DHR 0639	Reilly	07/02/98	
Christy Jeton Hall v. DHHS, Division of Facility Services	98 DHR 0706	Gray	10/12/98	
Latonia Denise Thomas v DHHS, Division of Facility Services	98 DHR 0809	Gray	10/23/98	
Tracey Deirde Galloway v DHHS, Facility Svcs., Health Care Per Reg	98 DHR 0824	Gray	09/24/98	
Happy Dan's Home, Gladys Cooke v Facility Svcs , Group Care Lic. Sect.	98 DHR 0885	Owens	11/19/98	
Rose Marie Hadley v DHHS, Division of Facility Services	98 DHR 0970	Smith	10/08/98	
Division of Medical Assistance				
Charlotte-Mecklenburg Hospital Authority, d/b/a Carolinas Medical Ctr, and Harry Mahannah, M D v DHHS, Division of Medical Assistance	97 DHR 0621	Smith	07/08/98	
Alic F. Schneider, Julia R. Hammonds v. DHHS, Medical Assistance	98 DHR 0994	Morrison	10/29/98	
Division of Social Services				
William & Crystal Steakley v. DHHS, Division of Social Services	98 DHR 0076	Gray	07/20/98	
Raji Abdus-Salaam v Department of Human Resources, DSS-DCA	98 DHR 0771	Owens	07/30/98	
Child Support Enforcement Section				
Robert H Black v Guilford County Child Support Enforcement	96 CRA 1548	Mann	10/09/98	
Dorman E. Drake v Department of Human Resources	96 CRA 1717	Smith	08/25/98	
Garry R McNeill v Department of Human Resources	96 CRA 1743	Reilly	10/22/98	
Robert Alan Davis v Department of Human Resources	96 CRA 1781*[7]	Phipps	08/20/98	

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
Michael W. White v. Department of Human Resources	96 CRA 1784	Gray	09/25/98	
Troy R. Emmons, Jr. v. Department of Human Resources	96 CRA 1798	Reilly	08/25/98	
Marvin A. Pike v. Department of Human Resources	96 CRA 1814	Chess	09/24/98	
Mary Putnam Avery v. DSS, Durham County Child Support Enforcement	96 CRA 1849	Morrison	09/01/98	
Gilbert G. Gray v. Department of Human Resources	96 CRA 1858	Morrison	10/08/98	
Herbert Leon Sellers v. Department of Human Resources	96 CRA 1932	Smith	11/06/98	
David W. Davis v. Department of Human Resources	96 CRA 1976	Smith	11/06/98	
Dale W. Hutchinson v. Department of Human Resources	96 CRA 1981	Mann	08/26/98	
Joe A. Lynch v. Department of Human Resources	97 CRA 0045	Phipps	10/09/98	
Kenneth Eugene Scott v. Department of Human Resources	97 CRA 1232	Chess	11/06/98	
Mark Owens Frink v. Department of Human Resources	97 CRA 1524	Mann	10/09/98	
Jeffery Lee Graves v. Department of Human Resources	98 CRA 0137	Becton	06/23/98	
Donald L. Carr, Jr. v. Department of Human Resources	98 CRA 0545	Reilly	06/08/98	
Marvin Diggs v. Department of Human Resources	98 CRA 0588	Reilly	06/24/98	
Michael Patrick Dyme v. Department of Health & Human Services	98 CRA 0787	Gray	09/17/98	
Sherman L. Arnold Sr. v. Department of Health & Human Services	98 CRA 1152	Mann	10/28/98	
Dennis Lee McNeill v. Department of Human Resources	96 CSE 1305	Gray	06/22/98	
Byron O. Ashby II v. Department of Human Resources	96 CSE 1435	Mann	07/15/98	
Hubert L. Morrison v. Department of Human Resources	96 CSE 1649	Reilly	08/12/98	
Robert Alan Davis v. Department of Human Resources	96 CSE 1780*[7]	Phipps	08/20/98	
Larry S. Robinson v. Child Support Enforcement Agency	96 CSE 1848	Gray	11/05/98	
Darryl C. Thompson v. Department of Health & Human Services	96 CSE 1854*[13]	Chess	09/01/98	
Darryl C. Thompson v. Department of Health & Human Services	96 CSE 1902*[13]	Chess	09/01/98	
Michael Anthony Hill v. Department of Human Resources	96 CSE 2028	Mann	08/26/98	
Joseph L. Hill v. Department of Human Resources	97 CSE 0624	Chess	11/06/98	
Michael A. Wilder v. Department of Human Resources	97 CSE 1301	Chess	07/17/98	
Billy Anthony Jr. v. Department of Human Resources	97 CSE 1393	Reilly	06/24/98	
Lawrence Wilkes v. Department of Human Resources	97 CSE 1419	Gray	11/17/98	
Alton D. Bagley v. Department of Human Resources	97 CSE 1424	Chess	06/02/98	
Bernel B. Berry Jr. v. Department of Human Resources	97 CSE 1435	Smith	06/12/98	
Darryl Simpkins v. Department of Health & Human Services	97 CSE 1436	Chess	08/11/98	
Anthony Montgomery v. Department of Human Resources	97 CSE 1442	Phipps	06/17/98	
Joseph Gerard McPhillips v. Department of Human Resources	97 CSE 1467	Mann	10/09/98	
Terry Letterman v. Department of Human Resources	97 CSE 1492	Smith	06/22/98	
William E. Mines v. Department of Human Resources	97 CSE 1527	Mann	09/08/98	
Christopher Alan v. Department of Human Resources	97 CSE 1544	Chess	10/16/98	
Annette Chipman v. Department of Human Resources	97 CSE 1545	Phipps	07/23/98	
Paul J. Mobley, Jr. v. Department of Human Resources	97 CSE 1568	Phipps	06/17/98	
Alvin G. Piper v. Department of Health & Human Services	97 CSE 1599	Phipps	11/10/98	
Robert A. Sherer v. Department of Human Resources	97 CSE 1605	Mann	07/15/98	
Rodney A. Morrison v. Department of Human Resources	97 CSE 1611	Gray	10/23/98	
Gregory Andre Brown v. Department of Health & Human Services	97 CSE 1656	Gray	08/27/98	
Rodger Hazen II v. Department of Human Resources	97 CSE 1666	Chess	07/17/98	
Wade A. Burgess v. Department of Human Resources	98 CSE 0071	Morrison	06/12/98	
Robert L. Robinson v. Department of Human Resources	98 CSE 0130	Reilly	07/15/98	
Jamie A. Hurtt v. Department of Health & Human Services	98 CSE 0307	Morrison	07/06/98	
Renardo Jenkins v. Department of Human Resources	98 CSE 0310	Smith	06/23/98	
Anthony Love v. Department of Human Resources	98 CSE 0312	Phipps	06/23/98	
Steven Kent Gold v. Department of Human Resources	98 CSE 0333	Morrison	07/01/98	
Leroy J. Poole v. Department of Human Resources	98 CSE 0375	Reilly	07/02/98	
Hoyal A. McLean v. Department of Health & Human Services	98 CSE 0420	Smith	07/29/98	
Michael Bernard Hill v. Department of Health & Human Services	98 CSE 0421	Becton	07/15/98	
Charlie Ratliff Jr. v. Department of Health & Human Services	98 CSE 0449	Mann	07/15/98	
Donald W. Lee v. Department of Health & Human Services	98 CSE 0469	Gray	11/09/98	
Bobby D. Cook v. Department of Health & Human Services	98 CSE 0483	Reilly	10/06/98	
John B. Hall v. Department of Human Resources	98 CSE 0506	Chess	07/20/98	
Derrick A. Brinton v. Department of Human Resources	98 CSE 0555	Smith	08/07/98	
Tabatha D. Pate v. Department of Human Resources	98 CSE 0556	Becton	06/23/98	
Amanda F. Blount v. Department of Human Resources	98 CSE 0560	Chess	07/29/98	
Gregory Carty (IV #1564206) v. Department of Human Resources	98 CSE 0561*[14]	Phipps	09/23/98	
Gregory Carty (IV #1564166) v. Department of Human Resources	98 CSE 0562*[14]	Phipps	09/23/98	
John L. Bullard v. Department of Human Resources	98 CSE 0569	Morrison	08/06/98	
Frank A. Cotton v. Department of Human Resources	98 CSE 0578	Gray	10/08/98	
Charlie Gray Hunt Jr. v. Department of Human Resources	98 CSE 0607	Smith	06/22/98	
Willie R. Cruse v. Department of Health & Human Services	98 CSE 0653	Mann	08/26/98	
Thomas H. Lotze, Jr. v. Department of Health & Human Services	98 CSE 0658	Phipps	08/31/98	
Robert L. Williams v. Department of Human Resources	98 CSE 0682	Smith	06/22/98	
Patrick Bass v. Department of Health & Human Services	98 CSE 0689	Owens	09/18/98	
Tawanna Wheeler v. Department of Health & Human Services	98 CSE 0691	Owens	10/09/98	
Timothy Kinney v. Department of Health & Human Services	98 CSE 0728	Smith	09/17/98	
Teresa L. Galloway v. Department of Health & Human Services	98 CSE 0769	Becton	07/30/98	
Michael A. Looper v. Department of Health & Human Services	98 CSE 0783	Chess	09/08/98	
Kenneth E. Strickland v. Department of Health & Human Services	98 CSE 0817	Mann	09/08/98	
Hoyt H. Bunt Jr. v. Department of Health & Human Services	98 CSE 0818	Morrison	09/15/98	

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
Vernon Reginald Pinkney v. Department of Health & Human Services	98 CSE 0833	Owens	07/29/98	
Elijah G. Deans v. Department of Health & Human Services	98 CSE 0867	Phipps	07/20/98	
James Howard Alexander v. Department of Health & Human Services	98 CSE 0869	Reilly	08/06/98	
Lee J. Coggins v. Department of Human Resources	98 CSE 0894	Smith	08/20/98	
Mark J. Houlbrook v. Department of Health & Human Services	98 CSE 0949	Smith	09/08/98	
Henry A. Harriel, Jr. v. Department of Health & Human Services	98 CSE 0975	Chess	09/01/98	
Amanda F. Haviland Blount v. Department of Health & Human Services	98 CSE 0985	Mann	11/18/98	
Denilra Jeffries v. Department of Health & Human Services	98 CSE 1036	Morrison	09/15/98	
Bryan L. Barksdale v. Department of Health & Human Services	98 CSE 1052	Morrison	10/09/98	
Karen Mitchell v. Department of Human Resources	98 CSE 1095	Reilly	10/06/98	
Robert S. Willett v. Department of Health & Human Services	98 CSE 1153	Chess	11/19/98	
Vickie E. Lane v. Michael L. Adams, Department of Human Resources	96 DCS 2105	Gray	07/08/98	
Carla P. Robinson v. Department of Human Resources	97 DCS 0124	Reilly	11/10/98	
Rachel D. Farmer v. Department of Health & Human Services	97 DCS 0251	Phipps	08/31/98	
Janice Scott Padgett (Fisher) v. Department of Human Resources	97 DCS 1219	Smith	07/29/98	
Barbara Fanta-Blandine v. Department of Human Resources	97 DCS 1486	Morrison	06/22/98	
Sharon Brim v. Department of Health & Human Services	97 DCS 1574	Gray	08/04/98	
Sherry L. Hampton v. Department of Human Resources	98 DCS 0257	Morrison	12/01/98	
Terita M. Sharpe v. Department of Human Resources	98 DCS 0468	Morrison	06/09/98	
Ruth McFadden v. Department of Human Resources	98 DCS 0675	Reilly	07/15/98	
Division of Women's and Children's Health				
Khamis A. Sirhan v. DHHS, Women's/Children's Health, Nutrition Svcs.	98 DHR 0219	Reilly	08/11/98	
Joseph A. Nawas v. DHHS, Women's/Children's Health, Nutrition Svcs	98 DHR 0637	Phipps	07/02/98	
Mohamad I. Rahman v. DHHS, Womens/Childrens Hlth, Nutr. Svcs. Sect	98 DHR 0923	Chess	11/06/98	
Evelyn Powell v. Nutrition Services Section	98 DHR 1135	Smith	11/13/98	
JUSTICE				
James Todd Tippet v. NC Company Police Program	97 DOJ 1368	Phipps	09/10/98	
Alarm Systems Licensing Board				
Claude David Huggins v. Alarm Systems Licensing Board	98 DOJ 0871	Morrison	07/09/98	
Jay Michael Ratcliff v. Alarm Systems Licensing Board	98 DOJ 1345	Owens	11/19/98	
Auctioneer Licensing Board				
Wiley R. Tyndall v. Auctioneer Licensing Board	97 DOJ 1236	Phipps	07/24/98	
Gavin Haviv Abadi v. Auctioneer Licensing Board	98 DOJ 1060	Smith	10/21/98	
Education and Training Standards Division				
Thomas Dwayne Brown v. Sheriffs' Education & Training Standards Comm.	97 DOJ 1319	Phipps	07/29/98	
Kenneth Joseph Jackson v. Sheriffs' Education & Training Standards Comm	97 DOJ 1578*[S]	Gray	08/20/98	
Odis Fitzgerald Darden v. Sheriffs' Education & Training Standards Comm	97 DOJ 1698	Reilly	06/12/98	
Kenneth Earl Brantley v. Criminal Justice Ed. & Training Stds. Comm.	98 DOJ 0046	Gray	11/04/98	13:11 NCR 935
Hoyle Kenneth Wise, Jr. v. Sheriffs' Education & Training Standards Comm	98 DOJ 0022	Smith	07/14/98	
Hearl Oxendine v. Criminal Justice Education & Training Stds. Comm	98 DOJ 0121	Smith	06/22/98	
James Farrell Roberts v. Criminal Justice Education & Training Stds. Comm.	98 DOJ 0147	Smith	07/16/98	
Phillip Keith McPherson v. Sheriffs' Education & Training Standards Comm.	98 DOJ 0388	Reilly	07/24/98	
Daryl LaMar Bryant v. Sheriffs' Education & Training Standards Comm	98 DOJ 0430	Gray	07/21/98	
Harold F. Esters v. Sheriffs' Education & Training Standards Comm	98 DOJ 0431	Gray	08/21/98	
William Scott Key v. Sheriffs' Education & Training Standards Comm.	98 DOJ 0432	Becton	06/08/98	
Cecil W. Duke, Jr. v. Criminal Justice Education & Training Stds. Comm.	98 DOJ 0479	Chess	10/07/98	
Amado Martinez v. Criminal Justice Education & Training Stds. Comm	98 DOJ 0526	Morrison	09/09/98	
Johnny Wayne Wills v. Criminal Justice Education & Training Stds. Comm.	98 DOJ 0574	Chess	07/30/98	
James E. Ellerbe v. Sheriffs' Education & Training Standards Comm	98 DOJ 0600	Morrison	08/07/98	
Paul Harvey Taylor v. DOJ, Criminal Justice Ed. & Training Stds. Comm	98 DOJ 0841	Phipps	09/16/98	
Kenneth Joseph Jackson v. Sheriffs' Education & Training Standards Comm.	98 DOJ 0847*[S]	Gray	08/20/98	
Kelly Suzanne Mayberry v. Sheriffs' Education & Training Stds. Comm.	98 DOJ 0875	Chess	11/13/98	
Robert Ryan Hardison v. Sheriffs' Education & Training Standards Comm.	98 DOJ 0878	Phipps	09/08/98	
Tracey Jerome Clark v. Sheriffs' Education & Training Standards Comm	98 DOJ 0879	Owens	08/31/98	
Kevin Lamar Dorsey v. Sheriffs' Education & Training Standards Comm.	98 DOJ 0930	Phipps	09/22/98	
Willoughby McCormick, Jr. v. Sheriffs' Ed. & Training Standards Comm.	98 DOJ 1007	Reilly	10/13/98	
Private Protective Services Board				
Wayne Carey v. Private Protective Services Board	98 DOJ 0619	Owens	11/19/98	
Claims Verification, Inc. v. Private Protective Services Board	98 DOJ 0848	Smith	08/04/98	
Walter R. Shirer v. Private Protective Services Board	98 DOJ 0937	Morrison	09/17/98	
Stacey L. Williams v. Private Protective Services Board	98 DOJ 0938	Morrison	08/18/98	
Eugene Norman Garrett v. Private Protective Services Board	98 DOJ 0939	Morrison	08/18/98	
G. Russell Smith v. Private Protective Services Board	98 DOJ 0940	Owens	11/19/98	
David C. Brisson v. Private Protective Services Board	98 DOJ 0941	Owens	11/19/98	
Danny Charles Garrett v. Private Protective Services Board	98 DOJ 1081	Morrison	09/17/98	
Dennis Ray Hyatt v. Private Protective Services Board	98 DOJ 1139	Owens	11/19/98	
Alfred D. Malson v. Private Protective Services Board	98 DOJ 1141	Morrison	09/29/98	
Rodney Hamilton Marsh v. Private Protective Services Board	98 DOJ 1142	Owens	11/04/98	

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
Melvin Eugene Davis v. Private Protective Services Board	98 DOJ 1145	Morrison	09/22/98	
Glen Leon Fitchette v. Private Protective Services Board	98 DOJ 1307	Owens	11/03/98	
LABOR				
Hildreth Mechanical & Maintenance v. Labor/Labor Standards	98 DOL 0903	Mann	11/04/98	
Labor World, Eric Feinstein v. Labor, Harry E. Payne, Jr.	98 DOL 1256	Gray	11/05/98	
BOARD OF MEDICAL EXAMINERS				
Joe D. Crawford, M.D v. Medical Bd. of NC Bd. of Medical Examiners	98 BME 0870	Owens	07/30/98	
PUBLIC INSTRUCTION				
Linda & Danny Howard for Nikki Howard v. DHHS, Murdoch Center	97 EDC 1047	Gray	11/03/98	
George & Ruth Sinclair for Adam Sinclair v. Wake County Schools (Special Education Services)	97 EDC 1233	Phipps	08/11/98	
Nicholas Eirschele, By and Throught His Parents, Charles & Kathleen Eirschele v. Craven County Board of Education	97 EDC 1234	Phipps	07/16/98	
Dewitt Brinson & Elizabeth Brinson v. Craven County Board of Education	97 EDC 1298	Phipps	10/26/98	
Gene Edward Lloyd v. Department of Public Instruction	98 EDC 0110	Reilly	09/10/98	
Mrs. Phyllis Y. Moore v. Cumberland County Schools	98 EDC 0305	Gray	08/05/98	
Laney Bruce Harrill v. State Board of Education	98 EDC 0350	Smith	09/17/98	
L.K. on behalf of her son, J.H., as well as on her own behalf v. St. Bd./Ed.	98 EDC 0370	Smith	10/14/98	
Joseph J. Sarrerro v. Department of Public Instruction	98 EDC 0459	Owens	08/10/98	
M.E. and her husband, P.E., individually, and on behalf of their son, C.E. v. Bd. of Ed. for Buncombe Cty a/k/a Buncombe Cty Public Schools, et al	98 EDC 0566	Gray	10/01/98	
Linda & Danny Howard for Nikki Howard v. Lenoir Cty Bd. of Ed.	98 EDC 1047	Gray	10/30/98	
STATE BAR				
Linda R. Sharp v. North Carolina State Bar	98 BAR 1344	Morrison	11/09/98	
STATE PERSONNEL				
Department of Correction				
Annie D Dizon v. NC Correctional (Inst) Center for Women	97 OSP 0166	Mann	11/06/98	
Terry T. Rees v. Department of Correction	97 OSP 1671*[4]	Smith	06/30/98	
Mohammad H. Baloch, M.D. v. Department of Correction	98 OSP 0014	Gray	09/01/98	
Leon Owens v. Department of Correction	98 OSP 0050	Becton	07/10/98	
Terry T. Rees v. Department of Correction	98 OSP 0119*[4]	Smith	06/30/98	
Michael A. Smith v. Department of Correction	98 OSP 0231*[9]	Reilly	08/11/98	
Michael A. Smith v. Department of Correction	98 OSP 0317*[9]	Reilly	08/11/98	
Jayne D Bledsoe v. Correction, Div of Adult Probation & Parole	98 OSP 0543	Owens	07/29/98	
Carl W Craven, II v. Pender Correctional Institution	98 OSP 0633	Smith	06/25/98	
Ervin Shaw v. Martin Horner, Asst. Super., Corr., Sandy Ridge Corr Ctr.	98 OSP 0671	Phipps	10/09/98	
Joseph Szilagyi v. Department of Correction	98 OSP 0757	Owens	10/05/98	
Dennis S Harrell v. Dept of Correction, Caledonia Correctional Institute	98 OSP 0846	Morrison	09/08/98	
Tommy L. Hancock v. Department of Correction	98 OSP 0881	Owens	08/04/98	
Tommy L. Hancock v. Department of Correction	98 OSP 0882	Owens	10/09/98	
Bertha Darden v. Raymond Smith & Dept. of Correction, Central Prison	98 OSP 0905	Smith	09/25/98	
Ruth Moseley v. Department of Correction	98 OSP 1092	Gray	10/07/98	
Lamont M. Burt v. Department of Correction	98 OSP 1115	Smith	10/06/98	
Leo Powell v Harnett Correctional Institute, Department of Correction	98 OSP 1175	Owens	11/25/98	
Nona W Hubbard v DOC, Division of Community Corrections	98 OSP 1214	Owens	10/27/98	
Robert R. Stovall v. Department of Correction	98 OSP 1282	Phipps	10/26/98	
Crime Control and Public Safety				
Roger D. Davis v. Crime Control & Public Safety, St. Hwy Patrol	97 OSP 0617	Chess	05/27/98	
Albert R. Little v Crime Control & Public Safety, Info. Sys. Specialists	97 OSP 1157	Morrison	07/22/98	
Thomas E. Carlton v Crime Control & Public Safety, St. Hwy Patrol	98 OSP 0919	Phipps	09/24/98	
Employment Security Commission				
Jane B Bolin and Arlene G. Sellers v. Employment Security Commission	97 OSP 1122*[1]	Chess	06/02/98	
Jane B Bolin and Arlene G Sellers v. Employment Security Commission	97 OSP 1134*[1]	Chess	06/02/98	
Environment and Natural Resources				
Charles Anthony Bruce v. ENR, Division of Parks and Recreation	98 OSP 0240	Reilly	06/08/98	
Health and Human Services				
Annette Honea v. Department of Human Resources	96 OSP 0833	Chess	08/24/98	
Angela M. Miles v. Cumberland County Department of Social Services	97 OSP 0613*[5]	Gray	07/10/98	
Shung Fung-Chin v. Department of Human Resources, Caswell Center	97 OSP 0638*[10]	Chess	08/13/98	
Charity Swick v. Cumberland County Department of Social Services	97 OSP 0775	Gray	07/10/98	

* Consolidated Cases.

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
Yolandra Best and Roy Hudson v. DHHS, John Umstead Hospital	97 OSP 0862*[11]	Chess	08/13/98	
Yolandra Best and Roy Hudson v DHHS, John Umstead Hospital	97 OSP 0863*[11]	Chess	08/13/98	
Kenneth Dippel v Columbus County Dept of Social Services	97 OSP 0905	Gray	11/09/98	
Fred Foster, Jr v Department of Health and Human Services	97 OSP 1287*[12]	Smith	08/20/98	
Shung Fung-Chin v Department of Human Resources, Caswell Center	97 OSP 1530*[10]	Chess	08/13/98	
Ruth Holroyd v. Montgomery Cty DSS, Children's Services	97 OSP 1586	Smith	05/27/98	13 02 NCR 257
Fred Foster, Jr v Department of Health and Human Services	97 OSP 1701*[12]	Smith	08/20/98	
James W Crews v DHHS, Murdoch Center	98 OSP 0060	Gray	07/20/98	
Patricia R Quick v DHHS, Dorothea Dix Hospital	98 OSP 0061	Becton	07/16/98	
Angela M Miles v Cumberland County Department of Social Services	98 OSP 0084*[5]	Gray	07/10/98	
Delores Laverne Rich v. Health & Human Services, Dorothea Dix Hosp.	98 OSP 0120	Gray	07/08/98	
Elwin C. Munson v Health & Human Services, Juvenile Evaluation Center	98 OSP 0140	Phipps	10/28/98	
Fred Foster, Jr v Department of Health and Human Services	98 OSP 0187*[12]	Smith	08/20/98	
David A Kilpatrick v Health & Human Services, Caswell Center	98 OSP 0271	Owens	08/13/98	
Fred Foster, Jr. v. Department of Health and Human Services	98 OSP 0403*[12]	Smith	08/20/98	
Laura Blanton v Cleveland Center	98 OSP 0453	Smith	10/02/98	
Anthony M Ruiz v Department of Health & Human Svcs, Youth Svcs.	98 OSP 0454	Gray	06/04/98	
Rudolph Waters v DHHS, Youth Services, Dobbs School	98 OSP 0474	Morrison	07/30/98	
Euwell Falconer v Karen A. Andrews, Gaston-Lincoln Area Mental Health	98 OSP 0538	Reilly	08/06/98	
Jeffrey L. Williams v Dorothea Dix Hospital	98 OSP 0595	Becton	07/22/98	
Barbara Jean Paquette v Durham County (respondeat superior for the Durham County Public Library)	98 OSP 0765	Morrison	08/05/98	
Linda Paige v Center Point Human Services Forsyth Mental Health Forsyth Industrial Systems	98 OSP 0819	Smith	11/05/98	
Derrick Skinner v Health & Human Services, Cherry Hospital	98 OSP 1035	Gray	09/21/98	
Department of Justice				
Linda Margaret Koss v. State Bureau of Investigation	97 OSP 0189	Chess	08/14/98	
Department of Public Instruction				
Lillie Burnette Pearsall v. Wayne Cty. Bd of Ed., Mrs. Veda McNair and Mr Steve Taylor	98 OSP 0944	Smith	08/25/98	
Secretary of State				
Jonathan M Demers v Department of Secretary of State	97 OSP 1018	Becton	07/07/98	13.03 NCR 343
Department of Transportation				
Johnny O Shivar v Department of Transportation	97 OSP 1366	Reilly	09/01/98	
Larry W Davis v Department of Transportation	98 OSP 0241	Gray	07/08/98	
Sherry Lynn Noles v. Department of Transportation-NCDMV	98 OSP 0269	Chess	08/11/98	
Clarice Goodwin Arthur v Department of Transportation, Ferries Division	98 OSP 0864	Phipps	09/24/98	
University of North Carolina				
Douglas Love, Jr. v UNC Hospitals	97 OSP 0662	Reilly	06/08/98	
Deborah J. Fenner v. NC Central University	97 OSP 0902	Chess	05/29/98	
Joyce M Smith v North Carolina Central University	97 OSP 1297	Smith	06/25/98	
Edwin Swain v University of North Carolina at Chapel Hill	97 OSP 1694	Morrison	07/31/98	
Patricia A.G Roberts v Asst./Chan./Qty Mgmt./Dir. Human Res. UNCW	98 OSP 0178	Phipps	10/08/98	
Leo Watford, Roosevelt Parris, Claiborne Baker, et al. v. University of North Carolina at Chapel Hill	98 OSP 0254	Chess	07/17/98	
Johnny Johnson, Jr. v A & T St University Student Union-Grievance Bd	98 OSP 0299	Owens	09/02/98	
Jessie L. Johnson v Bernard K Locklear, UNC at Pembroke	98 OSP 0444	Gray	09/29/98	
Jonathan L. Fann v North Carolina State University Physical Plant	98 OSP 0465	Becton	07/17/98	
Greta M. Hawthorne v University of NC at Pembroke	98 OSP 0831	Chess	09/11/98	
Robert W Brinson v NC State University	98 OSP 0887	Owens	08/10/98	
Alberta A Ingram-Peterson v. NC Central University	98 OSP 1024	Smith	10/14/98	
Fred T Jackson v UNC-Charlotte Recreational Facilities	98 OSP 1216	Smith	10/22/98	
Betty Parks v Winston Salem State University	98 OSP 1278	Chess	11/25/98	
Ronnie Bell v Dave Hillard, UNC at Charlotte	98 OSP 1330	Smith	11/10/98	
STATE TREASURER				
Hugh A Wells v Consolidated Judicial Retirement System of NC; Bd. of Trustees Teachers and State Employees' Retirement System	98 DST 0316	Morrison	06/05/98	13.01 NCR 166
TRANSPORTATION				
David Warren Dew et al. v Motor Vehicles, Alexander Killens Comm.	95 DOT 1144	Gray	06/04/98	
UNIVERSITY OF NORTH CAROLINA				
Patricia D Hall v University of North Carolina at Chapel Hill	98 UNC 0397	Reilly	08/20/98	
Ladonna P James v UNC Hospitals	98 UNC 0591	Becton	07/20/98	
Joyceline Sellars v UNC Hospitals	98 UNC 1113	Smith	10/22/98	

STATE OF NORTH CAROLINA COUNTY OF WAKE		IN THE OFFICE OF ADMINISTRATIVE HEARINGS 98 CPS 0427
GODFREY AKENABOR Petitioner, v. NORTH CAROLINA CRIME VICTIMS COMPENSATION COMMISSION Respondent.	)	RECOMMENDED DECISION

Administrative Law Judge Melissa C. Owens heard this matter on October 22, 1998 in Raleigh, North Carolina,

APPEARANCES

For Petitioner: Charles F. Powers, Esq.
Sink Powers Sink & Potter
P.O. Box 1471
Raleigh, N.C. 27602

For Respondent: Jonathan P. Babb, Esq.
Assistant Attorney General
N.C. Department of Justice
P.O. Box 629
Raleigh, N.C. 27602-0629

ISSUE

Whether the Respondent properly denied the Petitioner's victims compensation claim on the ground that the victim participated in criminal conduct at or about the time of her death?

FINDINGS OF FACT

The undersigned finds the following facts:

1. The parties are properly before the Office of Administrative Hearings and the Office of Administrative Hearings has subject matter and personal jurisdiction over this contested case.

2. The burden of proof is on the Petitioner to prove by a preponderance of evidence that Respondent improperly denied his victims compensation claim and he is entitled to such compensation.

3. Petitioner is the husband of Stephanie Akenabor. Petitioner and Mrs. Akenabor have two children who live with Petitioner.

4. Petitioner last saw Mrs. Akenabor on January 13, 1998.

5. On January 19, 1998, Stephanie Akenabor was found shot and killed by a man with whom she had been living for at least one week.

6. On January 19, 1998, Wake County Sheriff's Department Investigator Detective E. W. Woodlief investigated the scene and found the deceased victim in a rear bedroom at the scene. Detective Woodlief also discovered victim's identification and a crack pipe in a purse located near the victim.

7. Detective Woodlief's investigation revealed that the victim and Mr. Harrington, the perpetrator, had last been seen

three to four days before January 19, 1998. A criminal record check on the victim indicated she had been charged with solicitation of prostitution and possession of drug paraphernalia.

8. The victim had a history of cocaine abuse and had been in a rehabilitation center for cocaine abuse for three months in 1997. Several years ago the victim lost custody of her children to Petitioner due to her cocaine use.

9. Both the Medical Examiner's Report and the Toxicology Report indicated the presence of cocaine in the victim's body at the time of her death.

10. There was no evidence presented by Petitioner and no evidence through Detective Woodlief's investigation proving the victim was forced to ingest cocaine at or near the time of her death.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the undersigned makes the following:

1. N.C. Gen. Stat. § 15B-11(a)(6) states that a claim shall be denied if the victim participating in a nontraffic misdemeanor or felony at the time of the conduct that caused the injury. N.C. Gen. Stat. § 90-95 makes it unlawful for an unauthorized person to possess a controlled substance. N.C. Gen. Stat. § 90-90 lists cocaine as a controlled substance. These provisions bar any recovery by the Petitioner in the instant case.

2. The United States Court of Appeals for the Fourth Circuit has held that a laboratory test establishing the presence of a controlled substance in a person's body and evidence that decedent culpably or knowingly used a controlled substance amounts to the possession of that controlled substance. U.S. v. Clark, 30 F.3d 23(1994). This is persuasive authority that the ingestion of cocaine plus evidence of decedent's culpable use of cocaine should be treated as possession of same under the aforementioned statutes.

3. In the instant case, Petitioner's claim is barred under N.C. Gen. Stat. § 15B-11(a)(6) as she possessed cocaine at the time of murder. Possession is established by the facts that the Toxicology Report shows the victim had cocaine in her body at the time of her murder, that the victim had a history of cocaine abuse and evidence that Detective Woodlief found a crack pipe in the victim's purse at the crime scene.

4. This decision does not mean that the victim's murder was justified, but that Petitioner's claim under North Carolina Crime Victims Compensation is barred.

Based upon the above Findings of Fact and Conclusions of Law, the undersigned makes the following:

RECOMMENDED DECISION

The Commission's decision to deny the Petitioner crime victims compensation should be affirmed.

ORDER

It is hereby ordered that the agency making the final decision in this matter serve a copy of the final decision to the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, North Carolina, 27611-7447, in accordance with N.C. Gen. Stat. § 150B-36(b).

NOTICE

The agency making the final decision in this 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. N.C. Gen. Stat. § 150B-36(a).

The agency is required to serve a copy of the final decision on all parties and to furnish a copy to the parties' attorney on record and to the Office of Administrative Hearings. N.C. Gen. Stat. § 150B-36(b). The agency that will make the final decision is the North Carolina Victims Compensation Commission.

This the 30th day of October, 1998.

MELISSA C. OWENS
ADMINISTRATIVE LAW JUDGE

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
98 DHR 0244
98 DHR 0245
98 DHR 0247

LIVING CENTERS-SOUTHEAST, INC., LUTHERAN RETIREMENT CENTER-WILMINGTON INCORPORATED, and NEW HANOVER HEALTH CARE CENTER, L.L.C.,
Petitioners,

v.

N.C. DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF FACILITY SERVICES, CERTIFICATE OF NEED SECTION,

Respondent,

and

DEVIN PARTNERSHIP AND DEVIN HEALTH CARE ASSOCIATES, L.L.C., COLUMBIA CAPE FEAR HEALTHCARE SYSTEM, LIMITED PARTNERSHIP, LIVING CENTERS SOUTHEAST, INC., LUTHERAN RETIREMENT CENTER-WILMINGTON INCORPORATED, and NEW HANOVER HEALTH CARE CENTER L.L.C.,

Respondent-Intervenors.

SUMMARY OF RECOMMENDED DECISION

The parties in this contested case proceeding filed cross motions for summary judgment. After hearing the arguments and reviewing the pleadings, exhibits, affidavits and memoranda of law, the undersigned concludes as a matter of law that no genuine issues of material fact exist. Therefore, summary judgment is appropriate. Whether granted in whole or in part, the recommendation is that no party may be granted a certificate of need to develop the nursing homes in New Hanover County.

I. RECOMMENDED DECISION GRANTING SUMMARY JUDGMENT CONCERNING THE DECISION ON THE DEVIN PARTNERSHIP AND DEVIN HEALTHCARE ASSOCIATES, L.L.C.

This matter came on for hearing before the undersigned Administrative Law Judge on June 2, 1998, in 98-DHR-0243, 98-DHR-0244, 98-DHR-0245, and 98-DHR-0247 upon motions by Petitioners New Hanover Health Care Center, L.L.C. ("New Hanover Center") and Columbia Cape Fear Healthcare System, Limited Partnership ("'Columbia") for an order recommending Summary Judgment regarding the decision on The Devin Partnership and Devin Healthcare Associates, L.L.C. (collectively referred to as "Devin").

APPEARANCES

Renee J. Montgomery James C. Thornton	New Hanover Health Care Center, L.L.C.
Staci L. Tolliver	North Carolina Department of Human Resources, Division of Facility Services, Certificate of Need Section

William R. Shenton Stephen R. Dolan	The Devin Partnership and Devin Healthcare Associates, L.L.C.
James E. Gates	Columbia Cape Fear Healthcare system, Limited Partnership
Mary Beth Johnston	Living Centers- Southeast, Inc.
Maureen Demarest Murray	Lutheran Retirement Center-Wilmington Incorporated

ISSUE

Whether Devin's Certificate of Need application failed to conform with N.C.G.S. §131E-183(a)(5) as a matter of law because Devin failed to document that sufficient funds were available and committed to the project.

UNDISPUTED MATERIAL FACTS

There are no genuine issues of material fact on the issue of whether Devin's Certificate of Need application conformed with N.C.G.S. §131E-183(a)(5). The following undisputed facts support this Recommended Decision:

1. The 1997 State Medical Facilities Plan ("SMFP") identified the need for 110 additional nursing facility beds for New Hanover County. New Hanover Center, Devin, Columbia, and Lutheran Retirement Center-Wilmington, Inc. ("Lutheran"), along with certain other applicants not involved in these contested cases, filed applications with the North Carolina Department of Human Resources, Division of Facility Services, Certificate of Need Section ("CON Section") to receive a CON to develop nursing facility beds in New Hanover County, North Carolina.

2. Devin submitted an application for a Certificate of Need to develop a 110 bed nursing facility in Wilmington, North Carolina. The Devin Partnership was named as lessor, and Devin Healthcare Associates, L.L.C, as lessee.

3. In a letter dated January 28, 1998, the CON Section disapproved the applications of New Hanover Center, Columbia, Living Centers and Lutheran and conditionally approved the application of Devin. In a letter dated February 4, 1998, the CON Section transmitted to the parties a copy of the Required Agency Findings.

4. In its application, Devin projected a total capital expenditure of $3,863,000. Of this amount, Devin proposed to finance $3,090,400 through a conventional loan and $772,600 through owners' equity. Additionally. Devin proposed to finance its start-up costs and initial operating expenses with a $400,000 line of credit.

5. In its findings, the CON Section determined that the Devin Application, as submitted, did not conform with N.C.G.S. §§131E-183(a)(4) and (5). In its findings, the CON Section determined that there were deficiencies in the Devin application which caused it to fail to conform as submitted with N.C.G.S. §§131E-183(a)(4) and (5). Specifically, the CON Section found that the bank letter submitted by Devinshire did not specify that the bank would, in fact, loan $3,863,000 and that the principals had not submitted letters that specifically committed the necessary liquid assets to fund the equity contribution. The CON Section found that Devin had failed to document that sufficient funds were available and committed to meet the capital needs, start-up costs and initial operating expenses of the project as required by N.C.G.S. §131E-183(a)(5) which resulted in a finding that the application, as submitted, also failed to conform with N.C.G.S. §131E-183 (a)(4). However, the CON Section did find the Devin application conforming with N.C.G.S. §131E-183(a)(5) as long as it met the conditions contained in the findings.

6. As an exhibit to its application, Devin included a letter from the First National Bank of Wilmington reflecting a general willingness to work with two of the twelve partners toward a financing proposal to be used to construct the facility. The letter from First National Bank did not indicate that it had reviewed the financial position of Devin, or its principals, and found it to be adequate to support the proposal as required by the CON Section and as requested in the CON Section's application form. Likewise, the letter did not indicate that the bank intended to loan Devin $3,863,000 for the proposed project. Accordingly, the CON Section concluded that "the letter . . . does not specify that it will loan $3,863,000 for the proposed project." The CON Section found the bank letter did not sufficiently document the availability and commitment of a loan for the project.

7. Devin did not include the financial statements of the Devin Partnership or Devin Healthcare Associates, L.L.C, in its application. Instead, the application included financial statements for the twelve principals of Devin. Certain assets in the financial statements were circled. However, Devin's application did not include any letters or other documentation from the twelve principals

that specifically committed their assets to fund the owner's equity contribution of $772,600. The CON Section found that "the twelve principals have not submitted letters that specifically commit the necessary liquid assets to fund the equity contribution of $772,600." The CON Section found the twelve principals of Devin had not provided sufficient documentation showing a commitment of their funds to the equity needed for the project.

8. Devin also did not provide any documentation committing the bank to provide it with a $400,000 line of credit for start-up and initial operating expenses. The bank letter simply referenced the need for a line of credit.

9. The CON Section decided to conditionally approve Devin's application subject to thirteen conditions. Three of these conditions dealt with funding:

> (3) Prior to the issuance of the certificate of need, The Devin Partnership [Lessor] and Devin Health Care Associates L.L.C. [Lessee] shall provide documentation from the owners that $772,600 has been committed to finance the owner's equity portion of the capital expenditure.
>
> (4) Prior to award of a construction contract, The Devin Partnership [Lessor] and Devin Health Care Associates L.L.C. (Lessee] shall provide documentation of a loan commitment from a lending institution for at least $3,090,400 for development of the proposed project.
>
> (5) Prior to award of a construction contract, The Devin Partnership (Lessor] and Devin Health Care Associates L.L.C. [Lessee) shall provide documentation of an approved credit line from a lending institution for at least $400,000 for the start-tip and initial operating expenses associated with the project.

10. In response to Condition 3, on March 2, 1998, Owen Autry Butler, one of the principals of Devin, submitted a letter to the CON Section stating that the owners have committed $772,600 for the owner's equity portion of the proposed capital expenditures for the project. Devin did not provide letters from the twelve principals that specifically commit $772,600 to finance owners' equity.

11. The Partnership Agreement of the Devin Partnership submitted with Devin's application does not authorize any of the partners to commit the personal assets of any of the individual partners to the business of the partnership. Instead, the agreement requires the written consent of all of the partners before any partner may advance any monies to the partnership in excess of the amount of his or her first contribution to capital.

CONCLUSIONS OF LAW

1. Chapter 131E, Article 9 of the North Carolina General Statutes sets forth review procedures and standards applicable to Certificate of Need applications. Certain statutory review criteria are specifically set forth in N.C.G.S. §131E-183(a), and an applicant must meet these criteria before the CON Section may issue the applicant a certificate of need. See N.C.G.S. §131E-183(a); see also Presbyterian-Orthopaedic Hospital v. Dept. of Human Resources, et al. 122 N.C. App. 529, 470 S.E.2d 831 (1996). Thus, for a CON application to be approved, it must be found fully conforming to all applicable statutory and regulatory criteria. ("An application must comply with all review criteria."); see also, Retirement Villages, Inc. et al. v. Dept. of Human Resources, et al., 124 N.C. App. 495, 477 S.E.2d 697 (1996) ("Since we have determined that the applicants are each nonconforming to the statutory criteria on at least one ground, we see no need to reach the remainder of the applicants' arguments.").

2. Summary Judgment in a contested case regarding an application for a Certificate of Need is appropriate when there is no genuine issue of material fact regarding an applicant's failure to comply with one of the statutory criteria or regulations governing applications for a Certificate of Need. Presbyterian-Orthopaedic Hospital v. Dept., of Human Resources, et al, 122 N.C. App. 529, 470 S.E.2d 831 (1996).

3. Statutory review Criterion 5 ("Criterion 5"), N.C.G.S. §131E-183(a)(5), provides:

Financial and operational projections for the project *shall* demonstrate the availability of funds for capital and operating needs as well as the immediate and long-term financial feasibility of the proposal, based upon reasonable projections of the costs of and charges for providing health services by the person proposing the services.

4. In Retirement Villages v. Dept. of Human Resources, 124 N.C. App. 495, 477 S.E.2d 697 (1996), the North Carolina Court of Appeals held that Criterion 5 requires an applicant to show that: (1) sufficient funds are available to meet the

financial requirements of the project; and (2) the persons or entities that are funding the project have committed those funds to the proposed project.

5. The letter from First National Bank which Devin submitted with its application was not sufficient to satisfy the requirements of Criterion 5 because it showed neither the availability nor the commitment of a bank loan for approximately $3,090,400 necessary for the proposed project. The CON Section correctly determined that the bank letter was not sufficient to meet the requirements of Criterion 5.

6. Devin also failed to show a commitment to fund the owner's equity portion of the capital expenditure, $772,600. Although the application proposed that the individual owners of Devin would fund owner's equity and financial statements from the owners were provided, these financial statements do not constitute sufficient evidence of a commitment by the principals to provide these funds as required under Criterion 5. See, Retirement Villages v. Dept. of Human Resources, 124 N.C. App. 495, 477 S.E.2d 697 (1996) (financial statements submitted by the funding entity were not sufficient evidence of a commitment to provide the funds for the project). There is nothing in the Devin application showing a commitment by the twelve principals to fund the owner's equity portion of the capital expenditure. The CON Section correctly determined that Devin failed to the availability of owner's equity.

7. Devin also failed to show the availability of a $400,000 line of credit which it represented would be necessary for startup and initial operating expenses. The general acknowledgment from First National Bank of Wilmington that a line of credit would be required is not sufficient to show either the availability or the commitment of funds for startup and initial operating expenses as required by Criterion 5.

8. The CON Section is authorized pursuant to N.C.G.S. §131E-186(a) to approve a CON application with conditions; however, in a competitive review, it is arbitrary and capricious for the Agency to use conditions to obtain statutorily required information to complete a nonconforming application. To do so places the conditionally-approved nonconforming applicant at an unfair advantage over the unapproved nonconforming applicants. N.C.G.S. §131E-183(a) requires that the Agency determine that "... an *application* is either consistent with or not in conflict with these [statutory] criteria before a certificate of need for the proposed project shall be issued." (Emphasis added.) The determination of conformity must be based on information in the application, not information submitted after the Agency's decision. Consequently, the CON Section was not authorized to conditionally approve Devin's application when the application failed to document the availability and commitment of funds as required under Criterion 5.

9. The Agency's regulation, 10 NCAC 3R.0313(a), which states that the Agency can conditionally approve an application that does not conform with all review criteria, is void as applied in this case because it is beyond the Agency's statutory authority. N.C.G.S. §150B-33(b)(9) and §131E-183(a). In Retirement Villages, the North Carolina Court of Appeals held that:

> an application for a certificate of need must contain evidence of a commitment to provide funds by the funding entity. We hold that without such a commitment, an applicant cannot adequately demonstrate the availability of funds or the requisite financial feasibility.

Retirement Villages, Inc. v. Dept. of Human Resources, 124 N.C.App. at 499; see also, Presbyterian-Orthopaedic Hospital v. Dept. of Human Resources et al., 122 N.C.App. 529, 470 S.E.2d 831 (1996)("an application must comply with all review criteria."); Britthaven, Inc. v. Dept. of Human Resources, 118 N.C.App. 379, 385, 455 S.E.2d 459, disc. review denied, 341 N.C. 418, 461 S.E.2d 754 (1995)("The language of the statute demonstrates the intent of the Legislature to have the Agency first ensure that each application comports with the statutory and regulatory criteria."). Thus, Devin was required to provide sufficient documentation of the availability and commitment of funds for its proposed project. Absent such documentation in its application, the CON Section could not conditionally approve Devin's application.

10. Moreover, the fourth and fifth conditions imposed by the Agency on Devin are insufficient as a matter of law for an additional reason. These conditions stated that "prior to the award of a construction contract" Devin "provide documentation of a loan commitment from a lending institution for at least $3,090,400 for the development of the proposed project," and that Devin, provide documentation for an approved credit line from the lending institution for at least $400,000 for the start-up and initial operating expenses associated with the project." Thus, the conditions stated by the CON Section only required Devin to show a commitment of funds prior to the award of a construction contract by Devin; they did not require that Devin show a commitment of funds prior to the issuance of the Certificate of Need. N.C.G.S. §131E-183(a), however, specifically requires that an application be "consistent with or not in conflict with these criteria before a Certificate of Need for the proposed project shall be issued." (emphasis added). Consequently, because the conditions imposed by the Agency did not require Devin to comply with the applicable statutory and regulatory criteria prior to the Agency issuing a Certificate of Need to Devin, these conditions are in excess of the Agency's statutory authority.

11. Devin also has failed to comply with the third condition imposed by the CON Section. Owen Autry Butler's letter stating that the owners were committing funds to finance the owners equity portion of the proposed capital expenditure does not constitute sufficient documentation of a commitment of funds to the proposed project from the owners. Consequently, even if the Agency were authorized to impose Condition 3, Devin has failed to submit documentation showing compliance with that condition.

12. Because this recommended decision addressed one issue in this contested case, the undersigned concluded that it was interlocutory in nature and therefore, not subject to review for final agency decision at that time. N.C.G.S. §1A-1, N.C. Civ. Proc. Rules 54 and 56; 26 NCAC 3 .0101(1). This decision is now incorporated into this recommended decision.

RECOMMENDED DECISION

It is hereby recommended that the Motions for Summary Judgment as to Devin's Certificate of Need application be GRANTED, and that a Certificate of Need should not be issued to Devin because in its application as submitted, Devin failed to demonstrate conformity with N.C.G.S. § 131E-183(a)(5).

II. RECOMMENDED DECISION GRANTING SUMMARY JUDGMENT CONCERNING THE DECISION OF LUTHERAN RETIREMENT CENTER-WILMINGTON, INC.

This matter came on for hearing before the undersigned Administrative Law Judge on September 18, 1998 in 98-DHR-0244, 98-DHR-0245, and 98-DHR-0247 upon motions by Petitioners New Hanover Health Care Center, L.L.C. ("New Hanover Center") and Living Centers-Southeast, Inc. ("Living Centers") for an order recommending Summary Judgment regarding the decision on Lutheran Retirement Center-Wilmington, Inc. ("Lutheran").

APPEARANCES

Renee J. Montgomery James C. Thornton	New Hanover Health Care Center, L.L.C.
Staci T. Meyer	North Carolina Department of Health and Human Services, Division of Facility Services, Certificate of Need Section
Mary Beth Johnston Clay M. Custer	Living Centers-Southeast, Inc.
Maureen DeMarest Murray Susan M. Fradenburg	Lutheran Retirement Center-Wilmington Incorporated
William Shenton	Devin Partnership and Devin Health Care Associates, Stephen Dolan L.L.C.

ISSUES

1. Whether Lutheran's Certificate of Need application failed to conform with N.C.G.S. §131E-183(a)(3) as a matter of law because Lutheran failed to demonstrate a need for the adult care beds proposed in its Certificate of Need application.

2. Whether Lutheran"s Certificate of Need application failed to conform with N.C.G.S. §131E-183(a)(5) because Lutheran failed to include any capital costs for the land on which it proposed to locate the facility.

3. Whether Lutheran's Certificate of Need application failed to conform with 10 N.C.A.C. 3R .1125(d) and (e) because Lutheran failed to adequately identify the location and suitability of its proposed primary, secondary, and tertiary sites.

UNDISPUTED MATERIAL FACTS

There are no genuine issues of material fact on the above referenced issues, and the following undisputed facts support this Recommended Decision:

1. The 1997 State Medical Facilities Plan ("SMFP") identified the need for 110 additional nursing facility beds for

New Hanover County. New Hanover Center, Devin Partnership and Devin Health Care Associates, L.L.C. ("Devin"), Lutheran, and Columbia Cape Fear Healthcare System, Limited Partnership ("Cape Fear"), along with certain other applicants not involved in these contested cases, filed applications with the North Carolina Department of Health and Human Services, Division of Facility Services, Certificate of Need Section ("CON Section") to receive a CON to develop nursing facility beds in New Hanover County, North Carolina. Lutheran"s application also included a proposal to include 20 adult care home beds in the nursing facility.

2. In a letter dated January 28, 1998, the CON Section disapproved the applications of New Hanover Center, Cape Fear, Living Centers and Lutheran and conditionally approved the application of Devin. In a letter dated February 4, 1998, the CON Section transmitted to the parties a copy of the Required Agency Findings.

3. In its written findings dated February 4, 1998, the CON Section found that Lutheran's application was deficient and failed to conform with, among other things, the statutory review criteria set forth in N.C.G.S. §131E-183(a)(3). Specifically, the CON Section found that Lutheran's application failed to conform with N.C.G.S. §131E(a)(3) ("Criterion 3"), because Lutheran did not demonstrate that there was a need for the 20 adult home care beds that Lutheran proposed to develop in New Hanover County. The CON Section's decision to find Lutheran non-conforming with Criterion 3 was based in part on a moratorium that the General Assembly had placed on the addition of adult care home beds in the State of North Carolina and in part on Lutheran's failure to demonstrate that there was any need for additional adult home care beds in New Hanover County.

4. New Hanover Center, Living Centers, Cape Fear, and Lutheran filed Petitions for Contested Case Hearing to appeal the CON Section's decisions to deny their respective applications. These cases were consolidated for hearing and each party was granted permission to intervene in the other parties' contested cases.

5. New Hanover Center filed a Motion for Summary Judgment concerning the decision on Devin on the grounds that Devin failed to demonstrate conformity with N.C.G.S. §131E-183(a)(5) ("Criterion 5") as a matter of law. This Court granted the Motion and entered an Interlocutory Recommended Decision granting summary judgment concerning the decision on Devin. As a result, this Court also ordered that no discovery would be conducted and no evidence admitted as to Devin's application.

6. The parties later reached an agreement pursuant to which Cape Fear withdrew its Petition for Contested Case Hearing. Consequently, the applications that continue to be at issue in this contested case are those of New Hanover Center, Living Centers, and Lutheran.

7. In its application, Lutheran proposed to include 20 adult care home beds as part of its 110 bed nursing home facility in New Hanover County. In support of its proposal to include 20 adult care home beds as part of its nursing facility, Lutheran submitted: (1) responses to a survey that it conducted showing that four out of eight health care providers believed that there was a need for additional dementia adult care beds, and (2) a letter from the New Hanover County Department of Social Services which indicated that the Department occasionally had difficulty in locating adult care home beds for residents with dementia. Lutheran submitted no other information with its application which purported to demonstrate a need for additional home care beds in New Hanover County.

8. At the time Lutheran's application was being reviewed, the vacancy rate for existing and approved adult care home beds in New Hanover County was 46.49%. In addition, in August of 1997 (effective July 1, 1997) the North Carolina General Assembly adopted Senate Bill 352 which placed a moratorium on the addition of any adult home care beds in North Carolina for a 12-month period because of the proliferation of unnecessary adult care home beds. On October 30, 1998, the North Carolina legislature enacted Senate Bill 1366. Part of this bill addressed the restriction on the construction of adult care home beds. The bill specifically provides that:

> (d) This section [the section placing a moratorium on the development of adult care beds] shall not apply to adult care home beds which are part of a continuing care facility subject to the jurisdiction of or licensed by the Department of Insurance pursuant to Article 64, Chapter 58 of the North Carolina General Statutes, <u>or to adult care home beds which are part of an application filed with the Department of Health and Human Services prior to August 28, 1997</u>, or between July 1, 1998 and August 1, 1998, pursuant to Article 9 of Chapter 131E of the North Carolina General Statutes.

Lutheran's application was filed with the Department pursuant to Article 9 of Chapter 131E on August 15, 1997.

9. In Section VIII of its application, Lutheran projects a total capital cost of $5,145,045 for the project. The capital

costs included by Lutheran in Section VIII of its application do not include any capital costs associated with Lutheran's acquisition of the land upon which Lutheran proposes to build its nursing facility. Lutheran contends that because it plans to conduct a land swap to obtain the property on which it will locate the facility, there will be no costs associated with its acquisition of the land. Lutheran also fails to include any expenses associated with the proposed land swap in its capital expenses in Section VIII.

10. Lutheran's primary and secondary sites set forth in its application would be acquired by exchanging one of these sites for property that Lutheran already owns. Lutheran acquired part of this property that it already owns (its tertiary site on Masonboro-Loop Road) through donation and part through purchase. In its pro forma balance sheet submitted with its application, Lutheran uses a value of $956,600 for the land to be used for its proposed nursing home. If Lutheran had included the value of its land in its capital expenses, it would have paid an application fee of $17,500. Because Lutheran did not include the value of the land being swapped or any expenses associated with its proposed "land swap", it only paid an application fee of $15,935.

11. In its application, Lutheran identifies its proposed primary and secondary sites for the project only as five acres on "Rose Avenue." Lutheran also includes the letter from UNC-Wilmington that relates to its proposed land swap, but this letter indicates that the parties had not yet identified the specific property which Lutheran was to receive from UNC-Wilmington and on which Lutheran was to locate its proposed facility.

12. Lutheran included in its application a letter from the New Hanover County Engineering Department that certifies that Rose Avenue has sewer capabilities. Lutheran's application does not contain any information regarding the availability of water and sewer service for Lutheran's tertiary site which was located on Masonboro-Loop Road.

CONCLUSIONS OF LAW

1. Chapter 131E, Article 9 of the North Carolina General Statutes set forth review procedures and standards applicable to Certificate of Need applications. Certain statutory review criteria are specifically set forth in N.C.G.S. §131E-183(a), and an applicant must meet these criteria before the CON Section may issue the applicant a Certificate of Need. See N.C.G.S. §131E-183(a); see also Presbyterian-Orthopaedic Hospital v. Dept. of Human Resources, et al., 122 N.C. App. 529, 470 S.E.2d 831 (1996). Thus, for a CON application to be approved, it must be found fully conforming to all applicable statutory and regulatory criteria. ("An application must comply with all review criteria."); see also Retirement Villages, Inc. et al. v. Dept. of Human Resources, et al., 124 N.C. App. 495, 477 S.E.2d 697 (1996) ("Since we have determined that the applicants are each nonconforming to the statutory criteria on at least one ground, we see no need to reach the remainder of the applicants' arguments.").

2. Summary Judgment in a contested case hearing regarding an application for a Certificate of Need is appropriate when there is no genuine issue of material fact regarding an applicant's failure to comply with one of the statutory criterion or regulations governing application for a Certificate of Need. Presbyterian-Orthopaedic Hospital v. Dept. of Human Resources, et al., 122 N.C. App. 529, 470 S.E.2d 831 (1996).

3. Statutory review Criterion 3 is found at N.C.G.S. §131E-183(a)(3) and provides as follows:

> The applicant shall identify the population to be served by the proposed project, and shall demonstrate the need that this population has for the services proposed, and the extent to which all residents of the area, and in particular, low income persons, racial and ethnic minorities, women, handicapped persons, the elderly, and other underserved groups are likely to have access to the services proposed.

4. At the time Lutheran submitted its application, the North Carolina General Assembly had adopted Senate Bill 352 which placed a moratorium on the addition of any adult care home beds in the State of North Carolina. Consequently, at the time of its application, Lutheran was unable, as a matter of law, to demonstrate a need for additional adult care home beds in New Hanover County.

5. Under Senate Bill 352, the Department of Health and Human Services had no authority to approve the addition of any adult care home beds for any type of home or facility in North Carolina. Consequently, at the time of the decision in January of this year, the Agency had no authority to approve Lutheran's Certificate of Need application which included adult care home beds. However, because the General Assembly enacted Senate Bill 1366 on October 30, 1998, the statutorily-mandated moratorium is no longer applicable to Lutheran's application. That issue is now moot.

6. However, even absent the moratorium placed on adult care home beds, Lutheran's application failed to document that there was a need for additional adult care home beds in New Hanover County. Lutheran included with its application the following documents in support of its contention that there was a need for additional adult care home beds in New Hanover County:

(1) the results of a survey that it conducted showing that four out of eight health care providers in New Hanover County felt that there was a need for additional adult care beds; and (2) a letter from the New Hanover Department of Social Services indicating that the Department occasionally had difficulty in locating adult care home beds for residents suffering from dementia. The information provided by Lutheran, however, falls far short of establishing that there was a need for additional adult care home beds in New Hanover County.

7. The insufficiency of the information included with Lutheran's application is further evidenced by the fact that, at the time Lutheran's application was being reviewed, there was a 46.49% vacancy rate for adult care home beds in New Hanover County. The CON Section correctly determined that Lutheran's application failed to conform with Criterion 3.

8. Even if the CON Section has no authority to regulate the provision of new adult care home beds, when those beds are proposed with a project for nursing home beds, the addition of the adult care home beds can impact the overall financial feasibility of the total project. Therefore, the CON Section correctly analyzed the need for the adult care home beds pursuant to N.C.G.S. §131E-183(a)(3).

9. Statutory Review Criterion 5 ("Criterion 5"), N.C.G.S. §131E-183(a)(5), provides as follows:

> Financial and operational projections for the project shall demonstrate the availability of funds for capital and operating needs as well as the immediate and long-term financial feasibility of the proposal based upon reasonable projections of the costs of and charges for providing health services by the person proposing the services.

10. In its application, Lutheran failed to include any costs which would be associated with its acquisition of the land on which it proposed to locate the facility. Lutheran contends that it was not required to include such costs in its application because it would not incur any costs in its proposed land swap with UNC-Wilmington.

11. Lutheran's proposed land swap with UNC-Wilmington would, however, involve Lutheran exchanging something of value, the land which it already owned, for the land on which it proposed to locate its site. Thus, the value of the land which Lutheran was providing to UNC-Wilmington would be a cost for Lutheran, and should have been included as a capital cost in its application.

12. Furthermore, even assuming arguendo, that relinquishing title to land that it already owned as part of its land swap with UNC-Wilmington would not constitute a capital cost, Lutheran's failure to include in its application any of the other costs, legal fees and expenses which would necessarily be incurred as part of its proposed land swap was unreasonable. Therefore, Lutheran's application was not "based upon reasonable projections of [ ] costs . . ." as required by Criterion 5, and Lutheran's application can not be approved as a matter of law.

13. Lutheran's failure to include the value of land and all costs associated with the proposed land swap resulted in Lutheran failing to pay the proper filing fee with its application. 10 N.C.A.C. 3R.0305 states that an application shall not be reviewed by the Agency unless it is filed in accordance with the rule which specifies that each applicant must transmit a filing fee calculated based upon its proposed capital expenditure. Lutheran's failure to pay the appropriate filing fee resulted in an incomplete application which should not have been reviewed by the CON Section.

14. 10 N.C.A.C. 3R.1125(d) requires that, in conjunction with an application for a Certificate of Need, "an applicant proposing to establish new nursing facility beds shall specify the site on which the facility will be located." Lutheran's application, however, fails to adequately identify the locations of its primary and secondary sites.

15. In Sections XI.2 and XI.3 of the application, Lutheran identifies its primary and secondary sites for the facility only as five acres on "Rose Avenue." Such a vague identification of the proposed site for its nursing facility is not sufficient to meet the requirements of 10 N.C.A.C. 3R.1125(d), and Lutheran's failure to comply with this regulatory criteria means that Lutheran's application is not approvable as a matter of law. See Presbyterian-Orthopaedic Hospital v. Dept. Of Human Resources, et al., 122 N.C. App. 529, 470 S.E.2d 831 (1996).

16. 10 N.C.A.C. 3R.1125(e) requires that:

> An applicant proposing to establish new nursing facility beds shall document that the proposed site and alternative sites are suitable for the development of a nursing facility with regards to water, sewage disposal . . .

17. With respect to its primary and secondary sites, Lutheran's application includes a letter from the New Hanover County Engineering Department which does not reference the specific location of Lutheran's proposed site, but states only that "Rose Avenue (in the vicinity of UNC-W)" has sewer capabilities. There is no information whatsoever in Lutheran's application which indicates that water and sewer service is available at Lutheran's proposed tertiary site location on Masonboro-Loop Road. Consequently, Lutheran's application does not provide the necessary documentation showing that its proposed site and alternative sites have appropriate water and sewer capabilities as required by 10 N.C.A.C. 3R.1125(e), and Lutheran's application is not approvable as a matter of law. See Presbyterian-Orthopaedic Hospital v. Dept. Of Human Resources, et al., 122 N.C. App. 529, 470 S.E.2d 831 (1996).

RECOMMENDED DECISION

It is hereby recommended that the Motions for Summary Judgment as to Lutheran's Certificate of Need application be GRANTED, and that a decision be entered that Lutheran cannot be issued a Certificate of Need.

III. RECOMMENDED DECISION GRANTING SUMMARY JUDGMENT CONCERNING THE DECISION ON LIVING CENTERS-SOUTHEAST, INC.

This matter came on for hearing before the undersigned Administrative Law Judge on September 18, 1998 in 98-DHR-0244, 98-DHR-0245, and 98-DHR-0247 upon motions by Petitioners New Hanover Health Care Center, L.L.C. ("New Hanover Center") and Lutheran Retirement Center-Wilmington, Inc. ("Lutheran") and Respondent-Intervenors The Devin Partnership and Devin Health Care Associates LLC ("Devin") for an order recommending Summary Judgment regarding the decision on Living Centers-Southeast, Inc. ("Living Centers").

ISSUES

1. Whether Living Centers' Certificate of Need application failed to conform with N.C.G.S. §131E-183(a)(5) as a matter of law because Living Centers failed to include any interest expense in its financial projections.

2. Whether Living Centers' Certificate of Need application failed to conform with N.C.G.S. §131E-183(a)(5) as a matter of law because Living Centers failed to document that sufficient funds were available and committed to the project.

3. Whether the change in control over the Living Centers' project, without disclosing the effect of this planned change in control in the Living Centers' application, constituted an impermissible amendment of the Living Centers' application.

UNDISPUTED MATERIAL FACTS

As described below, there are no genuine issues of material fact with respect to the above referenced issues:

1. The 1997 State Medical Facilities Plan ("SMFP") identified the need for 110 additional nursing facility beds for New Hanover County. New Hanover Center, Devin Partnership and Devin Healthcare Associates, L.L.C. ("Devin"), Columbia Cape Fear Health Care Systems Limited Partnership ("Cape Fear"), and Lutheran, along with certain other applicants not involved in these contested cases, filed applications with the North Carolina Department of Health and Human Services, Division of Facility Services, Certificate of Need Section ("CON Section") to receive a CON to develop nursing facility beds in New Hanover County, North Carolina.

2. In a letter dated January 28, 1998, the CON Section disapproved the applications of New Hanover Center, Cape Fear, Living Centers and Lutheran and conditionally approved the application of Devin. In a letter dated February 4, 1998, the CON Section transmitted to the parties a copy of the Required Agency Findings.

3. New Hanover Center, Living Centers, Cape Fear and Lutheran filed Petitions for Contested Case Hearing to appeal the CON Section's decisions to deny their respective applications. These cases were consolidated for hearing and each party was granted permission to intervene in the other parties' contested cases.

4. New Hanover Center filed a Motion for Summary Judgment concerning the decision on Devin on the grounds that Devin failed to demonstrate conformity with Criterion 5 as a matter of law. This Court granted the Motion and entered an Interlocutory Recommended Decision granting summary judgment concerning the decision on Devin.

5. The parties later reached an agreement pursuant to which Cape Fear withdrew its Petition for Contested Case

Hearing. Consequently, the applications that continue to be at issue in this contested case are those of New Hanover Center, Living Centers, and Lutheran.

6. In its application, Living Centers represents that it will fund $3.75 million in capital costs for the project with "cash on hand." The application also represents that approximately $250,000 in working capital will be funded with cash. According to the President of Living Centers, "cash" means money from the parent company, from whatever source. Living Centers has no cash and no bank accounts.

7. The application of Living Centers contains no separate financial statements from Living Centers-Southeast, Inc. Instead, the application only contains: (a) consolidated financial statements from Living Centers of America, Inc., the parent company of Living Centers-Southeast, Inc. at the time the application was filed, and (b) a certificate from an officer of Living Centers of America which indicates that Living Centers of America would fund the project with the "more than $650 million in credit facilities" it has available. The financial statements of Living Centers of America that were included with Living Centers' application disclosed that Living Centers of America paid $19.3 million in interest on long-term debt in 1996.

8. Even though the Living Centers' application represents that it intends to fund the project with $650 million of available credit from Living Centers of America and that Living Centers of America paid $19.3 million in interest on long-term debt in 1996, Living Centers failed to include any interest expense in the financial pro formas included in its application.

9. In November of 1997, Living Centers of America, Inc. recapitalized and merged with Apollo Management, L.P. and GranCare. The merger of the companies resulted in the formation of a new company named Paragon Health Network, Inc. ("Paragon"). At the time Living Centers submitted its Certificate of Need application, Living Centers knew that Living Centers of America, Inc. was recapitalizing and merging with Apollo Management, L.P. ("Apollo"), and merging with GranCare. Living Centers' application did not, however, provide any financial information on Apollo Management or GranCare, nor did Living Centers' application contain evidence of a commitment by Paragon, Apollo or GranCare to fund the project.

10. In addition, after the recapitalization and merger, ownership and control of Living Centers' CON application substantially changed. According to Paragon's September 1997 SEC filing, the former Living Centers of America stockholders held only 14.1% of Paragon's stock after the recapitalization and merger, and Apollo obtained control of the Board of Directors of Paragon. There was no disclosure in Living Centers' application of the effect of this planned change of control on Living Centers' proposed project.

CONCLUSIONS OF LAW

1. Chapter 131E, Article 9 of the North Carolina General Statutes sets forth review procedures and standards applicable to Certificate of Need applications. Certain statutory review criteria are specifically set forth in N.C.G.S. §131E-183(a), and an applicant must meet these criteria before the CON Section may issue the applicant a Certificate of Need. See N.C.G.S. §131E-183(a); see also Presbyterian-Orthopaedic Hospital v. Dept. of Human Resources, et al., 122 N.C. App. 529, 470 S.E.2d 831 (1996). Thus, for a CON application to be approved, it must be found fully conforming to all applicable statutory and regulatory criteria. ("An application must comply with all review criteria."); see also, Retirement Villages, Inc. et al. v. Dept. of Human Resources, et al., 124 N.C. App. 495, 477 S.E.2d 697 (1996) ("Since we have determined that the applicants are each nonconforming to the statutory criteria on at least one ground, we see no need to reach the remainder of the applicants' arguments.").

2. Summary Judgment in a contested case hearing regarding an application for a Certificate of Need is appropriate when there is no genuine issue of material fact regarding an applicant's failure to comply with one of the statutory criterion or regulations governing application for a Certificate of Need. Presbyterian-Orthopaedic Hospital v. Dept. of Human Resources, et al., 122 N.C. App. 529, 470 S.E.2d 831 (1996).

3. Statutory review Criterion 5 ("Criterion 5") is found at N.C.G.S. §131E-183(a)(5) and provides as follows:

> Financial and operational projections for the project shall demonstrate the availability of funds for capital and operating needs as well as the immediate and long-term financial feasibility of the proposal, based upon reasonable projections of the costs of and charges for providing health services by the person proposing the services.

4. Thus, pursuant to Criterion 5, an applicant must show that a project is financially feasible. In addition, the North Carolina Court of Appeals held in Retirement Villages v. Dept. of Human Resources, 124 N.C. App. 495, 477 S.E.2d 697 (1996) that Criterion 5 also requires that an applicant show that: (1) sufficient funds are available to meet the financial requirements of the project;

and (2) the persons or entities that are funding the project have committed those funds to the proposed project.

5. The source of funding for Living Centers' proposed project was through Living Centers' parent corporation, Living Centers of America, Inc. According to the 1996 Annual Report of Living centers of America, Living Centers of America carried $263 million of long-term debt on its balance sheet and paid interest expense of almost $20 million. Furthermore, Living Centers of America's Annual Report shows that it borrowed amounts equal to 55% of its assets, thus giving Living Centers of America a 55% debt to asset ratio.

6. Despite the fact that the funding entity for the project, Living Centers of America, paid approximately $20 million in interest in 1996, Living Centers failed to include any interest expense in its financial projections. This at least raises an issue of fact as to whether Living Centers should have included interest expense in its financial projections since it represented that its parent company planned to use debt financing for the project.

7. If Living Centers had included interest expense in its application, Living Centers' proposal would show losses in each of the first three operating years . Specifically, using the same 55% debt to asset ratio shown in Living Centers of America's financial statement, Living Centers would have incurred in an annual interest expense for the project for the first few years of over $160,000. The addition of this interest expense to Living Centers' financial projections results in Living Centers' showing a loss in each of its first three years of operation. Consequently, if interest expense had been included, Living Centers' proposed project could not be financially feasible as required by Criterion 5.

8. In applying Criterion 5, the North Carolina Court of Appeals has held that:

> [Criterion 5] requires the Agency to determine the availability of funds for the project from the entity responsible for funding, which may or may not be an applicant.
>
> * * * *
>
> The application must [also] contain evidence of a commitment to provide funds by the funding entity. We hold that without such a commitment, an applicant cannot adequately demonstrate availability of funds or the requisite financial feasibility.

Retirement Villages v. Dept. of Human Resources, 124 N.C. App. 495, 499 477 S.E.2d 697 (1996).

9. Living Centers' application for a CON in this case fails to meet the requirements set forth in Retirement Villages. In its application for a CON, Living Centers relies upon its parent company, Living Centers of America, to finance the proposed development of the 110 bed nursing facility. However, prior to submitting the Living Centers' application, Living Centers of America announced that it was undergoing a recapitalization and merger with Apollo and GranCare, Inc. As a result of the recapitalization and merger, Living Centers of America ceased to exist and no longer had funds available with which to fund the project.

10. The Living Centers' application, however, contains no financial information from Apollo or GranCare, nor does it contain evidence of a commitment from Apollo or GranCare to fund the Living Centers' project. Absent such evidence of availability and commitment from Apollo and GranCare, whose shareholders were to comprise over 85% of the ownership of the parent of Living Centers, Living Centers' application fails to provide evidence of the availability and commitment "to provide the funds by the funding entity" as required by Criterion 5. Retirement Villages, 124 N.C. App. 499. Because of this deficiency, Living Centers' application does not comply with Criterion 5.

11. In addition, Living Centers cannot now provide information which indicates that Paragon, Apollo or GranCare has sufficient funds available for the project and that such funds are committed to the project because this would constitute an impermissible amendment to Living Centers' application. See 10 N.C.A.C. 3R.0306; see also Presbyterian-Orthopaedic Hospital, 122 N.C. App. 527, 420 S.E.2d 837 (1996).

12. As discussed above, in November of 1997, Living Centers of America, Inc. recapitalized and merged with Apollo and GranCare and formed a new company named Paragon. After the recapitalization and merger, the former Living Centers of America stockholders held only 14.1% of the stock of Paragon, and Apollo controlled the Board of Directors of Paragon.

13. Under the Certificate of Need regulations, "[c]ontrol of a Certificate of Need is transferred when any person acquires a majority interest in the facility, project or holder or any parent entity of the facility, project or holder." 10 N.C.A.C. 3R.0317(c). Furthermore, under the Certificate of Need law, the Department of Health and Human Services is authorized to

immediately withdraw any Certificate of Need "if the holder of the certificate, before completion of the project or operation of the facility, transfers ownership or control of the facility, the project, or the Certificate of Need." N.C.G.S. §131E-189(c). However, the Certificate of Need law also provides that "[t]ransfers resulting from death or personal illness or other good cause, as determined by the Department, shall not result in withdrawal if the Department receives prior written notice of the transfer and finds good cause." Id.

14. The transfer or assignment of Certificates of Need outside the procedures outlined in N.C.G.S. §131E-189(c) is strictly prohibited. N.C.G.S. §131E-181(a). Living Centers did not have a Certificate of Need for its proposed project in New Hanover County at the time of the Apollo/GranCare recapitalization and merger. Consequently, the Department does not have a Certificate of Need that it can withdraw from Living Centers. However, the effect of the change in control of Living Centers' project after the review began, with no disclosure of the effect of this planned change of control in the CON application, results in an impermissible amendment of Living Centers' application. See Presbyterian-Orthopaedic Hospital, 122 N.C. App. 527, 420 S.E.2d 837 (1996).

RECOMMENDED DECISION

It is hereby recommended that the Motions for Summary Judgment as to Living Centers' Certificate of Need application be GRANTED, and that a decision be entered that Living Centers cannot be issued a Certificate of Need.

IV. RECOMMENDED DECISION GRANTING SUMMARY JUDGMENT AGAINST NEW HANOVER HEALTH CARE CENTER, L.L.C.

ISSUES

A. Is New Hanover Center's Application nonconforming with Criterion Five because it did not sufficiently document the availability and commitment of funds?

B. Is New Hanover Center's Application not financially feasible and nonconforming with N.C. Gen. Stat. §131E-183(a)(5) because it contained unreasonable projections of Medicare and Medicaid revenues?

C. Is New Hanover Center's Application nonconforming with N.C. Gen. Stat. §131E-183(a)(13)(c) ("Criterion 13(c)") because it projected access for skilled care to Medicaid patients at below the Statewide and County Averages?

UNDISPUTED MATERIAL FACTS

A. AVAILABILITY AND COMMITMENT OF FUNDS

1. In support of its findings that New Hanover Center adequately demonstrated the availability and commitment of funding for the development of its project under Criterion Five, the CON Section found:

> In Application Section VIII, page 64, New Hanover Health Care Center projects a total capital expenditure of $4,028,438 of which $2,620,438 is for construction. On page 65, New Hanover Health Care Center proposes to obtain a conventional loan to finance $2,104,000 with the remaining capital expenditures of $2,014,438 proposed to be financed with owner=s equity. In Sec. IX., page 68, the applicant projects start-up and initial operating expenses of $1,325,000. The applicant states that cash flows from the facility's operations will fund $1,025,000 with the remaining $300,000 in working capital needs to be funded from a line of credit with Central Fidelity Bank of Virginia.
>
> . . . Application Exhibit 15 also contains a July 14, 1997 letter from Central Fidelity National Bank of Roanoke, Virginia, which states that a $1,000,000 line of credit has been established with James R. Smith, and that there is no current balance. further [sic], the bank expects that the line of credit will probably be renewed for another year upon its expiration on September 30, 1997.

(Agency Decision at 786).

a. Capital Expenses

2. In its application to construct and operate a 110-bed nursing facility in New Hanover County, Project I.D. #0-5674-97, New Hanover Center projected a total capital expenditure of $4,028,438. (New Hanover Center Application at 64).

3. New Hanover Center proposed to finance this capital expenditure as follows:

$2,014,000	Conventional loan
$2,014,438	Owner=s equity contribution by James R. Smith
$4,028,438	

(New Hanover Center Application at 65-67).

4. Documentation of the availability of the owner's equity consisted of Mr. Smith's unaudited financial statements. (New Hanover Center Application, Ex. 15 at 380).

5. Mr. Smith's financial statements showed:

Current Assets:	$ 664,807	Cash - business account
	$1,578,410	Cash - project related
	$2,243,217	

(New Hanover Center Application, Ex. 15 at 382).

6. The Analyst relied on this $ 2,243,217 in cash as documenting cash available to be contributed to the project. (Slaton Dep. Vol. 1 at 145-146).

7. "Cash-project related" indicates that the cash has been committed to other projects in which Mr. Smith is involved. (Clary Dep. at 40).

8. New Hanover Center's application showed that Mr. Smith, 99% owner of New Hanover Center, had three other CON applications pending in North Carolina at the time of the review of the New Hanover application with projected equity contributions from Mr. Smith in the amount of $4,573,153. (New Hanover Center Application at 67).

9. Mr. Smith's financial statements also showed Mr. Smith as having four certificate of need projects pending approval or with development in progress with Mr. Smith having a 50% or 100% ownership in each. (New Hanover Center Application, Ex. 15 at 385).

10. With the project related cash on Mr. Smith's financial statements in the amount of $1,578,410 not available to this project, Mr. Smith only has available $664,807 to contribute to his equity interest in the project.

11. This leaves a shortfall of $1,349,631 of the total capital costs projected to be funded by an equity contribution from Mr. Smith.

b. Start-Up and Initial Operating Costs

12. New Hanover Center projected a total working capital expenditure of $1,325,000, consisting of estimated start-up expenses of $75,000 and estimated initial operating expenses of $1,250,000. (New Hanover Center Application at 68).

13. New Hanover Center proposed to finance these start-up and initial operating expenses as follows:

$1,025,000	Operating revenue from the facility
$ 300,000	Mr. Smith's $1,000,000 personal line of credit with Central Fidelity Bank
$1,325,000	

(New Hanover Center Application at 68-69).

14. New Hanover Center included in its application a January 15, 1997 letter from Central Fidelity Bank of Virginia stating that James R. Smith had a personal line of credit with the Bank in the amount of $1,000,000. (New Hanover Center Application, Ex. 15 at 374-77; Slaton Dep. Vol. 1 at 146-47).

15. According to the Bank letter's express terms, the line of credit expired September 30, 1997. (New Hanover Center

Application, Ex. 15 at 374; Slaton Dep. Vol. III at 167).

16. A July 14, 1997 letter from Central Fidelity Bank confirmed that the line of credit would expire on September 30, 1997 but could potentially be renewed through September 30, 1998. (New Hanover Center Application, Ex. 15 at 378).

17. Even if the line of credit was renewed through September 30, 1998, it still would have lapsed more than nine months before July 15, 1999, the date on which New Hanover Center projected to open its facility. (New Hanover Center Application at 92).

18. Nothing in the Application documented that the line of credit would be available during the start-up and opening phase of the facility.

19. The CON Section relied in part on the line of credit to determine that New Hanover Center conformed to Criterion Five. (Slaton Dep. Vol. I at 148).

20. Operating revenue of $1,025,000 was to be used to fund start-up and initial operating expenses. (New Hanover Center Application at 68).

21. New Hanover Center projected net cash provided by operating activity in year one at a loss of $202,356, a year two profit of $242,773 and a year three profit of $329,896. (New Hanover Center Application at 133).

22. Calculated over three years, this totals $370,313 in net cash provided by operating activities.

23. Based on its net cash projections, New Hanover Center will actually not be able to cover at least $654,687 of the projected $1,025,000 of its start-up and initial operating expenses that were projected to be covered by operating revenue. (New Hanover Center Application at 68).

24. Alternatively, New Hanover Center's cash flow projections by quarter showed a cumulative cash flow by the end of year two of $257,310. (New Hanover Center Application at 71).

25. Based on its cash flow projections New Hanover Center will not be able to cover $767,690 of the projected $1,025,000 of its start-up and initial operating expenses that were projected to be covered by operating revenue. (New Hanover Center Application at 68).

26. The total funds needed for capital expenditure and working capital expenditure are:

$4,028,438	Total capital expenditure
$1,325,000	Total working capital expenditure
$5,353,438	Total funds needed

27. Even if all of Mr. Smith=s cash was available to pay for capital expenditures and there was operating revenue of $1,025,000, without the line of credit, New Hanover would still be $71,221 short of funds needed.

B. MEDICARE AND MEDICAID PROJECTED REIMBURSEMENT

28. Medicare will only reimburse a nursing facility its costs. (Clary Dep. at 26, 31).

29. In year two, New Hanover Center projected total Medicare days of 4468. (New Hanover Center Application at 43).

30. In year two, New Hanover Center also projected a Medicare charge of $152 per day. (New Hanover Center Application at 77).

31. New Hanover Center's total reimbursable cost per patient day for skilled nursing care, the only type of care reimbursed by Medicare, was $110.44. (New Hanover Center Application at 112).

32. The difference between New Hanover's proposed Medicare charge and its total reimbursable skilled nursing costs is $41.56.

33. This difference of $41.56 multiplied by the total number of Medicare days, 4468, results in overstated Medicare

revenue in the amount of $185,690.

34. Medicaid reimbursement for the total indirect cost component is established by the Division of Medical Assistance, North Carolina Department of Health and Human Services, and is a flat amount paid to all facilities regardless of actual indirect costs incurred. (Slaton Dep. Vol. III at 141).

35. If the facility projects total indirect costs in excess of the anticipated Medicaid indirect costs, the facility will incur a loss under the Medicaid program. (Slaton Dep. Vol. III at 141-144; Lane Dep. at 144).

36. In its application, New Hanover Center projected a total indirect cost per patient day in year two of $24.27. (New Hanover Center Application at 112; Agency File at 668).

37. The Medicaid total indirect rate per patient day expected in year two is $22.10. (Slaton Dep. Vol. III at 141; Agency File at 651).

38. The difference between New Hanover Center's total indirect costs per patient day and the Medicaid indirect rate in year two is $2.17 per patient day. This represents a loss of $2.17 per patient day.

39. New Hanover Center's total projected Medicaid days in year two are 29,044. (New Hanover Center Application at 43; Agency File at 628).

40. The total Medicaid days multiplied by the projected loss per patient day results in a total expected Medicaid revenue shortfall of $63,025.

41. New Hanover Center projected a profit in year two of $168,940. (New Hanover Center Application at 99).

42. Deducting the overstated Medicare revenue of $185,690 and the overstated Medicaid revenue of $63,025 from the profit of $168,939 results instead in a loss of $79,776 in year two.

43. The CON Section considers a project to not be financially feasible if an application projects a loss in year two. (Slaton Dep. Vol. III at 147).

C. ACCESS BY UNDERSERVED

44. The Agency found New Hanover Center's Application nonconforming with Criterion (13)(c) on the basis that it did not provide sufficient access to Medicaid patients who would need skilled care. (Agency Decision at 817).

45. New Hanover Center projected it would provide 53.2% skilled care days to Medicaid eligible patients. (New Hanover Application at 485; Agency Decision at 817).

46. According to the 1996 DMA Desk Audited Cost Report Information 61.6% of skilled care days were provided to patients eligible for Medicaid in all New Hanover County nursing facilities. (Slaton Dep. Vol I at 171; Agency Decision at 817).

47. According to the 1996 DMA Desk Audited Cost Report Information 65.1% of skilled care days were provided to patients eligible for Medicaid in all North Carolina nursing facilities. (Slaton Dep. Vol. I at 171; Agency Decision at 817).

48. New Hanover Center projected Medicaid skilled patient days that were 8.4% lower than the New Hanover County average and 11.9% lower than the State average. (Agency Decision at 818).

CONCLUSIONS OF LAW

A. NEW HANOVER CENTER DID NOT DOCUMENT THE AVAILABILITY OF SUFFICIENT FUNDS TO COVER CAPITAL AND WORKING CAPITAL NEEDS AND THEREFORE IS NONCONFORMING WITH CRITERION FIVE.

1. Criterion Five provides:

> Financial and operational projections for the project shall demonstrate the availability of funds for capital and operating needs as well as the immediate and long term financial feasibility of the

> proposal based upon reasonable projections of the costs of and charges for providing health services by the person proposing the service.

N.C. Gen. Stat. §131E-183(a)(5).

2. Criterion Five requires an applicant to demonstrate the availability and commitment of sufficient funds for the project or its application is not approvable. Retirement Villages v. Dept. of Human Resources, 124 N.C. App. 495, 477 S.E.2d 697 (1996).

3. The Agency erred in concluding that New Hanover Center's Application demonstrated that it has sufficient funds available to cover the project's capital start-up and initial operating costs.

4. "Cash-project related" on Mr. Smith's financial statements meant that cash was not available and committed to this project but was restricted and committed to other projects.

5. On its face, New Hanover Center's Application only documented that Mr. Smith had available and committed to the project cash equity of $664,807 rather than the $2,014,438 needed for the project.

6. The Agency erroneously relied upon Mr. Smith's personal $1,000,000 line of credit as being available to fund working capital needs, since on the face of the Application the line of credit would expire more than nine months before the start-up and initial operating expenses would be incurred.

7. Without the line of credit New Hanover Center failed to document the availability and commitment of $300,000 needed for start-up and initial operating expenses.

8. The Agency erred in concluding that New Hanover Center had sufficient funds available and committed to finance working capital needs because its Application failed to demonstrate the availability of sufficient funds from operating revenues.

9. Considering the lack of the line of credit and a shortfall of up to $767,690.00 in operating revenues, there is a shortfall of $1,067,690 in funds to cover operating costs.

B. NEW HANOVER CENTER'S APPLICATION IS NOT FINANCIALLY FEASIBLE AND IS NONCONFORMING WITH CRITERION FIVE BECAUSE IT DOES NOT CONTAIN REASONABLE PROJECTIONS OF MEDICARE AND MEDICAID REVENUE.

10. The Agency erred in concluding that New Hanover Center projected reasonable charges and should have found its Application nonconforming with Criterion Five because New Hanover Center projected a Medicare charge that excluded its Medicare costs by $41.56 per day.

11. The Agency erred in failing to conclude that New Hanover Center projected unreasonable costs and was nonconforming with Criterion Five because New Hanover Center projected Medicaid indirect costs per patient day of $24.27 compared to an expected Medicaid indirect rate per patient day of $22.10.

12. The Agency erred in failing to conclude that New Hanover Center's Application was not financially feasible and nonconforming with Criterion Five because its overstated Medicare and Medicaid revenues result in the project generating a loss in year two.

C. NEW HANOVER CENTER'S FAILURE TO PROVIDE SUFFICIENT ACCESS TO SKILLED CARE MEDICAID PATIENTS MAKES IT NONCONFORMING WITH CRITERION 13(C).

13. Criterion 13(c) provides:

> The applicant shall demonstrate the contribution of the proposed service in meeting the health-related needs of the elderly and of members of medically underserved groups, such as medically indigent or low income persons, Medicaid and Medicare recipients, racial and ethic minorities, women, and handicapped persons, which have traditionally experienced difficulties in obtaining equal access to the proposed services, particularly those needs identified in the State Health Plan as deserving of priority. For the purpose of determining the extent to which the

proposed service will be accessible, the applicant shall show:

*****

(c) That the elderly and medically underserved groups identified in this subdivision will be served by the applicant's proposed services and the extent to which each of these groups is expected to utilize the proposed services . . .

N.C. Gen. Stat. §131E-183(a)(13)(c).

14. Criterion 13(c) requires an applicant to demonstrate that it will provide sufficient access to Medicaid patients as a group and not only to Medicare and Medicaid patients combined.

15. The Agency reasonably determined that to satisfy Criterion 13(c) an applicant must project that it will serve at least the average percentage of Medicaid patients served by existing facilities in New Hanover County and the State.

16. The Agency correctly concluded that New Hanover Center's Application failed to conform with Criterion 13(c), because its projection of access to skilled Medicaid patients was 8.4% lower than the county average and 11.9% lower than the state average.

17. Applicants had notice of the Agency's interpretation of Criterion 13(c) as a result of prior nursing home decisions. *See* 1997 Burke County Decision, June 27, 1997; 1997 Johnston County Decision, July 28, 1997; 1997 Iredell County Decision, August 28, 1997.

18. New Hanover Center's projection of providing service to skilled care Medicaid patients at a rate 8.4% lower than the county average and 11.9% lower than the state average makes it nonconforming with Criterion 13(c) because it does not sufficiently document that this medically underserved group will have sufficient access to service.

RECOMMENDED DECISION

It is hereby recommended that the Motions for Summary Judgment against New Hanover be GRANTED and that a decision be entered that New Hanover not be issued a CON.

OFFER OF PROOF

Petitioner New Hanover Health Care Center, L.L.C. submitted an Offer of Proof to be included in the Official Record. An Objection and Motion to Strike was filed by Living Centers of America. The documents shall be filed as an Offer of Proof to be included in the Official Record.

NOTICE

The Agency making the final decision in this contested case will be 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. N.C.G.S. §150B-36(a).

The Agency is required by N.C.G.S. §150B-36(b) to serve a copy of the final agency decision on all parties to furnish a copy to the parties' attorney of record and to the Office of Administrative Hearings. The Agency that will make the final decision in this contested case is the North Carolina Department of Health and Human Services, Division of Facility Services.

This the 24th day of November, 1998.

Meg Scott Phipps
Administrative Law Judge

STATE OF NORTH CAROLINA COUNTY OF WAKE		IN THE OFFICE OF ADMINISTRATIVE HEARINGS 98 ELS 0047
THOMAS A. TRULOVE, JR., PE **Petitioner,** **v.** **NC BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS** **Respondent.**	))))))))))	**PROPOSAL FOR DECISION**

This contested case was heard before the undersigned Chief Administrative Law Judge on September 28, 1998, in the Office of Administrative Hearings, Raleigh, North Carolina.

APPEARANCES

For Petitioner: Thomas A. Trulove, Jr.
3601 Regents Park Lane
Greensboro, North Carolina 27455
Petitioner - ***pro se***

For Respondent: David S. Tuttle
Board Counsel
North Carolina Board of Examiners for
Engineers and Surveyors
3620 Six Forks Road, Suite 300
Raleigh, North Carolina 27609
Attorney for Respondent

ISSUES

Whether or not Petitioner was guilty of gross negligence, misconduct or incompetence in the practice of engineering in the preparation of plans entitled "MEADOWOOD GLEN CONDO'S", dated 10/31/95 by:

1. affixing his seal to inadequate design documents and failing to conduct his practice in order to protect the public health, safety and welfare [21 NCAC 56 .0701(b)]

2. affixing his signature and seal to engineering documents dealing with subject matter for which he lacks competence by virtue of education or experience [21 NCAC 56 .0701(c)(3)];

3. affixing his seal to work not done under his direct supervisory control or responsible charge [21 NCAC 56 .0701(c)(3), and

4. failing to properly sign, seal and date documents [21 NCAC 56 .1103], and for a determination of the disciplinary measures, if any.

STATUTES AND RULES IN ISSUE

North Carolina General Statute 89C-20, 21 and 22
North Carolina Administrative Code Title 21, Chapter 56 (Board Rules)

Based upon the evidence presented and the entire record in this proceeding, the undersigned makes the following:

FINDINGS OF FACT

1. The Office of Administrative Hearings has jurisdiction of this contested case pursuant to Chapters 89C and 150B of the North Carolina General Statutes.

2. At all times, the Petitioner was a resident of Greensboro, North Carolina. The Petitioner was duly licensed by the Respondent as a Professional Engineer, but Petitioner's license was not renewed for the calendar year 1998, and he has not practiced engineering since January 1, 1998, because his license was not properly renewed. Previously, Petitioner's license was not renewed for the remainder of the year 1997.

3. The Respondent is a professional licensing board created under Chapter 89C of the General Statutes of North Carolina with its principal office in Wake County, North Carolina.

4. The City of Greensboro Building Inspections Department reviewed a set of design drawings entitled, "Meadowood Glen Condo's by Pierce-Roif Corp., Greensboro, N.C.," dated October 31, 1995, on or about January 26, 1996. The plans were rejected for failing to have a professional seal and for code violations. The Inspections Department faxed comments to Howard Thompson.

5. The Meadowood Glen drawings were resubmitted on or about June 24, 1996. The permit application listed Howard Thompson as the "Design Professional", but the drawings bore the seal and signature of the Petitioner. The drawings were again rejected because Petitioner's engineering seal had been expired since January 1, 1996 and was not renewed until April 4, 1997. The plans examiner who conducted the reviews of the drawings conversed only with Mr. Thompson and never directly with Petitioner.

6. The subject drawings were again resubmitted on or about September 12, 1996. The permit application dated September 11, 1996 listed Howard Thompson as the "Design Professional." This time the drawings bore the seal of John P. Kelly, PE, but these drawings were not prepared under his supervision. However, the project drawings were eventually permitted by the City of Greensboro based upon Mr. Kelly's seal.

7. Petitioner admitted in an interview with Respondent's investigator that he did not prepare any of the design work on this project but that Howard Thompson did it all. During a later interview, he stated that he maintained a separate office from Mr. Thompson. Mr. Thompson retained all building plans but he and Petitioner would collaborate from time to time to make sure everything on the drawings was okay.

8. Mr. Thompson is neither an employee of Petitioner nor does he work in the same office as Petitioner.

9. Mr. Thompson considered the contractor to be his client and the project to be his project. He maintained communication with the client and billed the client.

10. The Petitioner sealed drawings not properly designated as final or preliminary and further, neither signed nor annotated the date of signing on each sheet.

11. Petitioner has been in declining health for the last several years.

Based upon the above Findings of Fact, the undersigned makes the following:

CONCLUSIONS OF LAW

1. Board Rule .0701(c)(3) in pertinent part requires that the professional engineer "(s)hall not affix his signature or seal to any engineering...plan or document not prepared under his direct supervisory control. Direct supervisory control (responsible charge) requires a registrant or employee to carry out all client contacts, provide internal and external financial control, oversee employee training, and exercise control and supervision over all job requirements to include research, planning, design, field supervision and work product review." Petitioner, for design drawings entitled "Meadowood Glen Condo's by Pierce-Roif Corp., Greensboro, N.C.," flagrantly affixed his seal to work not prepared under his direct supervisory control or responsible charge in violation of Board Rule .0701(c)(3) and is guilty of misconduct in the practice of the engineering profession for this act.

2. Board Rule .1103(b) in pertinent part requires that "(c)ertification is not required for 'preliminary work'. All other drawings...shall conform to the following: ...(4) 'The date of signing must be annotated on the original document." The requirements for "preliminary work" are stated in .1103(a) and require that "the work is stamped or clearly marked as 'preliminary work'..." Petitioner, for design drawings entitled "Meadowood Glen Condo's by Pierce-Roif Corp., Greensboro, N.C.," flagrantly failed to properly sign, seal and date documents in violation of Board Rule .1103(a) and (b) and is guilty of misconduct in the practice of the

engineering profession for this act.

3. No evidence was presented that Petitioner affixed his seal to inadequate design documents in violation of Board Rule .0701(b).

4. No evidence was presented that Petitioner affixed his signature and seal to engineering documents dealing with subject matter for which he lacks competence by virtue of education or experience in violation of Board Rule .0701(c)(3).

5. Petitioner's continuation in the profession as a licensed engineer presents a clear and present danger to the public's health, safety and welfare.

Based upon the above Findings of Fact and Conclusions of Law, the undersigned makes the following:

PROPOSAL FOR DECISION

It is recommended that the Petitioner's license to practice engineering be revoked by the North Carolina Board of Examiners for Engineers and Surveyors under the provisions of G.S. 89C-21.

ORDER

It is hereby ordered that the agency serve a copy of the final decision on the Office of Administrative Hearings, P. O. Drawer 27447, Raleigh, N.C. 27611-7447, in accordance with North Carolina General Statute 150B-36(b).

NOTICE

The agency making the final decision in this contested case is required to give each party an opportunity to file exceptions and proposed findings of fact and to present oral and written arguments to the agency. G.S. 150B-40(e).

A copy of the final agency decision or order shall be served upon each party personally or by certified mail addressed to the party at the latest address given by the party to the agency and a copy shall be furnished to his attorney of record. G.S. 150B-42(a). It is requested that the agency furnish a copy to the Office of Administrative Hearings.

The agency that will make the final decision in this contested case is the North Carolina Board of Examiners for Engineers and Surveyors.

This the 11th day of November, 1998.

_____
Julian Mann, III
Chief Administrative Law Judge

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				

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.

ACUPUNCTURE, LICENSING BOARD

21 NCAC 01 .0101	12:22 NCR 1981	13:05 NCR 501	*
21 NCAC 01 .0105	12:22 NCR 1981	13:05 NCR 501	*

ADMINISTRATION

Environmental Policy Act

1 NCAC 25 .0211	12:23 NCR 2088	13:08 NCR 642	*
1 NCAC 25 .0212	12:23 NCR 2088	13:08 NCR 642	*
1 NCAC 25 .0213	12:23 NCR 2088	13:08 NCR 642	*
1 NCAC 25 .0301	12:23 NCR 2088	13:08 NCR 642	*
1 NCAC 25 .0302	12:23 NCR 2088	13:08 NCR 642	*
1 NCAC 25 .0303	12:23 NCR 2088	13:08 NCR 642	*
1 NCAC 25 .0402	12:23 NCR 2088	13:08 NCR 642	*
1 NCAC 25 .0504	12:23 NCR 2088	13:08 NCR 642	*
1 NCAC 25 .0505	12:23 NCR 2088	13:08 NCR 642	*
1 NCAC 25 .0506	12:23 NCR 2088	13:08 NCR 642	*
1 NCAC 25 .0602	12:23 NCR 2088	13:08 NCR 642	*
1 NCAC 25 .0603	12:23 NCR 2088	13:08 NCR 642	*
1 NCAC 25 .0605	12:23 NCR 2088	13:08 NCR 642	*

Indian Affairs, Commission of

1 NCAC 15 .0201	13:02 NCR 175		
1 NCAC 15 .0202	13:02 NCR 175	13:08 NCR 640	*
1 NCAC 15 .0203	13:02 NCR 175	13:08 NCR 640	*
1 NCAC 15 .0204	13:02 NCR 175	13:08 NCR 640	*
1 NCAC 15 .0205	13:02 NCR 175		

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				
1 NCAC 15 .0206	13:02 NCR 175									
1 NCAC 15 .0207	13:02 NCR 175		13:08 NCR 640	*						
1 NCAC 15 .0208	13:02 NCR 175		13:08 NCR 640	*						
1 NCAC 15 .0209	13:02 NCR 175		13:08 NCR 640	*						
1 NCAC 15 .0210	13:02 NCR 175		13:08 NCR 640	*						
1 NCAC 15 .0211	13:02 NCR 175		13:08 NCR 640	*						
1 NCAC 15 .0212	13:02 NCR 175									
1 NCAC 15 .0213	13:02 NCR 175									
1 NCAC 15 .0214	13:02 NCR 175		13:08 NCR 640	*						
Non-Public Education										
1 NCAC 40 .0101		13:05 NCR 521								
1 NCAC 40 .0102		13:05 NCR 521								
1 NCAC 40 .0103		13:05 NCR 521								
1 NCAC 40 .0201		13:05 NCR 521								
1 NCAC 40 .0202		13:05 NCR 521								
1 NCAC 40 .0203		13:05 NCR 521								
1 NCAC 40 .0204		13:05 NCR 521								
Purchase and Contract Division										
1 NCAC 05A .0001	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05A .0008	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05A .0012	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0101	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0102	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0201	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0203	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0206	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0208	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0301		12:17 NCR 1611	13:08 NCR 627	*						

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
1 NCAC 05B .0302		12:17 NCR 1611	13:08 NCR 627	*						
1 NCAC 05B .0303	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0305	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0306	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0309	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0310		12:17 NCR 1611	13:08 NCR 627	*						
1 NCAC 05B .0314	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0315	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0316		12:17 NCR 1611	13:08 NCR 627	*						
1 NCAC 05B .0317	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0401		12:17 NCR 1611	13:08 NCR 627	*						
1 NCAC 05B .0402	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0403	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0503	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0601	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0701	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0801		12:17 NCR 1611	13:08 NCR 627	*						
1 NCAC 05B .0802		12:17 NCR 1611	13:08 NCR 627	*						
1 NCAC 05B .0901	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0905	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0906	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1101	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1102	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1105	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1301		12:17 NCR 1611	13:08 NCR 627	*						
1 NCAC 05B .1303	13:04 NCR 360		13:08 NCR 627	*						

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				
1 NCAC 05B .1401	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1402	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1501	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1505	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1507	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1509	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1510	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1511	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1512	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1513	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1517	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1518	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1519		12:17 NCR 1611	13:08 NCR 627	*						
1 NCAC 05B .1520	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1521	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1601	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1602	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1603	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1604		12:17 NCR 1611	13:08 NCR 627	*						
1 NCAC 05B .1605	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1901	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1903	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1906		12:17 NCR 1611	13:08 NCR 627	*						
1 NCAC 05B .1907	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1909	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05C	13:04 NCR 360									

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
1 NCAC 05D	13:04 NCR 360									
State Building Commission										
1 NCAC 30F .0305	13:04 NCR 360		13:08 NCR 645	*						
State Employees Combined Campaign										
1 NCAC 35 .0101	13:04 NCR 360		13:08 NCR 647	*						
1 NCAC 35 .0103	13:04 NCR 360		13:08 NCR 647	*						
1 NCAC 35 .0202	13:04 NCR 360		13:08 NCR 647	*						
1 NCAC 35 .0304	13:04 NCR 360		13:08 NCR 647	*						
1 NCAC 35 .0308	13:04 NCR 360		13:08 NCR 647	*						
ADMINISTRATIVE HEARINGS										
26 NCAC 01 .0102	N/A	N/A	N/A	N/A	Approve	06/18/98			13:09 NCR 779	13:03 NCR 334
AGRICULTURE										
Structural Pest Control										
2 NCAC 34 .0404	12:09 NCR 743		12:14 NCR 1234	*	Object Approve	04/15/98 05/21/98	*		13:02 NCR 249	
APPRAISAL BOARD										
21 NCAC 57A .0101	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0102	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0201	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0202	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0203	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0204	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0205	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0206	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0207	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0208	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0210	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0301	13:01 NCR 3		13:05 NCR 513	*						

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				
21 NCAC 57A .0302	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0303	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0304	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0305	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0306	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0401	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0402	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0403	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0404	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0405	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0406	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0407	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0501	13:01 NCR 3		13:05 NCR 513	*						
ATHLETIC TRAINER EXAMINERS, BOARD OF										
21 NCAC 03 .0101		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0102		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0103		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0201		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0301		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0302		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0303		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0304		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0401		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
ATHLETIC TRAINER EXAMINERS/MEDICAL BOARD COMMITTEE										
21 NCAC 03 .0501		12:18 NCR 1714	12:22 NCR 2007	*	Approve	09/17/98	*		13:11 NCR 912	
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS										
21 NCAC 08A .0301	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08A .0308	13:03 NCR 269		13:08 NCR 696	*						

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
21 NCAC 08A .0310	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08A .0315	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08F .0107	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08F .0504	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08H .0001	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08H .0002	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08I .0004	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08J .0002	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08J .0007	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08J .0008	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08J .0010	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08J .0011	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08K .0104	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08K .0105	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08M .0102	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08M .0103	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08M .0104	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08M .0201	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08M .0202	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08M .0204	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08M .0206	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08M .0207	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08M .0301	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08M .0302	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08M .0303	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08M .0304	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08M .0305	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08M .0306	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08M .0401	13:03 NCR 269		13:08 NCR 696	*						

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				
21 NCAC 08M .0402	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08M .0403	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08N .0202	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08N .0208	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08N .0302	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08N .0303	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08N .0306	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08N .0307	13:03 NCR 269		13:08 NCR 696	*						
CHIROPRACTIC										
21 NCAC 10 .0203		12:23 NCR 2098								
COMMERCE										
4 NCAC 01E .0104	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01E .0202	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01E .0205	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01E .0206	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01E .0207	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01E .0303	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01E .0306	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01F	11:09 NCR 569									
4 NCAC 01H	11:09 NCR 569									
4 NCAC 01I .0101	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01I .0102	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01I .0201	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01I .0202	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01I .0301	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01I .0302	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01I .0303	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01I .0304	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01I .0401	11:09 NCR 569		13:08 NCR 652	*						

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
4 NCAC 01I .0402	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01I .0403	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01I .0404	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01I .0405	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01I .0501	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01I .0502	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01I .0503	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01I .0601	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01I .0701	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01J	11:09 NCR 569									
4 NCAC 01K .0101	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01K .0102	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01K .0103	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01K .0104	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01K .0105	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01K .0202	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01K .0203	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01K .0204	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01K .0205	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01K .0206	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01K .0301	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01K .0302	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01K .0401	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01K .0402	11:09 NCR 569		13:08 NCR 652	*						
4 NCAC 01K .0404	11:09 NCR 569		13:08 NCR 652	*						
Banking Commission										
4 NCAC 03B .0101					**Object**	**10/22/98**				
4 NCAC 03B .0102					**Object**	**10/22/98**				
4 NCAC 03B .0103					**Object**	**10/22/98**				

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				
4 NCAC 03H .0102					Object	10/22/98				
COMMUNITY COLLEGES										
23 NCAC 02B .0104	13:10 NCR 804									
23 NCAC 02C .0307		13:05 NCR 524								
23 NCAC 02C .0503		13:10 NCR 815								
23 NCAC 02C .0504		13:10 NCR 815								
23 NCAC 02C .0505		13:10 NCR 815								
COSMETIC ART EXAMINERS										
21 NCAC 14A .0104	N/A	N/A	N/A	N/A	Approve	07/23/98			13:09 NCR 779	
21 NCAC 14I .0107	12:22 NCR 1981		13:02 NCR 246	*	Approve	09/17/98	*		13:11 NCR 912	
21 NCAC 14L .0105	12:06 NCR 453		12:11 NCR 925	*	Approve	06/18/98			13:03 NCR 334	
21 NCAC 14N .0103	12:06 NCR 453		12:11 NCR 925	*	Approve	09/17/98	*		13:11 NCR 912	
CRIME CONTROL & PUBLIC SAFETY										
Governor's Crime Commission										
14A NCAC 07 .0313	11:24 NCR 1818		12:01 NCR 6	*	Object Approve	09/17/98 10/22/98	 *		13:11 NCR 912	
DENTAL EXAMINERS										
21 NCAC 16G .0101	13:10 NCR 804									
21 NCAC 16G .0102	13:10 NCR 804									
21 NCAC 16G .0103	13:10 NCR 804									
21 NCAC 16H .0101	12:24 NCR 2203									
21 NCAC 16H .0102	12:24 NCR 2203									
21 NCAC 16H .0103	12:24 NCR 2203									
21 NCAC 16H .0104	12:24 NCR 2203									
21 NCAC 16H .0201	12:24 NCR 2203									
21 NCAC 16H .0202	12:24 NCR 2203									
21 NCAC 16H .0203	12:24 NCR 2203									
21 NCAC 16H .0204	12:24 NCR 2203									
21 NCAC 16H .0205	12:24 NCR 2203									

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
21 NCAC 16H .0206	12:24 NCR 2203									
21 NCAC 16I .0004	11:20 NCR 1538									
21 NCAC 16I .0005	11:20 NCR 1538									
21 NCAC 16M .0101		13:11 NCR 910								
21 NCAC 16P .0101	13:10 NCR 804									
21 NCAC 16P .0102	13:10 NCR 804									
21 NCAC 16P .0103	13:10 NCR 804									
21 NCAC 16P .0104	13:10 NCR 804									
21 NCAC 16P .0105	13:10 NCR 804									
21 NCAC 16Q .0101	12:24 NCR 2203									
21 NCAC 16Q .0201	12:24 NCR 2203									
21 NCAC 16Q .0301	12:24 NCR 2203									
21 NCAC 16R .0002	11:20 NCR 1538									
21 NCAC 16R .0003	11:20 NCR 1538									
21 NCAC 16R .0005	11:20 NCR 1538									
21 NCAC 16S .0205	13:10 NCR 804									
21 NCAC 16V .0101	13:10 NCR 804									
21 NCAC 16V .0102	13:10 NCR 804									
21 NCAC 16V .0102	N/A	N/A	N/A	N/A	Approve	08/20/98			13:10 NCR 817	
ELECTRICAL CONTRACTORS, EXAMINERS OF										
21 NCAC 18B .0108	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0201	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0202	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0203	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0402	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0406	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0501	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0504	12:22 NCR 1982		13:05 NCR 502	*						

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				
21 NCAC 18B .0505	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0701	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0702	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0703	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0704	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0706	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .1001	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .1002	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .1003	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .1004	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .1101	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .1102	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .1104	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .1105	12:22 NCR 1982		13:05 NCR 502	*						
EMPLOYEE ASSISTANCE PROFESSIONALS, BOARD OF										
21 NCAC 11 .0101	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0102	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0103	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0104	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0105	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0106	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0107	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0108	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0109	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0110	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0111	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0112	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
ENVIRONMENT AND NATURAL RESOURCES										
Notice of Intent to Redevelop a Brownfields Property										13:06 NCR 537

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
15A NCAC 01K	10:19 NCR 2506									
15A NCAC 01M .0101		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0102		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0201		11:19 NCR 1439	Temp Expired							
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							
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 .0101	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	*						
15A NCAC 01N .0102	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	*						
15A NCAC 01N .0103	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0201	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0202	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0203	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0301	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0302	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0303	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0304	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0401	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0402	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0403	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0501	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0502	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0503	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0601	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0602	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						

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				
15A NCAC 01N .0603	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0604	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0605	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0606	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0701	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0702	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0703	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0704	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0705	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0801	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0802	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0901	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0902	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01O .0101	12:16 NCR 1482	12:17 NCR 1617	13:07 NCR 588	*						
15A NCAC 01O .0102	12:16 NCR 1482	12:17 NCR 1617	13:07 NCR 588	*						
15A NCAC 01O .0103	12:16 NCR 1482	12:17 NCR 1617	13:07 NCR 588	*						
15A NCAC 01O .0104	12:16 NCR 1482	12:17 NCR 1617	13:07 NCR 588	*						
15A NCAC 01O .0105	12:16 NCR 1482	12:17 NCR 1617	13:07 NCR 588	*						
15A NCAC 01O .0106	12:16 NCR 1482	12:17 NCR 1617	13:07 NCR 588	*						
15A NCAC 01O .0107	12:16 NCR 1482	12:17 NCR 1617	13:07 NCR 588	*						
15A NCAC 01O .0108	12:16 NCR 1482	12:17 NCR 1617	13:07 NCR 588	*						
15A NCAC 01O .0109	12:16 NCR 1482	12:17 NCR 1617	13:07 NCR 588	*						
15A NCAC 12B .0901	12:13 NCR 1097	12:03 NCR 209 Temp. Expired	13:05 NRC 495	L						
Coastal Resources Commission										
15A NCAC 07	11:04 NCR 183									
15A NCAC 07H .0208	11:19 NCR 1408		11:27 NCR 2058	*						
15A NCAC 07H .0208	12:21 NCR 1873									
15A NCAC 07H .0209	12:21 NCR 1873									

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
15A NCAC 07H .0210	12:02 NCR 52									
15A NCAC 07H .0300	13:05 NCR 436									
15A NCAC 07H .0306	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .0306	12:19 NCR 1763									
15A NCAC 07H .0308	12:16 NCR 1489		13:01 NCR 26	S	Approve	09/17/98	*		13:11 NCR 912	
15A NCAC 07H .0310	12:11 NCR 919		12:20 NCR 1828	S	Approve	08/20/98	*		13:10 NCR 817	
15A NCAC 07H .1100	12:21 NCR 1873									
15A NCAC 07H .1200	12:21 NCR 1873									
15A NCAC 07H .1300	12:21 NCR 1873									
15A NCAC 07H .1400	12:21 NCR 1873									
15A NCAC 07H .1500	12:21 NCR 1873									
15A NCAC 07H .1600	12:21 NCR 1873									
15A NCAC 07H .1600	11:15 NCR 1200									
15A NCAC 07H .1700	12:21 NCR 1873									
15A NCAC 07H .1705	12:16 NCR 1489		13:01 NCR 26	S	Object Approve	09/17/98 10/22/98	 *		13:11 NCR 912	
15A NCAC 07H .1805		13:07 NCR 593								
15A NCAC 07H .2100	13:05 NCR 436									
15A NCAC 07H .2400	13:05 NCR 436									
15A NCAC 07J .0200	12:24 NCR 2202									
15A NCAC 07J .0204		13:07 NCR 593								
15A NCAC 07J .0405	12:24 NCR 2202									
15A NCAC 07K .0203	12:21 NCR 1873									
15A NCAC 07K .0208	12:21 NCR 1873									
15A NCAC 07L .0202	12:21 NCR 1874									
15A NCAC 07L .0203	12:21 NCR 1874									
15A NCAC 07L .0206	12:21 NCR 1874									
15A NCAC 07L .0302	12:21 NCR 1874									
15A NCAC 07L .0304	12:21 NCR 1874									

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				
15A NCAC 07L .0401	12:21 NCR 1874									
15A NCAC 07L .0405	12:21 NCR 1874									
15A NCAC 07M .0300	12:24 NCR 2202									
15A NCAC 07M .0401	13:04 NCR 361	13:12 NCR 976								
15A NCAC 07M .0402	13:04 NCR 361	13:12 NCR 976								
15A NCAC 07M .0403	13:04 NCR 361	13:12 NCR 976								
15A NCAC 07O .0105	13:02 NCR 176		13:06 NCR 551	S						
15A NCAC 07O .0202	13:02 NCR 176		13:06 NCR 551	S						
Environmental Management Commission										
15A NCAC 02	10:24 NCR 3045									
15A NCAC 02	11:04 NCR 183									
15A NCAC 02	11:19 NCR 1408									
15A NCAC 02B .0100	13:08 NCR 621									
15A NCAC 02B .0101	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B .0200	13:08 NCR 621									
15A NCAC 02B .0202	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B .0223	11:02 NCR 75									
15A NCAC 02B .0223	11:03 NCR 109									
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 11:14 NCR 1136	L/SE						
15A NCAC 02B .0233	11:02 NCR 75		11:10 NCR 824	L	Object Approve	01/15/98 02/19/98	*		12:22 NCR 2012	Disapproved (HB 1402)
		12:02 NCR 77 12:14 NCR 1348 12:20 NCR 1836	11:14 NCR 1136	L						
			12:06 NCR 462	S/L/SE						
15A NCAC 02B .0245	12:23 NCR 2088		13:04 NCR 368	*						
15A NCAC 02B .0246	12:23 NCR 2088		13:04 NCR 368	*						
15A NCAC 02B .0247	12:23 NCR 2088		13:04 NCR 368	L/SE						

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
15A NCAC 02B .0248	12:23 NCR 2088		13:04 NCR 368	*						
15A NCAC 02B .0249	12:23 NCR 2088		13:04 NCR 368	SE						
15A NCAC 02B .0250	12:23 NCR 2088		13:04 NCR 368	L/SE						
15A NCAC 02B .0251	12:23 NCR 2088		13:04 NCR 368	L/SE						
15A NCAC 02B .0308	12:12 NCR 993		12:21 NCR 1879 12:23 NCR 2091	* L						
15A NCAC 02B .0308	12:14 NCR 1233		12:19 NCR 1769	*						
15A NCAC 02B .0308	12:16 NCR 1489									
15A NCAC 02B .0309	12:14 NCR 1233		12:19 NCR 1769	*						
15A NCAC 02B .0311	12:10 NCR 865		12:20 NCR 1825	*						
15A NCAC 02B .0311	12:23 NCR 2088		13:04 NCR 368	*						
15A NCAC 02B .0313	12:10 NCR 865		12:20 NCR 1825	*						
15A NCAC 02B .0316	11:26 NCR 1976		12:01 NCR 6	*	Approve	01/15/98	*		12:21 NCR 1886	Disapproved (HB 1402)
15A NCAC 02D	13:12 NCR 943									
15A NCAC 02D .0101	12:02 NCR 52									
15A NCAC 02D .0101	12:16 NCR 1482									
15A NCAC 02D .0108	11:15 NCR 1200									
15A NCAC 02D .0307	11:15 NCR 1200									
15A NCAC 02D .0405	12:16 NCR 1482		13:03 NCR 270	*						
15A NCAC 02D .0409	12:16 NCR 1482		13:03 NCR 270	*						
15A NCAC 02D .0410	12:16 NCR 1482		13:03 NCR 270							
15A NCAC 02D .0501	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0501	11:15 NCR 1200									
15A NCAC 02D .0501	11:04 NCR 183									
15A NCAC 02D .0503	10:24 NCR 3045		13:03 NCR 270	*						
15A NCAC 02D .0504	10:24 NCR 3045		13:03 NCR 270	*						
15A NCAC 02D .0518	11:19 NCR 1408									
15A NCAC 02D .0521	11:15 NCR 1200									
15A NCAC 02D .0524	11:15 NCR 1200									

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				
15A NCAC 02D .0524	13:08 NCR 621									
15A NCAC 02D .0525	11:15 NCR 1200									
15A NCAC 02D .0540	13:04 NCR 356									
15A NCAC 02D .0541	13:08 NCR 621									
15A NCAC 02D .0601	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0602	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0604	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0605	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0606	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0607	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0608	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0610	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0610	11:15 NCR 1200									
15A NCAC 02D .0611	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0611	11:15 NCR 1200									
15A NCAC 02D .0612	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0612	11:15 NCR 1200									
15A NCAC 02D .0613	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0613	11:15 NCR 1200									
15A NCAC 02D .0614	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0614	11:15 NCR 1200									
15A NCAC 02D .0615	10:18 NCR 2318		12:22 NCR 1983	*						
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	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0903	11:15 NCR 1200									
15A NCAC 02D .0909	11:19 NCR 1408									
15A NCAC 02D .0912	11:15 NCR 1200									

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
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 .0934	11:19 NCR 1408									
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 .0952	12:16 NCR 1482									
15A NCAC 02D .0954	11:15 NCR 1200									
15A NCAC 02D .1100	11:08 NCR 442									
15A NCAC 02D .1103	13:04 NCR 356									
15A NCAC 02D .1104	12:02 NCR 52	12:02 NCR 77								
15A NCAC 02D .1104	13:04 NCR 356									
15A NCAC 02D .1105	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .1105	11:15 NCR 1200									
15A NCAC 02D .1106	11:26 NCR 1976									
15A NCAC 02D .1200	13:12 NCR 943									
15A NCAC 02D .1201	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1202	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1203	11:15 NCR 1200									
15A NCAC 02D .1203	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1204	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .1204	12:16 NCR 1482		13:03 NCR 270	L						

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				
15A NCAC 02D .1205	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1206	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1208	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1209	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1404	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .1404	11:15 NCR 1200									
15A NCAC 02D .1501	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .1502	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .1503	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .1504	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .1601	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .1700	12:02 NCR 52									
15A NCAC 02D .1903	12:16 NCR 1482									
15A NCAC 02D .1903	13:12 NCR 943									
15A NCAC 02D .1904	12:16 NCR 1482									
15A NCAC 02D .2001	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .2002	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .2003	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .2004	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .2005	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .2100	13:04 NCR 356									
15A NCAC 02D .2200	11:26 NCR 1976									
15A NCAC 02H .0226	12:20 NCR 1817	13:04 NCR 426	13:05 NCR 491	*						
15A NCAC 02H .0610	10:18 NCR 2317		12:08 NCR 650	*	Approve	09/17/98			13:11 NCR 912	
15A NCAC 02H .0610	12:02 NCR 52	12:02 NCR 77 Temp Expired 04/11/98								
15A NCAC 02H .0800	13:04 NCR 356									
15A NCAC 02H .0800	13:08 NCR 621									
15A NCAC 02H .1202	11:15 NCR 1200									

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
15A NCAC 02H .1203	11:15 NCR 1200									
15A NCAC 02H .1204	11:15 NCR 1200									
15A NCAC 02H .1205	11:15 NCR 1200									
15A NCAC 02L	11:15 NCR 1200 11:15 NCR 1204									
15A NCAC 02L .0106		12:08 NCR 713								
15A NCAC 02L .0115	11:15 NCR 1204	12:08 NCR 713								
15A NCAC 02L .0202	10:20 NCR 2591									
15A NCAC 02L .0202	13:04 NCR 356									
15A NCAC 02N	11:15 NCR 1200									
15A NCAC 02N	11:15 NCR 1204									
15A NCAC 02P	11:15 NCR 1200									
15A NCAC 02P .0402	11:15 NCR 1204	12:08 NCR 713								
15A NCAC 02Q .0102			11:06 NCR 350	*						
15A NCAC 02Q .0102	11:19 NCR 1408									
15A NCAC 02Q .0102	12:02 NCR 52		13:03 NCR 270	*						
15A NCAC 02Q .0102	12:16 NCR 1482									
15A NCAC 02Q .0102	13:08 NCR 621									
15A NCAC 02Q .0102	13:12 NCR 943									
15A NCAC 02Q .0103	12:16 NCR 1482		13:03 NCR 270	*						
15A NCAC 02Q .0103	12:20 NCR 1817									
15A NCAC 02Q .0107	12:16 NCR 1482		13:03 NCR 270	*						
15A NCAC 02Q .0304	11:26 NCR 1976		13:03 NCR 270	*						
15A NCAC 02Q .0306	11:26 NCR 1976		13:03 NCR 270	*						
15A NCAC 02Q .0309	11:26 NCR 1976		13:03 NCR 270	*						
15A NCAC 02Q .0314	11:26 NCR 1976		13:03 NCR 270	*						
15A NCAC 02Q .0315	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02Q .0401	12:04 NCR 240		13:03 NCR 270	*						
15A NCAC 02Q .0402	12:04 NCR 240		13:03 NCR 270	*						

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				
15A NCAC 02Q .0508	13:08 NCR 621									
15A NCAC 02Q .0511	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02Q .0700	11:08 NCR 442									
15A NCAC 02Q .0702	13:12 NCR 943									
15A NCAC 02Q .0703	13:04 NCR 356									
15A NCAC 02Q .0711	13:04 NCR 356									
15A NCAC 02Q .0801	12:02 NCR 52		13:03 NCR 270	*						
15A NCAC 02Q .0803	12:02 NCR 52		13:03 NCR 270	*						
15A NCAC 02Q .0808	12:16 NCR 1482		13:03 NCR 270	*						
15A NCAC 02R .0204	12:02 NCR 52		12:14 NCR 1267	S						
15A NCAC 02R .0205	12:02 NCR 52		12:14 NCR 1267	S						
15A NCAC 02R .0600	12:02 NCR 52									
Health Services, Commission for										
15A NCAC 13A .0100	12:02 NCR 52									
15A NCAC 13A .0109	12:07 NCR 509		12:22 NCR 2000	*	Approve	09/17/98			13:11 NCR 912	
15A NCAC 13A .0110	12:07 NCR 509		12:22 NCR 2000	*	Approve	09/17/98			13:11 NCR 912	
15A NCAC 13A .0111	12:07 NCR 509		12:22 NCR 2000	*	Approve	09/17/98			13:11 NCR 912	
15A NCAC 13B .1301		12:12 NCR 1064	12:24 NCR 2211	*	Approve	09/17/98			13:11 NCR 912	
15A NCAC 13B .1624	11:19 NCR 1764	13:03 NCR 325	12:24 NCR 2211	L	**Object**	**09/17/98**				
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 .0425		12:14 NCR 1352 13:06 NCR 566	13:06 NCR 566	*						
15A NCAC 18A .0432		12:14 NCR 1352 13:06 NCR 566	13:06 NCR 566	*						
15A NCAC 18A .1601		12:21 NCR 1882								
15A NCAC 18A .1611		12:21 NCR 1882 13:12 NCR 979								
15A NCAC 18A .1720	12:16 NCR 1482	12:18 NCR 1713								

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
		12:21 NCR 1882 12:24 NCR 2228								
15A NCAC 18A .1808	13:08 NCR 621									
15A NCAC 18A .1810		12:24 NCR 2228								
15A NCAC 18A .1812	13:08 NCR 621									
15A NCAC 18A .1952		13:12 NCR 979								
15A NCAC 18A .1953		13:12 NCR 979								
15A NCAC 18A .1954		13:12 NCR 979								
15A NCAC 18A .1955		13:12 NCR 979								
15A NCAC 18A .2308	12:03 NCR 168		12:07 NCR 519	*	Ext. Review **Object**	12/18/97 **01/15/98**				
15A NCAC 18A .2309	12:03 NCR 168		12:07 NCR 519	*	Ext. Review **Object**	12/18/97 **01/15/98**				
15A NCAC 18A .2508	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98				
15A NCAC 18A .2513	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98				
15A NCAC 18A .2515	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98				
15A NCAC 18A .2517	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98				
15A NCAC 18A .2518	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98				
15A NCAC 18A .2522	12:08 NCR 614		13:01 NCR 31	*	**Object**	**10/22/98**				
15A NCAC 18A .2526	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*			
15A NCAC 18A .2528	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*			
15A NCAC 18A .2530	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*			
15A NCAC 18A .2531	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*			
15A NCAC 18A .2532	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*			
15A NCAC 18A .2535	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*			
15A NCAC 18A .2537	12:08 NCR 614		13:01 NCR 31	*	**Object**	**10/22/98**				
15A NCAC 18A .2539	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98				
15A NCAC 18A .2543	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98				
15A NCAC 18A .2600	12:04 NCR 240									
15A NCAC 18A .2612		12:14 NCR 1352 13:06 NCR 566	13:06 NCR 566	*						
15A NCAC 18A .2801	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*			

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				
15A NCAC 18A .2802	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2803	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98				
15A NCAC 18A .2804	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	**Object**	**10/22/98**				
15A NCAC 18A .2805	12:16 NCR 1482									
15A NCAC 18A .2806	12:16 NCR 1482									
15A NCAC 18A .2807	12:16 NCR 1482									
15A NCAC 18A .2808	12:16 NCR 1482		13:02 NCR 235	*	**Object**	**10/22/98**				
15A NCAC 18A .2809	12:16 NCR 1482									
15A NCAC 18A .2810	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2811	12:16 NCR 1482									
15A NCAC 18A .2812	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2813	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2814	12:16 NCR 1482									
15A NCAC 18A .2815	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98				
15A NCAC 18A .2816	12:16 NCR 1482									
15A NCAC 18A .2817	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2818	12:16 NCR 1482									
15A NCAC 18A .2819	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2820	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2821	12:16 NCR 1482									
15A NCAC 18A .2822	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2823	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98				
15A NCAC 18A .2824	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2825	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2826	12:16 NCR 1482									
15A NCAC 18A .2827	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	**Object**	**10/22/98**				
15A NCAC 18A .2828	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2829	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98				
15A NCAC 18A .2830	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*			

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
15A NCAC 18A .2831	12:16 NCR 1482	12.19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98				
15A NCAC 18A .2832	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2833	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	**Object**	**10/22/98**				
15A NCAC 18A .2834	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98				
15A NCAC 18A .2835	12:16 NCR 1482									
15A NCAC 18A .2836	12:16 NCR 1482									
15A NCAC 18A .3101	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	07/23/98				
					Approve	08/20/98	*		13:10 NCR 817	
15A NCAC 18A .3102	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	07/23/98				
					Approve	08/20/98	*		13:10 NCR 817	
15A NCAC 18A .3103	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98			13:09 NCR 779	
15A NCAC 18A .3104	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 18A .3105	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	07/23/98				
					Approve	08/20/98	*		13:10 NCR 817	
15A NCAC 18A .3106	12:11 NCR 920	12.12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 18A .3107	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 18A .3108	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	07/23/98				
					Approve	08/20/98	*		13:10 NCR 817	
15A NCAC 18A .3109	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	07/23/98				
					Approve	08/20/98	*		13:10 NCR 817	
15A NCAC 18A .3110	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 18A .3111	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98			13:09 NCR 779	
15A NCAC 18C	13:04 NCR 356									
15A NCAC 19A .0101	12:02 NCR 52	12.02 NCR 88								
15A NCAC 21H .0110	12:20 NCR 1822		13:07 NCR 591	S						
15A NCAC 21H .0111	12:20 NCR 1822		13:07 NCR 591	S						
15A NCAC 21H .0113	12:20 NCR 1822		13:07 NCR 591	*						
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									

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				
15A NCAC 26C .0006	11:19 NCR 1408									
15A NCAC 26C .0007	11:19 NCR 1408									
Land Resources/Land Quality/Sedimentation Control Commission										
15A NCAC 04B .0106	12:20 NCAC 1817		13:09 NCR 760	*						
15A NCAC 04B .0107	12:20 NCAC 1817		13:09 NCR 760	*						
15A NCAC 04B .0127	12:20 NCAC 1817		13:09 NCR 760	*						
15A NCAC 04C .0107	13:12 NCR 943									
Marine Fisheries Commission										
15A NCAC 03	11:11 NCR 881									
15A NCAC 03	11:20 NCR 1537									
15A NCAC 03	11:26 NCR 1985									
15A NCAC 03I1 .0103	12:23 NCR 2089									
15A NCAC 03I .0101	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03J .0103		13:08 NCR 739								
15A NCAC 03J .0107	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03J .0109	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03J .0202	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03L .0102	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03M .0501		13:08 NCR 739								
15A NCAC 03M .0503	12:19 NCR 1762	12:23 NCR 2094	13:03 NCR 303	*						
15A NCAC 03M .0507	12:23 NCR 2089	12:23 NCR 2094	13:03 NCR 303	*						
15A NCAC 03M .0507	13:10 NCR 803									
15A NCAC 03M .0513	11:26 NCR 1976		12:05 NCR 418	*						
15A NCAC 03M .0515	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03O .0303		12:23 NCR 2094	13:03 NCR 303	*						
15A NCAC 03O .0306		12:19 NCR 1780	13:03 NCR 303	*						
		12:23 NCR 2094	13:03 NCR 303	*						
15A NCAC 03P .0103	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P .0201	12:23 NCR 2089		13:03 NCR 303	*						

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
15A NCAC 03P .0202	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P .0203	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P .0301	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P .0302	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P .0303	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P .0304	12:23 NCR 2089		13:03 NCR 303	*						
Parks and Recreation Commission										
15A NCAC 12A .0001	12:13 NCR 1097									
15A NCAC 12A .0004	12:13 NCR 1097									
15A NCAC 12A .0005	12:13 NCR 1097									
15A NCAC 12B .0101	12:13 NCR 1097									
15A NCAC 12B .0104	12:13 NCR 1097									
15A NCAC 12B .0106	12:13 NCR 1097									
15A NCAC 12B .0203	12:13 NCR 1097									
15A NCAC 12B .0401	12:13 NCR 1097									
15A NCAC 12B .0402	12:13 NCR 1097									
15A NCAC 12B .0501	12:13 NCR 1097									
15A NCAC 12B .0602	12:13 NCR 1097									
15A NCAC 12B .0701	12:13 NCR 1097									
15A NCAC 12B .0702	12:13 NCR 1097									
15A NCAC 12B .0802	12:13 NCR 1097									
15A NCAC 12B .1001	12:13 NCR 1097									
15A NCAC 12B .1004	12:13 NCR 1097									
15A NCAC 12B .1102	12:13 NCR 1097									
15A NCAC 12B .1201	12:13 NCR 1097									
Radiation Protection										
15A NCAC 11 .0104	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0111	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0117	12:22 NCR 1979		13:04 NCR 378	*						

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				
15A NCAC 11 .0305	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0317	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0318	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0321	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0323	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0339	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0353	12:22 NCR 1979		13:04 NCR 378	S						
15A NCAC 11 .0359	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0360	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0361	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0362	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0501	12:22 NCR 1979		13:04 NCR 378	*	Agcy Withdrew	10/22/98				
15A NCAC 11 .0502	12:22 NCR 1979		13:04 NCR 378	*	Approve	10/22/98	*			
15A NCAC 11 .0503	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0504	12:22 NCR 1979		13:04 NCR 378	*	Approve	10/22/98	*			
15A NCAC 11 .0505	12:22 NCR 1979		13:04 NCR 378	*	Approve	10/22/98	*			
15A NCAC 11 .0506	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0507	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0508	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0509	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0510	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0511	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0512	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0513	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0515	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0516	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0517	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0520	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0521	12:22 NCR 1979		13:04 NCR 378	*						

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
15A NCAC 11 .0522	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0523	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0524	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0525	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0702	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0703	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .1003	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .1100	12:04 NCR 240									
15A NCAC 11 .1400	12:04 NCR 240									
15A NCAC 11 .1633	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .1635	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .1647	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .1653	12:22 NCR 1979		13:04 NCR 378	*						
Soil & Water Conservation										
15A NCAC 06E .0105	12:20 NCR 1817		13:01 NCR 25	*	Agcy Withdrew	10/22/98				
15A NCAC 06E .0107	12:20 NCR 1817		13:08 NCR 688	*						
Water Pollution Control System Operators Certification Commission										
15A NCAC 08A .0101	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08A .0202	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08A .0301	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08A .0302	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08A .0303	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0101	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0102	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0103	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0104	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0105	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0106	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0108	11:26 NCR 1976		13:02 NCR 204	*						

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				
15A NCAC 08B .0109	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0201	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0202	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0203	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0204	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0205	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0207	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0208	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0209	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0210	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0211	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0212	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0213	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0214	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0301	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0302	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0303	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0304	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0402	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0404	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0405	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0406	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0502	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0506	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C .0002	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C .0004	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C .0005	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C .0006	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C .0007	11:26 NCR 1976		13:02 NCR 204	*						

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
15A NCAC 08C .0008	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08D .0002	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08D .0004	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08D .0005	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08D .0006	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08E	11:26 NCR 1976									
15A NCAC 08F	11:26 NCR 1976									
15A NCAC 08G .0101	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0102	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0201	11:26 NCR 1976		13:02 NCR 204	S/L						
15A NCAC 08G .0202	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0203	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0204	11:26 NCR 1976		13:02 NCR 204	S/L						
15A NCAC 08G .0205	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0301	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0302	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0303	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0304	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0305	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0306	11:26 NCR 1976		13:02 NCR 204	S/L						
15A NCAC 08G .0307	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0308	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0401	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0402	11:26 NCR 1976		13:02 NCR 204	S/L						
15A NCAC 08G .0403	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0404	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0405	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0406	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0407	11:26 NCR 1976		13:02 NCR 204	*						

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				
15A NCAC 08G .0408	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0409	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0501	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0502	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0503	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0504	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0505	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0601	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0602	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0603	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0604	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0701	11:26 NCR 1976		13:02 NCR 204	S/L						
15A NCAC 08G .0801	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0802	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0803	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0804	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0901	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0902	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .1001	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .1002	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .1101	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .1102	11:26 NCR 1976		13:02 NCR 204	*						
Well Contractors Certification Commissio										
15A NCAC 27 .0101	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0110	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0201	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0301	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0401	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0410	13:10 NCR 803	13:12 NCR 988								

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
15A NCAC 27 .0420	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0430	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0440	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0501	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0510	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0520	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0601	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0701	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0801	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0810	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0820	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0830	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0840	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0901	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0910	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0920	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0930	13:10 NCR 803	13:12 NCR 988								
Wildlife Resources Commission										
Public Notice - 15A NCAC 10B .0105										
15A NCAC 10B .0100	13:08 NCR 625									
15A NCAC 10B .0105		13:07 NCR 595	13:12 NCR 948	*						
15A NCAC 10B .0113	13:08 NCR 625		13:12 NCR 948	*						13:04 NCR 353
15A NCAC 10B .0200	13:08 NCR 625									
15A NCAC 10B .0202	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10B .0203	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10B .0205	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10B .0207	12:06 NCR 445	13:04 NCR 427	12:24 NCR 2205	*	Approve	09/17/98	*		13:11 NCR 912	
15A NCAC 10B .0209	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10B .0212	13:08 NCR 625		13:12 NCR 948	*						

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				
15A NCAC 10B .0300	13:08 NCR 625									
15A NCAC 10B .0302	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10C .0100	13:08 NCR 625									
15A NCAC 10C .0107	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10C .0200	13:08 NCR 625									
15A NCAC 10C .0205	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10C .0206	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10C .0300	13:08 NCR 625									
15A NCAC 10C .0302	13:01 NCR 3	13:11 NCR 907	13:05 NCR 492	*						
15A NCAC 10C .0305	13:01 NCR 3	13:11 NCR 907	13:05 NCR 492 13:12 NCR 948	* *						
15A NCAC 10C .0400	13:01 NCR 3									
15A NCAC 10C .0400	13:08 NCR 625									
15A NCAC 10C .0401	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10C .0404	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10C .0405	13:01 NCR 3	13:11 NCR 907	13:05 NCR 492	*						
15A NCAC 10D	12:18 NCR 1694									
15A NCAC 10D .0102	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10D .0103	12:18 NCR 1694		12:24 NCR 2205	*						
15A NCAC 10D .0103	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10F .0301	12:19 NCR 1763	12:24 NCR 2224	12:24 NCR 2224	*	**Object**	**10/22/98**				
15A NCAC 10F .0303	12:19 NCR 1763									
15A NCAC 10F .0303	N/A		N/A		Approve	05/21/98			13:02 NCR 249	
15A NCAC 10F .0305	12:10 NCR 865	12:16 NCR 1518	12:16 NCR 1518	*	Approve	07/23/98			13:09 NCR 779	
15A NCAC 10F .0310	12:19 NCR 1763	12:24 NCR 2224	12:24 NCR 2224	L						
15A NCAC 10F .0310	13:07 NCR 595		13:11 NCR 905	L						
15A NCAC 10F .0311	12:11 NCR 920	12:24 NCR 2224	12:17 NCR 1608	L	Approve	07/23/98			13:09 NCR 779	
15A NCAC 10F .0314	12:19 NCR 1763									
15A NCAC 10F .0317	12:11 NCR 920	12:24 NCR 2224	12:17 NCR 1608	L	Approve	07/23/98			13:09 NCR 779	

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
15A NCAC 10F .0317	13:08 NCR 625									
15A NCAC 10F .0318	12:06 NCR 445									
15A NCAC 10F .0327	12:11 NCR 920	12:24 NCR 2224	12:17 NCR 1608	L	Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 10F .0330	13:03 NCR 269	13:07 NCR 595	13:07 NCR 595	S/L						
15A NCAC 10F .0330	13:11 NCR 855									
15A NCAC 10F .0342	13:07 NCR 585		13:11 NCR 905	L						
15A NCAC 10F .0345		12:19 NCR 1781								
15A NCAC 10F .0347		12:19 NCR 1781								
15A NCAC 10F .0359	12:19 NCR 1763									
15A NCAC 10G .0404	12:06 NCR 445		12:12 NCR 1004	*	Extend Review	04/15/98				
					Object	06/18/98				
					Approve	07/23/98	*		13:09 NCR 779	
FINAL DECISION LETTERS										
Voting Rights Act										13:02 NCR 173
Voting Rights Act										13:04 NCR 354
Voting Rights Act										13:07 NCR 583
Voting Rights Act										13:09 NCR 756
Voting Rights Act										13:12 NCR 941
GENERAL CONTRACTORS LICENSING BOARD										
21 NCAC 12 .0204		13:06 NCR 568								
21 NCAC 12 .0503	11:28 NCR 2117									
21 NCAC 12 .0504	11:28 NCR 2117									
21 NCAC 12 .0902	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									

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				
21 NCAC 12 .0912	11:28 NCR 2117									
GOVERNOR'S EXECUTIVE ORDERS										
Number 136 - Eff. 06/05/98										13:01 NCR 1
Number 137 - Eff. 08/11/98										13:06 NCR 535
Number 138 - Eff. 08/25/98										13:07 NCR 581
Number 139 - Eff. 08/26/98										13:07 NCR 581
Number 140 - Eff. 09/29/98										13:09 NCR 753
HEALTH AND HUMAN SERVICES										
Aging										
10 NCAC 22	10:23 NCR 2956									
Child Day Care Commission										
10 NCAC 03U .0102	12:21 NCR 1873		13:06 NCR 539	*						
10 NCAC 03U .0305	12:21 NCR 1873		13:06 NCR 539	*						
10 NCAC 03U .0602	11:24 NCR 1817	12:08 NCR 710								
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 .0705	11:14 NCR 1108		11:27 NCR 2054	*						
10 NCAC 03U .0705	11:24 NCR 1817	12:08 NCR 710								
10 NCAC 03U .1601	12:21 NCR 1873		13:06 NCR 539	*						
10 NCAC 03U .1602	12:21 NCR 1873		13:06 NCR 539	*						
10 NCAC 03U .1606	12:21 NCR 1873		13:06 NCR 539	*						
10 NCAC 03U .1612	12:21 NCR 1873		13:06 NCR 539	*						
10 NCAC 03U .1701	12:21 NCR 1873		13:06 NCR 539	*						
10 NCAC 03U .2000	12:21 NCR 1873									
10 NCAC 03U .2500	12:21 NCR 1873									
10 NCAC 03U .2801	12:21 NCR 1873		13:06 NCR 539	S						
10 NCAC 03U .2802	12:21 NCR 1873		13:06 NCR 539	S						
10 NCAC 03U .2803	12:21 NCR 1873		13:06 NCR 539	S						
10 NCAC 03U .2804	12:21 NCR 1873		13:06 NCR 539	S						

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
10 NCAC 03U .2805	12:21 NCR 1873		13:06 NCR 539	S						
10 NCAC 03U .2806	12:21 NCR 1873		13:06 NCR 539	S						
10 NCAC 03U .2807	12:21 NCR 1873		13:06 NCR 539	S						
10 NCAC 03U .2808	12:21 NCR 1873		13:06 NCR 539	S						
10 NCAC 03U .2809	12:21 NCR 1873		13:06 NCR 539	S						
10 NCAC 03U .2810	12:21 NCR 1873		13:06 NCR 539	S						
10 NCAC 03U .2811	12:21 NCR 1873		13:06 NCR 539	S						
10 NCAC 03U .2812	12:21 NCR 1873		13:06 NCR 539	S						
Facility Services										
Certificate of Public Advantage (COPA)										13:03 NCR 261
Public Notice - Draft 1999 State Medical Facilities Plan										13:02 NCR 171
Abbreviated Notice of Temporary Rule-Making										13:06 NCR 536
10 NCAC 03R .0214	12:08 NCR 617		13:03 NCR 270	*	Approve	10/22/98				
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 .3030	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3032	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3040	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3050	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3051		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .3053		11:22 NCR 1713								
10 NCAC 03R .3053		12:06 NCR 481								
10 NCAC 03R .3060		12:06 NCR 481								
10 NCAC 03R .3061		12:06 NCR 481								
10 NCAC 03R .3063		12:06 NCR 481								
10 NCAC 03R .3065		12:06 NCR 481								
10 NCAC 03R .3072		12:06 NCR 481								
10 NCAC 03R .6001	11:22 NCR 1704									
10 NCAC 03R .6101		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98	*			

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				
10 NCAC 03R .6102		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98	*			
10 NCAC 03R .6103		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6104		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6105		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6106		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6107		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98				
10 NCAC 03R .6108		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6109		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6110		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6111		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6112		12:15 NCR 1431	13:02 NCR 178	S/L/SE	**Object**	**10/22/98**				
10 NCAC 03R .6113		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6114		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6115		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6116		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6117		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6118		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6119		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6120		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98				
10 NCAC 03R .6121		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98				
10 NCAC 03R .6122		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98	*			
10 NCAC 03R .6123		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98				
10 NCAC 03R .6124		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98	*			
10 NCAC 03R .6125		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6126		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6127		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6128		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6129		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98				
10 NCAC 03R .6130		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
10 NCAC 03R .6131		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98	*			
10 NCAC 03R .6132		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6133		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6134		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6135		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6136		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6137		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6138		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6139		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6140		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6141		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03S	12:24 NCR 2194									
Health Services										
15A NCAC 16A .0101	12:22 NCR 1979		13:02 NCR 234	*	**Object**	**10/22/98**				
15A NCAC 16A .0106	12:22 NCR 1979		13:02 NCR 234	*	Approve	10/22/98				
15A NCAC 16A .0108	12:22 NCR 1979		13:02 NCR 234	*	Approve	10/22/98				
15A NCAC 19A .0400	13:11 NCR 855									
15A NCAC 19A .0502	13:11 NCR 855									
15A NCAC 19C .0206		12:15 NCR 1451	13:05 NCR 496	S						
15A NCAC 24A .0101	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98				
15A NCAC 24A .0102	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98				
15A NCAC 24A .0302	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98				
15A NCAC 24A .0402	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98				
15A NCAC 24A .0403	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98				
15A NCAC 24A .0404	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98				
Medical Assistance										
10 NCAC 26B .0103	12:18 NCR 1694		13:01 NCR 5	*	Approve	10/22/98	*			
10 NCAC 26D .0110	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 26H .0101	11:14 NCR 1108									

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				
10 NCAC 26H .0102	11:14 NCR 1108									
10 NCAC 26H .0102	12:09 NCR 743	12:14 NCR 1341	12:18 NCR 1696	S/L/SE	Approve	07/23/98			13:09 NCR 779	
10 NCAC 26H .0211	12:09 NCR 743	12:14 NCR 1341	12:18 NCR 1696	S/L/SE	Approve	07/23/98			13:09 NCR 779	
10 NCAC 26H .0212		12:09 NCR 827 Temp.Expired 7/31/98 12:13 NCR 733								
10 NCAC 26H .0213		11:26 NCR 1997								
10 NCAC 26H .0213		12:09 NCR 827 13:08 NCR 733								
10 NCAC 26H .0304		13:03 NCR 316	13:08 NCR 668	S/L						
10 NCAC 26H .0401	12:08 NCR 618	12:14 NCR 1341	12:21 NCR 1875	S/L	Approve	07/23/98			13:09 NCR 779	
10 NCAC 26H .0401		13:02 NCR 248	13:12 NCR 947	*						
10 NCAC 26I .0101	13:02 NCR 175		13:07 NCR 588	*						
10 NCAC 26K .0106	12:05 NCR 337									
10 NCAC 26K .0106	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 26M .0201	12:06 NCR 444		13:01 NCR 5	*						Ext. Com. Period 13:05 NCR 435
10 NCAC 26M .0202	12:06 NCR 444		13:01 NCR 5	*						Ext. Com. Period 13:05 NCR 435
10 NCAC 26M .0203	12:05 NCR 337									
10 NCAC 26M .0203	12:06 NCR 444		13:01 NCR 5	*						Extend. Com. Period 13:05 NCR 435
10 NCAC 26M .0204	12:06 NCR 444		13:01 NCR 5	*						Extend. Com. Period 13:05 NCR 435
10 NCAC 26M .0305	13:02 NCR 175		13:07 NCR 588	*						
10 NCAC 50A .0604	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 50B .0202	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 50B .0302	13:02 NCR 175		13:10 NCR 806	*						
10 NCAC 50B .0311	13:03 NCR 268									
10 NCAC 50B .0313	13:02 NCR 175		13:10 NCR 806	*						
Medical Care Commission										
10 NCAC 03D .1500	11:23 NCR 1779									

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
10 NCAC 03H .2210	N/A		N/A	N/A	Approve	09/17/98			13:11 NCR 912	
Mental Health, Developmental Disabilities and Substance Abuse Services										
10 NCAC 14G .0102		12:12 NCR 1060	12:19 NCR 1766	*	Object Approve	06/18/98 07/23/98	*		13:09 NCR 779	
10 NCAC 14V .0800	12:20 NCR 1820									
10 NCAC 14V .3800	12:20 NCR 1820									
10 NCAC 14V .4000	12:20 NCR 1820									
10 NCAC 14V .4301	12:19 NCR 1762		13:07 NCR 586	*						
10 NCAC 14V .4302	12:19 NCR 1762		13:07 NCR 586	*						
10 NCAC 14V .4303	12:19 NCR 1762		13:07 NCR 586	*						
10 NCAC 14V .4304	12:19 NCR 1762		13:07 NCR 586	*						
10 NCAC 14V .4305	12:19 NCR 1762		13:07 NCR 586	*						
10 NCAC 14V .4306	12:19 NCR 1762		13:07 NCR 586	*						
10 NCAC 14V .5000	12:20 NCR 1820									
10 NCAC 45H .0201	N/A	N/A	N/A	N/A	Approve	08/20/98			13:10 NCR 817	
10 NCAC 45H .0205	11:19 NCR 1762	12:24 NCR 2223	13:05 NCR 487	*						
Secretary of Health and Human Services										
10 NCAC 14C .1151	12:20 NCR 1820		13:02 NCR 198	*						
10 NCAC 14V .7006		12:01 NCR 31	12:07 NCR 511	*						
10 NCAC 14V .7201	13:05 NCR 436									
10 NCAC 21B .0117		12:17 NCR 1616	12:21 NCR 1875	S	Approve	07/23/98			13:09 NCR 779	
10 NCAC 49B .0315		12:18 NCR 1703	13:02 NCR 203	*	Approve	10/22/98	*			
Social Services Commission										
10 NCAC 24A .0508	12:12 NCR 993	12:13 NCR 1180	12:23 NCR 2090	*	Approve	10/22/98				
10 NCAC 29C .0103		13:06 NCR 566								
10 NCAC 30 .0207	12:11 NCR 919	12:14 NCR 1347	12:15 NCR 1420	*	Approve	05/21/98			13:02 NCR 249	
10 NCAC 41A .0107		12:11 NCR 938	12:15 NCR 1420	*	Object Approve	05/21/98 07/23/98	*		13:09 NCR 779	
10 NCAC 41E .0401	12:11 NCR 919		13:05 NCR 438 13:11 NCR 857	* *						

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				
10 NCAC 41E .0403	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0404	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0405	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0406	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0501	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0502	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0503	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0504	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0505	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0506	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0507	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0508	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0509	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0510	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0511	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0512	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0513	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0514	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0515	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0516	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0517	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
10 NCAC 41E .0518	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0601	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0602	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0603	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0604	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0605	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0606	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0701	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0702	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0703	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0704	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41F .0707		12:11 NCR 938	12:15 NCR 1420	S	Approve	05/21/98			13:02 NCR 249	
10 NCAC 41F .0813		12:11 NCR 938	12:15 NCR 1420	S	Approve	05/21/98			13:02 NCR 249	
10 NCAC 41G .0501	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0502	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0504	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0505	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0506	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0507	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0508	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0509	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0510	12:11 NCR 919		13:05 NCR 438	*						

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				
			13:11 NCR 857	*						
10 NCAC 41G .0511	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0512	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0513	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0601	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0602	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0603	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0604	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0605	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0606	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0701	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0702	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0703	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0704	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0705	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0706	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0707	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0708	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0801	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0802	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0803	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0804	12:11 NCR 919		13:05 NCR 438	*						

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
			13:11 NCR 857	*						
10 NCAC 41G .0805	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0806	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0807	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0808	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0809	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0902	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1001	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1002	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1004	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1005	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1006	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1007	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1008	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1009	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1010	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1011	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1012	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1013	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1101	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1102	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1103	12:11 NCR 919		13:05 NCR 438	*						

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				
			13:11 NCR 857	*						
10 NCAC 41G .1104	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1105	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1106	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1201	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1202	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1203	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1204	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1205	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1206	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1207	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1208	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1301	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1302	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1303	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1304	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1305	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1306	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1307	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1308	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1309	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1402	12:11 NCR 919		13:05 NCR 438	*						

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
			13:11 NCR 857	*						
10 NCAC 41L .0100	10:17 NCR 2228									
10 NCAC 41L .0102	10:17 NCR 2228		10:21 NCR 2687	*						
10 NCAC 41R .0101	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41R .0102	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41R .0103	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41R .0104	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41R .0105	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41R .0106	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41R .0107	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0101	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0102	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0201	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0202	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0203	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0204	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0301	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0302	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0303	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0304	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0305	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0306	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						

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				
10 NCAC 41S .0307	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0401	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0402	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0403	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0404	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0405	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0406	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0407	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0501	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0502	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0503	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0504	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0505	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0506	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0601	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0602	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0603	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0604	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0605	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0606	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0607	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
10 NCAC 41S .0608	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0609	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0610	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0611	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0612	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0613	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0614	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0615	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0701	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0702	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0703	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0704	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0705	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0706	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0707	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0708	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0709	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0710	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0711	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0712	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0713	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41T .0101	12:11 NCR 919		13:05 NCR 438	*						

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				
			13:11 NCR 857	*						
10 NCAC 41T .0102	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41T .0103	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41T .0104	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41T .0105	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41T .0106	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41T .0201	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41T .0202	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41T .0203	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41T .0204	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41T .0205	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41T .0206	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 42C .2301	12:22 NCR 1979		13:05 NCR 438	*						
10 NCAC 42C .3401		12:13 NCR 1180	13:02 NCR 200	*	Approve	10/22/98				
10 NCAC 42C .3403		12:13 NCR 1180	13:02 NCR 200	*	Approve	10/22/98				
10 NCAC 42C .3404		12:13 NCR 1180	13:02 NCR 200	*	Approve	10/22/98				
10 NCAC 42C .3601		12:13 NCR 1180	13:02 NCR 200	*	Approve	10/22/98				
10 NCAC 42E	13:07 NCR 585									
10 NCAC 42R .0201	12:11 NCR 919	12:13 NCR 1180	12:23 NCR 2090	S/L	Approve	10/22/98				
10 NCAC 42S	13:07 NCR 585									
10 NCAC 42Z	13:07 NCR 585									
10 NCAC 47A .0502		12:11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98			13:02 NCR 249	
10 NCAC 47B .0102		12:11 NCR 938	12:15 NCR 1420	*	Object	05/21/98				
					Approve	06/18/98	*		13:03 NCR 334	
10 NCAC 47B .0303		12:11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98			13:02 NCR 249	
10 NCAC 47B .0304		12:11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98			13:02 NCR 249	

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
10 NCAC 47B .0305		12.11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98	*		13:02 NCR 249	
10 NCAC 47B .0403		12.11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98	*		13.02 NCR 249	
10 NCAC 49B .0608	12:20 NCR 1822	13.03 NCR 320	13:06 NCR 549	*						
Vocational Rehabilitation Services										
10 NCAC 20C .0125	12:24 NCR 2202		13:06 NCR 547	S						
10 NCAC 20C .0206	12:24 NCR 2202		13.06 NCR 547	S						
INSURANCE										
11 NCAC 06	12:09 NCR 744									
11 NCAC 12	12:09 NCR 744									
11 NCAC 12 .0840	13:01 NCR 2	13:03 NCR 323	13:08 NCR 673	*						
11 NCAC 12 .0841	13:01 NCR 2	13:03 NCR 323	13:08 NCR 673	*						
11 NCAC 12 .0842	13:01 NCR 2	13:03 NCR 323	13:08 NCR 673	*						
11 NCAC 12 .1003	13:01 NCR 2		13:05 NCR 489	*						
11 NCAC 12 .1025	13:01 NCR 2		13:05 NCR 489	*						
11 NCAC 12 .1026	13:01 NCR 2		13:05 NCR 489	*						
11 NCAC 12 .1212	13.01 NCR 2		13:05 NCR 489	*						
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 20	12:09 NCR 744									
11 NCAC 21	12:09 NCR 744									
North Carolina Manufactured Housing Board										
11 NCAC 8 .0912	13:01 NCR 2		13:05 NCR 488	*						
JUSTICE										
Alarm Systems Licensing Board										
12 NCAC 11	11:30 NCR 2300									
12 NCAC 11 .0204	12:12 NCR 993		12:20 NCR 1823	*						

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				
12 NCAC 11 .0210	12:08 NCR 618		12:20 NCR 1823	*						
12 NCAC 11 .0501	11:30 NCR 2300		12:20 NCR 1823	*	**Object**	**09/17/98**				
12 NCAC 11 .0502	11:30 NCR 2300		12:20 NCR 1823	*	**Object**	**09/17/98**				
12 NCAC 11 .0503	11:30 NCR 2300		12:20 NCR 1823	*	Approve	09/17/98			13:11 NCR 912	
12 NCAC 11 .0504	11:30 NCR 2300		12:20 NCR 1823	*	**Object**	**09/17/98**				
12 NCAC 11 .0505	11:30 NCR 2300		12:20 NCR 1823	*	**Object**	**09/17/98**				
12 NCAC 11 .0506	11:30 NCR 2300		12:20 NCR 1823	*	Approve	09/17/98			13:11 NCR 912	
12 NCAC 11 .0507	11:30 NCR 2300		12:20 NCR 1823	*	Approve	09/17/98			13:11 NCR 912	
Criminal Justice Education and Training Standards Commission										
12 NCAC 09A .0101	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09A .0103	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0101	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0205	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0209	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0210	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0210	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0211	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0211	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0212	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0212	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0213	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0213	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0214	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0214	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0215	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0218	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0219	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0220	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0221	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
12 NCAC 09B .0222	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0226	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0227	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0232	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0233	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0301	12:21 NCR 1873		13:01 NCR 6	*	**Object**	**10/22/98**				
12 NCAC 09B .0309	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98				
12 NCAC 09B .0310	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0311	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98				
12 NCAC 09B .0404	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98				
12 NCAC 09B .0408	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0409	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0414	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98				
12 NCAC 09B .0416	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0603					**Object**	**10/22/98**				
12 NCAC 09C .0308	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09C .0601	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09E .0105	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09E .0106	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09F .0107	N/A		N/A	N/A	Approve	10/22/98				
Private Protective Services Board										
12 NCAC 07D .0204	11:14 NCR 1108		12:08 NCR 622	*	Object	03/20/98				
					Approve	06/18/98	*		13:03 NCR 334	
12 NCAC 07D .1106	11:14 NCR 1108		12:08 NCR 622	*	Object	03/20/98				
					Approve	06/18/98	*		13:03 NCR 334	
12 NCAC 07D .1201	11:10 NCR 818		12:14 NCR 1263	*						
12 NCAC 07D .1202	11:10 NCR 818		12:14 NCR 1263	*						
12 NCAC 07D .1301	11:16 NCR 1268		12:14 NCR 1263	*						
12 NCAC 07D .1302	11:16 NCR 1268		12:14 NCR 1263	*						
12 NCAC 07D .1303	11:16 NCR 1268		12:14 NCR 1263	*						

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				
12 NCAC 07D .1304	11:16 NCR 1268		12:14 NCR 1263	*						
12 NCAC 07D .1305	11:16 NCR 1268		12:14 NCR 1263	*						
12 NCAC 07D .1306	11:16 NCR 1268		12:14 NCR 1263	*						
12 NCAC 07D .1307	11:16 NCR 1268		12:14 NCR 1263	*						
Sheriffs' Education and Training Standards Commission										
12 NCAC 10B .0206	12:07 NCR 508	12:18 NCR 1703	12:18 NCR 1703	*	Approve	06/18/98			13:03 NCR 334	
12 NCAC 10B .1103	12:07 NCR 508	12:18 NCR 1703	12:08 NCR 624							
12 NCAC 10B .1104	12:07 NCR 508	12:18 NCR 1703	12:08 NCR 624							
LABOR										
Boiler and Pressure Vessel Division										
13 NCAC 13 .0406	13:03 NCR 269		13:08 NCR 685	*						
13 NCAC 13 .0409	13:03 NCR 269		13:08 NCR 685	*						
Occupational Safety and Health										
13 NCAC 07A .0900	11:11 NCR 881									
13 NCAC 07F	11:03 NCR 106									
13 NCAC 07F	13:02 NCR 176									
13 NCAC 07F .0201	11:03 NCR 106									
13 NCAC 07F .0301	11:03 NCR 106									
Retaliatory Employment Discrimination										
13 NCAC 19 .0101	13:03 NCR 268		13:08 NCR 686	*						
13 NCAC 19 .0102	13:03 NCR 268		13:08 NCR 686	*						
13 NCAC 19 .0201	13:03 NCR 268		13:08 NCR 686	*						
13 NCAC 19 .0301	13:03 NCR 268		13:08 NCR 686	*						
13 NCAC 19 .0302	13:03 NCR 268		13:08 NCR 686	*						
13 NCAC 19 .0401	13:03 NCR 268		13:08 NCR 686	*						
13 NCAC 19 .0402	13:03 NCR 268		13:08 NCR 686	*						
13 NCAC 19 .0501	13:03 NCR 268		13:08 NCR 686	*						
13 NCAC 19 .0502	13:03 NCR 268		13:08 NCR 686	*						
13 NCAC 19 .0601	13:03 NCR 268		13:08 NCR 686	*						

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
13 NCAC 19 .0602	13:03 NCR 268		13:08 NCR 686	*						
13 NCAC 19 .0603	13:03 NCR 268		13:08 NCR 686	*						
13 NCAC 19 .0604	13:03 NCR 268		13:08 NCR 686	*						
13 NCAC 19 .0605	13:03 NCR 268		13:08 NCR 686	*						
13 NCAC 19 .0701	13:03 NCR 268		13:08 NCR 686	*						
13 NCAC 19 .0702	13:03 NCR 268		13:08 NCR 686	*						
Wage and Hour Division										
13 NCAC 12 .0101	13:03 NCR 268		13:08 NCR 676	*						
13 NCAC 12 .0104	13:03 NCR 268		13:08 NCR 676	*						
13 NCAC 12 .0303	13:03 NCR 268		13:08 NCR 676	*						
13 NCAC 12 .0304	13:03 NCR 268		13:08 NCR 676	*						
13 NCAC 12 .0305	13:03 NCR 268		13:08 NCR 676	*						
13 NCAC 12 .0306	13:03 NCR 268		13:08 NCR 676	*						
13 NCAC 12 .0307	13:03 NCR 268		13:08 NCR 676	*						
13 NCAC 12 .0308	13:03 NCR 268		13:08 NCR 676	*						
13 NCAC 12 .0309	13:03 NCR 268		13:08 NCR 676	*						
13 NCAC 12 .0310	13:03 NCR 268		13:08 NCR 676	*						
13 NCAC 12 .0501	13:03 NCR 268									
13 NCAC 12 .0502	13:03 NCR 268		13:08 NCR 676	*						
13 NCAC 12 .0602	13:03 NCR 268		13:08 NCR 676	*						
13 NCAC 12 .0603	13:03 NCR 268		13:08 NCR 676	*						
13 NCAC 12 .0604	13:03 NCR 268		13:08 NCR 676	*						
13 NCAC 12 .0605	13:03 NCR 268		13:08 NCR 676	*						
13 NCAC 12 .0701	13:03 NCR 268		13:08 NCR 676	*						
13 NCAC 12 .0702	13:03 NCR 268		13:08 NCR 676	*						
13 NCAC 12 .0801	13:03 NCR 268									
13 NCAC 12 .0802	13:03 NCR 268									
13 NCAC 12 .0803	13:03 NCR 268		13:08 NCR 676	*						
13 NCAC 12 .0804	13:03 NCR 268		13:08 NCR 676	*						

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				
13 NCAC 12 .0805	13:03 NCR 268		13:08 NCR 676	*						
13 NCAC 12 .0806	13:03 NCR 268		13:08 NCR 676	*						
13 NCAC 12 .0807	13:03 NCR 268		13:08 NCR 676	*						
LANDSCAPE ARCHITECTS, BOARD OF										
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								
MEDICAL BOARD										
21 NCAC 32	13:06 NCR 538									
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 32F .0103		12:14 NCR 1354	12:21 NCR 1881	*						
			13:08 NCR 709	*						
21 NCAC 32H .0402		12:04 NCR 314								
21 NCAC 32M .0101	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M .0102	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M .0103	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M .0104	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M .0105	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M .0106	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M .0107	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M .0108	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M .0109	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M .0110	12:19 NCR 1765		13:08 NCR 709	*						

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
21 NCAC 32M .0111	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M .0112	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M .0115	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32O .0101	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0102	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0103	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0104	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0105	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0106	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0107	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0109	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0110	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0111	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0112	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0113	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0114	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0115	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0116	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0117	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0118	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0119	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0120	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0121	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32R .0101	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32R .0102	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32R .0103	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32R .0104	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32S .0101	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0102	11:18 NCR 1369		13:08 NCR 709	*						

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				
21 NCAC 32S .0103	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0104	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0105	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0106	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0107	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0108	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0109	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0110	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0111	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0112	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0113	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0114	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0115	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0116	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0117	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0118	11:18 NCR 1369		13:08 NCR 709	*						
MORTUARY SCIENCE, BOARD OF										
21 NCAC 34A .0201		12:07 NCR 556								
21 NCAC 34C	12:09 NCR 745									
MUNICIPAL INCORPORATIONS PETITION										
NURSING, BOARD OF										
21 NCAC 36 .0227	12:05 NCR 338		13:08 NCR 725	*						
OPTICIANS, BOARD OF										
21 NCAC 40 .0108		12:07 NCR 557								
PHARMACY, BOARD OF										
21 NCAC 46 .1317	13:01 NCR 3		13:06 NCR 559	*						
21 NCAC 46 .1414	12:24 NCR 2203		13:06 NCR 559	*						

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
21 NCAC 46 .1601	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .1606	13:01 NCR 3		13:06 NCR 559	*						
21 NCAC 46 .1608	12:24 NCR 2203									
21 NCAC 46 .1609	12:24 NCR 2203									
21 NCAC 46 .1612	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .1703	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .1706	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .1804	12:03 NCR 168		12:07 NCR 527	*						
			12:09 NCR 797	*	State Budget	03/20/98				
			13:02 NCR 246	SE						
21 NCAC 46 .1809	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .1814	13:01 NCR 3		13:06 NCR 559	*						
21 NCAC 46 .1815		13:11 NCR 910								
21 NCAC 46 .2103	12:03 NCR 168		12:07 NCR 527	*						
			12:09 NCR 797	*						
21 NCAC 46 .2301	12:03 NCR 168		12:07 NCR 527	*						
			12:09 NCR 797	*						
21 NCAC 46 .2304	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .2306	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .2502	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .2506	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .2604	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .2609	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .2611	12:24 NCR 2203		13:04 NCR 419	*						
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 .0506	12:07 NCR 509	12:07 NCR 557								

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				
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									
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									
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									

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
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 .0310			12:01 NCR 18	*						
		12:03 NCR 210								Temp Filed over obj
16 NCAC 06C .0502		12:09 NCR 834	12:19 NCR 1773	N/A	Approve	08/20/98			13.10 NCR 817	
16 NCAC 06D .0103		12:22 NCR 2010								
16 NCAC 06E .0105		12:05 NCR 433	12:19 NCR 1773	N/A	Approve	08/20/98	*		13:10 NCR 817	
16 NCAC 06E .0301		13:05 NCR 523								
16 NCAC 06G .0305			12:19 NCR 1773	N/A	Approve	08/20/98	*		13:10 NCR 817	
16 NCAC 06G .0310			12:19 NCR 1773	N/A	Approve	08/20/98	*		13:10 NCR 817	
16 NCAC 06G .0311		12:22 NCR 2010								
16 NCAC 06G .0501		12:12 NCR 1071	12:19 NCR 1773	N/A	Approve	08/20/98			13:10 NCR 817	
REAL ESTATE COMMISSION										
21 NCAC 58A .0101	N/A	N/A	N/A	N/A	Approve	08/20/98			13:10 NCR 817	
REVENUE										
17 NCAC 01C .0601	N/A		13:10 NCR 808	N/A						
17 NCAC 04B .0102	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0104	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0105	N/A		13.08 NCR 690	N/A						
17 NCAC 04B .0106	N/A		13:08 NCR 690	N/A						

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				
17 NCAC 04B .0107	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0301	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0302	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0306	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0308	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0309	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0310	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0311	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0312	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0403	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0405	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .2902	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .4301	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .4302	N/A		13:08 NCR 690	N/A						
17 NCAC 04D .0204			13:05 NCR 496	S/SE						
17 NCAC 04D .0303			13:05 NCR 496	S/SE						
17 NCAC 04D .0305			13:05 NCR 496	S/SE						
17 NCAC 04D .0401			13:05 NCR 496	S/SE						
17 NCAC 04D .0402			13:05 NCR 496	S/SE						
17 NCAC 04D .0501			13:05 NCR 496	S/SE						
17 NCAC 04D .0505			13:05 NCR 496	S/SE						
17 NCAC 04D .0506			13:05 NCR 496	S/SE						
17 NCAC 04D .0508			13:05 NCR 496	S/SE						
17 NCAC 04D .0610			13:05 NCR 496	S/SE						
17 NCAC 04D .0901			13:05 NCR 496	S/SE						
17 NCAC 04D .0902			13:05 NCR 496	S/SE						
17 NCAC 04D .0903			13:05 NCR 496	S/SE						
17 NCAC 04D .0907			13:05 NCR 496	S/SE						
17 NCAC 04D .0908			13:05 NCR 496	S/SE						

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
17 NCAC 04D .1001			13:05 NCR 496	S/SE						
17 NCAC 04D .1003			13:05 NCR 496	S/SE						
17 NCAC 04E .0102	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0103	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0201	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0202	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0203	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0302	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0703	N/A		13:08 NCR 690	N/A						
17 NCAC 04F .0005	N/A		13:08 NCR 690	N/A						
17 NCAC 05B .0107	N/A		13:09 NCR 760	N/A						
17 NCAC 05B .1105	N/A		13:09 NCR 760	N/A						
17 NCAC 05B .1304	N/A	N/A	N/A	N/A	Approve	09/17/98			13:11 NCR 912	
17 NCAC 05C .0102			12:14 NCR 1285	*						
17 NCAC 05C .0703			12:14 NCR 1285	*						
17 NCAC 05C .0703	N/A		13:09 NCR 760	N/A						
17 NCAC 05C .2004	N/A		13:09 NCR 760	N/A						
17 NCAC 05C .2101	N/A		13:09 NCR 760	N/A						
17 NCAC 05C .2102	N/A		13:09 NCR 760	N/A						
17 NCAC 06B .0104	N/A		13:09 NCR 762	N/A						
17 NCAC 06B .0105	N/A		13:08 NCR 694	N/A						
17 NCAC 06B .0110	N/A		13:09 NCR 762	N/A						
17 NCAC 06B .0118	N/A		13:09 NCR 762	N/A						
17 NCAC 06B .0606	N/A		13:09 NCR 762	N/A						
17 NCAC 06B .3203	N/A		13:09 NCR 762	N/A						
17 NCAC 06B .3204			12:17 NCR 1610	*	Approve	06/18/98			13:03 NCR 334	
17 NCAC 06B .3206	N/A		13:09 NCR 762	N/A						
17 NCAC 06B .3901	N/A		13:09 NCR 762	N/A						
17 NCAC 06B .3904	N/A		13:09 NCR 762	N/A						

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				
17 NCAC 06B .4004	N/A		13:09 NCR 762	N/A						
17 NCAC 07B .0104	N/A		13:09 NCR 767	N/A						
17 NCAC 07B .0124	N/A		13:08 NCR 695	N/A						
17 NCAC 07B .0125	N/A		13:08 NCR 695	N/A						
17 NCAC 07B .0206	N/A		13:09 NCR 767	N/A						
17 NCAC 07B .1301	N/A		13:09 NCR 767	N/A						
17 NCAC 07B .1303	N/A		13:09 NCR 767	N/A						
17 NCAC 07B .1602	N/A		13:09 NCR 767	N/A						
17 NCAC 07B .1905	N/A		13:09 NCR 767	N/A						
17 NCAC 07B .2101	N/A		13:09 NCR 767	N/A						
17 NCAC 07B .2802	N/A		13:10 NCR 809	N/A						
17 NCAC 07B .3301	N/A		13:10 NCR 809	N/A						
17 NCAC 07B .3302	N/A		13:10 NCR 809	N/A						
17 NCAC 07B .3702	N/A		13:10 NCR 809	N/A						
17 NCAC 07B .5401	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5402	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5403	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5404	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5405	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5406	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5408	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5409	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5410	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5411	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5412	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5414	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5415	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5416	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5417	N/A		13:06 NCR 552	N/A						

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
17 NCAC 07B .5418	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5419	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5420	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5421	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5422	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5423	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5424	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5428	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5429	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5430	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5431	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5432	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5433	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5434	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5435	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5438	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5440	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5442	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5443	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5444	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5447	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5448	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5449	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5450	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5451	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5452	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5453	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5454	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5455	N/A		13:06 NCR 552	N/A						

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				
17 NCAC 07B .5456	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5457	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5458	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5460	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5461	N/A		13:06 NCR 552	N/A						
17 NCAC 07B .5463	N/A		13:06 NCR 552	N/A						
17 NCAC 09K .0601	N/A		13:08 NCR 695	N/A						
17 NCAC 09L .0302			12:17 NCR 1610	*	Approve	06/18/98			13:03 NCR 334	
Tax Review Board										13:03 NCR 262
SECRETARY OF STATE										
18 NCAC 06 .1802		12:07 NCR 534	12:14 NCR 1312	*						
18 NCAC 06 .1803		12:07 NCR 534	12:14 NCR 1312	*						
18 NCAC 10	13:09 NCR 759									
SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGIST, BOARD OF EXAMINERS										
21 NCAC 64 .0303	11:23 NCR 1780									
STATE PERSONNEL COMMISSION										
25 NCAC 01B .0354	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01B .0437	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01D .2516		11:13 NCR 1062 Temp Expired	11:19 NCR 1429	*						
25 NCAC 01D .2517		12:09 NCR 835								
25 NCAC 01H .0602	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01H .0605	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01H .0606	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01J .0503	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01J .0512	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01J .0603	13:05 NCR 436		13:09 NCR 773	*						
SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD										
21 NCAC 68 .0305	12:09 NCR 745	12:11 NCR 944	12:15 NCR 1426	S/L	Object	04/15/98				

CUMULATIVE INDEX

(Updated through December 9, 1998)

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				
					Approve	05/21/98	*		13:02 NCR 249	
TRANSPORTATION										
Highways, Division of										
19A NCAC 02D .0406	12:22 NCR 1980		13:05 NCR 501	*						
19A NCAC 02D .0415	12:18 NCR 1694		12:24 NCR 2219	*	Approve	09/17/98			13:11 NCR 912	
19A NCAC 02D .0415	13:08 NCR 626									
19A NCAC 02D .0816	12:19 NCR 1764		13:01 NCR 41	*	Object Approve	09/17/98 10/22/98	 *		13:11 NCR 912	
19A NCAC 02E .0221	13:04 NCR 361		13:10 NCR 811	*						
19A NCAC 02E .0222	13:04 NCR 361		13:10 NCR 811	*						
Motor Vehicles, Division of										
19A NCAC 03I .0100	11:19 NCR 1413									
19A NCAC 03I .0200	11:19 NCR 1413									
19A NCAC 03I .0202	12:18 NCR 1695		12:24 NCR 2220	*	Approve	08/20/98	*		13:10 NCR 817	
19A NCAC 03I .0203	12:18 NCR 1695		12:24 NCR 2220	*	Approve	08/20/98	*		13:10 NCR 817	
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 .0501	12:18 NCR 1695		12:24 NCR 2220	*	Approve	08/20/98	*		13:10 NCR 817	
19A NCAC 03I .0502	12:18 NCR 1695		12:24 NCR 2220	*	Approve	08/20/98	*		13:10 NCR 817	
19A NCAC 03I .0503	12:18 NCR 1695		12:24 NCR 2220	*	Approve	08/20/98	*		13:10 NCR 817	
19A NCAC 03I .0600	11:19 NCR 1413									
19A NCAC 03I .0700	11:19 NCR 1413									
19A NCAC 03I .0800	11:19 NCR 1413									
Rail Division										
19A NCAC 06B .0401	12:22 NCR 1981		13:06 NCR 557	*						
19A NCAC 06B .0404	12:22 NCR 1981		13:06 NCR 557	*						
19A NCAC 06B .0405	12:22 NCR 1981		13:06 NCR 557	*						
19A NCAC 06B .0409	12:22 NCR 1981		13:06 NCR 557	*						
19A NCAC 06B .0410	12:22 NCR 1981		13:06 NCR 557	*						

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 06B .0412	12:22 NCR 1981		13:06 NCR 557	*						
19A NCAC 06B .0413	12:22 NCR 1981		13:06 NCR 557	*						
19A NCAC 06B .0414	12:22 NCR 1981		13:06 NCR 557	*						
19A NCAC 06B .0417	12:22 NCR 1981		13:06 NCR 557	*						
19A NCAC 06B .0418	12:22 NCR 1981		13:06 NCR 557	*						
VETERINARY MEDICAL BOARD										
21 NCAC 66 .0207	12:23 NCR 2089									
21 NCAC 66 .0208	12:23 NCR 2089									

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