

NORTH CAROLINA REGISTER

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VOLUME 13 • ISSUE 18 • Pages 1501 - 1599

March 15, 1999

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Voting Rights Letter
Agriculture
Environment and Natural Resources
General Contractors, Licensing Board for
Health and Human Services
Public Education
Secretary of State
State Personnel
Rules Review Commission
Contested Case Decisions

PUBLISHED BY

*The Office of Administrative Hearings
Rules Division*

PO Drawer 27447

Raleigh, NC 27611-7447

Telephone (919) 733-2678

Fax (919) 733-3462

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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Rules Division

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mmasich@oah.state.nc.us
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Fiscal Notes & Economic Analysis

Office of State Budget and Management

116 West Jones Street

(919) 733-7061

Raleigh, North Carolina 27603-8005

(919) 733-0640 FAX

contact: Warren Plonk, Economist III

wplonk@osbm.state.nc.us

Rule Review and Legal Issues

Rules Review Commission

1307 Glenwood Ave., Suite 159

(919) 733-2721

Raleigh, North Carolina 27605

(919) 733-9415 FAX

contact: Joe DeLuca Jr., Staff Director Counsel
Bobby Bryan, Staff Attorney

Legislative Process Concerning Rule-making

Joint Legislative Administrative Procedure Oversight Committee

545 Legislative Office Building

300 North Salisbury Street

(919) 733-2578

Raleigh, North Carolina 27611

(919) 715-5460 FAX

contact: Mary Shuping, Staff Liaison

marys@ms.ncga.state.nc.us

County and Municipality Government Questions or Notification

NC Association of County Commissioners

215 North Dawson Street

(919) 715-2893

Raleigh, North Carolina 27603

contact: Jim Blackburn or Rebecca Troutman

NC League of Municipalities

215 North Dawson Street

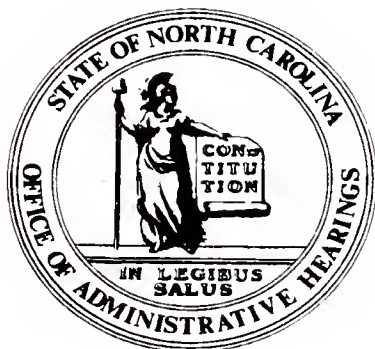
(919) 715-4000

Raleigh, North Carolina 27603

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through February 22, 1999.

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NORTH CAROLINA ADMINISTRATIVE CODE CLASSIFICATION SYSTEM

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

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Publication Schedule

(April 1999 - January 2000)

FILING DEADLINES			NOTICE OF RULE-MAKING PROCEEDINGS		NOTICE OF TEXT (either column A or column B)								TEMPORARY RULE	
volume and issue number	issue date	last day for filing	earliest register issue for publication of text	earliest date for public hearing	A. non-substantial economic impact				B. substantial economic impact				270 th day from issue date	
					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				
13:19	04/01/99	03/11/99	06/01/99	04/16/99	05/03/99	05/20/99	05/09/00	05/31/99	06/21/99	05/09/00			12/27/99	
13:20	04/15/99	03/24/99	06/15/99	04/30/99	05/17/99	05/20/99	05/09/00	06/14/99	06/21/99	05/09/00			01/10/00	
13:21	05/03/99	04/12/99	07/15/99	05/18/99	06/02/99	06/21/99	05/09/00	07/02/99	07/20/99	05/09/00			01/28/00	
13:22	05/14/99	04/23/99	07/15/99	06/01/99	06/14/99	06/21/99	05/09/00	07/13/99	07/20/99	05/09/00			02/08/00	
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EXPLANATION OF THE PUBLICATION SCHEDULE

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

GENERAL	FILING DEADLINES	NOTICE OF RULE-MAKING PROCEEDINGS	NOTICE OF TEXT
<p>The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:</p> <ol style="list-style-type: none"> (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. 	<p>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.</p> <p>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.</p>	<p>END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS: This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.</p> <p>EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT: The date of the next issue following the end of the comment period.</p>	<p>EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.</p> <p>END OF REQUIRED COMMENT PERIOD</p> <ol style="list-style-type: none"> (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.
<p>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.</p>			<p>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.</p> <p>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.</p>

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:AS:emr
DJ 166-012-3
98-3520
98-3930

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

February 3, 1999

David A. Holec, Esq.
City Attorney
P.O. Box 7207
Greenville, North Carolina 27835 - 7207

Dear Mr. Holec:

This refers to thirteen annexations (Ordinance Nos. 98-91 through 98-99, 98-109, and 98-124 through 126) and the designation of the annexed areas to districts for the City of Greenville in Pitt County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on October 20 and December 10, 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).

Sincerely,

Elizabeth Johnson
Chief, Voting Section

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

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

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

**SUBCHAPTER 2S - ENVIRONMENTAL
MANAGEMENT COMMISSION**

Notice of Rule-making Proceedings is hereby given by the Department Environment and Natural Resources in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

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

Authority for the rule-making: G.S. 143-215.104A et seq.

Statement of the Subject Matter: The Environmental Management Commission will consider adoption of rules necessary to implement the Dry-cleaning Solvent Cleanup Act of 1997, G.S. 143-215.104A et seq.

Reason for Proposed Action: The North Carolina General Assembly enacted G.S. 143-215.104A et seq., referred to as "The Dry-cleaning Solvent Cleanup Act of 1997". This law authorizes the Environmental Management Commission to engage in rule making as required to implement the dry-cleaning solvent cleanup program. The Division of Waste Management, Superfund Section, is filing notice of its intent to develop rules in order to initiate assessment and cleanup actions at eligible sites in accordance with the statute.

Comment Procedures: Written comments may be submitted to the Division of Waste Management, Superfund Section, Attention: Lisa Taber, 401 Oberlin Road, Suite 105, Raleigh, NC 27605.

accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10B .0115. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134; 113-291.1; S.L. 1981, Ch. 410; S.L. 1981 (Second Session 1982), Ch. 1180

Statement of the Subject Matter: To amend the rule for Shining Lights in Deer Areas.

Reason for Proposed Action: To set/amend regulations for shining lights in deer areas necessary to manage and conserve the resource as requested by the Avery County Board of Commissioners. The Wildlife Resources Commission has the authority to adopt this rule as a temporary rule pursuant to G.S. 15B-21.1(a1) following this abbreviated notice.

Comment Procedures: The record will be open for receipt of written comments and must be delivered or mailed to the North Carolina Wildlife Resources Commission, 512 N. Salisbury St., Raleigh, North Carolina 27604-1188.

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

**SUBCHAPTER 10B - HUNTING AND
TRAPPING**

Notice of Rule-making Proceedings is hereby given by the North Carolina Wildlife Resources Commission in

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 2 - DEPARTMENT OF AGRICULTURE

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Board of Agriculture intends to amend the rule cited as 2 NCAC 20B .0104. Notice of Rule-making Proceedings was published in the Register on January 4, 1999.

Proposed Effective Date: July 1, 2000

Instructions on How to Demand a Public Hearing (must be requested in writing within 15 days of notice): Any person may request a public hearing on the proposed rule by submitting a request in writing no later than March 31, 1999, to David S. McLeod, Secretary, North Carolina Board of Agriculture, P.O. Box 27647, Raleigh, NC 27611.

Reason for Proposed Action: To provide additional revenues for increased operating expenses of State Fair.

Comment Procedures: Written comments may be submitted no later than March 31, 1999, to David S. McLeod, Secretary, North Carolina Board of Agriculture, P.O. Box 27647, Raleigh, NC 27611.

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 20 - THE NORTH CAROLINA STATE FAIR

SUBCHAPTER 20B - REGULATIONS OF THE STATE FAIR

.0104 ADMISSION REGULATIONS

(a) All persons entering the North Carolina State Fair grounds must pay the established admission fee, except persons holding worker's permits. One-time-only admissions will be issued to those persons who are employed by the fair or are asked to appear on the grounds by the fair management for a specific purpose, relative to the operation of the fair.

(b) The gates of the North Carolina State Fair will be open to visitors from 9:00 a.m. until midnight each day of the fair. Exhibit buildings will be open from 9:00 a.m. to 9:45 p.m. daily.

(c) The State Fair Manager may operate a pass-out system at one or more of the outside gates. Persons exiting through these gates may, upon request, have their hand or vehicle stamped for readmittance through the same gate without additional charge. Readmittance must occur before 10:00 p.m. on the same day as pass-out or the hand stamp will not be honored.

(d) Outside gate admission prices are as follows:

- | | |
|-------------------------------------------|---------------------------------|
| (1) adult/child, 13 years of age and over | \$6.00 |
| (2) child, 6 through 12 years of age | \$1.00 <u>\$2.00</u> |
| (3) senior citizen, 65 and over | Free |
| (4) child, under 6 years of age | Free |

(e) Outside gate admission prices for advance ticket sales are as follows:

- | | |
|----------------------------------------------------------|--------|
| (1) adult/child, 13 years of age and over | \$5.00 |
| (2) child, 6 through 12 years of age | \$1.00 |
| (3) senior citizen, 65 and over | Free |
| (4) child, under 6 years of age | Free |
| (5) adult group sales purchasing a minimum of 40 tickets | \$4.75 |

(f) The State Fair Manager may offer to exhibitors and concessionaires a reduced rate for gate admission. If offered, such discount tickets may be purchased from the administration office. Each discount ticket shall allow one admission during each day of the fair. These cards shall be non-refundable, whether used or not, and shall be used only by persons involved with concessions or exhibits, and not for general admission.

Authority G.S. 106-503.

TITLE 16 - DEPARTMENT OF PUBLIC EDUCATION

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Education intends to adopt the rules cited as 16 NCAC 6B .0108; 6G .0311, .0502; amend the rules cited as 16 NCAC 6C .0102-.0103, .0202, .0205-.0207, .0301-.0309, .0311-.0313, .0501; 6D .0103, .0210, .0301-.0303, .0305; 6E .0202, .0301; 6G .0308-.0309; 6H .0101, .0103, .0105-.0110; and repeal the rule cited as 16 NCAC 6G .0202. Notice of Rule-making Proceedings for 16 NCAC 6D .0103; 6G .0311 was published in the Register on May 15, 1998. Notice of Rule-making Proceedings for 16 NCAC 6E .0301 was published in the Register on September 1, 1998. Notice of Rule-making Proceedings for 16 NCAC 6B .0108 was published in the Register on January 4, 1999. Notice of Rule-making Proceedings was not published in the Register under G.S. 115C-17 for 16 NCAC 6C .0102-.0103, .0202, .0205-.0207, .0301-.0309, .0311-.0313, .0501; 6D .0210, .0301-.0303, .0305, 6E .0202; 6G .0202, .0308-.0309, .0502; 6H .0101, .0103, .0105-.0110.

Proposed Effective Date: July 1, 1999

A Public Hearing will be conducted on April 2, 1999 at the Education Building, 7th Floor Board Room at:

9:00 a.m. for 16 NCAC 6D .0103; 6G .0311
 10:00 a.m. for 16 NCAC 6E .0301
 11:00 a.m. for 16 NCAC 6B .0108
 1:00 p.m. for 16 NCAC 6C .0102-.0103, .0202, .0205-.0207,
 .0301-.0309, .0311-.0313, .0501; 6D .0210, .0301-.0303, .0305;
 6G .0202, .0308-.0309, .0502; 6H .0101, .0103, .0105-.0110.

Reason for Proposed Action:

16 NCAC 6B .0108 - The General Assembly directed the State Board of Education to adopt rules to exempt supplies, equipment, and materials related to student transportation from the law allowing purchasing flexibility, G.S. 115C-522.1.

16 NCAC 6D .0103 - Regarding computer skills, many schools, parents and students expected the provision to be in effect currently and they requested that the requirement not be delayed. Regarding earth/environmental science, many school systems have indicated that they need an additional year to prepare staff and to develop curriculum before this requirement is effective.

16 NCAC 6E .0301 - The General Assembly directed the State Board of Education to work with two other agencies to develop coordinated rules for the implementation of the driving eligibility program established by SL 1997-507. These rules were first adopted as temporary rules.

16 NCAC 6G .0311 - G.S. 115C-105.38A requires the State Board of Education to require certain certified staff members in low-performing schools to pass a general knowledge test. This rule implements that requirement.

16 NCAC 6C .0102-.0103, .0202, .0205-.0207, .0301-.0309, .0311-.0313, .0501; 6D .0210, .0301-.0303, .0305; 6E .0202; 6G .0202, .0308-.0309, .0502; 6H .0101, .0103, .0105-.0110 - Agency proposes to change the term "certificate" to "license" in Subchapter 6C and to make other clarifying changes throughout Title 16.

Comment Procedures: Comments may be presented orally at the hearings or in writing or e-mail submitted to the Rule-making Coordinator Harry E. Wilson, 301 N. Wilmington St., Raleigh, NC 27601-2825, hwilson@dpi.state.nc.us by April 15, 1999.

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

**CHAPTER 6 - ELEMENTARY AND SECONDARY
EDUCATION**

**SUBCHAPTER 6B - STUDENT TRANSPORTATION
SYSTEM**

.0108 PURCHASING FLEXIBILITY EXEMPTION

All supplies, equipment, and materials related to student transportation shall be exempted from the purchasing flexibility granted to LEAs under G.S. 115C-522.1.

Authority G.S. 115C-522.1(e).

SUBCHAPTER 6C - PERSONNEL

SECTION .0100 - GENERAL PROVISIONS

.0102 NATURE OF LICENSURE

(a) The SBE ~~exercises~~ shall exercise its ~~certification~~ licensing authority through the Department in two general areas:

- (1) The SBE ~~considers~~ shall consider for approval the teacher education programs of IHEs ~~which that~~ belong to the SACS and ~~which that~~ meet the requirements of Rules .0202-.0206 of this Subchapter.
- (2) The SBE ~~awards certification~~ shall award licenses to individuals who desire to obtain employment as a professional public school employee and who meet the requirements of Section .0300 of this Subchapter.

(b) The SBE ~~bases~~ shall base its approval on the requirements ~~which that~~ are in effect at the time the IHE or the individual applies for approval.

Authority N.C. Constitution, Article IX, Sec. 5.

.0103 STATE BOARD OF EDUCATION ACTION

(a) The SBE ~~awards or denies~~ shall award or deny approval to teacher education programs by the process described in 16 NCAC 6C .0202.

(b) The SBE ~~acts~~ shall act on personnel ~~certification~~ license requests according to the process contained in 16 NCAC 6C .0301.

Authority G.S. 115C-284(c); 115C-296; 115C-315(d).

SECTION .0200 - TEACHER EDUCATION

.0202 APPLICATION FOR APPROVAL; CRITERIA

(a) Each IHE ~~which that~~ seeks approval for any teacher education program must file with the Department a preliminary application in the form prescribed by the SBE.

(b) The IHE will engage in self-study in accordance with the existing NCATE/state protocol agreement.

(c) When the IHE has completed all preparation phases of the self-study, the Department shall send a visitation committee to verify the reports for all specialty areas for which approval is sought.

(d) The SBE shall notify IHEs ~~which that~~ are denied approval of the reasons for denial. The IHE may reapply after it has corrected the conditions ~~which that~~ led to the denial of approval.

(e) Each approved IHE shall continually review its programs. The SBE will annually monitor student performance based upon required examinations and progression toward continuing ~~certification~~ licensure. The IHE may request or the SBE may conduct a re-evaluation at any time.

(f) During the final year of the current approval period, the IHE shall arrange for a re-approval committee visit.

(g) Approved IHEs shall make annual reports of such information as the SBE requests.

(h) The SBE must approve any revisions to approved programs.

(i) The SBE must approve each teacher education program

before an IHE may recommend its graduates for certification-licensure. In making recommendations to the SBE and in determining the approval status of an IHE teacher education program and its specialty area program, such as mathematics or science, the state evaluation committee and the SBE, respectively, will weigh the following criteria:

- (1) SACS accreditation of the IHE;
- (2) either:
 - (A) full accreditation or accreditation with stipulations of the professional education unit by the national council for accreditation of teacher education (NCATE) at the basic and advanced levels, as appropriate; or
 - (B) approval of the professional education unit by the state program approval process as follows:
 - (i) the standards for unit approval must be equal to or higher than those applied by NCATE; and
 - (ii) the state review team must include out-of-state evaluators.
- (3) approval of all IHE specialty area programs by the state program approval process in accordance with established SBE rules at the undergraduate and graduate levels, as appropriate;
- (4) evidence that the IHE requires a 2.50 grade point average on a 4.00 scale for formal admission into teacher education;
- (5) evidence that during the two preceding consecutive years, 70 percent of the graduates of the IHE have passed the NTE on professional knowledge and on appropriate specialty area tests as established by Rule .0310 of this Subchapter;
- (6) evidence that during the two preceding consecutive years, 95 percent of the graduates of the IHE employed by public schools in the State have earned a continuing certificate license as provided by Rule .0304 of this Subchapter; and
- (7) evidence that faculty members assigned by the IHE to teach undergraduate or graduate methods courses or to supervise field experiences for prospective teachers hold valid North Carolina teachers' certificates licenses in the area(s) of their assigned responsibilities.

Authority G.S. 115C-12(9)a.; 115C-296(b); N.C. Constitution, Article IX, Sec. 5.

.0205 STATE BOARD REVIEW STANDARDS AND APPROVAL ACTIONS

(a) Each IHE seeking approval must present documentation for each specialty area that:

- (1) the state-approved professional studies guidelines for all certificated licensed school personnel are adequately addressed;
- (2) the state-approved professional studies competencies common to all certificated licensed school personnel are adequately addressed;
- (3) candidates for admission to certification licensure

preparation programs meet minimum score requirements adopted by the SBE on Core Batteries I (Communication Skills) and II (General Knowledge) the Preprofessional Skills Test (PPST) (Reading, Writing, and Mathematics) of the NTE before formal admission can occur. Undergraduate degree-seeking students do not complete more than one-half of the professional studies sequence (excluding student-teaching/internship) before being formally admitted into the certification license preparation program;

- (4) sequentially planned field experiences for undergraduate degree-seeking students begin early in the student's program and culminate in a continuous and extended minimum ten-week period of student teaching in the area in which the student seeks certification a license. All field experiences are supervised and formal evaluations involving faculty, cooperating teachers and students occur as appropriate;
- (5) preparation for entry certification licensure at the advanced level includes supervised internship or field experiences appropriate to the role(s) for which students are being prepared. These experiences are the basis for applying theory to practice, developing competencies at a high proficiency level, and evaluating the candidate's performance;
- (6) the goals and objectives of the specialty studies are clearly stated in writing, are readily accessible to faculty, students and other consumers and reflect a clear conception of the role(s) in the public schools for which students are being prepared;
- (7) an appropriate balance among general studies, specialty studies and professional studies exists at the undergraduate level to assure a well-rounded education for students;
- (8) the program of specialty studies complies with state-approved guidelines for the certification license area in which the student is being prepared;
- (9) the specialty studies complies with state-approved competencies for the certification license area in which the student is being prepared;
- (10) master's, sixth-year (e.g., CAS, Ed.S.) and doctoral curricula are clearly delineated and differentiated from one another and from the undergraduate curriculum;
- (11) requirements for certification-only license-only students are clearly described and comparable to those for degree-seeking students;
- (12) each faculty member teaching in the specialty area demonstrates competence in the area(s) of assignment;
- (13) one appropriately specialized faculty member full-time to the institution is assigned major responsibility for teaching in and coordinating each specialty area offered. To ensure diversity, there must be a sufficient number of additional faculty, appropriately specialized, to deliver the level(s) offered; e.g., undergraduate, master's, specialist. Each advanced degree program that leads to the doctorate has at least

three full-time faculty who have earned the doctorate in the field of specialization for which the degree is offered;

- (14) among the credentials of the faculty delivering (e.g., teaching, directing, coordinating) the specialty area, there is evidence of recent, substantive involvement with public school students, staff members or programs;
- (15) among the credentials of adjunct/part-time faculty delivering the specialty area there is evidence of recent, substantive involvement with the institution via students, other faculty or program development;
- (16) specialized books and periodicals, current curriculum guides, textbooks and courses of study adopted by local school systems and the SBE, instructional media, equipment and other forms of technology, testing materials and supplies for the production of teacher-made materials and library resources for the specialty studies are available and adequate in number to serve the student population;
- (17) instructional resources for the specialty area are organized for accessibility and there is evidence of use by both students and faculty;
- (18) appropriate and sufficiently-equipped classroom space is provided to meet the needs of each specialty area;
- (19) adequate facilities, including sufficient office space, are provided to serve the needs of staff and faculty, to counsel students, and to work effectively with local school personnel; and
- (20) an annual review of the specialty area is conducted and the resulting data are applied, as appropriate, for program improvement.

(b) All IHEs with existing teacher education programs must have an NCATE/State review completed by December 31, 1992. Students who have been formally admitted before June 30, 1993 into a program that leads to certification licensure may complete that program and be eligible to be recommended for certification licensure on the condition that they complete such programs no later than June 30, 1995. After December 31, 1992, IHEs seeking initial approval for teacher education must be reviewed by NCATE/State to be eligible for SBE approval.

(c) The SBE shall receive and consider recommendations for approval action on an IHE from its state evaluation committee on teacher education. The SBE shall accept any comments or additional information submitted by the IHE before making its decision under this Rule. The SBE shall render separate approval decisions at all levels appropriate to an IHE and its specialty area programs as follows:

- (1) Full approval. This status ~~indicates~~ shall indicate that the IHE teacher education and specialty area programs at all levels are judged to be fully qualified to produce effective teachers for the public schools. The SBE ~~grants~~ shall grant approval for a five-year period. The SBE or the IHE may call for an interim on-site review at any time during the five year period if conditions warrant that action.
- (2) Full approval with stipulation(s). This status ~~specifies~~ shall specify minor exceptions that the IHE must

address within one year. The exceptions will be limited to those that can be easily corrected and verified in a written report or by a small on-site State visitation team. The SBE will grant full approval if the IHE corrects the exceptions within the specified time. If the IHE does not correct the exceptions within the specified time, the SBE will place the IHE on provisional status. Approval for a five-year period ~~begins~~ shall begin with the date of the initial action by the SBE.

- (3) Provisional approval. This status ~~specifies~~ shall specify critical deficiencies that the IHE must address within three years. The SBE may provisionally approve all programs at the IHE or individual specialty area programs or levels. The IHE must:
 - (A) submit to the SBE an annual written report of its actions taken to correct the deficiencies;
 - (B) be visited annually by a consultant from the ~~division of teacher education services of the Department, Human Resource Management Division, Teacher Education Section,~~ who monitors ~~shall monitor~~ the IHE's progress; and
 - (C) be reevaluated for compliance by an on-site State visitation team.

The SBE will grant full approval or full approval with stipulations if the IHE corrects the deficiencies within the specified time. If the IHE does not correct the deficiencies within the specified time, the SBE will deny approval. Approval for a five-year period ~~begins~~ shall begin with the date of the initial action by the SBE.

- (4) Denial of approval. This status ~~occurs~~ shall occur when an IHE or one or more of its specialty areas or levels are judged to be unqualified to produce effective teachers for the public schools. After the IHE receives notice of the denial, no students completing the program will be eligible for certification licensure except those who were formally admitted to the program before the IHE received notice of the denial. An IHE must wait one year before beginning the process of seeking approval.

Authority G.S. 115C-12(9)a.; 115C-296(b). N.C. Constitution, Article IX, Sec. 5.

.0206 CONSORTIUM-BASED PROGRAMS AND INNOVATIVE/EXPERIMENTAL PROGRAMS

(a) A consortium-based teacher education program is ~~shall be~~ an alternative to the regular approved program ~~which that~~ involves IHEs, public schools, professional groups and the Department in the planning and implementation of programs.

(b) The consortium shall receive approval by the SBE before it implements an alternative program. The application process described in Rule .0202 of this Section ~~applies~~ shall apply to alternative programs. The Department shall issue a certificate license to all graduates of these approved programs who are recommended by the consortium and who otherwise meet certification licensure requirements.

(c) When the Department receives a proposal to establish an alternative program, it shall review the proposal, including making on-site visits with agencies as required. The State Evaluation Committee on Teacher Education shall consider staff recommendations and make its own recommendations to the SBE for approval.

(d) The SBE shall approve programs ~~which~~ that meet the following standards:

- (1) The program is shall be planned, developed, implemented and evaluated by a consortium of agencies, including IHEs, local school administrative units, professional groups and the SBE.
- (2) ~~The program is appropriately organized and administered.~~ Consortium-based programs ~~are~~ shall be developed and implemented according to an established managerial structure ~~which~~ that describes activities and relationships.
- (3) The program ~~has~~ shall have sufficient and appropriate ~~supportive~~ human and physical ~~resources.~~ resources to support the program.
- (4) The consortium ~~develops~~ shall develop entry requirements and levels of competency expected.
- (5) The program ~~addresses~~ shall address the needs of the students.
- (6) The program ~~includes~~ shall include exit levels of competence, a procedure for recommending ~~certification, licensure,~~ and a follow-up process.

(e) The SBE may grant approval to an IHE to develop a new innovative or experimental teacher education program. The SBE shall consider for approval such a program based on documentation that the proposed innovation is sound and has the potential for strengthening the preparation process for professional personnel. The SBE will evaluate the program annually based on a written report submitted to it by the IHE or by an on-site State visitation team to assure that the IHE is producing prospective teachers who can function effectively in the public schools of the State.

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

.0207 PROSPECTIVE TEACHER SCHOLARSHIP LOANS

(a) Recipients of prospective teacher scholarship loans who attend a college or university will receive up to ~~two thousand dollars (\$2,000)~~ two thousand five hundred dollars (\$2,500) per year to pay for courses, fees and books. Recipients of prospective teacher scholarship loans who attend a technical/community college will receive nine hundred dollars (\$900) per year to pay for courses, fees and books.

(b) Scholarship loans ~~are~~ shall be available only to legal residents of North Carolina. To be considered a legal resident, a person must have lived in the state for at least 12 months before applying for the loan.

(c) Persons who are in default on another student loan will not be eligible for a scholarship loan under this Rule.

(d) Scholarship loan recipients must enroll in and attend a public or private college or university in this state with an

approved teacher education program, or a technical/community college in this state with a program of study that leads to teacher licensure.

(e) A recipient's scholarship loan may be continued during periods of study abroad only if the recipient remains enrolled in a North Carolina college or university and receives credit toward completion of requirements for the work completed while abroad.

(f) Scholarship loans may not be used to obtain credits through correspondence courses or extension courses even if the recipient uses less than the maximum amount as an undergraduate.

(g) The Department may cancel a loan if the recipient:

- (1) willfully reports requested information that is erroneous or incomplete;
- (2) fails to complete and return requested forms by the required dates;
- (3) fails to pursue a full-time program in teacher education or withdraws permanently from college;
- (4) is not admitted to the college's teacher education program;
- (5) is convicted of a felony or other crime involving moral turpitude, possession or use of controlled substances, or other grounds for which a teaching certificate may be revoked under 16 NCAC 6C .0312;
- (6) does not maintain a 2.5 cumulative average for the freshman year and a 3.0 cumulative average for each of the following years, based upon a 4.0 grading scale; or
- (7) fails to keep the Department informed of any address change or change in status as a prospective teacher.

(h) Upon cancellation or default, the entire principal balance, together with accrued interest, ~~becomes~~ shall become immediately due and payable.

(i) Once a recipient receives a license based upon the entry-level degree, the amount of the loan and accrued interest must be repaid by either employment as a regular full-time teacher or by making cash payments. Recipients who do not begin teaching in the school year following their qualifying for licensure must begin repayment upon their failure to begin teaching. Repayment shall be made in full or in equal monthly payments as determined by the Department, contingent upon the number of notes received.

(j) For purposes of credit for teaching, "full school year" ~~means~~ shall mean a minimum of six calendar months within one school year. Service as a tutor, a substitute teacher, a part-time teacher or a teacher in a non-public school ~~does~~ shall not qualify as service credit for loan repayment.

Authority G.S. 115C-471.

SECTION .0300 - CERTIFICATION

.0301 GENERAL INFORMATION

(a) Any person who desires to obtain employment from a LEA in a professional position shall apply for and obtain ~~certification~~ a license from the Department. Each applicant shall file an application in the form prescribed by the Department,

together with an official transcript(s), a recommendation by a designated official of the approved IHE where preparation was completed, and the ~~certification licensure fee in an amount which the SBE determines annually; specified in G.S. 115C-296(a2).~~

(b) The Department ~~evaluates~~ shall evaluate each application and its supporting documentation and ~~notifies~~ shall notify each applicant of the action it takes.

(c) An applicant who desires to upgrade, renew or add new fields to a ~~certification license~~ shall supply documentation to the Department which that supports the desired action.

(d) A class "A" teaching ~~certification license~~ may be changed from early childhood, intermediate, middle grades or secondary to either of the other categories upon the applicant's completion of the appropriate program for such certification; the license. An applicant who secures credit for new subject or teaching fields may have these fields added to a teaching ~~certification license.~~

(e) All ~~certificates licenses~~ issued by the Department are shall be effective July 1 of the year of issue or upon the date that the requirements are completed. Certificates are Licenses shall be valid for the remainder of the fiscal year in which the person establishes certification licensure qualifications with the Department or up to a five year period following July 1 or the date the person completes certification licensure requirements. Five-year dating cycles are shall be initially based on the completion of credit requirements to qualify for certification, licensure, the completion of certificates license renewal, or a valid certificate license held from another state with which reciprocity has been established. New five-year dating cycles are shall be established only when an expired certificate license is renewed; renewed or upon the completion of initial licensure requirements.

(f) Any ~~certificated licensed~~ person may apply to the Department on forms which that it furnishes shall furnish for a duplicate ~~certificate, license,~~ in the event the original is lost, or for the change of the applicant's name.

(g) Professional personnel may be assigned only to areas in which the individual holds ~~certification, a license, a provisional certification, license,~~ endorsement or provisional endorsement as required by the Department. The LEA may assign any ~~certified licensed~~ teacher who is the best qualified to teach remedial courses, regardless of certification license area. This provision does shall not apply to any vocational certificate license which that has been restricted by the Department as a part of completing certification licensure requirements.

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

.0302 CREDIT

(a) The Department ~~computes~~ shall compute all credit for ~~certification, licensure,~~ including residence, extension and correspondence credit, in semester hours. The Department ~~computes~~ shall compute credit for ~~recertification re-licensing or~~ renewal purposes in quarter hours. A quarter hour ~~has~~ shall have the value of two-thirds of a semester hour.

(b) The Department may accept extension and correspondence credit earned from an accredited IHE at the class

"A" ~~certification license~~ level and below, for purposes of renewal, adding a teaching subject and removing deficiencies. The Department will allow no more than six semester hours of correspondence credit per certificate action. For purposes of upgrading undergraduate certificates, licenses, a maximum of 10 of the 30 semester hours required for raising the certificate license to the next higher level may be extension and correspondence credit. The approved IHE shall accept all credits applying to graduate certificates licenses and certificates licenses in the special services areas, including all certificates licenses above the "A" level.

(c) When a person earns credits in more than one IHE before obtaining a degree, the person shall transfer the credit to an approved IHE ~~which that~~ the person has attended or expects to attend. The person must be enrolled in an approved teacher education curriculum at the IHE.

(d) A person may use credit used for renewal or reinstatement of a ~~certification license~~ of lower rank toward upgrading a certificate, license.

(e) The Department will retain all credits submitted to it. The Department will not return transcripts nor furnish certified copies of credits to applicants.

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

.0303 PROGRAM REQUIREMENTS FOR LICENSURE

In order to receive the initial regular ~~certificate, license,~~ an applicant must obtain the bachelor's or other required degree. The applicant must also receive a recommendation from the IHE ~~which that~~ includes the approval or endorsements of ~~both the administrative head of the professional education unit, unit and the departments or areas in which certification is sought.~~ The IHE must determine that the candidate has satisfied all minimum score requirements on standard examinations specified by the SBE before it makes a recommendation.

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

.0304 LICENSE PATTERNS

(a) ~~Certificates Licenses shall indicate grade levels, content areas, areas and specializations and preparation levels for which the professional has been prepared. shall be eligible for employment, as well as preparation and experience levels.~~

(b) ~~Certificates are Licenses shall be~~ of the following types:

- (1) Teacher. The ~~certificate entitles license shall entitle~~ the holder to teach in some designated area of ~~specialization; specialization at the elementary, middle, or secondary level.~~ There ~~are~~ shall be four levels of preparation:

(A) bachelor's degree; degree (A level);

(B) master's degree; degree (G level);

(C) sixth-year; sixth-year (AG level); and

(D) doctorate; doctorate (DG level).

The teacher license shall further be categorized as prekindergarten B-K, elementary K-6, middle grades

6-9, secondary 9-12, special subjects K-12, and work force development.

- (2) Administrator/supervisor. The holder may serve in general generalist and program administrator roles such as superintendent, assistant or associate superintendent, principal, assistant principal or curriculum-instructional specialist. There are shall be three levels of preparation:

- (A) master's degree;
- (B) sixth-year; and
- (C) doctorate.

- (3) Student services area. The holder may provide specialized assistance to the learner, the teacher, the administrator and the education program in general. This category ~~includes the counselor and school psychologist. shall include school counseling, school social work, school psychology, audiology, speech language pathology, and media.~~ There are shall be three levels of preparation as in the case of the administrator/supervisor, except that the ~~school psychologist is school psychology shall be~~ restricted to the sixth-year or doctorate levels. levels and school social work may be earned at the bachelor's level.

(c) The Department bases shall base certificate license classification on the level and degree of career development and competence. There are shall be two classifications of certificates: licenses:

- (1) The initial certificate, license, which is shall be valid for two three years, allows shall allow the holder to begin practicing the profession on an independent basis. Only those persons who are actually beginning in the profession require initial certification. Persons who seek certification in this state for the first time and who have two years of appropriate experience as determined by the department are eligible for a continuing certificate. The holder must serve at least one period a day for two years in a teaching assignment appropriate to the holder's area of initial certification. If the holder is not appropriately placed in field for a two-year period the holder and/or the holder's employer must apply to the department to extend the initial certificate. The department may extend the initial certificate for up to two years, provided that the extension occurs within five years of the date of qualification as determined by the dating and/or renewal requirements contained in Rules .0301(e) and .0307 of this Subchapter. The holder may have the certificate changed to a continuing certificate as provided in subparagraph (d) of this Rule.

- (2) The continuing certificate authorizes license shall authorize professional school service on a continuing basis. an ongoing basis, subject to renewal every five years. This classification includes three categories:

- (A) teacher (class "A" undergraduate and class "G" graduate) in the following areas:
 - (i) early childhood education, K-4;
 - (ii) intermediate education, 4-6;

- (iii) middle-grades education, 6-9;
- (iv) secondary specializations, 9-12;
- (v) special areas; and
- (vi) occupational.

- (B) administrator; and
- (C) education specialist.

(d) To convert the initial certificate to a continuing certificate, the holder must serve two years with a LEA or a non-public school that has a comprehensive program plan for initially certified personnel that meets the criteria contained in this subparagraph and that is approved by the SBE; meet the performance criteria for conversion of an initial certificate to a continuing certificate; and be recommended by the locally designated official of the LEA or non-public school by which the holder is employed. For purposes of this Rule, "year" means not less than six successive calendar months of full time employment in one LEA or non-public school with an approved program plan.

- (1) Each LEA shall develop a comprehensive program plan for initially certified personnel and present the plan to the SBE for approval. Non-public schools that have a state approved plan to administer the certificate renewal program may also submit a plan for approval. Both LEAs and non-public schools must update their plans by October 15 of each year and submit those plans to the SBE. Each plan must:

- (A) describe adequate provisions for efficient management of the program;
- (B) provide for formal orientation for initially certified personnel describing available services, training opportunities and the process for achieving a continuing certificate;
- (C) provide for the assignment of a mentor team or support team, as determined by the LEA or non-public school, for each initially certified person;
- (D) provide for the principal or principal's designee to share responsibility for providing support, where the LEA or non-public school deems a mentor team to be the appropriate support;
- (E) include on the support team a career status teacher, the principal or principal's designee, and a generalist or a specialist in curriculum/instruction. Other personnel such as HHE members or central office supervisor/administrator staff may be used as resources to the team as needed;
- (F) provide for a minimum of three observations per year, using the first five function areas of the North Carolina Teacher Performance Appraisal Instrument/Initial Certification for teachers, the first of which must be for at least one period or instructional activity, preceded by a pre-conference and followed by a post-conference. The others may be unannounced but must be for at least one period or instructional activity and be followed by a post-conference. All persons who observe teachers

must be trained in the use of the first five function areas of the performance appraisal instrument for teachers. The first observation must occur before October 30, the second must occur between October 30 and January 15, and the third must occur after January 15 and before April 15;

- (G) provide for the preparation of an individualized professional development plan for each initially certified person that identifies goals, strategies and progress toward improving professional skills;
 - (H) provide for structure to identify and deliver services and technical assistance needed by initially certified personnel;
 - (I) provide for maintenance of a cumulative portfolio that contains the professional development plan and official documentation of performance in the first five function areas of the performance appraisal instrument;
 - (J) provide for the timely transfer of the cumulative portfolio to additional employing LEAs within the state upon request of an initially certified employee;
 - (K) assure that the program plan was developed together with IHE(s) having approved teacher education programs and describe their continuous involvement with the program;
 - (L) describe a plan for the systematic evaluation of the program to assure program quality, effectiveness, and efficient management;
 - (M) designate a person to verify successful completion of the two-year initially-certified program and make recommendations; and
 - (N) document that the LEA or non-public school has adopted the plan.
- (2) No later than April 15 of the second year of employment of the initially certified person, the locally designated official shall determine whether the person will be recommended for conversion to a continuing certificate. The official makes this determination based on the information contained in the holder's cumulative portfolio. The official shall not recommend for conversion any person who has not performed "at standard" or higher on each of the first five function areas of the performance appraisal instrument for teachers on the final observation prior to April 15 of the second year of employment.
- (A) The official makes the recommendation on a form prescribed by the department. The department reviews each recommendation to determine whether the person has in fact achieved at least the required at standard performance level. If the person has achieved the required performance level, the department shall approve the recommendation of the locally designated official. If the person has not achieved the required performance level, the

department shall not approve the issuance of a continuing certificate.

- (B) Any person not recommended for conversion from an initial certificate to a continuing certificate may have that action reviewed by filing a contested case petition in accordance with Article 3 of Chapter 150B of the General Statutes. As an alternative, the person may contact an approved teacher education program and complete a program of study as prescribed by the IHE to correct deficiencies. After the person successfully completes the required additional training, the IHE must recommend the person for a new initial certification. The holder must then satisfy the performance requirements of this Subparagraph.
- (3) The continuing certificate authorizes professional school service on a continuing basis. This classification includes three categories:
 - (A) teacher (class "A" undergraduate and class "G" graduate) in the following areas:
 - (i) elementary education, K-6;
 - (ii) middle grades education, 6-9;
 - (iii) secondary specializations, 9-12;
 - (iv) special areas, K-12; and
 - (v) occupational;
 - (B) administrator/supervisor; and
 - (C) student service personnel.

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

.0305 LICENSES FOR NON-TEACHER EDUCATION GRADUATES

(a) A person who has not graduated from an approved teacher education program who later desires to teach shall have his/her credentials evaluated by an approved IHE or teacher education consortium. The person shall satisfy the assessment of his/her needs and be recommended by the IHE or consortium for certification: a license.

(b) Persons who have been selected for employment by a LEA under the lateral entry provisions of G.S. 115C-296(c) may obtain certification a license as follows:

- (1) The applicant and the LEA must file a joint application with the department, including all supporting credits, experience, test scores, and other pertinent information. To be eligible for a lateral entry license, a person shall:
 - (A) have attained a bachelor's degree in the license area from a regionally-accredited IHE;
 - (B) be recommended for a lateral entry license by the employing LEA; and
 - (C) have had a minimum cumulative grade point average of at least a 2.5 or have passed the NTE PRAXIS 1 exams (Preprofessional Skills Tests in Reading, Writing, and Mathematics) and have attained one of the following:
 - (i) a grade point average of at least 3.0 on

- (ii) all work completed in the senior year;
a grade point average of at least 3.0 in the major; or
 - (iii) a grade point average of at least 3.0 on a minimum of 15 semester hours of coursework completed within the last five years.
- (2) The department issues lateral entry certification in the same areas and classes as it issues to regular teacher education graduates. A person who holds a lateral entry license shall complete a program that includes the following components:
 - (A) The employing LEA shall assess the person's transcripts and experience in collaboration with an approved teacher education program of an IHE or an alternative licensure program approved by the SBE. If the collaboration cannot occur, the LEA must document its efforts toward collaboration or the reasons why collaboration did not occur. The LEA must send that documentation with its recommendation that the person be issued a lateral entry license. As a result of the assessment, the LEA may identify competencies for which the person must receive training.
 - (B) The employing LEA shall commit in writing to:
 - (i) provide a two-week pre-work orientation that includes lesson planning, classroom organization, classroom management, and an overview of the ABCs Program including the standard course of study and end-of-grade and end-of-course testing;
 - (ii) assign the person a mentor on or before the first day on the job;
 - (iii) provide working conditions that are similar to those for novice teachers;
 - (iv) give regular focused feedback to the person for improving instruction; and
 - (v) assist the person in accessing prescribed course work and professional development opportunities.
 - (C) The person shall attain passing scores on appropriate NTE specialty area or PRAXIS 2 exams during the first two years of assignment.
 - (D) The person shall complete a staff development program that includes a two-week training course prior to beginning the work assignment, together with nine renewal hours or six semester hours each year.
 - (E) The person shall successfully complete the three-year initial licensure program in the lateral entry license area the person is seeking.
 - (F) The person shall present evidence from evaluations that demonstrates three years successful experience in the license area the person is seeking.
 - (G) The person shall attain a passing score on the PRAXIS principles of learning and teaching examination upon completion of the training identified as a result of the assessment described in Part (b)(2)(A) of this Rule.
 - (H) The person shall complete all requirements of this Rule within five years of becoming eligible for a lateral entry license.
 - (I) The IHE or alternative licensure program approved by the SBE shall recommend to the Department that the person be licensed.
- (3) The department issues these certificates subject to the provisions of Rule .0311 of this Section.
- (4) ~~Teachers who obtain certification under this Paragraph must have their credentials evaluated by an IHE which has an approved teacher education program. The IHE should consider the teacher's knowledge and skill from previous training and experience as it relates to those competencies required for the area of certification.~~
- (5) ~~The teacher may substitute successful teaching experience for the student teaching requirement.~~
- (6) ~~The teacher must obtain a satisfactory score on the NTE at the next available administration of the NTE, or may substitute the Graduate Record Examination, in order to maintain a valid certificate.~~
- (7) ~~Persons who have fulfilled all degree requirements other than some minor or technical deficiency may apply for certification under this Paragraph. The person may not have more than six semester hours' shortage and the person must satisfy that shortage before the beginning of the next fiscal year.~~
- (c) A person who is qualified to hold at least a class "A" teaching certificate license may be issued additional areas of certification licensure on a provisional basis as needed by LEAs. The person must satisfy deficiencies for full certification licensure at the rate of six semester hours per year. The person must complete this yearly credit before the beginning of the following school year and the credit must be directly applicable to the provisional area(s). The person must complete all credit requirements by the end of the fifth year of provisional certification licensure.
- (d) The Department shall issue an emergency license to persons who hold at least a baccalaureate degree but who do not qualify for a lateral entry license. The emergency license shall be valid for one year and may not be renewed. When it requests an emergency license for a person, the LEA must document that no appropriately licensed professionals or persons who are eligible for a lateral entry license are available to accept the position.
 - (1) To be eligible for an emergency license, the person must have attained a bachelor's degree from a regionally-accredited IHE and be recommended by the employing LEA.
 - (2) A person who holds an emergency license shall complete a program that includes the following components:
 - (A) The employing LEA shall commit in writing to:

- (i) provide a two-week pre-work orientation that includes lesson planning, classroom organization, classroom management, and an overview of the ABCs Program including the standard course of study and end-of-grade and end-of-course testing;
- (ii) assign the person a mentor on or before the first day on the job;
- (iii) provide working conditions that are similar to those for novice teachers;
- (iv) give regular focused feedback to the person for improving instruction; and
- (v) assist the person in obtaining a teaching license.
- (B) The person shall complete a staff development program that includes a two-week training course prior to beginning the work assignment.
- (C) The LEA shall provide the person with on-going support designed to enhance the person's classroom teaching performance.

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

.0306 LICENSE ENDORSEMENT

Within the operation of approved programs, IHEs may recommend persons who qualify for full certification licensure for an endorsement to that certification licensure. The Department issues shall issue an endorsement based on a minimum of 18 hours in a specific content area where these hours are specifically related to competencies required for full certification licensure in that subject area. Certificate License endorsements are shall be restricted to less than half-time teaching assignments.

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

.0307 LICENSE RENEWAL

(a) Certificates Licenses shall be valid for a period of five years from the effective date of issuance. Holders must renew their certificates licenses within each five-year period. The Department shall apply license renewal credit to the person's certificate license field(s) and professional duties.

(b) The Department shall base renewal or reinstatement of a certificate license on 15 units of renewal credit. A unit of credit is equal to one quarter hour or two-thirds of a semester hour of IHE college or university credit, 10 hours of professional development, or one school year of teaching experience. The Department shall not record less than one credit on a certificate. For their own employees, LEAs may approve staff development activities that carry less than one unit of credit.

(c) Currently employed personnel shall maintain a professional an individual growth plan. These persons may obtain renewal credit for the following activities:

- (1) college or university credit activities; credit;

- (2) teaching experience (one unit for every each year);
- (3) completion of the National Board for Professional Teaching Standards certification process;
- (3)(4) local in-service courses or workshops which carry at least one unit of renewal credit and which completion of activities that meet the following criteria:
 - (A) ten clock hours of direct training by the instructor will equal one unit of renewal credit; The activity shall be delivered in a minimum of 10 clock hours (one unit of renewal credit) over time with on-the-job application, feedback, and follow-up.
 - (B) content and instructional activities designed in a sequential manner to develop specified competencies of a specific population; The activity shall have identified goals and objectives that are designed to increase knowledge or skills in the person's license area or job assignment.
 - (C) The activity shall include focused content and instruction that are sequenced to develop specified competencies of a specific population.
 - (C)(D) The activity shall be conducted led by instructional personnel directly supervised by the sponsoring school unit; and unit or employer.
 - (D)(E) credit is granted on the basis of program completion and achievement of specified individual performance, which is determined by individual evaluation for specified competencies; The activity shall include a focused evaluation designed to gauge the change in learner knowledge or skill and to guide the development of future programs.
- (4)(5) independent study of no more than five units of renewal credit per five-year renewal period which meets the following criteria:
 - (A) teachers and other certified licensed personnel help to develop local independent study procedures which the superintendent keeps on file and periodically sends to each certified licensed employee; and
 - (B) the employee and the superintendent or his or her designee plan the experience in advance, including identification of competencies to be acquired and an evaluation to determine satisfactory achievement of those competencies.
 - (d) Each LEA LEAs and approved governing boards of schools are responsible for assuring that all local courses and courses, workshops and independent study activities which do not carry IHE credit meet the standards contained in this Rule.
 - (e) LEAs may develop an alternative license renewal plan that is competency-based and results-oriented. The plan must describe the connection among professional development, the school improvement plan, and the individual's license area or job responsibilities through processes such as peer review and

annual evaluation. The plan may waive specific hour requirements that a licensed employee must meet and focus instead on knowledge and skill acquired by participants. The plan must include outcome measures and must be approved by the Department in advance of its completion.

~~(e)(f)~~ Agencies which the Department authorizes to administer renewal requirements locally shall LEAs must adopt a procedure to determine the appropriateness of credit in advance of the renewal activity. activities. In determining appropriateness the agency LEA must consider direct relationship to critical job responsibilities, suitability of the content level and properly established school improvement plans, and SBE strategic priorities to properly establish credit for the activity. Each agency LEA must report on participation in and effectiveness of renewal professional development activities as the Department requests, to the North Carolina Professional Teaching Standards Commission on an annual basis.

~~(f)(g)~~ Persons who hold a North Carolina certificate license but who are not currently employed in the public schools or by approved boards may earn renewal credit in college or university credit activities, or local courses and workshops on the same basis as currently employed persons. The Department shall evaluate the appropriateness of the credits based on their direct relationship to the license field, the suitability of the content level, and the requirements set out in Paragraph (c) of this Rule.

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

.0308 EXPIRED LICENSES

All expired certificates licenses are shall be invalid until reinstated. An applicant must earn a minimum of 15 units of appropriate credit during the five-year period immediately preceding the date of application for reinstatement to be eligible for reinstatement. A reinstated certificate is license shall be valid for a five-year period which that begins from the date of completion of the required credits.

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

.0309 RECIPROCITY IN LICENSURE

Persons who have not completed an approved teacher education program in this state may be eligible for certification a license by the Department at the class "A" level as follows:

- (1) graduates of institutions outside the state which that are accredited by the National Council for Accreditation of Teacher Education, provided that:
 - (a) the applicant seeks certification a license in his major area(s) of preparation;
 - (b) the applicant is recommended by the preparing institution for certification a license in his major area(s) of preparation;
 - (c) the recommendation is supported by an official transcript supplied by the institution; and
 - (d) the applicant seeks certification a license in an area or level of teaching for which the department provides certification a license.

- (2) teachers accepted from other states under G.S. 115C-349 through 115C-358;
- (3) graduates who meet the standards developed by the National Association of State Directors of Teacher Education and Certification; and
- (4) teacher education graduates of accredited out-of-state institutions who do not meet the requirements of Items (1)-(3) of this Rule, who meet the following criteria:
 - (a) The applicant is a graduate of an accredited senior college.
 - (b) The Department awards certification a license under this Paragraph only to classroom teachers at the bachelor's degree level.
 - (c) The Department issues a reciprocity certificate, license, which is a provisional certificate license valid for one year. The Department will remove the provisional limitation after the person has taught for one school year.
 - (d) The certificate license covers only the areas and levels in which the applicant holds, or is qualified to hold, an out-of-state certificate, license.
 - (e) A person who holds a reciprocity certificate license must satisfy the renewal requirements of Rule .0307 of this Section.
 - (f) The applicant must hold or be qualified to hold the highest grade current certificate license in the state in which the applicant completed the bachelor's level teacher education program.

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

.0311 TEMPORARY PERMIT

(a) A candidate for certification a license who has not met the standard examinations requirement may receive a temporary permit if:

- (1) the candidate did not know that a minimum standard examination score was required for certification a license; and
- (2) the candidate has not had the opportunity to satisfy this requirement after becoming aware of it.

(b) A temporary permit is shall be valid for the remainder of the fiscal year during which certification the permit is established. Graduates of in-state approved programs are shall not be eligible for a temporary permit.

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

.0312 LICENSE SUSPENSION AND REVOCATION

(a) The SBE may deny an application for certification a license or may suspend or revoke a certificate license issued by the department only for the following reasons:

- (1) fraud, material misrepresentation or concealment in the application for certification; the license;
- (2) changes in or corrections of the certificate license

documentation ~~which makes that make~~ the individual ineligible to hold a ~~certificate; license~~;

- (3) conviction or entry of a plea of no contest, as an adult, of a crime if there is a reasonable and adverse relationship between the underlying crime and the continuing ability of the person to perform any of his/her professional functions in an effective manner;
- (4) final dismissal of a person by a local board pursuant to G.S. 115C-325(e)(1)b., if there is a reasonable and adverse relationship between the underlying misconduct and the continuing ability of the person to perform any of his/her professional functions effectively;
- (5) final dismissal of a person by a LEA under G.S. 115C-325(e)(1)e.;
- (6) resignation from employment with a LEA without 30 work days' notice, except with the prior consent of the local superintendent;
- (7) revocation of a ~~certificate license~~ by another state; and
- (8) any other illegal, unethical or lascivious conduct by a person, if there is a reasonable and adverse relationship between the underlying conduct and the continuing ability of the person to perform any of his/her professional functions in an effective ~~manner~~. ~~manner; and~~
- (9) ~~Failure failure~~ to report revocable conduct as required under Paragraph (b) of this Rule.

(b) In addition to any duty to report suspected child abuse under G.S. 7A-543, any superintendent, assistant superintendent, associate superintendent, personnel administrator or principal who knows or has substantial reason to believe that a ~~certified licensed~~ employee of the LEA has engaged in behavior that would justify revocation of the employee's ~~certificate license~~ under Subparagraphs (3), (4) or (8) of Paragraph (a) of this Rule and which behavior involves physical or sexual abuse of a child shall report that information to the Superintendent of Public Instruction. For purposes of this Section, the term "physical abuse" ~~means shall mean~~ the infliction of serious physical injury other than by accidental means and other than in self-defense. The term "sexual abuse" ~~means shall mean~~ the commission of any sexual act upon a student or causing a student to commit a sexual act, regardless of the age of the student and regardless of the presence or absence of consent. This Paragraph ~~applies shall apply~~ to acts that occur on or after October 1, 1993.

(c) Upon the receipt of a written request and substantiating information from any LEA, local superintendent or other person in a position to present information as a basis for the suspension or revocation of a person's ~~certificate; license~~, the Superintendent of Public Instruction will conduct an investigation sufficient to determine whether reasonable cause exists to believe that the person's ~~certificate license~~ should be suspended or revoked.

- (1) If the Superintendent determines that reasonable cause exists to believe that the person's ~~certificate license~~ should be suspended or revoked on one or more of the grounds specified in Paragraph (a) of this Rule, the Superintendent shall prepare and file written charges with the SBE.

- (2) The SBE will review the written charges and determine whether the person's ~~certificate license~~ should be suspended or revoked based on the information contained in the written charges. If the SBE determines that the written charges constitute grounds for suspension or revocation, it shall provide the person with a copy of the written charges, and notify the person that it will revoke the person's ~~certificate license~~ unless the person, within ~~30 60~~ days of receipt of notice, initiates administrative proceedings under Article 3, G.S. 150B. The notice will be sent certified mail, return receipt requested.
- (3) If the person initiates administrative proceedings the SBE will defer final action on the matter until receipt of a proposed decision as provided for in G.S. 150B-34. If the person does not initiate administrative proceedings within ~~30 60~~ days of receipt of notice, the SBE may suspend or revoke the person's ~~certificate license~~ at its next meeting.

(d) The SBE may suspend an individual's ~~certificate license~~ for a stated period of time or may permanently revoke the ~~certificate; license~~, except as limited by G.S. 115C-325(o).

(e) The SBE may reinstate a suspended or revoked ~~certificate license~~ or may grant a new ~~certificate license~~ after denial of ~~certification a license~~ under Paragraph (a) of this Rule upon application and showing of good cause by the individual. The burden of proving good cause is on the applicant. The SBE will not grant any request for reinstatement or for granting a new ~~certificate license~~ unless it finds as facts that:

- (1) the action that resulted in revocation or denial of ~~certification the license~~ did not involve abuse of minors; possession, sale or use of controlled substances; moral turpitude or grounds listed in G.S. 115C-325 (e)(1)b. or e.;
- (2) the person has no record of subsequent behavior that could have resulted in ~~certificate license~~ revocation; and
- (3) there is no court order or judicial determination that would prohibit the person from returning to or holding a ~~certificated licensed~~ position.

(f) The SBE will notify all other states of all actions which involve the suspension, revocation or reinstatement of a certificate.

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

.0313 CRIMINAL HISTORY CHECKS

(a) An LEA may obtain criminal history checks on applicants for employment as provided in G.S. 115C-332 and on applicants and current employees as provided in G.S. 114-19.2(a).

(b) An LEA shall not make any employment decision based solely upon the criminal history check (computer printout) provided by the Department of Justice whether provided pursuant to G.S. 115C-332 or G.S. 114-19.2(a). An LEA shall obtain from the repository of the record a certified copy of the applicant's or employee's conviction or shall consult with legal counsel prior to making a final employment decision based on

the conviction.

(c) An LEA shall maintain data from a criminal history check from Department of Justice in paper format only, in a locked, secure place, separate from the individual's personnel file. Only those officials who have been designated by the local board of education as having a need to know the results of a criminal history check may obtain access to the records. Certified copies of records of convictions are public records and need not be maintained in accordance with this Rule.

(d) In the event that the LEA discovers as a result of a criminal history check from Department of Justice that any applicant or ~~employees~~ employee who possesses a ~~certificate or~~ license issued by the SBE has a criminal history, the LEA shall notify in writing the SBE office of legal counsel and shall submit to that office a certified copy of the record of conviction or convictions or information of where to obtain the record of conviction, including the person's name, criminal case number and the county of conviction. The office of legal counsel may initiate license or ~~certificate~~ revocation as appropriate.

(e) Nothing in this Rule is intended to prohibit suspension with or without pay or demotion or dismissal pursuant to the provisions of G.S. 115C-325 without any requirement that there be actual conviction of a crime.

Authority 1995 S.L., c. 373, s. 3.

SECTION .0500 - PERFORMANCE APPRAISAL SYSTEM

.0501 GENERAL PROVISIONS

(a) Each LEA shall provide for the ~~annual~~ evaluation of all professional employees. The LEA ~~bases~~ shall base this evaluation upon performance standards and criteria ~~adopted by the SBE, contained in this Rule.~~ LEAs may adopt additional standards and criteria ~~which that~~ are not in conflict with those adopted by the ~~SBE~~ SBE, the General Statutes, or with this Section.

(b) The person to whom an employee appropriately reports as designated in the job description, or ~~those persons' designees that~~ person's designee as approved by the superintendent, ~~evaluates~~ shall evaluate the employee.

(c) The LEA shall inform all personnel of their job descriptions and the performance standards and criteria applicable to their position at the time of employment or the beginning of the school year.

(d) Each LEA shall provide orientation on the performance appraisal ~~system process~~ to its personnel.

(e) The performance appraisal ~~provides;~~ shall provide:

- (1) a basis for self-improvement by professional personnel;
- (2) data for planning staff development activities for personnel at the school, administrative unit, regional and state levels; and
- (3) data for employment decisions.

(f) Each person may place written comments or ~~disagreement~~ regarding the evaluation on their performance appraisal instruments.

(g) Each LEA shall adopt a rating scale for the evaluation in

~~accordance with a or use the scale or scales which the SBE adopts.~~ recommended by the SBE.

(h) ~~The Superintendent of Public Instruction recommends and the SBE adopts and amends~~ shall adopt and amend from time to time job descriptions and performance standards and criteria for professional positions. The public may obtain copies of these items from the Department.

Authority G.S. 115C-326.

SUBCHAPTER 6D - INSTRUCTION

SECTION .0100 - CURRICULUM

.0103 GRADUATION REQUIREMENTS

(a) In order to graduate and receive a high school diploma, public school students must meet the requirements of Paragraph (b) of this Rule and attain passing scores on competency tests adopted by the SBE and administered by the LEA. Students who satisfy all state and local graduation requirements but who fail the competency tests will receive a certificate of achievement and transcript and shall be allowed by the LEA to participate in graduation exercises.

(1) The passing score for the competency test, which is the same as grade-level proficiency as set forth in Rule .0304 of this Subchapter, shall be level III or higher. The four possible levels of achievement on these tests and for all tests administered pursuant to Section .0300 of this Subchapter, shall be:

- (A) Level I - fails to achieve at a basic level. Students performing at this level do not have sufficient mastery of knowledge and skills in this subject area to be successful at the next grade level.
- (B) Level II - achieves at a basic level. Students performing at this level demonstrate inconsistent mastery of knowledge and skills that are fundamental in this subject area and that are minimally sufficient to be successful at the next grade level.
- (C) Level III - achieves at a proficient level. Students performing at this level consistently demonstrate mastery of grade level subject matter and skills and are well prepared for the next grade level.
- (D) Level IV - achieves at an advanced level. Students performing at this level consistently perform in a superior manner clearly beyond that required to be proficient at grade level work.

(2) Special education students may apply in writing to be exempted from taking the competency tests. Before it approves the request, the LEA must assure that the parents, or the child if aged 18 or older, understand that each student must pass the competency tests to receive a high school diploma.

(3) Any student who has failed to pass the competency tests by the end of the last school month of the year in

which the student's class graduates may receive additional remedial instruction and continue to take the competency tests during regularly scheduled testing until the student reaches maximum school age.

(b) In addition to the requirements of Paragraph (a) of this Rule, students must successfully complete 20 course units in grades 9-12 as specified in this Paragraph.

(1) Effective with the class entering ninth grade for the 1998-99 school year, the 20 course units must include:

- (A) four units in English, which must be English I, II, III, and IV;
- (B) three units in mathematics, one of which must be Algebra I;
- (C) three units in social studies, one of which must be in government and economics, one in United States history and one in world studies;
- (D) three units in science, one of which must be biology, one a physical science, and effective with the class of 2003, one earth/environmental science;
- (E) one unit in physical education and health; and
- (F) six units designated by the LEA, which may be undesignated electives or courses designated from the standard course of study.

(2) LEAs may count successful completion of course work in the ninth grade at a school system which does not award course units in the ninth grade toward the requirements of this Rule.

(3) LEAs may count successful completion of course work in grades 9-12 at a summer school session toward the requirements of this Rule.

(4) LEAs may count successful completion of course work in grades 9-12 at an off-campus institution toward the requirements of this Rule. No high school may approve enrollment in post-secondary institutions during the regular school year in excess of five percent of its enrollment in grades 10-12 except as allowed by the SBE. 23 NCAC 2C .0301 governs enrollment in community college institutions.

(c) Effective with the class of ~~2002~~, 2001, all students must demonstrate computer proficiency as a prerequisite for high school graduation. The passing scores for this proficiency shall be 47 on the multiple choice test and 49 on the performance test. This assessment shall begin ~~with all eighth graders during the 1997-98 school year~~ at the eighth grade. A student with disabilities shall demonstrate proficiency by the use of a portfolio if this method is required by the student's IEP.

(d) Effective with the class entering ninth grade for the 1992-93 school year, special needs students as defined by G.S. 115C-109, excluding gifted and pregnant, who do not meet the requirements for a high school diploma will receive a graduation certificate and shall be allowed to participate in graduation exercises if they meet the following criteria:

- (1) successful completion of 20 course units by general subject area (4 English, 3 math, 3 science, 3 social studies, 1 health and physical education, and 6 local electives) under Paragraph (b) of this Rule. These

students are not required to pass the specifically designated courses such as Algebra I, Biology or United States history,

- (2) completion of all IEP requirements.

Authority G.S. 115C-12(9)c.; 115C-81(a); N.C. Constitution, Article IX, Sec. 5.

SECTION .0200 - TEXTBOOKS

.0210 DISPOSITION OF OLD TEXTBOOKS

~~Local boards of education will~~ LEAs may dispose of textbooks which are no longer listed on the state-adopted textbook list ~~only as follows: by sale, gift, or exchange. LEAs shall remit the proceeds of sale to the Department.~~

- (1) ~~Local boards of education may not give textbooks replaced by the new adoption to any person, firm, corporation or institution for use where tuition is charged or for resale except as provided in subsections (4) and (5) of this Rule.~~
- (2) ~~Local boards of education may use these textbooks or give them to students for use as supplementary material.~~
- (3) ~~Local boards of education may sell these textbooks only for scrap paper.~~
- (4) ~~Local boards of education may donate these books to other state and local governmental agencies.~~
- (5) ~~Local boards of education may donate textbooks to non-profit organizations for use in adult education programs and in foreign countries to increase the general literacy of the people.~~

Authority G.S. 115C-89; 115C-102(b).

SECTION .0300 - TESTING PROGRAMS

.0301 TESTING REQUIREMENTS AND OPPORTUNITIES

(a) All public school students enrolled in the grades for which the SBE adopts a test, including every child with disabilities, shall participate in the testing program unless excluded from testing as provided by 16 NCAC 6G .0305(g).

(b) All public school students enrolled in the 10th, 11th and 12th grade shall have at least one opportunity each school year to take the competency tests. LEAs shall administer the tests so that any student who does not pass the tests shall have an opportunity to receive remediation. A student who attains a passing score, as defined in 16 NCAC 6D .0103(a)(1), on a portion of the competency test does not need to retake the test. The LEA shall develop plans to provide remedial services to students who fail any of the competency tests, or who are identified as having a high risk of failing. The LEA shall design the plan to meet the needs of individual students.

Authority G.S. 115C-12(9)c.

.0302 TEST ADMINISTRATION

- (a) Employees of the LEA administer tests to students who

are required or permitted to participate.

(b) The Department supplies the tests to the LEAs.

(c) LEAs shall:

- (1) account to the Department for all tests received;
- (2) provide a locked storage area for all tests received;
- (3) prohibit the reproduction of all or any part of the test; and
- (4) prohibit their employees from disclosing the content of, or specific items contained in, the test to persons other than authorized employees of the LEA.

(d) LEAs must monitor test administration procedures. If school officials discover any instance of improper administration and it determines that the validity of the test results has been affected, they must notify the local board of education and order the affected students to be retested.

(e) The Superintendent of Public Instruction may conduct audits of LEAs if he receives written complaints which allege improper test administration, and he may require the retesting of students.

(f) ~~The Department scores or has scored all tests, and it provides scoring and interpretive services to the LEA.~~ shall provide the mechanism for the scoring of all North Carolina mandated tests. In addition the Department shall provide score interpretation services to the LEA.

Authority G.S. 115C-12(9)c.

.0303 ACCOUNTABILITY COORDINATOR

(a) The local superintendent shall designate one or more persons to serve as the local testing coordinator and accountability coordinator to assist in the local administration, reporting, and interpretation of tests and other accountability measures.

(b) Coordinators must attend training sessions provided by the Department on the subject of proper test administration, scanning and scoring answer sheets and required processing of test materials. They must then conduct similar sessions within the LEA to provide this instruction to local test administrators and proctors. Coordinators shall arrange for the scanning, scoring, and reporting of results from tests adopted by the SBE.

Authority G.S. 115C-12(9)c.

.0305 END-OF-COURSE TESTS

(a) The LEA shall include each student's end-of-course test results in the student's permanent records and high school transcript.

(b) The LEA shall give each end-of-course test within a 110-minute period within the final 10 days of ~~school~~ the course.

(c) LEAs shall use EOC test results as a part of the student's final grade. LEAs shall adopt policies regarding the use of EOC test results in assigning final grades.

(d) Students who are enrolled for credit in courses in which end-of-course tests are required shall take the appropriate end-of-course test.

(e) Students who are exempt from final exams by local board of education policy shall not be exempt from end-of-course tests.

(f) Each student shall take the appropriate end-of-course test

the first time the student takes the course even if the course is an honors or advanced placement course.

(g) Students shall take the appropriate end-of-course test at the end of the course regardless of the grade level in which the course is offered.

(h) Students who are identified as failing a course for which an end-of-course test is required shall take the appropriate end-of-course test.

Authority G.S. 115C-12(9)c.; 115C-81(b)(4).

SUBCHAPTER 6E - STUDENTS

SECTION .0200 - SCHOOL ATHLETICS AND SPORTS MEDICINE

.0202 INTERSCHOLASTIC ATHLETICS

(a) Only students in grades 7-12 may participate in interscholastic athletic competition. In order to qualify for public school participation, a student must meet the following requirements:

(1) The student must meet the residence criteria of G.S. 115C-366(a). The student may participate only at the school to which the student is assigned by the LEA, or, if over the age requirements, the school to which the student would be assigned at the next higher grade level.

(2) The student must meet age requirements at each grade level to participate. The principal must have evidence of the legal birth date of the student. A student who is ineligible to participate at one grade level due to age is eligible to participate at the next higher grade level only. However, no student may participate at the high school level for a period lasting more than eight consecutive semesters, beginning with the student's first entry into grade nine or participation on a high school team, whichever occurs first.

(A) A student is eligible to participate in high school athletic contests during a school year if the student does not reach the 19th birthday on or before October 16 of that school year.

(B) A student shall not participate on a ninth grade junior high school team if the student becomes 16 years of age on or before October 16 of that school year.

(C) A student shall not participate on a seventh or eighth grade team if the student becomes 15 years of age on or before October 16 of that school year.

(3) In grades 9-12, the student must pass at least 75 percent of the maximum of possible courses each semester and meet promotion standards established by the LEA. In grades 7 and 8, the student must ~~meet state and local promotion standards and maintain passing grades each semester.~~ pass at least one less course than the number of required core courses each semester and meet promotion standards established by the LEA. Regardless of the school organization

pattern, a student who is promoted from the eighth grade to the ninth grade automatically meets the courses passed requirement for the first semester of the ninth grade.

- (4) The student must receive a medical examination each year (365 days) by a duly licensed physician, nurse practitioner, or physician assistant, subject to the provisions of G.S. 90-9, 90-18.1, and 90-18.2.
- (5) The student may not participate after any of the following:
 - (A) graduation;
 - (B) becoming eligible to graduate;
 - (C) signing a professional athletic contract;
 - (D) receiving remuneration as a participant in an athletic contest; or
 - (E) participating on an all-star team or in an all-star game that is not sanctioned by the association of which the student's school is a member. The student is ineligible only for the specific sport involved.

(b) Each principal of a school which participates in interscholastic athletics must certify a list of eligible students for each sport.

(c) Any student-athlete, coach or school official in grades 7-12 who is ejected from any athletic contest shall be penalized as follows:

- (1) for the first offense, the person shall be reprimanded and suspended for the next game at that level of play (varsity or junior varsity) and for any intervening games at either level;
- (2) for a second offense, the person shall be placed on probation and suspended for the next two games at that level of play (varsity or junior varsity) and for any intervening games at either level;
- (3) for a third offense, the person shall be suspended for one calendar year;
- (4) A coach who is suspended at any level of grades 7-12 (middle school, junior high or high school) may not coach in any other grade level in grades 7-12 during the period of suspension;
- (5) Penalties are cumulative from sport to sport and from sport season to sport season. If no member of the school's coaching staff is present to assume an ejected coach's duties, the contest shall be terminated by a forfeit.

(d) LEAs may allow their schools to belong to the North Carolina High School Athletic Association (NCHSAA), which has established as a minimum the rules adopted by the SBE. The NCHSAA may waive any eligibility requirement contained in this Rule, except the age requirement, if it finds that the rule fails to accomplish its purpose or it works an undue hardship when applied to a particular student. The NCHSAA may enforce penalties for the violation of this Rule at the high school level.

(e) The LEA which has jurisdiction over the school may impose additional penalties. LEAs or conferences may adopt and impose penalties at the middle and junior high school levels.

Authority G.S. 115C-47(4).

SECTION .0300 - DRIVER TRAINING

.0301 DRIVER TRAINING

(a) In discharging their duty to provide a course of training and instruction in the operation of motor vehicles as set forth in G.S. 115C-216, local boards of education shall provide a program which meets the following standards and requirements:

- (1) Principals shall enroll students who meet the criteria established by G.S. 20-88.1(a)(i), (iii) and (iv);
- (2) The program will be free of charge to eligible students;
- (3) Enrollees must obtain either a temporary learner's permit or a restricted instruction permit before they begin behind-the-wheel instruction;
- (4) Classroom instruction will consist of at least 30 clock hours of instruction in the topics previously listed in the Healthful Living section of the Teacher Handbook. Beginning in school year 1992-93, students may take and pass a proficiency examination developed or designated by the Department of Public Instruction to waive the classroom instruction. Each student must complete a minimum of six hours of behind-the-wheel instruction;
- (5) The program will be reasonably available on a year-round basis to all eligible persons;
- (6) The local board of education will determine class size restrictions, but may not allow instruction in the car to less than two nor more than four students;
- (7) The local board of education will determine the amount of instruction per day for classroom or in-car instruction or a combination of both;
- (8) The local board of education will issue a certificate to students who satisfactorily complete the prescribed course;
- (9) Driver education instructors must possess a valid North Carolina driver's license and must have a driving record acceptable to the local board of education. In addition, instructors hired for driver education shall either:
 - (A) hold a driver education certificate issued by the SBE; or
 - (B) have non-certified status according to minimum standards established by Rule .0302 of this Section.
- (10) Except as previously allowed by the SBE, the program shall not be provided during the regular instructional day.

(b) Two or more local boards of education may jointly operate a program under a written agreement meeting the requirements of G.S. 160A-460 et seq. The agreement shall provide for one local board of education to assume administrative responsibility for the program.

(c) For purposes of G.S. 20-11, G.S. 20-13.2(c1), and G.S. 115C-12(28), the following definitions shall apply:

- (1) "High school diploma or its equivalent" means and includes the General Equivalency Diploma (G.E.D.) and the adult high school diploma.
- (2) "Making progress toward obtaining a high school

diploma" means that the student must pass at least 70 percent of the maximum of possible courses each semester and meet promotion standards established by the LEA.

(3) "Substantial hardship" means a demonstrable burden on the student or the student's family as evidenced by circumstances such as the following:

(A) The parent is unable to drive due to sickness or other impairment and the student is the only person of driving age in the household.

(B) The student requires transportation to and from a job that is necessary to the welfare of the student's family and the student is unable to obtain transportation by any means other than driving.

(C) The student has been unable to attend school due to documented medical reasons, but the student is demonstrating the ability to maintain progress toward obtaining a high school diploma.

(4) "A student who cannot make progress toward obtaining a high school diploma or its equivalent" shall mean a student who has been identified by the principal or principal's designee, together with the IEP committee or the school's student assistance team, as not having the capacity to meet the requirements for a high school diploma or its equivalent due to a disability.

(d) Each LEA shall determine the process by which decisions concerning the issuance of a driving eligibility shall be appealed.

(e) The principal of a high school or the principal's designee shall notify the Division of Motor Vehicles whenever a student is no longer making progress toward obtaining a high school diploma or its equivalent or when the student has dropped out of school.

(f) Each charter school, non-public school accredited by the SBE, and community college shall designate an official who shall notify the Division of Motor Vehicles whenever a student is no longer making progress toward obtaining a high school diploma.

Authority G.S. 20-88.1; 115C-216.

SUBCHAPTER 6G - EDUCATION AGENCY RELATIONS

SECTION .0200 - ACCREDITATION

.0202 ACCREDITATION PROCEDURES

(a) For the purposes of this Rule, the accreditation year begins with the initial day of staff orientation for a particular academic year and ends with the day before orientation for the following academic year.

(b) The Superintendent of Public Instruction appoints a state accreditation committee, which makes recommendations to the SBE concerning accreditation of LEAs.

(c) LEAs that are currently accredited will retain that status as follows:

(1) LEAs not participating in the performance-based accountability program will retain accredited status until the SBE takes formal action following the first five year review as described in Paragraph (f) of this Rule. Accreditation under this Rule is awarded on the basis of the LEA's successful completion of a five year review.

(2) LEAs participating in the performance-based accountability program will retain accredited status until the SBE takes formal action on an annual report on the performance-based accountability program submitted by the LEA.

(d) During each accreditation year, the LEA must evaluate its compliance with each state accreditation standard, as those standards are adopted and amended from time to time by the SBE.

(1) LEAs not participating in the performance-based accountability program must evaluate compliance with each performance standard and with each opportunity standard.

(2) LEAs participating in the performance-based accountability program must evaluate compliance with each state performance standard.

(e) Each LEA must report its compliance decisions through the annual reporting procedure, using forms supplied by the Department. The Department will review the annual report and may issue a challenge based on erroneous or misleading information. In the absence of a challenge, the Department will prepare a summary report that indicates the LEA's overall compliance with state accreditation standards. After the annual reporting and review has been completed, the SBE may:

(1) continue accredited status, if the LEA held accredited status and continues to meet accreditation requirements;

(2) designate the LEA accredited with probationary warning, if the LEA was accredited before the annual report and the current annual report indicates failure to meet accreditation requirements;

(3) withdraw accredited status if the LEA held accredited with probationary warning status as a result of the previous annual report and the LEA continues to fail to meet accreditation requirements; or

(4) reinstate accredited status if the LEA was either under probationary warning or not accredited on the basis of the previous annual report, and the LEA's current annual report establishes that it meets accreditation requirements.

(f) Every five years each LEA not participating in the performance-based accountability program must undertake an in-depth review in cooperation with Department staff in order to evaluate the LEA's programs and operations according to SBE standards.

(1) Department and LEA personnel jointly conduct in-depth assessments of each program and operational area, analyzing compliance with SBE standards based on all available information.

(2) A staff member from each Department division or section that participates in a joint assessment must

prepare a summary report that gives an overview of the program or operation under review; a list of the program's strengths and exemplary features; a list of unmet standards and a justification for the compliance decision for each. The LEA may respond to compliance decisions with which the LEA does not concur.

(3) Joint assessment visits are made prior to December 31 of the accreditation year.

(4) The Department reviews joint assessment reports and prepares a summary analysis of each LEA that indicates overall compliance with SBE standards.

(A) If summary data show that the LEA meets state accreditation requirements, the Department sends the summary report and all joint assessment reports to the state accreditation committee for review.

(B) If summary data show that the LEA will not meet state accreditation requirements, the Department will schedule a formal on-site visit. The purposes of this visit are to discuss and verify joint assessment reports and to begin Department assistance for areas of non-compliance by the LEA. After the visit is completed, the Department prepares a summary report to the state accreditation committee about accreditation status.

(g) Based on recommendations from the state accreditation committee, the SBE awards accredited status to LEAs that:

- (1) are in compliance with 75 percent of the performance standards and, if the LEA is not participating in the performance-based accountability program, 75 percent of the opportunity standards;
- (2) are in compliance with all state statutes;
- (3) are complying with the intent of the basic education program;
- (4) show balanced compliance among the several areas of instruction and operation;
- (5) have no serious conditions related to safety, sanitation or security; and
- (6) have no serious improprieties in financial management or record keeping.

(h) If a LEA disagrees with the SBE's accreditation decision, the chairperson of the local board of education may submit a letter of appeal to the SBE. Based on additional information, the state accreditation committee may make a revised recommendation to the SBE. The SBE makes the final accreditation decision. The LEA's prior accreditation status remains in effect until the SBE completes the appeal process.

Authority G.S. 115C-12(9)c; 115C-81; N.C. Constitution, Article IX, Sec. 5.

SECTION .0300 - SCHOOL-BASED MANAGEMENT AND ACCOUNTABILITY PROGRAM

.0308 DUE PROCESS PROTECTIONS

(a) At any hearing conducted by a panel of the SBE pursuant

to the provisions of G.S. 115C-325(q)(1) or 115C-325(q)(1), (q)(2), or (q)(2a), the panel shall sit as an impartial tribunal to receive evidence and to decide on the basis of that evidence whether the principal, assistant principal, teacher, supervisor, or director, hereafter referred to as "the employee," shall be dismissed. The assistance team assigned to the school where the employee was assigned shall present its the case against the employee.

(b) Both the employee and the assistance team shall have the right:

- (1) to be represented by counsel at the hearing;
- (2) to subpoena witnesses and documents;
- (3) to examine and cross-examine witnesses under oath; and
- (4) to present relevant evidence using witnesses and documents.

(c) The panel of the SBE which conducts the hearing shall:

- (1) give written notice to the parties of the time and place of the hearing;
- (2) make a complete record of the evidence received during the hearing; and
- (3) issue subpoenas for witnesses and documents on behalf of any party to the proceedings.

(d) Except in the case of a principal who has been suspended pursuant to the provisions of G.S. 115C-115C-325(q)(1), the assistance team shall have the burden of proof at the hearing. A principal who has been suspended pursuant to the provisions of G.S. 115C-115C-325(q)(1) shall have the burden of proof. In any hearing pursuant to the provisions of G.S. 115C-325(q)(2) or (q)(2a), the assistance team shall have the burden of proof.

(e) Either the employee or the assistance team may within 10 days of notification of the panel's decision give notice of appeal to the full SBE. The appeal shall be on the record with no arguments by counsel except in the form of written briefs of no more than 25 pages. The SBE shall consider the appeal at its next regularly-scheduled meeting that is at least 20 days following receipt of notice of the appeal and shall render a decision within 30 days unless the SBE determines that good cause, as defined by 26 NCAC 03 .0118, exists to extend the period or the parties agree to extend the period. The panel which sat and decided the case shall not be excluded from the full SBE hearing. Appeal from the SBE decision shall be in accordance with G.S. 150B.

(f) If the SBE appoints an interim superintendent, revokes the superintendent's license, or dismisses the superintendent pursuant to G.S. 115C-105.39(c), the superintendent shall not have the right to a hearing under this Rule but shall have the right to file a contested case petition pursuant to the provisions of G.S. 150B. The SBE shall make written findings to support any of these actions taken pursuant to the provisions of G.S. 115C-105.39(c).

(g) If the SBE revokes or refuses to renew a teacher's license pursuant to G.S. 115C-296(d), the procedures set forth in 16 NCAC 6C .0312 shall apply.

Authority G.S. 115C-12(9)c4.; 115C-325(q).

.0309 SUSPENSION OF POWERS AND DUTIES OF

SCHOOL BOARDS

Before the SBE suspends any of the powers and duties of a local board of education pursuant to the provisions of G.S. 115C-39(b) and ~~115C-105.39(d)~~, 115C-105.39(e), the SBE shall provide written notice to the local board of the reasons for which it is considering suspending those powers and duties. If the local board fails to remedy the reasons presented to it by the SBE within 60 days after receiving written notice, the SBE shall enter an order that incorporates the reasons for suspending the powers and duties, the efforts that the local board has made to remedy those reasons, and the period of time during which those powers and duties shall be suspended. Within the first 45 days following the SBE's notification to the local board, the SBE shall provide the local board an opportunity to present a response in an attempt to reach agreement.

Authority G.S. 115C-12(9)c4.

.0311 GENERAL KNOWLEDGE TEST FOR CERTIFIED STAFF

(a) The general knowledge test administered to certified staff in low-performing schools under G.S. 115C-105.38A shall be the reading and essay subtests of the Florida College-Level Academic Skills Test.

(b) To be required to take the general knowledge test, a certified staff member shall have been assigned to the school at the time that the end-of-year student tests that led to identification of the school as low-performing were administered, shall have been assigned to that school for at least five pay periods prior to the pay period during which the end-of-year student tests were administered, and shall have been assigned to the school for more than 75% of the instructional day during the five pay periods of assignment.

Authority G.S. 115C-105.38A.

SECTION .0500 - CHARTER SCHOOLS

.0502 CHARTER SCHOOL ADVISORY COMMITTEE

(a) The SBE shall appoint a charter school advisory committee of 15 members, who shall represent the following categories:

- (1) charter school officials;
- (2) public school employees;
- (3) business and community leaders;
- (4) local boards of education;
- (5) the North Carolina Parents and Teachers Association; and
- (6) county commissioners.

(b) The term of membership shall be two years. Each member shall be eligible to serve two terms. The Superintendent of Public Instruction shall designate the chair of the charter school advisory committee.

(c) The charter school advisory committee shall advise the SBE on policies, procedures, and concerns that relate to the operation of charter schools in this State.

(d) The charter school advisory committee shall also sit either

as a whole or in panels designated by its chair to hear grievances between or among charter schools, chartering entities, and local boards of education. Either the charter school, its chartering entity, or the local board of education of the county in which the charter school is located may file a grievance with the charter school advisory committee. The grievance shall state the basis of the grievance and what steps the parties have taken to resolve the grievance. The committee or a panel of the committee shall investigate the grievance, provide a hearing for the parties to the grievance, and decide the final resolution of the grievance.

Authority G.S. 115C-238.29G(b).

SUBCHAPTER 6H - FEDERAL PROGRAMS

.0101 DEFINITIONS

As used in this Subchapter:

- (1) "Free appropriate public education" (FAPE) is defined by ~~34 CFR 300.4~~, 34 CFR 300.8.
- (2) "Individualized education program" (IEP) is defined by 34 CFR 300.340.
- (3) "Least restrictive environment" (LRE) is defined by 34 CFR 300.550-300.556.
- (4) "Parent" is defined by ~~34 CFR 300.10~~, 34 CFR 300.13.
- (5) "Willie M." class members are children under age 18 who now or will in the future suffer from serious emotional, mental or neurological handicaps, which handicaps have been accompanied by behavior which is characterized as violent or assaultive; and who are or will be in the future involuntarily placed in institutions or otherwise placed in residential programs; and who have not been provided appropriate treatment and education programs by the state.

Authority G.S. 115C-141.

.0103 COMPLAINT PROCEDURES FOR FEDERAL PROGRAMS

(a) The Department will receive, review and resolve complaints for which no other procedures or remedies are available. These complaints involve the allegation that LEAs, another subgrantee or the Department has violated a federal statute, regulation or interpretive rule. This Rule affects those federal education programs listed in 34 CFR Part 76.

(b) Any person(s) who believes that grounds exist for filing a complaint under Paragraph (a) of this Rule may file a written complaint with the Department. The complaint must:

- (1) be signed by the person(s) making it;
- (2) show who has violated a specific federal requirement;
- (3) tell how the requirement has been violated;
- (4) state the facts upon which the complaint is based; and
- (5) tell what relief the person is seeking.

(c) If the Department receives a complaint which is not complete or is not in proper form, it will contact the person making it and explain how the complaint may be made acceptable.

(d) The Department will send the complaint to appropriate staff for review and response. If the complaint involves a subgrantee, the Department will send the complaint to that subgrantee.

(e) The Department may, in its discretion, allow the person to appear and present evidence.

(f) The Department will issue a final written resolution of each acceptable complaint to each party involved within 60 days of receipt, unless exceptional circumstances require an extension.

(g) The resolution includes:

- (1) a summary of the facts involved;
- (2) a statement of the federal requirement involved;
- (3) the Department's findings of fact and a summary of the evidence it considered;
- (4) the Department's conclusions regarding each allegation and a summary of its reasons for them; and
- (5) the Department's order for any technical assistance, negotiation or corrective action that must occur and when those actions must be taken; ~~taken; and~~
- (6) ~~notice to each party to their right to appeal the resolution for review by the U.S. Department of Education within 30 days.~~

(h) ~~If a complaint concerns equal private school participation in federal education programs, the department will also follow the procedures of P.L. 95-561.~~

~~(i)~~(h) If a federal education program requires a subgrantee to develop and use a complaint procedure, the person complaining may use either that or the Department's procedure. If the person uses the subgrantee's procedure, the person may appeal that decision to the Department within 30 days after receiving it.

Authority G.S. 115C-113; 34 C.F.R. 300.660-662.

.0105 ADMINISTRATION OF SPECIAL EDUCATION PROGRAMS

(a) Implementation of the provisions of this Section which relate to providing special education and related services is the responsibility of the LEA. All agencies not associated with local school administrative units, the Department of ~~Human Resources~~ Health and Human Services or the Department of Correction must also meet the standards described in this Section if they provide educational services to children with special needs. LEAs shall ensure that an agency meets these standards before they contract for services from such programs.

(b) When a newly-identified child with special needs has been diagnosed or evaluated by personnel under the Department of ~~Human Resources~~ Health and Human Services, appropriate personnel from that department shall contact the LEA of the child's residence and inform the LEA in writing of the evaluation and results.

(c) LEAs, including all local school administrative units and the Departments of ~~Human Resources~~ Health and Human Services and Correction, shall work together to plan and implement programs and services for children with special needs.

Authority G.S. 115C-141.

.0106 NON-INSTRUCTIONAL SPECIAL EDUCATION SERVICES

(a) Transportation.

(1) LEAs shall be responsible for providing or paying for the costs of transportation for children with disabilities enrolled in the schools or programs ~~under their jurisdiction. They in their local school systems~~ and shall also be responsible for providing or paying for the costs of transportation to any private residential or nonresidential program, public or private, if the student has been placed in or assigned to that private program by the LEA. Special funds may be provided for this purpose through the department and shall be incorporated in the general transportation plan of the LEA. Transportation funds for this purpose may be provided through local boards of education annual budget transportation allotments that are administered by the School Support Division of the Department. These funds shall be incorporated in the general transportation plan of each local board. For preschool children with disabilities, payment of these transportation costs must be made from either federal or state preschool program funds.

(2) If a child with disabilities is assigned to or enrolled in a any residential or nonresidential program operated by or under the jurisdiction of the Departments of ~~Human Resources~~ Health and Human Services or Correction, the Department operating the program or having the program under its jurisdiction or control ~~over the program~~ shall be responsible for providing or paying the costs of transportation. This shall be applicable for programs for school age students with disabilities as well as programs for preschool children with disabilities. The only exception shall be when a child is enrolled in a LEA and is counted for funding purposes by the LEA, but attends a class or classes at a Department of Health and Human Services program. In this case, the LEA shall be responsible for providing the transportation to the Department of Health and Human Services program and return to the LEA or home.

(3) The costs of transportation for a child with disabilities placed in or assigned to a school or program outside the state shall be paid by the LEA placing or assigning the child.

(4) Reimbursement for transportation costs paid for any one child may not exceed the Department of Transportation allowance per mile unless it is demonstrated by the child or his/her parents that this limitation will work a hardship or is unreasonable. The LEA and the appropriate state agency shall approve this justification.

(b) LEAs shall determine and arrange for the provision of all materials, supplies and equipment essential to the instructional programs for children with special needs.

Authority G.S. 115C-141.

.0107 SPECIAL EDUCATION ASSESSMENT AND PLACEMENT PROCEDURES

(a) Identification, screening, evaluation and placement.

- (1) LEAs shall be responsible for insuring that all children with special needs within their jurisdiction are identified, located and evaluated, including children in private agencies within their jurisdiction ages birth through 21.
- (2) LEAs and private schools receiving placements pursuant to G.S. 115C-115 shall implement procedures for identification, screening, evaluation and placement of children with special needs. The governing body of each LEA and private school receiving placements pursuant to G.S. 115C-115 shall adopt these procedures and include the procedures described in this Rule.
- (3) LEAs may vary these procedures when sufficient evidence exists to indicate that children can be identified and placed properly within the intent of the procedures.

(b) Upon referral of a child pursuant to G.S. 115C-113(c), the parties shall follow the due process safeguards of Rule .0010 of this Subchapter.

(c) ~~The multi-disciplinary team~~ A committee of persons including the parent or IEP team shall evaluate or reevaluate each child with special needs in accordance with the provisions of 34 CFR 300.530 through 300.534. Evaluations of children suspected of having a specific learning disability shall be subject to the further provisions of 34 CFR 300.540 through 300.543.

(d) Individualized education program.

- (1) Each LEA shall develop and implement an IEP for each child with a disability. The Department of Public Instruction shall monitor the effectiveness of these programs.
- (2) All IEPs shall be developed in accordance with the provisions of ~~34 CFR 300.342~~ 34 CFR 300.340 through 300.349, 300.351.
- (3) The LEA shall develop an IEP for any child with a disability who is enrolled in a ~~parochial~~ parochial religiously affiliated or other private school, but who receives special education or related services from the LEA.
- (4) The LEA shall supply to the parent(s) or guardian during a conference or by mail, in language understandable to the general public and in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so:
 - (A) a copy of the IEP if requested;
 - (B) a description of the rights of the ~~parent(s), including the right to review data, to challenge the data, and to provide additional data that could have some effect on the placement, program, and services of the child;~~ parent(s); and
 - (C) information concerning their right to an independent educational evaluation, at public expense, if they disagree with the evaluation obtained by the LEA and a list of other

agencies providing free ~~evaluations;~~ evaluations.

~~(D) information concerning the right to appeal the decision and a copy of the appeals procedure.~~

~~(5) The LEA shall prepare Group Education Programs (GEPs) for academically gifted students. The GEP describes a differentiated instructional program for students who share similar academic characteristics and program needs. The LEA shall individualize the program to accommodate individual students' needs and any additional needs of a student not already addressed and a description of further necessary modifications.~~

~~(6)(5)~~ The LEA shall prepare and implement a written program to meet the special educational needs of pregnant students.

(e) The LEA shall complete appropriate in-depth evaluations of children with a disability at least every three years in order to determine the appropriateness of the current educational status of students. Parent approval shall ~~not~~ be required prior to ~~reevaluation.~~ reevaluation if additional assessment(s) is to be completed. The parent(s) shall be notified in writing of the results of the reevaluation and the recommendations based on them, and the notice shall meet the requirements of ~~34 CFR 300.505.~~ 34 CFR 300.504. If the parent objects, the due process procedures set forth in Rule .0010 of this Subchapter shall apply.

(f) Each LEA shall make available a continuum of programs, services and placements for each child with a disability in accordance with the provisions of 34 CFR 300.550 through ~~300.553.~~ 300.556.

(g) Every private or nonpublic school which provides special education or related services to children with disabilities who have been placed in such school by the LEA is subject to the provisions of 34 CFR 300.400 through ~~300.403.~~ 300.402.

(h) Willie M. Children.

- (1) Location and identification of class members.
 - (A) Local school administrative units shall nominate to area mental health ~~centers~~ programs children that are suspected to be members of the Willie M. class.
 - (B) Local school administrative units shall request informed consent from parents to conduct additional evaluations if needed.
 - (C) Local school administrative units shall notify the Department of Public Instruction regarding the number of children nominated.
 - (D) Local school administrative units shall keep an ongoing register of all identified Willie M. class members.
 - (E) The Department of Public Instruction shall assign staff to the state level certification committee to assist in the certification of members of the Willie M. class.
- (2) Provision of educational services.
 - (A) For certified Willie M. class members local school administrative units shall:
 - (i) provide special education services in compliance with an IEP;

- (ii) use data received through the evaluations conducted by the area mental health ~~centers~~ programs and other sources in writing the IEP; and
- (iii) provide special education and related services to certified class members who are located in group homes or special facilities. Certified class members may receive these special programs in the group home or special facility.

(B) The LEA shall decide the location of the program, with advice from the area mental health ~~center~~ program.

(C) Local school administrative units shall notify the Department of Public Instruction of the special education program being provided, including:

- (i) types of services;
- (ii) the duration of services; and
- (iii) any other information the Department deems relevant.

(D) The Department of Public Instruction shall provide training to personnel who provide educational services to class members.

(3) Monitoring. The SBE through the Division for Exceptional Children shall monitor local school administrative units and other facilities which provide educational services to class members to determine if the program is appropriate to meet the needs of the child. This Paragraph (3) is not effective unless funds are appropriated for the specific purpose of implementing its provisions.

Authority G.S. 115C-141.

.0108 SURROGATE PARENTS FOR CHILDREN WITH SPECIAL NEEDS

LEAs shall appoint surrogate parents for children with disabilities as provided in ~~34 CFR 300.514~~ 34 CFR 300.515.

Authority G.S. 115C-141.

.0109 CONFIDENTIALITY: ACCESS TO SPECIAL EDUCATION RECORDS

All matters pertaining to the confidentiality of and access to education records are subject to the provisions of 34 CFR 300.560 through ~~300.574~~ 300.577 and 34 CFR Part 99.

Authority G.S. 115C-141.

.0110 SPECIAL EDUCATION DUE PROCESS PROCEDURES

(a) The due process procedures set forth in 34 CFR 300.500 through ~~300.513~~ 300.517 are adopted herein by reference thereto.

(b) Only review officers who have been trained and approved by the SBE may review hearings.

Authority G.S. 115C-141.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 12 - LICENSING BOARD FOR GENERAL CONTRACTORS

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Licensing Board for General Contractors intends to amend rule(s) cited as 21 NCAC 12 .0504. Notice of Rule-making Proceedings was published in the Register on January 4, 1999.

Proposed Effective Date: August 1, 2000.

Instructions on How to Demand a Public Hearing (must be requested in writing within 15 days of notice): In order to demand a public hearing, a written request for public hearing must be submitted to Mark D. Selph at the Board's office. The Board's address is PO Box 17187, Raleigh, NC 27619.

Reason for Proposed Action: To delete the term "qualified" from the phrase "qualified independent accountant" so that rule is consistent with other Board rules.

Comment Procedures: Written comments may be submitted to Mark D. Selph at the Board's office. The Board's address is PO Box 17187, Raleigh, NC 27619.

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

SECTION .0500 - LICENSE

.0504 INCREASE IN LIMITATION

(a) General. A person, firm or corporation holding a valid license to engage in the practice of general contracting in North Carolina may apply for a different limitation by making application for such different limitation with the Board on a form prescribed and furnished by the Board.

(b) Request. A request for the required application form may be made at the address shown in Rule .0101 of this Chapter.

(c) Form. The application form for a change in limitation requires the applicant to set forth his professional qualifications and his present and past experience in general contracting. An audited financial statement prepared by a certified public accountant or by a ~~qualified~~ an independent accountant who is engaged in the public practice of accountancy is required with the application for change in limitation.

(d) Eligibility. An applicant for a new limitation is eligible for the requested change if he possesses the qualifications for the limitations as set forth in Rule .0204 of this Chapter with the exception that such applicant shall not be required to take a

written examination.

(e) Filing Deadline. An applicant who wishes to have his application considered for a change in limitation must file his application no later than the first day of the month preceding any regularly scheduled meeting of the Board. At such meeting the Board will consider the application. Regular meetings of the Board are in January, April, July and October of each year.

(f) Fees. The fees for issuance of limited, intermediate, and unlimited licenses are as provided by G.S. 87-10.

(g) Notice of Approval. Within two weeks after the regular meeting of the Board in which a timely filed application is considered, the Board will notify the applicant of its decision. If the application is approved, a certification of license in the new limitation will be issued by the Board and the applicant, as of the time of notice of the approval, may conduct himself or itself in accordance with the rights available under the limitation granted.

Authority G.S. 87-1; 87-10.

The Codifier of Rules has entered the following temporary rule(s) in the North Carolina Administrative Code. Pursuant to G.S. 150B-21.1(e), publication of a temporary rule in the North Carolina Register serves as a notice of rule-making proceedings unless this notice has been previously published by the agency.

**TITLE 10 - DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

Rule-making Agency: DHHS - Division of Medical Assistance

Rule Citation: 10 NCAC 50B .0102, .0313

Effective Date: February 23, 1999

Findings Reviewed and Approved by: Beecher R. Gray

Authority for the rule-making: G.S. 108A-25(b); 108A-54; 108A-61; 42 C.F.R. 435.135; 42 C.F.R. 435.210; 42 C.F.R. 435.222; 42 C.F.R. 435.230; 42 C.F.R. 435.301; 42 C.F.R. 435.308; 42 C.F.R. 435.322; 42 C.F.R. 435.330; 42 C.F.R. 435.731; 42 C.F.R. 435.732; 42 C.F.R. 435.733; 42 C.F.R. 435.811; 42 C.F.R. 435.812; 42 C.F.R. 435.831; 42 C.F.R. 435.832; 42 C.F.R. 435.1007; 45 C.F.R. 233.20; 42 U.S.C. 1383c(b); 42 U.S.C. 1383c(d); 42 U.S.C. 1396(a)(10)(A)(ii); 42 U.S.C. 1396a(a)(10)(C); P.L. 99-272; Section 12202; S.L. 1983, c. 1034, s. 62.2; S.L. 1987, c. 738, s. 69 and 70; S.L. 1989, c. 752, s. 133; *Alexander v. Flaherty*

Reason for Proposed Action:

10 NCAC 50B .0102 - Designates groups of individuals below the poverty level who shall be eligible for Medicaid.

10 NCAC 50B .0313 - Designates the income level for categorically needy.

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

CHAPTER 50 - MEDICAL ASSISTANCE

**SUBCHAPTER 50B - ELIGIBILITY
DETERMINATION**

SECTION .0100 - COVERAGE GROUPS

.0102 OPTIONAL

The following optional groups of individuals described by 42 U.S.C. 1396a(a)(10)(A)(ii) and 42 U.S.C. 1396a(a)(10)(C) shall be eligible for Medicaid:

- (1) Children:
 - (a) Children under age one whose family income is more than the amount established under Item (14), Rule .0101 of this Section and not more than a percent of the federal poverty level established by the General Assembly;
 - (b) Children under age 21 who meet the eligibility requirements of this Subchapter;

- (c) Qualified children under age 19 as described in Item (4), Rule .0101 of this Section, who were born on or before September 30, 1983, and whose income is not more than 100% of the federal poverty level;
 - (d) Adopted children under age 18 with special needs, as described at 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII).
- (2) Individuals receiving optional state supplemental payment.
 - (3) Caretaker relatives of eligible dependent children.
 - (4) Pregnant women:
 - (a) Whose countable income is more than the amount established under Item (13), Rule .0101 of this Section and not more than a percent of the federal poverty level established by the General Assembly, or
 - (b) Who, if their countable income exceeds the percent of the federal poverty level, established in Sub-item (4)(a) of this Rule, meet the eligibility criteria for medically needy set forth in this Subchapter.
 - (5) Aged, blind and disabled individuals whose income is at or below 100% of the Federal Poverty Level, adjusted each April 1, and who meet the income and resource requirements of SSI, but who do not receive cash assistance.

History Note: Filed as a Temporary Amendment Eff. October 1, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Filed as a Temporary Amendment Eff. September 12, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Authority G.S. 108A-54; 42 C.F.R. 435.210; 42 C.F.R. 435.222; 42 C.F.R. 435.230; 42 C.F.R. 435.301; 42 C.F.R. 435.308; 42 C.F.R. 435.322; 42 C.F.R. 435.330; 42 U.S.C. 1396(a)(10)(A)(ii); 42 U.S.C. 1396a(a)(10)(C); S.L. 1983, c. 1034, s. 62.2; S.L. 1987, c. 738, s. 69 and 70; S.L. 1989, c. 752, s. 133;

Eff. September 1, 1984;

Amended Eff. January 1, 1995; February 1, 1992; July 1, 1991; August 1, 1990;

Temporary Amendment Eff. February 23, 1999.

SECTION .0300 - CONDITIONS FOR ELIGIBILITY

.0313 INCOME

(a) For family and children's cases, income from the following sources shall be counted in the calculation of financial eligibility:

- (1) Unearned.
- (A) RSDI,

- (B) Veteran's Administration,
 - (C) Railroad Retirement,
 - (D) Pensions or retirement benefits,
 - (E) Workmen's Compensation,
 - (F) Unemployment Compensation,
 - (G) Support Payments,
 - (H) Contributions,
 - (I) Dividends or interest from stocks, bonds, and other investments,
 - (J) Trust fund income,
 - (K) Private disability or employment compensation,
 - (L) That portion of educational loans, grants, and scholarships for maintenance,
 - (M) Work release,
 - (N) Lump sum payments,
 - (O) Military allotments,
 - (P) Brown Lung Benefits,
 - (Q) Black Lung Benefits,
 - (R) Trade Adjustment benefits,
 - (S) SSI when the client is in long term care,
 - (T) VA Aid and Attendance when the client is in long term care,
 - (U) Foster Care Board payments in excess of state maximum rates for M-AF clients who serve as foster parents,
 - (V) Income allocated from an institutionalized spouse to the client who is the community spouse as stated in 42 U.S.C. 1396r-5(d),
 - (W) Income allowed from an institutionalized spouse to the client who is a dependent family member as stated in 42 U.S.C. 1396r-5(d),
 - (X) Sheltered Workshop Income,
 - (Y) Loans if repayment of a loan and not counted in reserve,
 - (Z) Income deemed to Family and Children's clients.
- (2) Earned Income.
- (A) Income from wages, salaries, and commissions,
 - (B) Farm Income,
 - (C) Small business income including self-employment,
 - (D) Rental income,
 - (E) Income from roomers and boarders,
 - (F) Earned income of a child client who is a part-time student and a full-time employee,
 - (G) Supplemental payments in excess of state maximum rates for Foster Care Board payments paid by the county to Family and Children's clients who serve as foster parents,
 - (H) VA Aid and Attendance paid to a budget unit member who provides the aid and attendance.
- (3) Additional sources of income not listed in Subparagraphs (a)(1) or (2) of this Rule will be considered available unless specifically excluded by Paragraph (b) of this Rule, or by regulation or statute.
- (b) For family and children's cases, income from the following sources shall not be counted in the calculation of financial eligibility:
- (1) Earned income of a child who is a part-time student but is not a full-time employee;
 - (2) Earned income of a child who is a full-time student;
 - (3) Incentive payments and training allowances made to WIN training participants;
 - (4) Payments for supportive services or reimbursement of out-of-pocket expenses made to volunteers serving as VISTA volunteers, foster grandparents, senior health aides, senior companions, Service Corps of Retired Executives, Active Corps of Executives, Retired Senior Volunteer Programs, Action Cooperative Volunteer Program, University Year for Action Program, and other programs under Titles I, II, and III of Public Law 93-113;
 - (5) Foster Care Board payments equal to or below the state maximum rates for Family and Children's clients who serve as foster parents;
 - (6) Income that is unpredictable, i.e., unplanned and arising only from time to time. Examples include occasional yard work and sporadic babysitting;
 - (7) Relocation payments;
 - (8) Value of the coupon allotment under the Food Stamp Program;
 - (9) Food (vegetables, dairy products, and meat) grown by or given to a member of the household. The amount received from the sale of home grown produce is earned income;
 - (10) Benefits received from the Nutrition Program for the Elderly;
 - (11) Food Assistance under the Child Nutrition Act and National School Lunch Act;
 - (12) Assistance provided in cash or in kind under any governmental, civic, or charitable organization whose purpose is to provide social services or vocational rehabilitation. This includes V.R. incentive payments for training, education and allowance for dependents, grants for tuition, chore services under Title XX of the Social Security Act, VA aid and attendance or aid to the home bound if the individual is in a private living arrangement;
 - (13) Loans or grants such as the GI Bill, civic, honorary and fraternal club scholarships, loans, or scholarships granted from private donations to the college, etc., except for any portion used or designated for maintenance;
 - (14) Loans, grants, or scholarships to undergraduates for educational purposes made or insured under any program administered by the U.S. Department of Education;
 - (15) Benefits received under Title VII of the Older Americans Act of 1965;
 - (16) Payments received under the Experimental Housing Allowance Program (EHAP);
 - (17) In-kind shelter and utility contributions paid directly to the supplier. For Family and Children's cases, shelter, utilities, or household furnishings made available to the client at no cost;
 - (18) Food/clothing contributions in Family and Children's

cases (except for food allowance for persons temporarily absent in medical facilities up to 12 months);

- (19) Income of a child under 21 in the budget unit who is participating in JTPA and is receiving as a child;
- (20) Housing Improvement Grants approved by the N.C. Commission of Indian Affairs or funds distributed per capital or held in trust for Indian tribe members under P.L. 92-254, P.L. 93-134 or P.L. 94-540;
- (21) Payments to Indian tribe members as permitted under P.L. 94-114;
- (22) Payments made by Medicare to a home renal dialysis patient as medical benefits;
- (23) SSI except for individuals in long term care;
- (24) HUD Section 8 benefits when paid directly to the supplier or jointly to the supplier and client;
- (25) Benefits received by a client who is a representative payee for another individual who is incompetent or incapable of handling his affairs. Such benefits must be accounted for separate from the payee's own income and resources;
- (26) Special one time payments such as energy, weatherization assistance, or disaster assistance that is not designated as medical;
- (27) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- (28) Payments under the Alaska Native Claims Settlement Act, Public Law 92-203;
- (29) Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
- (30) HUD Community Development Block Grant funds received to finance the renovation of a privately owned residence;
- (31) Reimbursement for transportation expenses incurred as a result of participation in the Community Work Experience Program or for use of client's own vehicle to obtain medical care or treatment;
- (32) Adoption assistance;
- (33) Incentive payments made to a client participating in a vocational rehabilitation program;
- (34) Title XX funds received to pay for services rendered by another individual or agency;
- (35) Any amount received as a refund of taxes paid;
- (36) The first fifty-dollars (\$50.00) of each child support/spousal obligation or military allotment paid monthly to the budget unit in a private living arrangement.

(c) For aged, blind, and disabled cases, income counted in the determination of financial eligibility is based on standards and methodologies in Title XVI of the Social Security Act.

(d) For aged, blind, and disabled cases, income from the following sources shall not be counted:

- (1) Any Cost of Living Allowance (COLA) increase or receipt of RSDI benefit which resulted in the loss of SSI for those individuals described in Item (17) of Rule .0101 of this Subchapter.
- (2) Earnings for those individuals who have a plan for

achieving self-support (PASS) that is approved by the Social Security Administration.

(e) Income levels for purposes of establishing eligibility are those amounts approved by the N.C. General Assembly and stated in the Appropriations Act for categorically needy and medically needy classifications, except for the following:

- (1) The income level shall be reduced by one-third when an aged, blind or disabled individual lives in the household of another person and does not pay his proportionate share of household expenses. The one-third reduction shall not apply to children under nineteen years of age who live in the home of their parents;
- (2) An individual living in a long term care facility or other medical institution shall be allowed as income level a deduction for personal needs described under Rule .0314 (Personal Needs Allowance) of this Subchapter;
- (3) The categorically needy income level for an aged, blind, and disabled individual or couple is ~~the SSI individual or couple amount. This is the current Federal Benefit Rate (FBR).~~ 100% of the Federal Poverty Level;
- (4) The income level to be applied for Qualified Medicare Beneficiaries described in 42 U.S.C. 1396d and individuals described in 42 U.S.C. 1396e is based on the income level for one; or two for a married couple who live together and both receive Medicare.

History Note: Filed as a Temporary Rule Effective July 1, 1987, for a period of 120 days to expire on October 31, 1987; Authority G.S. 108A-25(b); 108A-61; 42 C.F.R. 435.135; 42 C.F.R. 435.731; 42 C.F.R. 435.732; 42 C.F.R. 435.733; 42 C.F.R. 435.811; 42 C.F.R. 435.812; 42 C.F.R. 435.831; 42 C.F.R. 435.832; 42 C.F.R. 435.1007; 45 C.F.R. 233.20; 42 U.S.C. 1383c(b); 42 U.S.C. 1383c(d); P.L. 99-272; Section 12202; Alexander v. Flaherty Consent Order filed February 14, 1992;

Eff. September 1, 1984;

Amended Eff. January 1, 1996; January 1, 1995; September 1, 1994; September 1, 1993;

Temporary Amendment Eff. February 23, 1999.

TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Rule-making Agency: *Department of Environment and Natural Resources*

Rule Citation: *15A NCAC 1J .0101, .0102, .0202, .0303, .0402, .0502, .0504, .0601, .0604, .0701, .0703, .0803, .0903, .0904; 1L .0101, .0102, .0203, .0303, .0501, .0503, .0601, .0604, .0701, .0801, .0902, .1003, .1004*

Effective Date: *March 31, 1999*

Findings Reviewed by Beecher R. Gray: Approved

Authority for the rule-making:

15A NCAC 1J .0101, .0102, .0202, .0303, .0402, .0502, .0504, .0601, .0604, .0701, .0703, .0803, .0903, .0904. G.S. 159G-3; 159G-10; 159G-15

15A NCAC 1L .0101, .0102, .0203, .0303, .0501, .0503, .0601, .0604, .0701, .0801, .0902, .1003, .1004. S.L.1998, c.132, s.10

Reason for Proposed Action: *Senate Bill 1354 has authorized the issuance of State G.O. bonds, \$330,000,000 of which will provide grant funding for the state's Clean Water Revolving Loan and Grant Program. The legislation requires a re-working of the program's priority criteria to emphasize seven specific considerations.*

Comment Procedures: *Written comments may be submitted in writing to Bobby Blowe, Division of Water Quality, Construction Grants and Loans Section, DENR, P.O. Box 28579, Raleigh, NC 27626-0579. (919) 715-6212.*

CHAPTER 1 - DEPARTMENTAL RULES

SUBCHAPTER 1J - STATE CLEAN WATER REVOLVING LOAN AND GRANT PROGRAM

SECTION .0100 - GENERAL PROVISIONS

.0101 PURPOSE

Loans and grants for wastewater treatment systems, wastewater collection systems and water supply systems from the various accounts in the North Carolina Clean Water Revolving Loan and Grant Fund established by G.S. 159G, except the Water Pollution Control Revolving Fund established by G.S. ~~159G-5(C)~~, 159G-5(C) and the Drinking Water Treatment Revolving Loan Fund established by G.S. 159G-5(d), shall be made in accordance with this Subchapter.

History Note: Filed as a Temporary Rule Eff. February 2, 1988 for a period of 180 days to expire on August 1, 1988;

ARRC Objection March 17, 1988;

Authority G.S. 159G-15;

Eff. August 1, 1988;

Temporary Amendment Eff. March 31, 1999.

.0102 DEFINITIONS

In addition to the definitions in G.S. 159G-3, the following definitions will apply to this Subchapter:

- (1) "Act" means the North Carolina Clean Water Revolving Loan and Grant Act of 1987, G.S. 159G.
- (2) "Award" means the offer by the receiving agency to enter into a loan or grant commitment for a specified amount.
- (3) "Award of contract" means the award by the loan or grant recipient to a contractor of a contract to construct the project as bid.

- (4) "Bid" means the amount of money for which a contractor offers to construct the project.
- (5) "Contingency costs" means unforeseen costs or situations not included in the estimate of project costs.
- (6) "Commitment" means a binding agreement to pay loan or grant funds in a lump sum or in installments to an eligible applicant at some future time.
- (7) "Date of completion" means the date on which the project has been completed, as determined by the receiving agency.
- (8) "Division of Environmental Health" means the Division of Environmental Health of the North Carolina Department of Environment and Natural Resources.
- ~~(8)~~(9) "Division of Environmental Management" means the Division of Environmental Management Water Quality of the North Carolina Department of Environment, Health, Environment and Natural Resources.
- ~~(9)~~(10) "Effective date of receipt" means September 30 for applications postmarked or hand delivered to the principal offices of the receiving agency in Raleigh, North Carolina between April 1 and September 30, and means March 31 for applications postmarked or hand delivered to the principal offices of the receiving agency in Raleigh, North Carolina between October 1 and March 31; except that for applications to the Emergency Wastewater or Water Supply Revolving Loan Account it means the date designated by the receiving agency for each priority review period established under Rule .0801(b) of this Subchapter.
- ~~(10)~~(11) "Fiscal year" means the state fiscal year, beginning on July 1 of a calendar year and ending on June 30 of the following calendar year. In referring to a specific fiscal year, the year named is the calendar year in which the fiscal year ends. For example, "Fiscal Year 1988" refers to the fiscal year beginning July 1, 1987 and ending June 30, 1988.
- ~~(11)~~(12) "Inspection" means inspection or inspections of a project to determine percentage completion of the project and compliance with applicable federal, state and local laws or rules.
- ~~(12)~~(13) "Orders" means any restrictive measure, related to the operation of its wastewater treatment facilities, issued to an applicant for a loan or grant from the wastewater accounts under this Subchapter. Such measures may be included in, but are not restricted to, Special Orders, Special Orders by Consent, Judicial Orders, or issued or proposed permits, permit modifications or certificates.
- ~~(13)~~(14) "Project" means the works described in the application for a loan or grant under this Subchapter.
- ~~(14)~~(15) "Loan" means "revolving loan" as defined in G.S. 159G-3(15).
- ~~(15)~~(16) "Priority period" means priority review period as established in Section .0800 of this Subchapter.
- ~~(16)~~(17) "Real property" means land and structures affixed to the land having the nature of real property or interests

in land including easements or other rights-of-way purchased or acquired for water supply and wastewater facilities and works to be constructed as a part of the project for which a loan or grant is made under this Subchapter.

(17)(18) "Regional water supply system" ~~means: means a public water supply system of a municipality, county, sanitary district, or other political subdivision of the state or combination thereof which provides, is intended to provide, or is capable of providing an adequate and safe supply of water to a substantial portion of the population within a county, or to a substantial water service area in a region composed of all or parts of two or more counties, or to a metropolitan area in two or more counties.~~

(a) A public water system that serves two local units of government, or

(b) A public water system that demonstrates each of the following:

(i) A specific plan to provide drinking water throughout the territory of a local unit of government, except that a municipality shall also demonstrate a specific plan to provide drinking water outside its extraterritorial jurisdiction;

(ii) Shares water supply facility resources with another public water system or eliminate an acute/imminent, immediate, chronic, or potential health hazard as described in Rule .0701(a) through (d) of this Subchapter in an area containing at least 15 residential units which is not served by a public water system; and

(iii) A interlocal agreement or joint resolution to be a part of an interconnected regional water system within 10 years.

(18)(19) "Regional wastewater management authority" ~~means a unit of government which has jurisdiction for providing the wastewater treatment works for three or more units of government, or which has responsibility within a facility planning area to carry out the operation and maintenance of all publicly owned wastewater treatment works. "Regional wastewater system" means a public wastewater collection or treatment system of a municipality, county, sanitary district, or other political subdivision of the State or combination thereof that serves two or more units of government.~~

(19)(20) "Water Reclamation" means the production of a high level treated effluent as a reusable, non-potable water source.

(20)(21) "Water Reuse" means the actual use or application of treated wastewater in or on areas which require water but do not require potable water quality.

History Note: Filed as a Temporary Amendment Eff. March 8, 1994 for a period of 180 days or until the permanent rule

becomes effective, whichever is sooner;

Filed as a Temporary Rule Eff. February 2, 1988 for a period of 180 days to expire on August 1, 1988;

ARRC Objection March 17, 1988;

Authority G.S. 159G-3; 159G-15;

Eff. August 1, 1988;

Amended Eff. July 1, 1994; July 1, 1992;

Temporary Amendment Eff. March 31, 1999.

SECTION .0200 - ELIGIBILITY REQUIREMENTS

.0202 GRANTS FROM THE HIGH-UNIT COST ACCOUNTS

(a) Eligibility of an application for a grant from the High-Unit Cost Wastewater Account or the High-Unit Cost Water Supply Account, and the amount eligible for such a grant, will be determined by the receiving agency in accordance with G.S. 159G-6(b)(2) or 159G-6(c)(2), subject to the limitations in G.S. 159G-6(a)(2).

(b) For the purposes of Rule .0202(a) of this Subchapter, median household income in the ~~county~~ local government unit in which the project is located will be as determined jointly each year by the U.S. Bureau of Census and the U.S. Department of Housing and Urban Development.

(c) Grants from the High-Unit Cost Wastewater and Water Supply Accounts will be made only to approved projects that receive a commitment for the balance of project costs from any other source, including loans under this Subchapter and other loans from governmental or private sources.

(d) Grants from the High-Unit Cost Water Supply accounts will be made only to applicants who have submitted a water supply facility plan to the Department of Environment and Natural Resources in accordance with G.S. 143-355(l).

History Note: Filed as a Temporary Rule Eff. February 2, 1988 for a period of 180 days to expire on August 1, 1988;

ARRC Objection March 17, 1988;

Authority G.S. 159G-6(a)(2); 159G-6(b)(2); 159G-6(c)(2); 159G-15;

Eff. August 1, 1988;

Temporary Amendment Eff. March 31, 1999.

SECTION .0300 - APPLICATIONS

.0303 FILING OF REQUIRED SUPPLEMENTAL INFORMATION

(a) Every application shall be accompanied by an environmental assessment document as required by G.S. 159G-8(b), by the date the receiving agency sets the priority rating for a priority review period.

(b) Any application that has not received approval by the receiving agency of the preliminary engineering report for the proposed project by the date the receiving agency sets the priority rating for a priority review period shall not be included in the priority rating for that priority review period.

(c) Any applicant for a water supply project not demonstrating approval of plans and specifications within four

months from the end of the priority rating period shall be transferred to the next priority rating period for consideration unless this review is the second review in which case a new application shall be required for further consideration.

(d) Any application for water supply projects must be accompanied by a business plan, water system management plan, or other information that documents that the applicant has the technical, managerial, and financial capacity to ensure compliance with the North Carolina Drinking Water Act, G.S. 130A-311 et. seq.

(e)(e) Any application that is not accompanied by an adopted resolution as required by G.S. 159G-9(3) stating that the unit of government has complied or will substantially comply with all applicable federal, state and local laws or rules shall not be included in the priority rating for that priority review period. Such resolution shall be certified or attested to as a true and correct copy as adopted.

(f)(f) If a public hearing is held on an application, the application shall not be included in the priority rating unless the hearing process is concluded by the date the receiving agency sets the priority rating for the priority review period.

(g)(g) A certification shall be submitted by the local government unit stating that it will be in compliance with verifiable Minority Business Enterprise goals as stated in G.S. 143-128.

History Note: Filed as a Temporary Amendment Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Filed as a Temporary Rule Eff. February 2, 1988 for a period of 180 days to expire on August 1, 1988;

ARRC Objection March 17, 1988;

Authority G.S. 159G-8; 159G-9; 159G-10(a); 159G-15;

Eff. August 1, 1988;

Amended Eff. July 1, 1994;

Temporary Amendment Eff. March 31, 1999.

SECTION .0400 - CRITERIA FOR EVALUATION OF ELIGIBLE APPLICATIONS

.0402 CRITERIA FOR PLANNING AND WATER CONSERVATION

Maximum value- ~~70~~ 80 points:

- (1) Applicant may receive a maximum of 15 bonus points for meeting the following criteria as applicable:
 - (a) Applicant demonstrates it has a continuing I/I program in its wastewater sewer maintenance program. (Wastewater Projects Only) 5 points
 - (b) Applicant demonstrates it has a continuing water loss program in its water supply system program. (Water Supply Projects Only) 5 points
 - (c) Applicant demonstrates it has a continuing program of water conservation education and information. 5 points
 - (d) Applicant demonstrates it has established a

water conservation incentive rate structure; created incentives for new or replacement installation of low flow faucets, shower heads, and toilets; or has a water reclamation or reuse system. 5 points

- (2) Applicant may ~~also~~ receive a maximum of ~~40~~ 25 bonus points for meeting the following criteria:

- (a) Applicant demonstrates that it has adopted a comprehensive land-use plan that meets the requirements of G.S. 155H, Article 18 or G.S. 160A, Article 19, or applicant is a local government unit that is not authorized to adopt a comprehensive land-use plan but that is located in whole or in part in another local government unit that has adopted a comprehensive land-use plan, and that the proposed project is consistent with the plan. 2 7 points

- (b) Applicant demonstrates that the comprehensive land-use plan exceeds the minimum state standards for the protection of water resources. 2 8 points

- (c) Applicant demonstrates that actions have been taken toward implementation of the comprehensive land-use plan. These actions may include the adoption of a zoning ordinance or any other measure that significantly contributes to the implementation of the comprehensive land-use plan. 6 10 points

- (3) Applicant may receive a maximum of 20 bonus points for the following criteria:

- (a) Applicant has developed a capital improvement plan as defined in Session Laws 1998 G.S. 132. 15 points

- (b) Proposed project is consistent with the water supply watershed protection requirements of G.S. 143-214.5. 5 points

- (4) Applicant may receive a maximum of 20 bonus points for the following criteria:

- (a) Applicant demonstrates voluntary water supply watershed protection activities in excess of the minimum requirements of G.S. 143-214.5, or 15 points

- (b) Applicant demonstrates it has developed a voluntary wellhead protection program, or 15 points

- (c) Applicant demonstrates it has both Subparagraphs (1) and (2) of this Paragraph. 20 points

History Note: Filed as a Temporary Amendment Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Filed as a Temporary Rule Eff. February 2, 1988 for a period of 180 days to expire on August 1, 1988;

ARRC Objection March 17, 1988;

Authority G.S. 159G-10; 159G-15;

Eff. August 1, 1988;

*Amended Eff. July 1, 1994;
Temporary Amendment Eff. October 23, 1997;
Amended Eff. August 1, 1998;
Temporary Amendment Eff. March 31, 1999.*

**SECTION .0500 - PRIORITY CRITERIA
FOR WASTEWATER
TREATMENT WORKS PROJECTS**

.0502 APPLICABLE CONDITIONS

Maximum Value -- ~~55~~ 65 Points:

The value of this Rule will be the sum of the points assigned under Items (1), (2), (3) and (4) of this Rule.

- (1) Proposed project will comply with established water quality standards and priority points will be assigned on the basis of the classification assigned to the receiving waters as follows:
 - (a) Class "SA" (Shellfish Waters), Class "WS-I" or "WS-II" (Water Supply Source), Class "ORW" (Outstanding Resource Waters), or "HQW" (High Quality Waters). ~~30~~ 20 points
 - (b) Class "WS-III", "WS-IV", or "WS-V" (Water Supply Source) ~~28~~ 15 points
 - (c) Class "B" or "SB" (Bathing Waters) ~~26~~ 10 points
 - (d) Class "C" or "SC" (Fishing) ~~24~~ 5 points
- (2) ~~Construction of proposed project has been initiated or must be initiated within 12 months to comply with an order issued or with a compliance schedule approved by the Environmental Management Commission, or by Judicial Order. Proposed projects will provide for a regional wastewater collection or treatment system.~~ ~~40~~ 15 points
- (3) ~~Proposed projects will provide for a regional wastewater treatment facility.~~ ~~40~~ points
- (4)(3) Proposed project will provide wastewater treatment processes for the removal of nutrients. ~~nutrients or other materials not normally removed by conventional treatment processes.~~ 5 points
- (4) Proposed project will result in a reduction of the overall volume of effluent discharged to the state's waters by using alternative methods of wastewater treatment and disposal. ~~25~~ 25 points

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Eff. August 1, 1988;
Amended Eff. July 1, 1994;
Temporary Amendment Eff. March 31, 1999.*

.0504 FISCAL RESPONSIBILITY OF THE APPLICANT

Maximum Value--~~40~~ 25 points:

The value of this Rule will be the sum of the points assigned to either Item (1) or (2) of this Rule plus the value assigned to Items (3) and (4) of this Rule:

- (1) Applicant has adopted an acceptable sewer use ordinance which will be placed in effect on or before the completion date of the proposed project and has established an equitable schedule of fees and charges providing that each category of users shall pay ~~substantially~~ its proportional part of the total cost of the operation and which will provide sufficient revenues for the adequate operation, maintenance and administration and for reasonable expansion of the project. 6 points
- (2) Applicant is in the process of adopting an acceptable sewer use ordinance which will be adopted and placed in effect on or before the completion date of the proposed project and has established an equitable schedule of fees and charges providing that each category of users shall pay ~~substantially~~ its proportional part of the total cost of the operation and which will provide sufficient revenues for the adequate operation, maintenance and administration and for reasonable expansion of the project. 2 points
- (3) Applicant has established by resolution of its governing body a capital reserve fund into which all surplus revenues from such charges and fees will be placed for the purposes specified in G.S. 159G-9(4). (Copy of the resolution must be submitted with application.) ~~2~~ 4 points
- (4) The applicant has followed proper accounting and fiscal reporting procedures as evidenced by the applicant's most recent report of audit and the applicant is in ~~substantial~~ compliance with provisions of the general fiscal control laws of the state. ~~2~~ 15 points

The Environmental Management Commission may seek the comments of the Secretary of the Local Government Commission in determining the values to be assigned to Items (3) and (4) of this Rule.

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Eff. August 1, 1988;
Temporary Amendment Eff. March 31, 1999.*

**SECTION .0600 - PRIORITY CRITERIA FOR
WASTEWATER COLLECTION SYSTEM PROJECTS**

.0601 PUBLIC NEED

Select One; Maximum Value--25 points:

- (1) Project is intended to improve or expand an existing system for which adequate wastewater treatment facilities will be provided by:
 - (a) a regional wastewater ~~management authority;~~ system. 25 points

- (b) the applicant. 20 points
- (2) Project is intended to provide a basic system for a unit of government which is not presently served by an approved system and adequate wastewater treatment will be provided by:
 - (a) a regional wastewater management authority system. 20 points
 - (b) the applicant. 15 points

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.0604 FISCAL RESPONSIBILITY OF THE APPLICANT

Maximum Value--~~40~~ 25 points:

The value of this Rule will be the sum of the points assigned to either Item (1) or (2) plus the value assigned to Items (3) and (4) of this Rule:

- (1) Applicant has adopted an acceptable sewer use ordinance which will be placed in effect on or before the completion date of the proposed project and has established an equitable schedule of fees and charges, providing that each category of users shall pay ~~substantially~~ its proportional part of the total cost of the operation, and which will provide sufficient revenues for the adequate operation, maintenance and administration and for reasonable expansion of the project. project, or 6 points
- (2) Applicant is in the process of adopting an acceptable sewer use ordinance which will be adopted and placed in effect on or before the completion date of the proposed project and has established an equitable schedule of fees and charges, providing that each category of users shall pay ~~substantially~~ its proportional part of the total cost of the operation and which will provide sufficient revenues for the adequate operation, maintenance and administration and for reasonable expansion of the project. 2 points
- (3) Applicant has established by resolution of the governing body a capital reserve fund into which all surplus revenues from such charges and fees will be placed for the purposes specified in G.S. 159G-9(4). (Copy of the resolution must be submitted with application.) 2 ~~4~~ points
- (4) The applicant has followed proper accounting and fiscal reporting procedures, as evidenced by the applicant's most recent report of audit, and the applicant is in ~~substantial~~ compliance with provisions of the general fiscal control laws of the state. 2 15 points

The Division of Environmental Management may seek the comments of the Secretary of the Local Government

Commission in determining the values to be assigned to Items (3) and (4) of this Rule.

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SECTION .0700 - PRIORITY CRITERIA FOR WATER SUPPLY SYSTEMS PROJECTS

.0701 PUBLIC NECESSITY: HEALTH: SAFETY AND WELFARE

Maximum Value--~~80~~ 100 points:

- (1) System and Service Area Needs: (Maximum Points--20)
 - (a) The project is intended to increase the source of water to meet existing service area needs or to alleviate water shortage problems. 12 points
 - (b) The project is intended to improve an existing system with no increase in the area to be served. 12 points
 - (c) The project is intended to increase the existing area to be served without improvement of the existing system. 12 points
 - (d) The project is intended to increase the existing area to be served and includes ~~needed~~ improvements to the existing system. 16 points
 - (e) The project is intended to ~~significantly~~ increase the existing area to be served and includes ~~needed~~ improvements to the existing system and either is a component of or will create a regional water supply system. ~~system or is so designed as to permit interconnection at an appropriate time with an expanding metropolitan, area-wide or regional system.~~ 20 points
 - (f) The project is intended to provide for construction of a basic system for an area which is not presently served by an approved public water supply system and service by an existing system is not feasible. 20 points
- (2) ~~Public Health Need (A maximum of 40 points shall be awarded if more than one item applies.). The project is intended to eliminate the following health risks:~~
 - (a) ~~Contaminant levels in drinking water which constitute acute health risks as defined in 40 CFR 141.32(a)(1)(iii) which is incorporated by reference at 15A NCAC 18C .1523.~~ 40 points
 - (b) ~~Unreasonable risks to health from contaminant levels in drinking water as determined by the U.S. Environmental Protection Agency or the Environmental Epidemiology Section of the Department of Environment, Health, and~~

Natural Resources pursuant to the Guidance in Developing Health Criteria for Determining Unreasonable Risk to Health as published by the Office of Drinking Water, U.S. Environmental Protection Agency, Washington, D.C. 20460 and hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment, Health, and Natural Resources, Division of Environmental Health, 1330 St. Mary's Street, Raleigh, North Carolina. Copies may be obtained from the Department of Environment, Health, and Natural Resources, Division of Environmental Health, Public Water Supply Section, P.O. Box 19536, Raleigh, North Carolina 27626-0536 at no charge unless subsequent editions exceed 100 pages. 35 points

- (c) Contaminant levels in drinking water other than those which constitute acute health risks described in Sub-item (2)(a) of this Rule. 30 points
- (d) Inadequate treatment to remove or abate contaminant levels in drinking water. 30 points
- (e) Insufficient water for drinking or for sewage disposal purposes or inadequate water pressure to prevent contaminant levels in drinking water. 20 points

(2) Public health and compliance points may be awarded to a project based on the following criteria. A proposed project shall be necessary to facilitate compliance with the N.C. Drinking Water Act or the federal Safe Drinking Water Act and to alleviate the type of public health concern for which points are awarded. A project shall receive only points in the highest sub-category for which it may qualify:

- (a) Acute/Imminent Health Hazards. A maximum of 60 points shall be awarded to projects that propose to eliminate any one or more of the following acute, ongoing health hazards to the consumer:
 - (i) Projects that address documented nitrate, nitrite or fecal coliform MCL violations, or contaminant levels in drinking water which constitute acute health risks as defined in 40 C.F.R. 141.32(a)(1)(iii) which is incorporated by reference at 15A NCAC 18C .1523; or
 - (ii) Projects that eliminate any contaminant in the public water system that poses an acute risk or imminent hazard to public health as determined by the State Health Director or a health risk assessment from the Division of Epidemiology, Department of Health and Human Services in accordance with G.S. 130A-

2(3).

- (b) Immediate Health Hazards. A maximum of 40 points shall be awarded to projects that propose to eliminate any one or more of the following immediate health hazards to the consumer:
 - (i) Projects that address surface water treatment technique violations occurring for two or more consecutive months;
 - (ii) Projects that resolve any microbiological MCL problems for a water system with three or more microbiological MCL violations during the previous 12 months;
 - (iii) Projects that propose filtration for a surface water source or for a well that is determined to be under the direct influence of surface water by the Department that does not currently have filtration;
 - (iv) Projects that address the inability of a public water system to inactivate giardia and viruses in accordance with 15A NCAC 18C .2001; or
 - (v) Projects that address documented recurrent water outages or low pressure below the requirements of 15A NCAC 18C .0901. Only problems that affect human consumption of drinking water shall be considered for award of points under this criteria.
- (c) Chronic Health Hazards. A maximum of 24 points shall be awarded to projects that propose to eliminate any one or more of the following chronic health hazards to the consumer:
 - (i) Projects that address exceedances of the lead and copper action levels under 15A NCAC 18C .1507;
 - (ii) Projects that address violations of inorganic or organic chemical or contaminant MCLs under 15A NCAC 18C .1510, .1517, and .1518;
 - (iii) Projects that address violations of radiological contamination MCLs under 15A NCAC 18C .1520 and .1521; or
 - (iv) Projects that address a chronic health hazard as determined by the State Health Director or a health risk assessment from the Division of Epidemiology, Department of Health and Human Services.
- (d) Potential Health Hazards. A maximum of 16 points shall be awarded to projects that propose to eliminate any one or more of following potential health hazards to the consumer:
 - (i) Projects that address low chlorine residuals in the distribution system;
 - (ii) Projects that address periodic violations of an MCL;

- (iii) Projects for line installation or extensions to areas with poor water quality or limited quantity;
- (iv) Projects to develop new sources of water, to augment existing sources, or to expand treatment capacity to meet current demand when the average daily demand for the previous 12 months equals or exceeds the available water supply as calculated in local water supply plans prepared in accordance with G.S. 143-355(l) or the maximum day demand for the previous 12 months equals or exceeds the approved water treatment plant design capacity; or
- (v) Projects to provide disinfection for a system that currently does not have disinfection.
- (e) System Improvements. A maximum of 8 points shall be awarded for projects that shall provide any one or more of the following general system improvements when needed for public health purposes:
 - (i) Projects that replace water supply production or treatment equipment that is undersized, malfunctioning or has exceeded its useful life;
 - (ii) Projects that replace undersized or leaking water lines;
 - (iii) Projects that address other water quality concerns such as iron, manganese, taste, and odor;
 - (iv) Projects to bring existing facilities to current design standards which affect water quality such as treatment, chemical storage and application, pumping facilities, finished storage, distribution systems;
 - (v) Projects that eliminate dead ends and provide looping in a distribution system.
 - (vi) Projects that increase water storage capacity;
 - (vii) Projects to develop new sources of water, to augment existing sources, or to expand treatment capacity to meet current demand when the average daily demand for the previous 12 months exceeds 80 percent of the available water supply as calculated in local water supply plans prepared in accordance with G.S. 143-355(l) or the maximum day demand for the previous 12 months exceeds 80 percent of the approved water treatment plant design capacity; or
 - (viii) Projects for installation or upgrade of water treatment plant waste disposal facilities.
- (3) Capacity for Future Growth (Select One) -

(Maximum Points --20):

- (a) The project is intended to provide for the immediate needs. 6 points
- (b) The project is intended to provide for the reasonable growth needs of the area during the next 5 to 20 year planning period. 10 points
- (c) The project is a proposed regional system or a major component of a regional system which is intended to provide for the reasonable growth needs of the area to be served during the next 20 or more years. 20 points

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Eff. August 1, 1988;

RRC Objection due to clarity Eff. June 18, 1992;

Amended Eff. July 24, 1992;

RRC objection due to ambiguity Eff. June 16, 1994;

Amended Eff. August 1, 1994;

Temporary Amendment Eff. March 31, 1999.

.0703 FINANCIAL CONSIDERATIONS

Maximum Value--~~35~~ 40 Points:

(1) Financing of the Project (Select One)

(Maximum Points--10):

- (a) Applicant has applied for but not received a commitment for funding from a federal agency for a portion of the project costs. 5 points
- (b) Applicant has funds available or has received a commitment for funding from a federal agency, or bonds have been authorized to cover project costs over and above the state grant or loan funds requested. 10 points
- (c) The loan funds requested cover all the estimated project costs. 10 points
- (2) Fiscal Responsibility of the Applicant (Maximum Points--~~10~~ 15). The value of this categorical element shall be the sum of the points awarded Items (a) to (c) of this Paragraph:
 - (a) The applicant has followed proper accounting and fiscal reporting procedures as reflected in the applicant's most recent report of audit, and the applicant is in substantial compliance with the provisions of the general fiscal control laws of the state. 2 points
 - (b) The applicant water system is fiscally self-sufficient. 2 points
 - (c) Estimated revenues will provide funds for proper future operation, maintenance and administration, reasonable expansion of the project and estimated annual principal and interest requirements for the project debt plus annual principal and interest requirements on

the outstanding debt incurred for existing facilities. 6 11 points In determining the points to be awarded this categorical element, the Division of Environmental Health may seek the comments of the Secretary of the Local Government Commission.

- (3) Financial Need of the Applicant (Maximum Points--15). The financial need of the applicant will be determined by the following formula:

$$\text{Points} = \frac{150 (\text{Total Bonded Indebtedness plus Total Estimated Project Cost})}{\text{Total Appraised Property Valuation}}$$

"Total bonded indebtedness" includes all outstanding bonds as of the first day of the quarter in which the project application is eligible for consideration for the assignment of a priority but shall not include bonds already authorized or sold to finance the proposed project.

"Total appraised property valuation" refers only to real property valuation based on the most recent appraisal for tax purposes as officially recorded in the county or counties in which the service area of the proposed project is to be located.

"150" is used in the formula to provide point values for this categorical element.

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Temporary Amendment Eff. March 31, 1999.

SECTION .0800 - PRIORITY REVIEW PERIODS: ASSIGNMENT OF PRIORITIES

.0803 ASSIGNMENT OF CATEGORY TO WASTEWATER APPLICATIONS

(a) Applications to the General Wastewater Revolving Loan Account or the High-Unit Cost Wastewater Account will be assigned a category as follows, during review of the applications:

- (1) All applications for projects that are under orders or projects whose receiving waters have been designated Nutrient Sensitive Waters by the Environmental Management Commission or whose receiving waters have been identified as water quality impaired or limited in the most current basinwide water quality management report, under moratorium, at or above 80% of permitted capacity during the previous calendar year, experiencing excessive infiltration/inflow, or that would qualify for an Emergency Loan under Rule .0204 of this Subchapter, and that have submitted final project plans and

specifications for review and approval by the receiving agency, shall be placed in Category 1.

- (2) All applications for projects that are under ~~orders~~ orders, under moratorium, at or above 80% permitted capacity during the previous calendar year, experiencing excessive infiltration/inflow, or that would qualify for an Emergency Loan under Rule .0204 of this Subchapter or projects whose receiving waters have been designated Nutrient Sensitive Waters by the Environmental Management Commission or whose receiving waters have been identified as water quality impaired or limited in the most current basinwide water quality management report, and that have not submitted final project plans and specifications for review and approval by the receiving agency and all applications for projects not included in Category 1 that have not submitted final project plans and specifications for review and approval by the receiving agency shall be placed in Category 2.
- (3) ~~All other applications shall be placed in Category 3.~~ All applications for projects for expanding infrastructure primarily to support additional development and that have submitted final project plans and specifications for review and approval by the receiving agency, shall be placed in Category 3.
- (4) All applications for projects for expanding infrastructure primarily to support additional development that have not submitted final project plans and specifications for review and approval by the receiving agency shall be placed in Category 4.
- (b) All applications in Category 1 for a specific wastewater account will be funded before applications in Category 2 in the same account. All applications in Category 2 for a specific wastewater account will be funded before applications in Category 3 in the same account. All applications in Category 3 will be funded before applications in Category 4 in the same account.
- (c) Proceeds from the statewide bond referendum authorized by the 1993 S.L. c. 542, s. 10 may only be used to fund projects that have submitted final plans and specifications for review and approval by the receiving agency.

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Temporary Amendment Eff. March 31, 1999.

SECTION .0900 - LOAN AND GRANT AWARD AND COMMITMENT: DISBURSEMENT OF LOANS AND GRANTS

.0903 CRITERIA FOR LOAN ADJUSTMENTS

Upon receipt of bids, a loan commitment may be adjusted as follows:

- (1) The loan commitment may be decreased, provided the project cost as bid is less than the estimated project cost, and the receiving agency approves the loan commitment decrease.
- (2) Loan commitments may be increased, to a maximum of ~~ten percent or three~~ five hundred thousand dollars (~~300,000.00~~) (500,000.00), ~~whichever is greater,~~ provided: the project cost as bid is greater than the estimated project cost; the project as bid is in accordance with the project for which the loan commitment was made; the receiving agency has reviewed the bids and determined that substantial cost savings would not be available through project revisions without jeopardizing the integrity of the project; and adequate funds are available in the account from which the loan was awarded. Increases greater than ten percent of the loan commitment shall be approved by the receiving agency; the Local Government Commission; and, for wastewater projects, the Environmental Management Commission.

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.0904 DISBURSEMENT OF LOANS AND GRANTS

(a) Disbursement of loan and grant monies shall be made at intervals as work progresses and expenses are incurred. No disbursement shall be made until the receiving agency receives satisfactory documentation of incurred costs. At no time shall disbursement exceed the allowable costs which have been incurred at that time.

(b) Project inspection will confirm work progress, and a final inspection is required prior to the final disbursement of loan monies.

(c) No disbursement shall be made until the receiving agency receives documentation of compliance with the verifiable percentage goal for participation by minority businesses in accordance with G.S. ~~143-128(e)~~, 143-128.

(d) The receiving agency will notify the ~~Fiscal Management Office of the Controller~~ of the Department of ~~Environment, Health, Environment~~ and Natural Resources to make loan or grant disbursements. A check in the amount of the disbursement authorized by the receiving agency will be written to the loan or grant recipient by the ~~Fiscal Management Office~~, Office of the Controller. ~~The check will be forwarded to the loan or grant recipient by the receiving agency.~~

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becomes effective, whichever is sooner;

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Amended Eff. July 1, 1994; July 1, 1992;

Temporary Amendment Eff. March 31, 1999.

**SUBCHAPTER 1L - STATE CLEAN
WATER BOND LOAN PROGRAM**

SECTION .0100 - GENERAL PROVISIONS

.0101 PURPOSE

Loans for wastewater treatment systems, wastewater collection systems, water supply systems and water conservation projects from the North Carolina Clean Water Bonds Loan Fund established by the ~~1993~~ S.L. 1998, c. 542, 132, s. 10 shall be made in accordance with this Subchapter.

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Eff. July 1, 1994;

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.0102 DEFINITIONS

In addition to the definitions in S.L. c. 542, s. 3, the following definitions will apply to this Subchapter:

- (1) "Act" means the North Carolina Education, Clean Water, and Parks Bond Act of 1993.
- (2) "Award" means the offer by the receiving agency to enter into a loan commitment for a specified amount.
- (3) "Award of contract" means the award by the loan recipient to a contractor of a contract to construct the project as bid.
- (4) "Bid" means the amount of money for which a contractor offers to construct the project.
- (5) "Contingency costs" means unforeseen costs or situations not included in the estimate of project costs.
- (6) "Commitment" means a binding agreement to pay loan funds in installments to an eligible applicant at some future time.
- (7) "Date of completion" means the date on which the project has been completed, as determined by the receiving agency.
- (8) "Division of Environmental Health" means the Division of Environmental Health of the North Carolina Department of ~~Environment, Health, Environment~~ and Natural Resources.
- (9) "Division of Environmental Management" means the Division of ~~Environmental Management~~ Water Quality of the North Carolina Department of ~~Environment, Health, Environment~~ and Natural Resources.
- (10) "Effective date of receipt" means September 30 for

applications postmarked or hand delivered to the principal offices of the receiving agency in Raleigh, North Carolina between April 1 and September 30, and means March 31 for applications postmarked or hand delivered to the principal offices of the receiving agency in Raleigh, North Carolina between October 1 and March 31.

- (11) "Fiscal year" means the state fiscal year, beginning on July 1 of a calendar year and ending on June 30 of the following calendar year. In referring to a specific fiscal year the year named is the calendar year in which the fiscal year ends. For example, Fiscal Year 1994 refers to the fiscal year beginning July 1, 1993 and ending June 30, 1994.
- (12) "Inspection" means inspection or inspections of a project to determine percentage completion of the project and compliance with applicable federal, state and local laws or rules.
- (13) "Orders" means any restrictive measure, related to the operation of its wastewater treatment facilities, issued to an applicant for a loan from the wastewater accounts under this Subchapter. Such measures may be included in, but are not restricted to, Special Orders, Special Orders by Consent, Judicial Orders, or issued or proposed permits, permit modifications or certificates.
- (14) "Project" means the works described in the application for a loan under this Subchapter.
- (15) "Priority period" means priority review period of January 1 to June 30 and July 1 to December 31 of each year.
- (16) "Real property" means land and structures affixed to the land having the nature of real property or interests in land including easements or other rights-of-way purchased or acquired for facilities and works to be constructed as a part of the project for which a loan is made under this Subchapter.
- (17) "Receiving agency" means the Division of Environmental Health with respect to receipt of applications for loans for water supply systems, and the Environmental Management Commission and the Division of Environmental Management with respect to receipt of applications for loans for wastewater systems.
- (18) "Regional water supply system" ~~means means: a public water supply system of a municipality, county, sanitary district, or other political subdivision of the state or combination thereof which provides, is intended to provide, or is capable of providing an adequate and safe supply of water to a substantial portion of the population within a county, or to a substantial water service area in a region composed of all or parts of two or more counties, or to a metropolitan area in two or more counties.~~
 - (a) A public water system that serves two local units of government, or
 - (b) A public water system that demonstrates each of the following:
 - (i) A specific plan to provide drinking

water throughout the territory of a local unit of government, except that a municipality shall also demonstrate a specific plan to provide drinking water outside its extraterritorial jurisdiction;

- (ii) Shares water supply facility resources with another public water system or eliminate an acute/imminent, immediate, chronic, or potential health hazard as described in Rule .0701 (a) through (d) of this Subchapter in an area containing at least 15 residential units which is not served by a public water system; and
 - (iii) An interlocal agreement or joint resolution to be a part of an interconnected regional water system within 10 years.
- (19) "Regional wastewater management authority" means ~~a unit of government which has jurisdiction for providing the wastewater treatment works for three or more units of government, or which has responsibility within a facility planning area to carry out the operation and maintenance of all publicly owned wastewater treatment works.~~ "Regional wastewater system" means a public wastewater collection or treatment system of a municipality, county, sanitary district, or other political subdivision of the State or combination thereof that serves two or more units of government.
 - (20) "Water Reclamation" means the production of a high level treated effluent as a reusable, non-potable water source.
 - (21) "Water Reuse" means the actual use or application of treated wastewater in or on areas which require water but do not require potable water quality.

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Eff. July 1, 1994;

Temporary Amendment Eff. March 31, 1999.

SECTION .0200 - ELIGIBILITY REQUIREMENTS

.0203 LIMITATION OF LOANS

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Temporary Repeal Eff. March 31, 1999.

SECTION .0300 - APPLICATIONS

.0303 FILING OF REQUIRED SUPPLEMENTAL INFORMATION

(a) An environmental assessment for the proposed project must accompany the required wastewater facility plan. It must accompany the water supply facility plan when required by G.S. 113(a).

(b) All applicants must submit an Affidavit of Publication of the notice of public hearing for the proposed project and a summary of the comments received at the hearing.

(c) Any application for wastewater facilities not accompanied by final plans and specifications by the date the receiving agency sets the priority rating for a priority review period shall not be included in the priority rating for that priority review period.

(d) Any application for water supply ~~facilities projects~~ must be accompanied by a preliminary engineering report.

(e) Any applicant for water supply projects not demonstrating approval of plans and specifications within four months from the end of the priority rating period shall be transferred to the next priority rating period for consideration unless this review is the second review in which case a new application shall be required for further consideration.

~~(e)(f)~~ Any application that is not accompanied by an adopted resolution stating that the unit of government has complied or will comply with all applicable federal, state and local laws or rules shall not be included in the priority rating for that priority review period. Such resolution shall be certified or attested to as a true and correct copy as adopted.

~~(f)(g)~~ If a public hearing is held on an application by the Department of ~~Environment, Health, Environment~~ and Natural Resources; the application shall not be included in the priority rating unless the hearing process is concluded by the date the receiving agency sets the priority rating for the priority review period.

~~(g)(h)~~ A certification shall be submitted from the local unit stating whether a petition for vote was filed within 15 days of the applicant's public hearing.

~~(h)(i)~~ A certification shall be submitted by the local government unit stating that it will be in compliance with verifiable Minority Business Enterprise goals as stated in G.S. 143-128(e). 143-128.

History Note: Filed as a Temporary Rule Eff. March 8, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Authority S.L. 1988, c. 132, s. 10;

Eff. July 1, 1994;

Temporary Amendment Eff. March 31, 1999.

.0303 FILING OF REQUIRED SUPPLEMENTAL INFORMATION

(a) An environmental assessment for the proposed project must accompany the required wastewater facility plan. It must accompany the water supply facility plan when required by G.S. 113(a).

(b) All applicants must submit an Affidavit of Publication of the notice of public hearing for the proposed project and a summary of the comments received at the hearing.

(c) Any application for wastewater facilities not accompanied by final plans and specifications by the date the receiving agency sets the priority rating for a priority review period shall not be

included in the priority rating for that priority review period.

(d) Any application for water supply ~~facilities projects~~ must be accompanied by a preliminary engineering report.

(e) Any applicant for water supply projects not demonstrating approval of plans and specifications within four months from the end of the priority rating period shall be transferred to the next priority rating period for consideration unless this review is the second review in which case a new application shall be required for further consideration.

~~(e)(f)~~ Any application that is not accompanied by an adopted resolution stating that the unit of government has complied or will comply with all applicable federal, state and local laws or rules shall not be included in the priority rating for that priority review period. Such resolution shall be certified or attested to as a true and correct copy as adopted.

~~(f)(g)~~ If a public hearing is held on an application by the Department of ~~Environment, Health, Environment~~ and Natural Resources; the application shall not be included in the priority rating unless the hearing process is concluded by the date the receiving agency sets the priority rating for the priority review period.

~~(g)(h)~~ A certification shall be submitted from the local unit stating whether a petition for vote was filed within 15 days of the applicant's public hearing.

~~(h)(i)~~ A certification shall be submitted by the local government unit stating that it will be in compliance with verifiable Minority Business Enterprise goals as stated in G.S. 143-128(e). 143-128.

History Note: Filed as a Temporary Rule Eff. March 8, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Authority S.L. 1988, c. 132, s. 10;

Eff. July 1, 1994;

Temporary Amendment Eff. March 31, 1999.

SECTION .0500 - PRIORITY CRITERIA FOR WASTEWATER TREATMENT WORKS PROJECTS

.0501 APPLICABLE CONDITIONS

Maximum Value - ~~55~~ 65 points:

The value of this Rule will be the sum of the points assigned under Items (1), (2), (3) and (4) of this Rule.

(1) Proposed project will comply with established water quality standards and priority points will be assigned on the basis of the classification assigned to the receiving waters as follows:

- (a) Class "SA" (Shellfish Waters), Class "WS-I" or "WS-II" (Water Supply Source), Class "ORW" (Outstanding Resource Waters), or "Hqw" (High Quality Waters). ~~30~~ 20 points
- (b) Class "WS-III", "WS-IV", or "WS-V" (Water Supply Source) ~~28~~ 15 points
- (c) Class "B" or "SB" (Bathing Waters) ~~26~~ 10 points
- (d) Class "C" or "SC" (Fishing) ~~24~~ 5 points

(2) Construction of proposed project has been initiated

~~or must be initiated within 12 months to comply with an order issued or with a compliance schedule approved by the Environmental Management Commission, or by Judicial Order. Proposed projects will provide for a regional wastewater collection or treatment system.~~ 10 15 points

- ~~(3) Proposed projects will provide for a regional wastewater treatment facility.~~ 10 points
- ~~(4)(3) Proposed project will provide wastewater treatment processes for the removal of nutrients or other materials not normally removed by conventional treatment processes.~~ nutrients. 5 points
- (4) Proposed project will result in a reduction of the overall volume of effluent discharged to the state's waters by using alternative methods of wastewater treatment and disposal. 25 points

History Note: Filed as a Temporary Rule Eff. March 8, 1994, for a period of 180 days or until the permanent rule become effective, whichever is sooner;

Authority S.L. 1988, c. 132, s. 10;

Eff. July 1, 1994;

Temporary Amendment Eff. March 31, 1999.

.0503 FISCAL RESPONSIBILITY OF THE APPLICANT

Maximum Value--~~10~~ 25 points:

The value of this Rule will be the sum of the points assigned to either Item (1) or (2) of this Rule plus the value assigned to Items (3) and (4) of this Rule:

- (1) Applicant has adopted an acceptable sewer use ordinance which will be placed in effect on or before the completion date of the proposed project and has established an equitable schedule of fees and charges providing that each category of users shall pay ~~substantially~~ its proportional part of the total cost of the operation and which will provide sufficient revenues for the adequate operation, maintenance and administration and for reasonable expansion of the ~~project.~~ project, or 6 points
- (2) Applicant is in the process of adopting an acceptable sewer use ordinance which will be adopted and placed in effect on or before the completion date of the proposed project and has established an equitable schedule of fees and charges providing that each category of users shall pay ~~substantially~~ its proportional part of the total cost of the operation and which will provide sufficient revenues for the adequate operation, maintenance and administration and for reasonable expansion of the project. 2 points
- (3) Applicant has established by resolution of its governing body a capital reserve fund into which all surplus revenues from such charges and fees will be placed for the purposes specified in G.S. 159G-9(4). (Copy of the resolution must be submitted with application.) 2 4 points
- (4) The applicant has followed proper accounting and

fiscal reporting procedures as evidenced by the applicant's most recent report of audit and the applicant is in ~~substantial~~ compliance with provisions of the general fiscal control

laws of the state.

2 15 points

The Environmental Management Commission may seek the comments of the Secretary of the Local Government Commission in determining the values to be assigned to Items (3) and (4) of this Rule.

History Note: Filed as a Temporary Rule Eff. March 8, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Authority S.L., 1988, c. 132, s. 10;

Eff. July 1, 1994;

Temporary Amendment Eff. March 31, 1999.

SECTION .0600 - PRIORITY CRITERIA FOR WASTEWATER COLLECTION SYSTEM PROJECTS

.0601 PUBLIC NEED

Select One; Maximum Value--25 points:

- (1) Project is intended to improve or expand an existing system for which adequate wastewater treatment facilities will be provided by:
 - (a) a regional wastewater ~~management authority,~~ system. 25 points
 - (b) the applicant, 20 points
- (2) Project is intended to provide a basic system for a unit of government which is not presently served by an approved system and adequate wastewater treatment will be provided by:
 - (a) a regional wastewater ~~management authority,~~ system. 20 points
 - (b) the applicant. 15 points

History Note: Filed as a Temporary Rule Eff. March 8, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Authority S.L. 1998, c. 132, s. 10;

Eff. July 1, 1994;

Temporary Amendment Eff. March 31, 1999.

.0604 FISCAL RESPONSIBILITY OF THE APPLICANT

Maximum Value--~~10~~ 25 points:

The value of this Rule will be the sum of the points assigned to either Item (1) or (2) plus the value assigned to Items (3) and (4) of this Rule:

- (1) Applicant has adopted an acceptable sewer use ordinance which will be placed in effect on or before the completion date of the proposed project and has established an equitable schedule of fees and charges, providing that each category of users shall pay ~~substantially~~ its proportional part of the total cost of the operation, and which will provide sufficient revenues for the adequate operation, maintenance and

administration and for reasonable expansion of the ~~project.~~
project, or 6 points

(2) Applicant is in the process of adopting an acceptable sewer use ordinance which will be adopted and placed in effect on or before the completion date of the proposed project and has established an equitable schedule of fees and charges, providing that each category of users shall pay substantially its proportional part of the total cost of the operation and which will provide sufficient revenues for the adequate operation, maintenance and administration and for reasonable expansion of the project. 2 points

(3) Applicant has established by resolution of the governing body a capital reserve fund into which all surplus revenues from such charges and fees will be placed for the purposes specified in G.S. 159G-9(4). (Copy of the resolution must be submitted with application.) 2 4 points

(4) The applicant has followed proper accounting and fiscal reporting procedures, as evidenced by the applicant's most recent report of audit, and the applicant is in substantial compliance with provisions of the general fiscal control laws of the state. 2 15 points

The Division of Environmental Management may seek the comments of the Secretary of the Local Government Commission in determining the values to be assigned to Items (3) and (4) of this Rule.

History Note: Filed as a Temporary Rule Eff. March 8, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Authority S.L. 1998, c. 132, s. 10;

Eff. July 1, 1994;

Temporary Amendment Eff. March 31, 1999.

SECTION .0700 - PRIORITY CRITERIA FOR WATER SUPPLY SYSTEMS PROJECTS

.0701 PUBLIC NECESSITY: HEALTH: SAFETY AND WELFARE

Maximum Value--80 100 points:

(1) System and Service Area Needs: (Maximum Points--20)

(a) The project is intended to increase the source of water to meet existing service area needs or to alleviate water shortage problems. 12 points

(b) The project is intended to improve an existing system with no increase in the area to be served. 12 points

(c) The project is intended to increase the existing area to be served without improvement of the existing system. 12 points

(d) The project is intended to increase the existing area to be served and includes needed

improvements to the existing system. 16 points

(e) The project is intended to ~~significantly~~ increase the existing area to be served and includes needed improvements to the existing system and either is a component of or will create a regional water supply system. ~~or is so designed as to permit interconnection at an appropriate time with an expanding metropolitan area-wide or regional system.~~ 20 points

(f) The project is intended to provide for construction of a basic system for an area which is not presently served by an approved public water supply system and service by an existing system is not feasible. 20 points

(2) Public Health Need (A maximum of 40 points shall be awarded if more than one item applies.). The project is intended to eliminate the following health risks:

(a) Contaminant levels in drinking water which constitute acute health risks as defined in 40 CFR 141.32(a)(1)(iii) which is incorporated by reference at 15A NCAC 18C .1523. 40 points

(b) Unreasonable risks to health from contaminant levels in drinking water as determined by the U.S. Environmental Protection Agency or the Environmental Epidemiology Section of the Department of Environment, Health, and Natural Resources pursuant to the Guidance in Developing Health Criteria for Determining Unreasonable Risk to Health as published by the Office of Drinking Water, U.S. Environmental Protection Agency, Washington, D.C. 20460 and hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment, Health, and Natural Resources, Division of Environmental Health, 1330 St. Mary's Street, Raleigh, North Carolina. Copies may be obtained from the Department of Environment, Health, and Natural Resources, Division of Environmental Health, Public Water Supply Section, P.O. Box 19536, Raleigh, North Carolina 27626-0536 at no charge unless subsequent editions exceed 100 pages. 35 points

(c) Contaminant levels in drinking water other than those which constitute acute health risks described in Sub-item (2)(a) of this Rule. 30 points

(d) Inadequate treatment to remove or abate contaminant levels in drinking water. 30 points

(e) Insufficient water for drinking or for sewage disposal purposes or inadequate water pressure to prevent contaminant levels in drinking water. 20 points

Notwithstanding other provisions relating to

the assignment of priority point values for various categorical elements and items, the Division of Environmental Health may award a higher priority value to an eligible application if the proposed project is required to eliminate a demonstrated or critical hazard to the public health.

- (2) Public health and compliance points may be awarded to a project based on the following criteria. A proposed project shall be necessary to facilitate compliance with the N.C. Drinking Water Act or the federal Safe Drinking Water Act and to alleviate the type of public health concern for which points are awarded. A project shall receive only points in the highest sub-category for which it may qualify:

(a) Acute/Imminent Health Hazards. A maximum of 60 points shall be awarded to projects that propose to eliminate any one or more of the following acute, ongoing health hazards to the consumer:

(i) Projects that address documented nitrate, nitrite or fecal coliform MCL violations, or contaminant levels in drinking water which constitute acute health risks as defined in 40 C.F.R. 141.32(a)(1)(iii) which is incorporated by reference at 15A NCAC 18C .1523;
or

(ii) Projects that eliminate any contaminant in the public water system that poses an acute risk or imminent hazard to public health as determined by the State Health Director or a health risk assessment from the Division of Epidemiology, Department of Health and Human Services in accordance with G.S. 130A-2(3).

(b) Immediate Health Hazards. A maximum of 40 points shall be awarded to projects that propose to eliminate any one or more of the following immediate health hazards to the consumer:

(i) Projects that address surface water treatment technique violations occurring for two or more consecutive months;

(ii) Projects that resolve any microbiological MCL problems for a water system with three or more microbiological MCL violations during the previous 12 months;

(iii) Projects that propose filtration for a surface water source or for a well that is determined to be under the direct influence of surface water by the Department that does not currently have filtration;

(iv) Projects that address the inability of a public water system to inactivate giardia and viruses in accordance with 15A

NCAC 18C .2001; or

(v) Projects that address documented recurrent water outages or low pressure below the requirements of 15A NCAC 18C .0901. Only problems that affect human consumption of drinking water shall be considered for award of points under this criteria.

(c) Chronic Health Hazards. A maximum of 24 points shall be awarded to projects that propose to eliminate any one or more of the following chronic health hazards to the consumer:

(i) Projects that address exceedances of the lead and copper action levels under 15A NCAC 18C .1507;

(ii) Projects that address violations of inorganic or organic chemical or contaminant MCLs under 15A NCAC 18C .1510, .1517, and .1518;

(iii) Projects that address violations of radiological contamination MCLs under 15A NCAC 18C .1520 and .1521; or

(iv) Projects that address a chronic health hazard as determined by the State Health Director or a health risk assessment from the Division of Epidemiology, Department of Health and Human Services.

(d) Potential Health Hazards. A maximum of 16 points shall be awarded to projects that propose to eliminate any one or more of following potential health hazards to the consumer:

(i) Projects that address low chlorine residuals in the distribution system;

(ii) Projects that address periodic violations of an MCL;

(iii) Projects for line installation or extensions to areas with poor water quality or limited quantity;

(iv) Projects to develop new sources of water, to augment existing sources, or to expand treatment capacity to meet current demand when the average daily demand for the previous 12 months equals or exceeds the available water supply as calculated in local water supply plans prepared in accordance with G.S. 143-355(l) or the maximum day demand for the previous 12 months equals or exceeds the approved water treatment plant design capacity; or

(v) Projects to provide disinfection for a system that currently does not have disinfection.

(e) System Improvements. A maximum of 8 points shall be awarded for projects that shall provide any one or more of the following general system improvements when needed for

public health purposes:

- (i) Projects that replace water supply production or treatment equipment that is undersized, malfunctioning or has exceeded its useful life;
- (ii) Projects that replace undersized or leaking water lines;
- (iii) Projects that address other water quality concerns such as iron, manganese, taste, and odor;
- (iv) Projects to bring existing facilities to current design standards which affect water quality such as treatment, chemical storage and application, pumping facilities, finished storage, distribution systems;
- (v) Projects that eliminate dead ends and provide looping in a distribution system;
- (vi) Projects that increase water storage capacity;
- (vii) Projects to develop new sources of water, to augment existing sources, or to expand treatment capacity to meet current demand when the average daily demand for the previous 12 months exceeds 80 percent of the available water supply as calculated in local water supply plans prepared in accordance with G.S. 143-355(l) or the maximum day demand for the previous 12 months exceeds 80 percent of the approved water treatment plant design capacity; or
- (viii) Projects for installation or upgrade of water treatment plant waste disposal facilities.

(3) Capacity for Future Growth (Select One) - (Maximum Points --20):

- (a) The project is intended to provide for the immediate needs. 6 points
- (b) The project is intended to provide for the reasonable growth needs of the area during the next 5 to 20 year planning period. 10 points
- (c) The project is a proposed regional system or a major component of a regional system which is intended to provide for the reasonable growth needs of the area to be served during the next 20 or more years. 20 points

History Note: Filed as a Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Authority S.L. 1998, c. 132, s. 10;

Eff. July 1, 1994;

Temporary Amendment Eff. March 31, 1999.

**SECTION .0800 - CRITERIA FOR
WATER CONSERVATION**

**.0801 PLANNING AND WATER
CONSERVATION**

Maximum value - 80 points:

- (1) Applicant may receive a maximum of 15 bonus points for meeting the following criteria as applicable:
 - (a) Applicant demonstrates it has a continuing I/I program in its wastewater sewer maintenance program. (Wastewater Projects Only) 5 points
 - (b) Applicant demonstrates it has a continuing water loss program in its water supply system program. (Water Supply Projects Only) 5 points
 - (c) Applicant demonstrates it has a continuing program of water conservation education and information. 5 points
 - (d) Applicant demonstrates it has established a water conservation incentive rate structure; created incentives for new or replacement installation of low flow faucets, shower heads, and toilets; or has a water reclamation or reuse system. 5 points
- (2) Applicant may also receive a maximum of 25 bonus points for meeting the following criteria:
 - (a) Applicant demonstrates that it has adopted a comprehensive land-use plan that meets the requirements of G.S. 155H, Article 18 or G.S. 160A, Article 19, or applicant is a local government unit that is not authorized to adopt a comprehensive land-use plan but that is located in whole or in part in another local government unit that has adopted a comprehensive land-use plan, and that the proposed project is consistent with the plan. 7 points
 - (b) Applicant demonstrates that the comprehensive land-use plan exceeds the minimum state standards for the protection of water resources. 8 points
 - (c) Applicant demonstrates that actions have been taken toward implementation of the comprehensive land-use plan. These actions may include the adoption of a zoning ordinance or any other measure that significantly contributes to the implementation of the comprehensive land-use plan. 10 points
- (3) Applicant may receive a maximum of 20 bonus points for the following criteria:
 - (a) Applicant has developed a capital improvement plan as defined in Session Laws 1998, Chapter 132. 15 points
 - (b) Proposed project is consistent with the water supply watershed protection requirements of G.S. 143-214.5. 5 points
- (4) Applicant may receive a maximum of 20 bonus points for the following criteria:
 - (a) Applicant demonstrates voluntary water supply watershed protection activities in excess of the

minimum requirements of

G.S. 143-214.5, or 15 points

- (b) Applicant demonstrates it has developed a voluntary wellhead protection program, or 15 points

- (c) Applicant demonstrates it has both Subparagraphs (1) and (2) of this Paragraph. 20 points

History Note: Filed as a Temporary Rule Eff. March 8, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Authority S.L. 1998, c. 132, s. 10;

Eff. July 1, 1994;

Temporary Amendment Eff. March 31, 1999.

SECTION .0900 - PRIORITIES

.0902 ASSIGNMENT OF CATEGORY TO WASTEWATER APPLICATIONS

(a) Applications for loans for wastewater projects will be assigned a category as follows, during review of the applications:

- (1) ~~All applications for projects that are under orders or projects whose receiving waters have been designated Nutrient Sensitive Waters by the Environmental Management Commission or whose receiving waters have been identified as water quality impaired or limited in the most current basinwide water quality management report, under moratorium, at or above 80% of permitted capacity during the previous calendar year, experiencing excessive infiltration/inflow, or that would qualify for an Emergency Loan under Rule .0204 of this Chapter, and that have submitted final project plans and specifications for review and approval by the receiving agency, shall be placed in Category 1.~~

- (2) ~~All other applications shall be placed in Category 2. All applications for projects that are under orders, under moratorium, at or above 80% permitted capacity during the previous calendar year, experiencing excessive infiltration/inflow, or that would qualify for an Emergency Loan under Rule .0204 of this Rules that have not submitted final project plans and specifications for review and approval by the receiving agency shall be placed in Category 2.~~

- (3) ~~All applications for projects for expanding infrastructure primarily to support additional development and that have submitted final project plans and specifications for review and approval by the receiving agency, shall be placed in Category 3.~~

- (4) ~~All applications for projects for expanding infrastructure primarily to support additional development that have not submitted final project plans and specifications for review and approval by the receiving agency shall be placed in Category 4.~~

- (b) All applications in Category 1 for a specific wastewater

account will be funded before applications in Category 2. 2 in the same account. All applications in Category 2 for a specific wastewater account will be funded before applications in Category 3 in the same account. All applications in Category 3 will be funded before applications in Category 4 in the same account.

History Note: Temporary Rule Eff. March 8, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Authority S.L. 1998, c. 132, s. 10;

Eff. July 1, 1994;

Temporary Amendment Eff. March 31, 1999.

SECTION .1000 - LOAN AWARD, COMMITMENT, AND DISBURSEMENT

.1003 CRITERIA FOR LOAN ADJUSTMENTS

Upon receipt of bids, a loan commitment for water supply projects may be adjusted as follows:

- (1) The loan commitment may be decreased, provided the project cost as bid is less than the estimated project cost, and the receiving agency approves the loan commitment decrease.
- (2) Loan commitments may be increased, by a maximum of 10 percent ~~or three hundred thousand dollars (\$300,000.00)~~ provided: the project cost as bid is greater than the estimated project cost; the project as bid is in accordance with the project for which the loan commitment was made; the receiving agency has reviewed the bids and determined that substantial cost savings would not be available through project revisions without jeopardizing the integrity of the project; and adequate funds are available.
- (3) Increases greater than 10 percent of the loan commitment shall be approved by the receiving agency and the Local Government Commission.

History Note: Filed as a Temporary Rule Eff. March 8, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Authority S.L. 1998, c. 132, s. 10;

Eff. July 1, 1994;

Temporary Amendment Eff. March 31, 1999.

.1004 DISBURSEMENT OF LOANS

(a) Disbursement of loan monies shall be made at intervals as work progresses and expenses are incurred. No disbursement shall be made until the receiving agency receives documentation of incurred costs. At no time shall disbursement exceed the allowable costs which have been incurred at that time.

(b) Project inspection will confirm work progress, and a final inspection is required prior to the final disbursement of loan monies.

(c) No disbursement shall be made until the receiving agency receives documentation of compliance with the verifiable percentage goal for participation by minority businesses in accordance with G.S. 143-128(c).

(d) The receiving agency will notify the Fiscal Management Office of the Controller of the Department of Environment, Health, Environment and Natural Resources to make loan disbursements. A check in the amount of the disbursement authorized by the receiving agency will be written to the recipient by the Fiscal Management Office. Office of the Controller. The check will be forwarded to the recipient by the receiving agency.

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Authority S.L. 1998, c. 132, s. 10;

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Temporary Amendment Eff. March 31, 1999.

Rule-making Agency: DENR - Environmental Management Commission

Rule Citation: 15A NCAC 2D .1801 - .1805; 2Q .0102

Effective Date: March 1, 1999

Findings Reviewed and Approved by: Beecher R. Gray

Authority for the rule-making: G.S. 143-213; 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(1); 143-215.107(a)(11); 143-215.108

Reason for Proposed Action: To adopt temporary rules to control odorous emissions from animal operations. House Bill 515 requires the Environmental Management Commission to adopt temporary rules by March 1, 1999 to regulate the emission of odors from animal operations. The temporary rules and permanent rules may be the same or they may differ.

Comment Procedures: Comments on the temporary rules should be sent to:

Mr. Thomas C. Allen
Division of Air Quality
PO Box 29580
Raleigh, NC 27604-0580
(919) 733-1489 Phone
(919) 715-7476 Fax
thom_allen@aq.ehnr.state.nc.us (e-mail)

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2D - AIR POLLUTION CONTROL REQUIREMENTS

SECTION .1800 - CONTROL OF ODORS

.1801 DEFINITIONS

For the purpose of this Section, the following definitions

apply:

- (1) "Control technology" means economically feasible control devices installed to effectively reduce objectionable odors from animal operations.
- (2) "Animal operation" means animal operation as defined at G.S. 143-215.10B.
- (3) "Construction" means any physical change (including fabrication, erection, installation, replacement, demolition, excavation, or other modification) at any contiguous area under common control.
- (4) "Existing animal operation" means an animal operation that is in operation or commences construction on or before February 28, 1999.
- (5) "Modified animal operation" means an animal operation that commences construction after February 28, 1999, to increase the number of animals that can be housed at that animal operation, to relocate barns used to house animals, to add a new lagoon, or to replace an existing lagoon.
- (6) "New animal operation" means an animal operation that commences construction after February 28, 1999.
- (7) "Objectionable odor" means any odor present in the ambient air that by itself, or in combination with other odors, is or may be harmful or injurious to human health or welfare, or may unreasonably interfere with the comfortable use and enjoyment of life or property. Odors are harmful or injurious to human health if they tend to lessen human food and water intake, interfere with sleep, upset appetite, produce irritation of the upper respiratory tract, or cause symptoms of nausea, or if their chemical or physical nature is, or may be, detrimental or dangerous to human health.
- (8) "Technologically feasible" means that an odor control device or a proposed solution to an odor problem has previously been demonstrated to accomplish its intended objective, and is generally accepted within the technical community. It is possible for technologically feasible solutions to have demonstrated their suitability on similar, but not identical, sources for which they are proposed to control.

History Note: Authority G.S. 143-213; 143-215.3(a)(1); 143-215.107(a)(11);

Temporary Adoption Eff. March 1, 1999.

.1802 CONTROL OF ODORS FROM ANIMAL OPERATIONS

(a) **Purpose.** The purpose of this Rule is to address objectionable odors from animal operations beyond the boundaries of animal operations. It is not to eliminate all odors from animal operations beyond the boundaries of the animal operations.

(b) **Applicability.** This Rule shall apply to all animal operations.

(c) **Required management practices.** All animal operations shall be required to implement management practices for the control of odors as follows:

- (1) The discharge point of the flush water discharge pipe shall extend to a point below the surface of the animal wastewater lagoon;
 - (2) The carcasses of dead animals shall be properly stored at all times and disposed of within 48 hours;
 - (3) Waste from animal wastewater application spray systems shall not be applied when there is danger of drift from the irrigation field beyond the boundary of the animal operation, except waste from application spray systems may be applied in an emergency to maintain safe lagoon freeboard if the owner or operator notifies the Department and resolves the emergency with the Department as written in Section III.6 of the Swine Waste Operation General Permit;
 - (4) Animal wastewater application spray system intakes shall be located near the liquid surface of the animal wastewater lagoon;
 - (5) Ventilation fans shall be maintained according to the manufacturer's specifications;
 - (6) Animal feed storage containers located outside of animal containment buildings shall be covered; and
 - (7) Animal wastewater flush tanks shall be covered with a device that is designed for ready access to prevent overflow.
- (d) Location of objectionable odor determinations.
- (1) For an existing animal operation that does not meet the siting requirements in Subparagraph (j)(1) of this Rule, objectionable odors shall be determined at adjacent occupied residences as defined in G.S. 106-802 not owned by the owner of the animal operation, businesses, schools, hospitals, churches, outdoor recreation facilities, national parks, State Parks as defined in G.S. 113-44.9, historic properties acquired by the State pursuant to G.S. 121-9 or listed in the North Carolina Register of Historic Places pursuant to G.S. 121-4.1, or child care centers as defined in G.S. 110-86 that are licensed under Article 7 of G.S. 110. For occupied residences, businesses, schools, hospitals, churches, or child care centers, the determination shall be made at the principal structure.
 - (2) For a new animal operation or existing animal operation that meets the siting requirements in Subparagraph (j)(1) of this Rule, objectionable odors shall be determined beyond the boundary of the animal operation.
- (e) Determination of the existence of an objectionable odor. In deciding if an animal operation is causing or contributing to an objectionable odor, the Director may consider one or more of the following:
- (1) the nature, intensity, frequency, pervasiveness, and duration of the odors from the animal operation;
 - (2) the potential of the animal operation to emit known odor causing compounds, such as ammonia, total volatile organics, or hydrogen sulfide, at levels that could cause or contribute to an objectionable odor;
 - (3) any epidemiological studies associating health problems with odors from the animal operation or documented health problems associated with odors from the animal operation provided by the State Health Director; or
 - (4) any other evidence, including complaints, that shows that the animal operation is causing or contributing to an objectionable odor.
- (f) Requirement for a best management plan for controlling odors from existing animal operations. If the Director finds that an existing animal operation is causing or contributing to an objectionable odor, the owner or operator of the animal operation shall:
- (1) submit to the Director as soon as practical, but not to exceed 90 days after receipt of written notification from the Director that the animal operation is causing or contributing to an objectionable odor, a best management plan for odor control as described in Rule .1803 of this Section; and
 - (2) be in compliance with the terms of the plan within 30 days after the Director approves the best management plan (compliance with an approved compliance schedule in the best management plan is deemed to be in compliance with the plan).
- (g) Requirement for amendment to best management plan. If the Director determines that a plan does not control objectionable odors from the animal operation, the Director shall require the owner or operator of the animal operation to amend the plan to incorporate additional or alternative measures to control objectionable odors from the animal operation. The owner or operator shall:
- (1) submit a revised best management plan to the Director as soon as practical but not later than 60 days of receipt of written notification from the Director that the plan is inadequate; and
 - (2) be in compliance with the revised plan within 30 days after the Director approves the revisions to the best management plan (compliance with an approved compliance schedule in the best management plan is deemed to be in compliance with the plan).
- (h) Plan failure. Any of the following conditions shall constitute failure of a best management plan:
- (1) failing to submit the initial best management plan required under Paragraph (f) of this Rule within 90 days of receipt of written notification from the Director that the animal operation is causing or contributing to an objectionable odor;
 - (2) failing to submit a revised best management plan required under Paragraph (g) of this Rule within 60 days of receipt of written notification from the Director that the animal operation is causing or contributing to an objectionable odor;
 - (3) failing to correct all deficiencies in a submitted best management plan under Rule .1803(b) of this Section within 30 days of receipt of written notification from the Director to correct these deficiencies;
 - (4) failing to implement the best management plan after it has been approved; or
 - (5) finding by the Director, using the criteria under Paragraph (e) of this Rule, that, after the best management plan has been implemented and revised

up to three times, it does not adequately control objectionable odors from the animal operation and will not adequately control objectionable odors even with further amendments.

(i) Requirements for control technology. If a plan failure occurs, the Director shall require the owner or operator of the animal operation to install control technology to control odor from the animal operation. The owner or operator shall submit within 90 days from receipt of written notification from the Director of a plan failure, a permit application for control technology and an installation schedule. If the owner or operator demonstrates to the Director that a permit application cannot be submitted within 90 days, the Director may extend the time for submittal up to an additional 90 days. Control technology shall be determined according to Subparagraph (1) of this Paragraph. The installation schedule shall contain the increments of progress described in Subparagraph (2) of this Paragraph. The owner or operator may at any time request adjustments in the installation schedule and shall in his request explain why the schedule cannot be met. If the Director finds that the reason for not meeting the schedule is valid, the Director shall revise the installation schedule as requested; however, the Director shall not extend the final compliance date beyond 24 months from the date that the permit was first issued for the control technology. The owner or operator shall certify to the Director within five days after the deadline for each increment of progress described in Subparagraph (2) of this Paragraph whether the required increment of progress has been met.

(1) Control technology. The owner or operator of an animal operation shall identify control technologies that are technologically feasible for his animal operation and shall select the control technology or control technologies that the owner or operator identifies as most effective for his operation considering human health, energy, environmental, and economic impacts and other costs. The owner or operator shall explain the reasons for selecting the control technology or control technologies. If the Director finds that the selected control technology or control technologies will effectively control odors following the procedures in 15A NCAC 2Q .0300 or .0500, he shall approve the installation of the control technology or control technologies for this animal operation. The owner or operator of the animal operation shall comply with all terms and conditions in the permit.

(2) Installation schedule. The installation schedule for control technology shall contain the following increments of progress:

- (A) a date by which contracts for odor control systems and equipment shall be awarded or orders shall be issued for purchase of component parts;
- (B) a date by which on-site construction or installation of the odor control systems and equipment shall begin;
- (C) a date by which on-site construction or installation of the odor control systems and

equipment shall be completed; and

- (D) a date by which final compliance shall be achieved.

Control technology shall be in place and operating as soon as practical but not to exceed 12 months from the date that the permit is issued for control technology.

(j) New or modified animal operations.

(1) The owner or operator of a new or modified animal operation that meets the following siting requirements shall submit and have an approved best management plan before beginning construction.

(A) A house or lagoon that is a component of an animal operation shall be located:

- (i) at least 1500 feet from any occupied residence not owned by the owner of the animal operation;
- (ii) at least 2500 feet from any school, hospital, church, outdoor recreation facility; national park; State Park, as defined in G.S. 113-44.9, historic property acquired by the State pursuant to G.S. 121-9 or listed in the North Carolina Register of Historic Places pursuant to G.S. 121-4.1, or child care center, as defined in G.S. 110-86, that is licensed under Article 7 of G.S. 110; and
- (iii) at least 500 feet from any property boundary.

(B) The outer perimeter of the land area onto which waste is applied from a lagoon that is a component of an animal operation shall be:

- (i) at least 75 feet from any boundary of property on which an occupied residence not owned by the owner of the animal operation is located, and
- (ii) at least 200 feet from any occupied residence not owned by the owner of the animal operation.

(2) The owner or operator of a new or modified animal operation that does not meet the siting requirements of Subparagraph (1) of this Paragraph shall:

- (A) submit and have an approved best management plan before beginning construction, and
- (B) install control technology as described in Subparagraph (i)(1) of this Rule. The owner or operator of the building shall submit and have an approved air permit before commencing construction of the animal operation.

(3) The Director shall either approve or disapprove the best management plan submitted under this Paragraph within 90 days after receipt of the plan. If the Director disapproves the plan, he shall identify the plan's deficiency.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(11); 143-215.108(a);

Temporary Adoption Eff. March 1, 1999.

.1803 BEST MANAGEMENT PLANS FOR ANIMAL OPERATIONS

(a) Contents of a best management plan. The best management plan for animal operations shall:

- (1) identify the name, location, and owner of the animal operation;
- (2) identify the name, title, address, and telephone number of the person filing the plan;
- (3) identify the sources of odor within the animal operation;
- (4) describe how odor will be controlled from:
 - (A) the animal houses;
 - (B) the animal wastewater lagoon, if used;
 - (C) the animal wastewater application lands, if used;
 - (D) waste conveyances and temporary accumulation points; and
 - (E) other possible sources of odor within the animal operation;
- (5) contain a diagram showing all structures and lagoons at the animal operation, forced air directions, and approximate distances to structures or groups of structures within 3000 feet of the property line of the animal operation; a recent or updated aerial photograph may be submitted in place of a diagram provided the items required under this Subparagraph of this Rule are shown;
- (6) for existing animal operations, contain a schedule not to exceed 12 months by which the plan will be implemented (a new animal operation is to have and be in compliance with its best management plan when it begins operation);
- (7) describe how the plan will be implemented, including training of personnel;
- (8) describe inspection and maintenance procedures; and
- (9) describe methods of monitoring and recordkeeping to verify compliance with the plan.

(b) Approval of the best management plan. The Director shall approve the plan if he finds that:

- (1) the plan contains all the required elements in Paragraph (a) of this Rule;
- (2) the proposed schedule contained in the plan will reduce objectionable odors in a timely manner;
- (3) the methods used to control objectionable odors are likely to prevent objectionable odors beyond the property lines of the animal operation; and
- (4) the described compliance verification methods are sufficient to verify compliance with the plan.

If the Director finds that the proposed plan does not meet the requirements of this Paragraph of this Rule, he shall notify the owner or operator of the animal operation in writing of the deficiencies in the proposed plan. The owner or operator shall have 30 days after receiving written notification from the Director to correct the deficiencies. If the Director finds that the proposed plan is acceptable, he shall notify the owner or operator in writing that the proposed plan has been approved.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215-215.107(a)(11);

Temporary Adoption Eff. March 1, 1999.

.1804 REPORTING REQUIREMENTS FOR ANIMAL OPERATIONS

If the Department receives an odor complaint about an animal operation, the Department may require the owner or operator of the animal operation to submit the following information:

- (1) the name and location of the animal operation;
- (2) the name, title, address, and telephone number of the person filing the report;
- (3) the type and number of animals at the animal operation;
- (4) potential sources of odors, such as animal housing structures, lagoons, collection and handling devices, and storage containers, with a physical description of these sources;
- (5) waste water land application procedures; and
- (6) measures taken to reduce odors.

This information shall be submitted to the Division within 15 days after receipt of the request.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215-215.107(a)(11);

Temporary Adoption Eff. March 1, 1999.

.1805 IMPLEMENTATION PLAN

(a) On March 1, 1999, the Division of Air Quality shall have in place an inventory of the State's existing animal operations. This inventory shall be sorted into the following three classes:

- (1) Class I High Nuisance Odor potential;
- (2) Class II Moderate Nuisance Odor potential; and
- (3) Class III Low Nuisance Odor potential.

(b) The classifications in Paragraph (a) of this Rule shall be made by the Director based on input from Division of Water Quality and Division of Soil and Water Conservation staff using the following criteria:

- (1) size of animal operation;
- (2) proximity to other animal operations;
- (3) proximity to nearest residence or public area not located on the property on which the animal operation is based;
- (4) overall performance and enforcement history of the operation;
- (5) records of health concerns related to the operation's odor emissions; and
- (6) history of complaints.

(c) The Director may move an animal operation to a different Class based on new information obtained after March 1, 1999.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(11);

Temporary Adoption Eff. March 1, 1999.

SUBCHAPTER 2Q - AIR QUALITY PERMIT PROCEDURES

SECTION .0100 - GENERAL PROVISIONS

.0102 ACTIVITIES EXEMPTED FROM PERMIT REQUIREMENTS

(a) If a source is subject to any of the following rules, then the source is not exempted from permit requirements, and the exemptions in Paragraph (b) of this Rule do not apply:

- (1) new source performance standards under 15A NCAC 2D .0524 or 40 CFR Part 60, except:
 - (A) 40 CFR Part 60, Subpart Dc, industrial, commercial, and institutional steam generating units located at a facility not required to be permitted under Section .0500 of this Subchapter;
 - (B) 40 CFR Part 60, Subpart Kb, volatile organic liquid storage vessels located at a facility not required to be permitted under Section .0500 of this Subchapter; or
 - (C) 40 CFR Part 60, Subpart AAA, new residential wood heaters;
- (2) national emission standards for hazardous air pollutants under 15A NCAC 2D .1110 or 40 CFR Part 61, except asbestos demolition and renovation activities;
- (3) prevention of significant deterioration under 15A NCAC 2D .0530;
- (4) new source review under 15A NCAC 2D .0531 or .0532;
- (5) sources of volatile organic compounds subject to the requirements of 15A NCAC 2D .0900 that are located in Mecklenburg County in accordance with 15A NCAC 2D .0902;
- (6) sources required to apply maximum achievable control technology (MACT) for hazardous air pollutants under 15A NCAC 2D .1109, .1111, .1112, or 40 CFR Part 63 that are required to have a permit under Section .0500 of this Subchapter; or
- (7) sources at facilities subject to 15A NCAC 2D .1100. (If a source does not emit a toxic air pollutant for which the facility at which it is located has been modeled, it shall be exempted from needing a permit if it qualifies for one of the exemptions in Paragraph (b) of this Rule).

(b) The following activities do not need a permit or permit modification under this Subchapter; however, the Director may require the owner or operator of these activities to register them under 15A NCAC 2D .0200:

- (1) activities exempted because of category (These activities shall not be included on the permit application or in the permit.):
 - (A) maintenance, upkeep, and replacement:
 - (i) maintenance, structural changes, or repairs which do not change the capacity of such process, fuel-burning, refuse-burning, or control equipment, and do not involve any change in quality or nature or increase in quantity of emission of regulated air pollutants;

- (ii) housekeeping activities or building maintenance procedures, including painting buildings, resurfacing floors, roof repair, washing, portable vacuum cleaners, sweeping, use and associated storage of janitorial products, or insulation removal;
 - (iii) use of office supplies, supplies to maintain copying equipment, or blueprint machines;
 - (iv) use of fire fighting equipment;
 - (v) paving parking lots; or
 - (vi) replacement of existing equipment with equipment of the same size, type, and function that does not result in an increase to the actual or potential emission of regulated air pollutants and that does not affect the compliance status, and with replacement equipment that fits the description of the existing equipment in the permit, including the application, such that the replacement equipment can be operated under that permit without any changes in the permit;
- (B) air conditioning or ventilation: comfort air conditioning or comfort ventilating systems which do not transport, remove, or exhaust regulated air pollutants to the atmosphere;
- (C) laboratory activities:
 - (i) bench-scale, on-site equipment used exclusively for chemical or physical analysis for quality control purposes, staff instruction, water or wastewater analyses, or non-production environmental compliance assessments;
 - (ii) bench-scale experimentation, chemical or physical analyses, training or instruction from not-for-profit, non-production educational laboratories;
 - (iii) bench-scale experimentation, chemical or physical analyses, training or instruction from hospitals or health laboratories pursuant to the determination or diagnoses of illness; or
 - (iv) research and development laboratory activities that are not required to be permitted under Section .0500 of this Subchapter provided the activity produces no commercial product or feedstock material;
- (D) storage tanks:
 - (i) storage tanks used solely to store fuel oils, kerosene, diesel, crude oil, used motor oil, lubricants, cooling oils, natural gas or liquified petroleum gas;
 - (ii) storage tanks used to store gasoline for which there are no applicable

- requirements except Stage I controls under 15A NCAC 2D .0928;
 - (iii) storage tanks used solely to store inorganic liquids; or
 - (iv) storage tanks or vessels used for the temporary containment of materials resulting from an emergency response to an unanticipated release of hazardous materials;
 - (E) combustion and heat transfer equipment:
 - (i) space heaters burning distillate oil, kerosene, natural gas, or liquified petroleum gas operating by direct heat transfer and used solely for comfort heat;
 - (ii) residential wood stoves, heaters, or fireplaces;
 - (iii) hot water heaters which are used for domestic purposes only and are not used to heat process water;
 - (F) wastewater treatment processes: industrial wastewater treatment processes or municipal wastewater treatment processes for which there are no applicable requirements;
 - (G) gasoline distribution:
 - (i) gasoline service stations or gasoline dispensing facilities that are not required to be permitted under Section .0500 of this Subchapter; or
 - (ii) gasoline dispensing equipment at facilities required to be permitted under Section .0500 of this Subchapter if the equipment is used solely to refuel facility equipment;
 - (H) dispensing equipment: equipment used solely to dispense diesel fuel, kerosene, lubricants or cooling oils;
 - (I) solvent recycling: portable solvent distillation systems used for on-site solvent recycling if:
 - (i) The portable solvent distillation system is not:
 - (I) owned by the facility, and
 - (II) operated at the facility for more than seven consecutive days; and
 - (ii) The material recycled is:
 - (I) recycled at the site of origin,
 - (II) the original material is non-photochemically reactive in accordance with 15A NCAC 2D .0518, Miscellaneous Volatile Organic Compound Emissions, and
 - (III) all make up material is non-photochemically reactive in accordance with 15A NCAC 2D .0518;
 - (J) processes:
 - (i) small electric motor burn-out ovens with
- secondary combustion chambers or afterburners;
 - (ii) small electric motor bake-on ovens;
 - (iii) burn-off ovens for paint-line hangers with afterburners;
 - (iv) hosiery knitting machines and associated lint screens, hosiery dryers and associated lint screens, and hosiery dyeing processes where bleach or solvent dyes are not used;
 - (v) blade wood planers planing only green wood;
- (K) miscellaneous:
 - (i) motor vehicles, aircraft, marine vessels, locomotives, tractors or other self-propelled vehicles with internal combustion engines;
 - (ii) non-self-propelled non-road engines, except generators, regulated by rules adopted under Title II of the federal Clean Air Act;
 - (iii) equipment used for the preparation of food for direct on-site human consumption;
 - (iv) a source whose emissions are regulated only under Section 112(r) or Title VI of the federal Clean Air Act that is not required to be permitted under Section .0500 of this Subchapter;
 - (v) exit gases from in-line process analyzers;
 - (vi) stacks or vents to prevent escape of sewer gases from domestic waste through plumbing traps;
 - (vii) refrigeration equipment that is consistent with Section 601 through 618 of Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, 40 CFR Part 82, and any other regulations promulgated by EPA under Title VI for stratospheric ozone protection, except those units used as or in conjunction with air pollution control equipment;
 - (viii) equipment not vented to the outdoor atmosphere with the exception of equipment that emits volatile organic compounds;
 - (ix) equipment that does not emit any regulated air pollutants;
 - (x) facilities subject only to a requirement under 40 CFR Part 63 that are not required to be permitted under Section .0500 of this Subchapter (This Subpart does not apply when a control device is used to meet a MACT or GACT emission standard.);
 - (xi) sources for which there are no

- applicable requirements and that are at a facility not required to be permitted under Section .0500 of this Subchapter;
- (xii) animal operations not required to have control technology under 15A NCAC 2D .1800 or not required to be permitted under Section .0500 of this Subchapter; (If an animal operation is required to have control technology, it shall be required to have a permit under this Subchapter.)
- (2) activities exempted because of size or production rate (These activities shall not be included in the permit. If the facility is subject to the permitting procedures under Section .0500 of this Subchapter, these activities shall be listed on the permit application; otherwise, these activities shall not be listed on the permit application.):
- (A) storage tanks:
- (i) above-ground storage tanks with a storage capacity of no more than 1100 gallons storing organic liquids with a true vapor pressure of no more than 10.8 pounds per square inch absolute at 70°F; or
 - (ii) underground storage tanks with a storage capacity of no more than 2500 gallons storing organic liquids with a true vapor pressure of no more than 10.8 psi absolute at 70°F;
- (B) combustion and heat transfer equipment located at a facility not required to be permitted under Section .0500 of this Subchapter:
- (i) fuel combustion equipment, except for internal combustion engines, firing exclusively kerosene, No. 1 fuel oil, No. 2 fuel oil, equivalent unadulterated fuels, or a mixture of these fuels or one or more of these fuels mixed with natural gas or liquified petroleum gas with a heat input of less than:
 - (I) 10 million BTU per hour for which construction, modification, or reconstruction commenced after June 9, 1989; or
 - (II) 30 million BTU per hour for which construction, modification, or reconstruction commenced before June 10, 1989;
 - (ii) fuel combustion equipment, except for internal combustion engines, firing exclusively natural gas or liquified petroleum gas or a mixture of these fuels with a heat input rating less than 65 million BTU per hour;
 - (iii) space heaters burning waste oil if:
 - (I) The heater burns only oil that the owner or operator generates or used oil from do-it-yourself oil changers who generate used oil as household wastes;
- (II) The heater is designed to have a maximum capacity of not more than 500,000 Btu per hour; and
 - (III) The combustion gases from the heater are vented to the ambient air;
- (iv) emergency use generators and other internal combustion engines not regulated by rules adopted under Title II of the federal Clean Air Act, except self-propelled vehicles, that have a rated capacity of no more than:
- (I) 310 kilowatts (electric) or 460 horsepower for natural gas-fired engines,
 - (II) 830 kilowatts (electric) or 1150 horsepower for liquified petroleum gas-fired engines,
 - (III) 270 kilowatts (electric) or 410 horsepower for diesel-fired or kerosene-fired engines, or
 - (IV) 21 kilowatts (electric) or 31 horsepower for gasoline-fired engines;
- (v) portable generators and other portable equipment with internal combustion engines not regulated by rules adopted under Title II of the federal Clean Air Act, except self-propelled vehicles, that operate at the facility no more than a combined 350 hours for any 365-day period provided the generators or engines have a rated capacity of no more than 750 kilowatt (electric) or 1100 horsepower each and provided records are maintained to verify the hours of operation;
- (vi) peak shaving generators that produce no more than 325,000 kilowatt-hours of electrical energy for any 12-month period provided records are maintained to verify the energy production on a monthly basis and on a 12-month basis;
- (C) gasoline distribution: bulk gasoline plants with an average daily throughput of less than 4000 gallons that is not required to be permitted under Section .0500 of this Subchapter;
- (D) processes:
- (i) printing, paint spray booths or other painting or coating operations without air pollution control devices (water wash and filters that are an integral part of the paint spray booth are not considered air pollution control devices) located at a facility whose facility-wide

actual emissions of:

- (I) Volatile organic compounds are less than five tons per year, and
- (II) Photochemically reactive solvent emissions under 15A NCAC 2D .0518 are less than 30 pounds per day;

provided the facility is not required to be permitted under Section .0500 of this Subchapter;

- (ii) saw mills that saw no more than 2,000,000 board feet per year provided only green wood is sawed;
- (iii) perchloroethylene dry cleaners that consume less than 13,000 pounds (965 gallons) of perchloroethylene per year;
- (iv) electrostatic dry powder coating operations equipped with powder recovery including curing ovens with a heat input of less than 10,000,000 BTU per hour;
- (E) miscellaneous:
 - (i) any source without an air pollution control device whose emissions would not violate any applicable emissions standard and whose potential emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide are each no more than five tons per year and whose potential emissions of hazardous air pollutants are below their lesser quantity cutoff except:
 - (I) storage tanks,
 - (II) fuel combustion equipment, excluding fuel combustion equipment at facilities required to have a permit under Section .0500 of this Subchapter, firing exclusively kerosene, No. 1 fuel oil, No. 2 fuel oil, equivalent unadulterated fuels, natural gas, liquified petroleum gas, or a mixture of these fuels,
 - (III) space heaters burning waste oil,
 - (IV) generators, excluding emergency generators, or other non-self-propelled internal combustion engines,
 - (V) bulk gasoline plants,
 - (VI) printing, paint spray booths, or other painting or coating operations,
 - (VII) saw mills,
 - (VIII) perchloroethylene dry cleaners, or
 - (IX) electrostatic dry powder coating operations,

provided that the total potential emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide from the facility are each less than 40 tons per year and the total potential emissions of all hazardous air pollutants are below their lesser quantity cutoff emission rates or provided that the facility has an air quality permit;

- (ii) any facility without an air pollution control device whose actual emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, or carbon monoxide are each less than five tons per year, whose potential emissions of all hazardous air pollutants are below their lesser quantity cutoff emission rates, and which is not required to have a permit under Section .0500 of this Subchapter;
- (iii) any source that only emits hazardous air pollutants that are not also a particulate or a volatile organic compound and whose potential emissions of hazardous air pollutants are below their lesser quantity cutoff emission rates; or
- (iv) any incinerator covered under Paragraph (d) of 15A NCAC 2D .1201.
- (F) case-by-case exemption:
 - (i) for activities located at facilities not required to have a permit under Section .0500 of this Subchapter, activities that the applicant demonstrates to the satisfaction of the Director:
 - (I) to be negligible in their air quality impacts,
 - (II) not to have any air pollution control device, and
 - (III) not to violate any applicable emission control standard when operating at maximum design capacity or maximum operating rate, whichever is greater; or
 - (ii) for activities located at facilities required to have a permit under Section .0500 of this Subchapter: activities that the applicant demonstrates to the satisfaction of the Director:
 - (I) to be negligible in their air quality impacts,
 - (II) not to have any air pollution control device,
 - (III) not to violate any applicable emission control standard when operating at maximum design capacity or maximum operating rate, whichever is greater,

- (IV) the potential emissions of each criteria pollutant is less than five tons per year, and
- (V) the potential emissions of each hazardous air pollutant is less than 1000 pounds per year.

(c) Because an activity is exempted from being required to have a permit does not mean that the activity is exempted from any applicable requirement or that the owner or operator of the source is exempted from demonstrating compliance with any applicable requirement.

(d) Emissions from stationary source activities identified in Paragraph (b) of this Rule shall be included in determining compliance with the toxic air pollutant requirements under 15A NCAC 2D .1100 or 2Q .0700.

(e) The owner or operator of a facility or source claiming an exemption under Paragraph (b) of this Rule shall provide the Director documentation upon request that the facility or source is qualified for that exemption.

History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner;

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4); 143-215.108;

Eff. July 1, 1994;

Amended Eff. July 1, 1998; July 1, 1997; November 1, 1996;

Temporary Amendment Eff. March 1, 1999.

Rule-making Agency: North Carolina Marine Fisheries Commission

Rule Citation: 15A NCAC 30 .0401-.0406

Effective Date: April 1, 1999

Findings Reviewed and Approved by: Beecher R. Gray

Authority for the rule-making: G.S. 113-134; 143B-289.52; S.L. 1998-225, s.5.2;

Reason for Proposed Action: The Fisheries Reform Act of 1997 and its amendments (House Bill 1448) created a new license system. This system includes a method of applying for a Standard Commercial Fishing License through an Eligibility Pool. These temporary rules establishes the Eligibility Board, the method of applying to this Board, and the criteria for eligibility. Applicants can start submitting applications on April 1, 1999, for review by the Board.

Comment Procedures: Written comments may be submitted to the Marine Fisheries Commission, Attention Juanita Gaskill, PO Box 769, Morehead City, NC 28557. Comments will be accepted through June 1, 1999.

CHAPTER 3 - MARINE FISHERIES

SUBCHAPTER 30 - LICENSES, LEASES AND FRANCHISES

SECTION .0400 - STANDARD COMMERCIAL LICENSE ELIGIBILITY

.0401 ELIGIBILITY BOARD

(a) The Eligibility Board shall sit as a panel of three members consisting of the Chairman of the Marine Fisheries Commission, the Secretary of the Department of Environment and Natural Resources, and the Director of the Division of Marine Fisheries or their designees. The Chairman of the Marine Fisheries Commission, the Secretary of the Department of Environment and Natural Resources, and the Director of the Division of Marine Fisheries may each name a designee and an alternate designee to serve on the Eligibility Board as their representative in their absence.

(b) The Eligibility Board shall not review an application for eligibility without a quorum of the Eligibility Board members or designees being present. Two or more members of the Eligibility Board or their designees constitute a quorum.

History Note: Authority G.S. 113-134; 143B-289.52; S.L. 1998-225, s. 5.2;

Temporary Adoption Eff. April 1, 1999.

.0402 APPLICATION PROCESS

(a) Application forms for determination of eligibility for the Standard Commercial Fishing Licenses Eligibility Pool shall be available at all offices of the Division of Marine Fisheries and must be submitted to the Morehead City Office of the Division of Marine Fisheries for processing.

(b) Applications for determination of eligibility for the Standard Commercial Fishing License Eligibility Pool for the 1999-2000 license year will be accepted beginning April 1, 1999. All applications received from April 1, 1999 through June 30, 1999, will be reviewed for eligibility for the 1999-2000 license year.

(c) Only one application per individual for determination of eligibility for the Standard Commercial Fishing Licenses Eligibility Pool will be accepted or may be pending at any one time. An applicant may only have one entry in the eligibility pool at any one time.

(d) Individuals who currently hold or are eligible to purchase a Standard or Retired Standard Commercial Fishing License shall not be eligible to apply for additional Standard Commercial Fishing Licenses through the Standard Commercial Fishing Licenses Eligibility Pool.

(e) If an applicant has died or becomes ineligible and is subsequently selected from the eligibility pool, that license eligibility will automatically revert to the eligibility pool.

(f) Persons claiming retirement from commercial fishing or transferring their Standard Commercial Fishing License may not apply for pool eligibility for two years from the date of the last transfer.

(g) Applicants are required to notify the Division of Marine

Fisheries within 30 days of a change of address.

History Note: Authority G.S. 113-134; 143B-289.52; S.L. 1998-225, s. 5.2;

Temporary Adoption Eff. April 1, 1999.

.0403 ELIGIBILITY BOARD REVIEW

(a) The Eligibility Board will meet on the first Wednesday of May, 1999, and shall review all applications to determine eligibility under criteria set out in 15A NCAC 30 .0404. This Board will continue to meet as needed until all applications received by the Division of Marine Fisheries by June 30, 1999, have been reviewed.

(b) After determination by the Eligibility Board, applicants will be notified in writing as to the applicant's meeting or not meeting required eligibility criteria for the Standard Commercial Fishing License Eligibility Pool.

(c) Within 30 days of completion of the review by the Eligibility Board of the applications for eligibility, the Marine Fisheries Commission shall conduct a Business Meeting to draw the 500 applications from the Standard Commercial Fishing License Eligibility Pool for issuance of licenses. This selection shall be done by a random selection process.

(d) If less than 500 applications are determined to be eligible in the applications submitted from April 1, 1999 through June 30, 1999, the Eligibility Board will meet the first Wednesday of each month until the 500 licenses in the Standard Commercial Fishing License Eligibility Pool have been issued or until June 30, 2000. The Marine Fisheries Commission will draw applications from the Standard Commercial Fishing License Eligibility Pool for issuance of licenses by a random selection process at their next regularly scheduled meeting.

(e) The Eligibility Board shall meet at least quarterly after the initial review, unless the 500 openings on the Standard Commercial Fishing License Eligibility Pool are not filled in the initial review and drawing. Other meetings may be held as determined necessary by the Chairman of the Eligibility Board based on the number of applications received after June 30, 1999, to determine eligibility for future years' licenses.

(f) In subsequent years following the 1999-2000 license year, the Marine Fisheries Commission will determine the number for selection from the Standard Commercial Fishing License Eligibility Pool and draw the applications from the Standard Commercial Fishing License Eligibility Pool for issuance of licenses by a random selection process at their first scheduled meeting following July 1 of each year and as necessary throughout the year.

(g) In subsequent years following the 1999-2000 license year, the Eligibility Board shall meet at least quarterly to review applications.

History Note: Authority G.S. 113-134; 143B-289.52; S.L. 1998-225, s. 5.2;

Temporary Adoption Eff. April 1, 1999.

.0404 ELIGIBILITY CRITERIA

In determining eligibility of an application for the Standard Commercial Fishing License Eligibility Pool, the Eligibility

Board shall apply the following criteria:

(1) Involvement in Commercial Fishing:

- (a) Significant involvement in the commercial fishing industry for three of the last five years; or
- (b) Significant involvement in commercial fishing or in the commercial fishing industry prior to the last five years; or
- (c) Greater than 50 percent of the applicant's total annual income per year for at least three years derived from commercial fishing; or
- (d) Greater than 75 percent of the applicant's total annual income for three of the last five years being derived from commercial fishing; or
- (e) In the case of an applicant who has turned 16 in the year prior to application, involvement in commercial fishing for two out of the last five years prior to reaching the age of 16 with a parent, guardian, grandparent or other adult family member; or
- (f) Significant family involvement of the applicant's family in commercial fishing for the last five years. For the purpose of this Sub-item, family shall include mother, father, brother, sister, spouse, children, grandparents or legal guardian.

For the purposes of this Rule, involvement means persons or corporations who are engaged in the actual taking of fish, from the waters of the State, or other states, jurisdictions, or federal waters, or any licensed dealer who purchases fish at the point of landing or their employees at the point of landing. Involvement does not include activities such as those who transport fish from the point of landing; those who sell or make commercial or recreational fishing gear; those who operate bait and tackle shops, unless they are engaged in the actual taking of bait for sale; or those who work in fish markets or crab picking operations.

(2) Compliance with Applicable Laws and Regulations:

- (a) The applicant shall not have any licenses, endorsements or commercial fishing vessel registrations issued by the Division of Marine Fisheries or the right to hold such under suspension or revocation at the time of application or during the eligibility review; or
- (b) If selected for the Standard Commercial Fishing License Eligibility Pool, the applicant shall become ineligible for the Standard Commercial Fishing License Eligibility Pool if any licenses, endorsements or registrations or the right to hold such issued by the Division of Marine Fisheries are suspended or revoked; or
- (c) Four convictions within the last three years or the number of convictions which would cause suspension or revocation of license, endorsement, or registration within the last three years shall result in the application being denied; or
- (d) A record of habitual violations evidenced by

eight or more convictions in the last 10 years shall result in the application being denied.

this eligibility is automatically revoked.

(e) For purposes of eligibility for the Standard Commercial Fishing License Eligibility Pool, the term convictions shall include but not be limited to any conviction for violation of any provision of G.S. 113 and any rule implementing or authorized by such statutes; any conviction for violation of G.S. 76-40 and any rule implementing or authorized by such statute; any conviction of G.S. 75A and any rule implementing or authorized by such statutes; any conviction for violation of any provision of Article 7 of G.S. 143B and any rule implementing or authorized by such statutes; any conviction of resist, obstruct, or delay involving a Marine Patrol Officer or Wildlife Officer under G.S. 14-223; and any conviction involving assaultive behavior toward a Marine Patrol Officer or other governmental official of the Department of Environment and Natural Resources or the Wildlife Commission.

(f) Applicants for the Standard Commercial Fishing License Eligibility Pool must provide certification that the applicant does not have four or more marine or estuarine resource violations during the previous three years.

(3) All applicants for the Standard Commercial Fishing License Eligibility Pool must meet all other statutory eligibility requirements for the Standard Commercial Fishing License.

History Note: Authority G.S. 113-134; 113-168.1; 113-168.2; 143B-289.52; S.L. 1998-225, s. 5.2;
Temporary Adoption Eff. April 1, 1999.

History Note: Authority G.S. 113-134; 143B-289.52; S.L. 1998-225, s. 5.2;
Temporary Adoption Eff. April 1, 1999.

.0406 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY POOL CERTIFICATION

Annual certification to maintain an eligible application in the Standard Commercial Fishing License Eligibility Pool will be as follows:

- (1) The applicant will be required to certify that the information on their original application is correct and that they desire to remain in the Standard Commercial Fishing License Eligibility Pool.
- (2) A certification form will be provided and mailed to the applicant at the last known address by the Division.
- (3) This certification, with any changes such as address, phone number, or updated fisheries involvement information since the last application or certification must be notarized and submitted to the Division within 12 months of the initial application and annually thereafter.
- (4) Failure to return certification that application is correct or with changes within 30 days will result in the application being deleted from the Standard Commercial Fishing License Eligibility Pool.
- (5) An applicant that has been deleted from the Standard Commercial Fishing License Eligibility Pool will receive a notice from the Division.

History Note: Authority G.S. 113-134; 143B-289.52; S.L. 1998-225, s. 5.2;
Temporary Adoption Eff. April 1, 1999.

.0405 APPLICATION DOCUMENTATION

Documentation for applications:

- (1) Statements from individuals verifying the applicant's involvement must contain the individual's name, address and telephone number and must be notarized.
- (2) Proof of income derived from commercial fishing or the commercial fishing industry. Proof of this income shall be tax records.
- (3) The extent to which the applicant has complied with federal and state laws, regulations, and rules relating to coastal fishing and protection of the environment. Federal compliance will be verified by a notarized statement from the applicant that he has complied with federal laws.
- (4) All documents required by this Rule must be notarized.
- (5) Applications shall be legible and complete or they will be returned.
- (6) It is unlawful to submit false statements on applications or supporting documents. If eligibility is based on false information provided by the applicant,

Rule-making Agency: Commission for Health Services

Rule Citation: 15A NCAC 23.0202

Effective Date: February 24, 1999

Findings Reviewed and Approved by: Julian Mann, III

Authority for the rule-making: G.S. 130A-389a

Reason for Proposed Action: The purpose for this proposed action is to amend Rule .0202 to cite G.S. 130A-389, which establishes the fee amount for a medical examiner ordered autopsy, in lieu of stating the exact amount of the fee. Also, at the same time the fee was increased (1997-98 Legislative Session), revision of the fee reduction schedule for late autopsy reports was taken into consideration. This rule amendment changes the time period for a fee reduction for late autopsy

reports from 60/120 days to 180 days. The change to the fee reduction schedule allows a less burdensome time and monetary constraint for pathologists to submit reports.

Comment Procedures: Comments, statements, data and other information may be submitted in writing within 60 days after the date of publication of this issue in the North Carolina Register. Copies of the proposed rules and information packages may be obtained by contacting the Office of the Chief Medical Examiner (OCME) at (919) 966-2253. Written comments may be submitted to Michael Kaufman, Administrator, OCME, Campus Box 7580, Chapel Hill, NC 27599-7580.

CHAPTER 23 - DIVISION OF POSTMORTEM MEDICOLEGAL EXAMINATION

SECTION .0200 - FEES

.0202 PATHOLOGY FEE

For each autopsy ordered by a county medical examiner or the chief medical examiner, the pathologist shall receive a fee of ~~four hundred dollars (\$400.00) as established in G.S. 130A-389~~ when the autopsy report is received at the Office of the Chief Medical Examiner ~~Examiner, within 60 days from the date of autopsy. The fee shall be three hundred fifty dollars (\$350.00)~~ ~~eight hundred seventy five dollars (\$875.00) for reports received after 60 days but within 120 days from the date of autopsy.~~ There will be no fee for reports received after the ~~120~~ 180 day period, unless the Chief Medical Examiner determines that the delay was beyond the control of the pathologist. The fee shall be paid by the state unless the decedent is a legal resident of the county in which death occurred, in which event the county of residence shall be responsible for the fee.

History Note: Authority G.S. 130A-389; 130A-393;
Eff. July 1, 1979;
Amended Eff. July 1, 1986; July 1, 1984; July 1, 1982;
Transferred and Recodified from 10 NCAC 11 .0702 Eff. April 4, 1990;
Amended Eff. September 1, 1990;
Temporary Amendment Eff. February 24, 1999.

TITLE 18 - SECRETARY OF STATE

Rule-making Agency: Secretary of State

Rule Citation: 18 NCAC 10 .0101, .0201, .0301, .0305-.0307, .0401-.0402, .0501

Effective Date: February 23, 1999

Findings Reviewed & Approved by: Beecher R. Gray

Authority for the rule-making: G.S. 66-58.10

Reason for Proposed Action: The purpose of these temporary

rules is to enable administration of the Electronic Commerce Act, G.S. 66-58.10 et seq.

Comment Procedures: Persons interested in these rules may participate in the Secretary of State's Internet-linked rulemaking project. This site is accessible from the Department's homepage at www.state.nc.us/secstate. Oral and written comments may also be submitted to Scott Templeton, Deputy Secretary of State, North Carolina Department of the Secretary of State, P.O. Box 29622, Raleigh, NC 27626-0525, phone (919) 733-5150. Email may be sent to ecomm@mail.secstate.state.nc.us.

Editors Note: Pursuant to G.S. 150B-21.1(a)(2) the proposed temporary rules were published in the NC Register, Volume 13, Issue 14.

CHAPTER 10 – ELECTRONIC COMMERCE SECTION

SECTION .0100 – GENERAL ADMINISTRATION

.0101 HOW TO CONTACT THE ELECTRONIC COMMERCE SECTION

The North Carolina Department of the Secretary of State administers the Electronic Commerce Act. The Secretary of State has designated the Electronic Commerce Section to administer the Act. The Electronic Commerce Section may be contacted by the following means:

- (1) Electronic mail messages (email) are welcome, and are frequently the most efficient means of communicating with the Electronic Commerce Section. Email may be sent to: ecomm@mail.secstate.state.nc.us.
- (2) Regular mail may be sent to the Electronic Commerce Section at the following address: Electronic Commerce Section, Department of the Secretary of State, PO Box 29622, Raleigh, NC 27626-0525.
- (3) Up-to-date contact information regarding the Electronic Commerce Section is contained on the Department of the Secretary of State's Internet site at <http://www.state.nc.us/secstate>.
- (4) Suggestions regarding program administration are welcome. Suggestions for improving electronic commerce in North Carolina, these Rules, the Electronic Commerce Section, and the Electronic Commerce Act are always welcome. Suggestions may be sent to the Electronic Commerce Section at the addresses given in this Rule.

History Note: Authority G.S. 66-58.10;
Temporary Adoption Eff. February 23, 1999.

SECTION .0200 – DEFINITIONS

.0201 APPLICABLE DEFINITIONS

In addition to the definitions in the Electronic Commerce Act, Article 11A of G.S. 66 (G.S. 66-58.1 et seq.), the following apply in these Rules:

SUBSCRIBER IDENTIFICATION

- (1) "Asymmetric Cryptosystem" means a computer-based system that employs two different but mathematically related keys. The keys are computer-generated codes that have the following characteristics:
 - (a) either key can be used to electronically sign and/or encrypt data, such that only the other key in that key pair is capable of verifying the electronic signature and/or decrypting the signed data; and
 - (b) the keys have the property that, knowing one key, it is computationally infeasible to discover the other key.
- (2) "Certificate" means a record which:
 - (a) identifies the certification authority issuing it;
 - (b) names or identifies its subscriber;
 - (c) contains the subscriber's public key;
 - (d) identifies its period of validity;
 - (e) is electronically signed by the certification authority issuing it; and
 - (f) conforms to the ITU/ISO X.509 Version 3 standards or other standards accepted under these Rules.
- (3) "Certification Practice Statement" means documentation of the practices, procedures and controls employed by a certification authority. A Certification Practice Statement shall contain, at a minimum, detailed discussions of the following topics:
 - (a) technical security controls, including cryptographic modules and management;
 - (b) physical security controls;
 - (c) procedural security controls;
 - (d) personnel security controls;
 - (e) repository obligations, including registration management, subscriber information protection, and certificate revocation management; and
 - (f) financial responsibility.
- (4) "ITU/ISO X.509 Version 3 standards" means version three of the X.509 standards promulgated by the International Telecommunications Union and the International Organization for Standardization.
- (5) "Key Pair" means the two keys in an asymmetric cryptosystem.
- (6) "Private Key" means the key of a key pair that is to be kept confidential by the subscriber.
- (7) "Public Key" means the key of a key pair that the subscriber may publish.
- (8) "Public Key Cryptography" means a type of cryptographic technology that employs an asymmetric cryptosystem.
- (9) "Subscriber" means the person to whom a certificate is issued.

*History Note: Authority G.S. 66-58.10(a)(1);
Temporary Adoption Eff. February 23, 1999.*

SECTION .0300 – LICENSING, TECHNOLOGIES, AND

.0301 LICENSING STANDARDS – PUBLIC KEY CRYPTOGRAPHY

- (a) To be considered for licensure under this Section, a certification authority shall utilize certificate-based public key cryptography.
- (b) Any applicant seeking licensure must demonstrate compliance with the ITU/ISO X.509 Version 3 standards in its Certification Practice Statement.
- (c) To request licensure, a certification authority shall provide the Electronic Commerce Section with a copy of its current Certification Practice Statement. The certification authority shall also submit an unqualified performance audit performed by a Certified Public Accountant, in accordance with standards set in the most current version of the American Institute of Certified Public Accountants (AICPA) Statement on Auditing Standards No. 70 (SAS 70) "Reports on the Processing of Service Transactions by Service Organizations," to evidence that the certification authority's practices and policies are consistent with the requirements of the ITU/ISO X.509 Version 3 standards, the certification authority's Certification Practice Statement and the requirements of these Rules.
 - (1) In order to be licensed, a certification authority that has been in operation for one year or less shall undergo a SAS 70 Type One audit - A Report of Policies and Procedures Placed in Operation, receiving an unqualified opinion.
 - (2) In order to be licensed, a certification authority that has been in operation for longer than one year shall undergo a SAS 70 Type Two audit - A Report of Policies and Procedures Placed in Operation and Test of Operating Effectiveness, receiving an unqualified opinion.
 - (d) A certification authority shall adhere to its Certification Practice Statement. If a certification authority modifies its Certification Practice Statement, it shall provide an updated copy of the Certification Practice Statement to the Electronic Commerce Section as soon as is practicable, and no later than the date the updated Certification Practice Statement is put into operation. As a condition of continued licensure, the Electronic Commerce Section may require the certification authority to undergo an audit to document compliance with its updated Certification Practice Statement, and to document continuing compliance with the ITU/ISO X.509 Version 3 standards and these Rules.
 - (e) The ITU/ISO X.509 Version 3 standards may be obtained by downloading from the ITU Internet site at http://www.itu.int/itudoc/itu-t/rec/x/x500up/x509_27505.html. As of February 8, 1999, the ITU requires credit card prepayment of 20 Swiss Francs (approximately US twenty eight dollars and thirty cents (\$28.30) for this publication. The AICPA SAS 70 standards may be obtained by writing for Publication Number 060441 (SAS 70) to AICPA Order Department, PO Box 2209, Jersey City, NJ 07303-2209. As of February 8, 1999, AICPA requires prepayment of nine dollars and twenty five cents (\$9.25) plus three dollars (\$3.00) shipping twelve dollars and ninety five cents (\$12.95 total) to nonmembers for this

publication. Orders may also be placed using credit card prepayment by calling AICPA at 888.777.7077. The X.509 and SAS 70 documents may also be reviewed at the Electronic Commerce Section office.

History Note: Authority G.S. 66-58.10(a)(2); Temporary Adoption Eff. February 23, 1999.

.0305 ALTERNATE TECHNOLOGIES AND PROVISIONAL LICENSING

(a) Alternate Technologies: Any person may petition the Electronic Commerce Section to initiate rulemaking to recognize a technology not currently recognized under these Rules. The petition shall be made pursuant to G.S. 150B-20. G. S. 150B-20 and other statutes can be viewed at the North Carolina General Assembly's Internet site at <http://www.ncga.state.nc.us/>. In addition to the requirements of G.S. 150B-20, in order to enable the Electronic Commerce Section to best consider the petition, the petitioner should also provide a detailed explanation of the proposed technology, and a discussion of how the technology complies with the substantive intent of the Electronic Commerce Act.

(b) Provisional Licensing: If the Electronic Commerce Section accepts the proposed technology for rulemaking, it may, but is not required to, enter into provisional licensing agreements with persons utilizing the proposed technology and desiring licensure during the time before the new rules are effective. The terms and conditions of any provisional licensing agreement shall be substantially consistent with these Rules.

History Note: Authority G.S. 66-58.10(a)(2); Temporary Adoption Eff. February 23, 1999.

.0306 SUBSCRIBER IDENTIFICATION

(a) In confirming that a prospective subscriber is the person to be listed in a certificate to be issued, a licensed certification authority shall make a reasonable inquiry in light of:

- (1) any statements made by the certification authority regarding the reliability or reliance limit of the certificate; and
- (2) any recommended uses or applications for the certificate.

(b) A certification authority shall be presumed to have confirmed that the prospective subscriber is the person to be listed in a certificate where:

- (1) the certification authority has been presented identification documents consisting of at least one of the following:
 - (A) an identification document issued by or under the authority of the United States or a State of the United States, or such similar identification document issued under the authority of another country;
 - (B) a driver's license issued by the United States or a State of the United States; or
 - (C) a personal identification card issued by the United States or a State of the United States; and

- (2) the certification authority has reviewed and accepted the identification document of the subscriber.

History Note: Authority G.S. 66-58.10(a)(2); Temporary Adoption Eff. February 23, 1999.

.0307 LICENSING FEES, BONDING AND RENEWAL

(a) A certification authority shall pay an initial licensing fee in the sum of two thousand dollars (\$2000).

(b) As a precondition of licensure, a certification authority shall obtain a bond issued by a surety company authorized to do business in this State. A copy of the bond required by this Rule shall be filed with the Electronic Commerce Section prior to licensure. The amount of the bond shall not be less than one hundred thousand dollars (\$100,000) and shall be in favor of the State of North Carolina for any penalties assessed by the Electronic Commerce Section pursuant to these Rules and for the benefit of any person who may have a claim for relief against the certification authority for any losses resulting from the certification authority's conduct of any activities subject to the Electronic Commerce Act or arising out of a violation of the Electronic Commerce act or any rule promulgated thereunder. The Electronic Commerce Section shall cancel the license of a certification authority when the bond required under this Rule is cancelled or revoked by the surety unless a sufficient replacement bond is obtained and the requirements of this Rule are met by the certification authority.

(c) A license issued by the Electronic Commerce Section pursuant to this Section shall expire one year after its effective date unless timely renewed.

(d) A licensee seeking renewal shall meet the conditions for initial licensure set forth in this Rule, except that the certification authority shall undergo a SAS 70 Type Two audit – a Report of Policies and Procedures Placed in Operation and Test of Operating Effectiveness, receiving an unqualified opinion. Request for license renewal shall be made not less than 30 days prior to expiration of the current license. An application for licensure renewal by a licensed certification authority shall be accompanied by a renewal fee of two thousand dollars (\$2000).

History Note: Authority G.S. 66-58.3; 66-58.10; Temporary Adoption Eff. February 23, 1999.

SECTION .0400 – SANCTIONS AND ENFORCEMENT

.0401 CIVIL SANCTIONS

(a) If upon investigation, the Electronic Commerce Section finds that a certification authority has violated any provision of the Electronic Commerce Act or these Rules, or finds that the certification authority has had a license revoked or suspended in any other jurisdiction, the Electronic Commerce Section may revoke or suspend any license issued under the Electronic Commerce Act and these Rules. The revocation or suspension may be in addition to any civil monetary penalty issued against the certification authority. As a condition of license reinstatement following a period of suspension, the Electronic Commerce Section may require that the certification authority submit updated or additional documentation or assurances

regarding its operations.

(b) If upon investigation, the Electronic Commerce Section finds that a certification authority has violated any provision of the Electronic Commerce Act or these Rules, the Electronic Commerce Section may assess a civil monetary penalty of not more than five thousand dollars (\$5,000) for each violation. The civil monetary penalty may be in addition to any revocation or suspension of the certification authority's license. As a condition of continued licensure following assessment of a civil monetary penalty, the Electronic Commerce Section may require that the certification authority submit updated or additional documentation or assurances regarding its operations.

(c) Adjustment factors. In determining the length of any suspension or amount of any civil monetary penalty, the Electronic Commerce Section shall consider:

- (1) The organizational size of the certification authority cited for violating the provisions of the Electronic Commerce Act;
- (2) The good faith of the certification authority cited, including but not limited to any procedures or processes implemented by the violator to prevent the violation from recurring;
- (3) The gravity of the violation;
- (4) The prior record of the violator in complying or failing to comply with the Electronic Commerce Act or these Rules; and
- (5) The risk of harm caused by the violation.

(d) Continuing Violations. After the receipt of notice of a violation, if any certification authority willfully continues to violate by action or inaction the Electronic Commerce Act or these Rules, each day or transaction the violation continues or is repeated may be considered a separate violation.

(e) Civil Sanction Notification. When the Electronic Commerce Section determines that a civil sanction shall be assessed, the Electronic Commerce Section shall notify the certification authority of the following information by electronic mail, if possible, and by any means permitted under Rule 4 of the North Carolina Rules of Civil Procedure:

- (1) The nature of the violation;
- (2) The civil sanction imposed;
- (3) That the civil sanction will become final unless within 15 days after receiving notice of the violation the certification authority either:
 - (A) takes exception to the civil sanction assessment by filing a contested case petition with the Office of Administrative Hearings; or
 - (B) submits a written request for the reduction of the sanction; and
- (4) The procedure for taking exception to the violation or seeking the reduction of the sanction.

(f) Civil Sanction Finality. The certification authority must file a contested case petition pursuant to G.S. 150B-23 or submit a written request for the reduction of the sanction within 15 days of receipt of the notice of the civil sanction assessment or the assessment shall become final. Notice shall be deemed received at the time of service by any method permitted under Rule 4 of the North Carolina Rules of Civil Procedure.

(g) Request for Reduction of Civil Sanction. A certification

authority that admits a cited violation but wishes to seek reduction of the length of a suspension or amount of a civil monetary penalty may request reduction of the civil sanction.

- (1) Any request for reduction of a civil sanction shall be submitted to the Electronic Commerce Section in writing and must include a written statement supporting the reduction request. Requests for reduction of a sanction are solely for the purpose of allowing the certification authority to contest the reasonableness of the civil sanction arising under Paragraph (e) of this Rule. The certification authority should not attempt to contest the existence of a violation or raise questions of law in the request for reduction of the sanction.
- (2) The Electronic Commerce Section shall determine if the assessed sanction is to be reduced pursuant to a reduction request and shall notify the certification authority of its decision in writing.
- (3) If the Electronic Commerce Section determines that the reduction request raises issues of fact or questions of law, the Electronic Commerce Section may decline to consider the reduction request, and shall notify the certification authority by certified or registered mail that it must file a contested case petition with the Office of Administrative Hearings in order to preserve its claim and legal rights. The certification authority must file a contested case petition with the Office of Administrative Hearings within 15 days of receipt of notice or the sanction assessed shall be final.
- (4) If the reduction request does not raise issues of fact or questions of law, the Electronic Commerce Section shall determine if the assessed sanction is to be reduced, and shall notify the certification authority of its decision in writing by electronic mail, if possible, and by any other means permitted under Rule 4 of the North Carolina Rules of Civil Procedure. In the event the Electronic Commerce Section denies the reduction request, or grants the reduction request in an amount unacceptable to the certification authority, the certification authority must file a contested case petition with the Office of Administrative Hearings within 15 days of receipt of notice of the Electronic Commerce Section's decision, or the decision shall become the final decision. Notice shall be deemed received at the time of service by any method permitted under Rule 4 of the North Carolina Rules of Civil Procedure.

(h) Payment. Any civil monetary penalty shall be due within 60 days of the date of the initial assessment of the penalty, except that if the certification authority files a contested case petition pursuant to G.S. 150B-23 or submits a written request for reduction of the penalty, the penalty shall be due within 60 days of the date of the final decision. The penalty shall be paid with cash or certified funds by personal delivery or certified mail to the Electronic Commerce Section. In the event the certification authority fails to pay the penalty assessed within the time periods set forth in this Rule, the Electronic Commerce Section may collect the amount of the penalty from the bond

required by these Rules.

*History Note: Authority G.S. 66-58.6; 66-58.10;
Temporary Adoption Eff. February 23, 1999.*

.0402 CRIMINAL PENALTIES AND INJUNCTIVE RELIEF

The Department of the Secretary of State has the authority to investigate, prosecute and otherwise pursue criminal penalties for violations of the Electronic Commerce Act, pursuant to G.S. 66-58.8, or injunctive relief pursuant to G.S. 66-58.6.

*History Note: Authority G.S. 66-58.6; 66-58.8; 66-58.10;
Temporary Adoption Eff. February 23, 1999.*

SECTION .0500 – RECIPROCITY

.0501 RECIPROCAL AGREEMENTS AND LICENSURE BY RECIPROCITY

(a) The Electronic Commerce Section may enter into reciprocal licensing agreements with other jurisdictions that have adopted electronic commerce laws similar in nature and intent to the Electronic Commerce Act.

(b) Certification authorities licensed by other jurisdictions may request licensure by reciprocity with the North Carolina Electronic Commerce Section, provided that the jurisdiction in which the certification authority is already licensed has a reciprocal agreement in effect with the Electronic Commerce Section.

(c) To seek reciprocal licensure in North Carolina, certification authorities that are licensed by other jurisdictions with which the Electronic Commerce Section has entered reciprocal agreements shall do the following:

- (1) Pay the licensing fee as described in these Rules;
- (2) Provide the Electronic Commerce Section with evidence of licensure in good standing from the other licensing jurisdiction;
- (3) Provide the Electronic Commerce Section with a complete copy of the licensing application that led to the certification authority becoming licensed in the reciprocal jurisdiction, including any amendments thereto;
- (4) Provide full disclosure of any former, current or proposed disciplinary action or criminal proceeding arising from or related to the certification authority's license or activities as a certification authority;
- (5) Provide a complete history of licensure in all other jurisdictions, whether continuous or disrupted, and if disrupted the length of the disruption and basis therefore; and
- (6) Provide any additional information as required by the Electronic Commerce Section.

(d) The Electronic Commerce Section shall have the power to impose civil sanctions against a reciprocal licensee on the same basis that the Electronic Commerce Section can impose civil sanction against a certification authority license otherwise issued, or upon finding that the certification authority has had a license revoked or suspended in another jurisdiction.

(e) Any certification authority that obtains a reciprocal license under these Rules shall be obligated to inform the Electronic Commerce Section in writing of any civil or criminal proceeding that arises from or relates to the certification authority's license or any disciplinary action commenced against the certification authority in any other jurisdiction within 10 days of notice of the proceeding or action.

*History Note: Authority G.S. 66-58.3; 66-58.6; 66-58.7; 66-58.8; 66-58.10; 66-58.11;
Temporary Adoption Eff. February 23, 1999.*

TITLE 25 - OFFICE OF STATE PERSONNEL

Rule-making Agency: *State Personnel Commission*

Rule Citation: 25 NCAC 1B.0414, .0434; 1C.0214; 1J.0506, .0603

Effective Date: *February 18, 1999*

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

Authority for the rule-making: *G.S. 126-1A; 126-4(9&11); 126-7.1; 126-7.2; 126-16; 126-34; 126-34.1; 126-36; 126-36.1; 126-38*

Reason for Proposed Action: *Legislation passed by the General Assembly, S.B. 78, effective August 15, 1998, adds a new grounds for a contested case to those listed in G.S. 126-34.1. This new ground for filing a contested case has an effective date prior to ratification. This bill was ratified on September 2, 1998. There are already cases pending before the State Personnel Commission which are covered by this statute and it is imperative that rules be in place as soon as possible to effectuate the intent of the statute. Adherence to the notice and hearing requirements for the adoption of the proposed rules submitted would potentially delay or defeat justice in grievance situations.*

Comment Procedures: *Written comments may be submitted to Delores J. Stanley, Office of State Personnel, 116 West Jones Street, Raleigh, North Carolina 27603.*

CHAPTER 1 - OFFICE OF STATE PERSONNEL

SUBCHAPTER 1B - STATE PERSONNEL COMMISSION

SECTION .0400 - APPEAL TO COMMISSION

.0414 SITUATIONS IN WHICH ATTORNEY FEES MAY BE AWARDED

Attorney's fees may be awarded by the Commission only in the following situations:

- (1) the grievant is reinstated in accordance with Rule

.0428 of this Section;

- (2) the grievant is awarded back pay from either a demotion or a dismissal, without regard to whether the grievant has been reinstated;
- (3) the grievant is determined, by the Commission or by the agency's internal grievance procedure, to have been discriminated against or harassed in violation of G.S. 126-16 or 126-36;
- (4) the grievant is awarded back pay as the result of a successful grievance alleging a violation of G.S. 126-7.1;
- (5) the grievant is the prevailing party in a final appeal of a Commission decision;
- (6) any combination of the situations listed in this Rule.

Attorney's fees may be awarded when any of the above situations occur, either within the agency internal grievance procedure, in an appeal to the State Personnel Commission, or in an appeal of a State Personnel Commission decision.

History Note: Authority G.S. 126-4(11); 126-7.1;

Eff. September 1, 1987;

Amended Eff. March 1, 1996; July 1, 1989.

Temporary Amendment Eff. February 18, 1999.

.0434 DISCRIMINATION

In those cases in which the Personnel Commission finds an act of discrimination or unlawful workplace harassment prohibited by G.S. 126-16, G.S. 126-36 or G.S. 126-36.1, the commission may order reinstatement, back pay, transfer, promotion or other appropriate remedy. The commission shall also have the authority in such cases to order other corrective remedies to ensure that the same or similar discriminatory acts do not recur.

History Note: Authority G.S. 126-4(9); 126-16; 126-36; 126-36.1;

Eff. September 1, 1987;

Temporary Amendment Eff. February 18, 1999.

SUBCHAPTER 1C - PERSONNEL ADMINISTRATION

SECTION .0200 - GENERAL EMPLOYMENT POLICIES

.0214 UNLAWFUL WORKPLACE HARASSMENT

(a) Purpose. The purpose of this policy is to establish that the State of North Carolina prohibits in any form ~~the sexual unlawful workplace harassment~~ of state employees or applicants, and to require that every agency subject to the State Personnel Act establishes policies and programs to ensure that work sites are free of sexual unlawful workplace harassment.

(b) Sexual Unlawful workplace harassment is defined as ~~deliberate, unsolicited, and unwelcome verbal and/or physical speech or conduct based upon race, sex, creed, religion, national origin, age, color, or handicapping condition as defined by G.S. 168A-3 that creates a hostile work environment or circumstances involving quid pro quo: of a sexual nature or with sexual implications by a supervisor or co-worker which:~~

- (4) ~~has or may have direct employment consequences~~

~~resulting from the acceptance or rejection of such conduct; or~~

- (2) ~~creates an intimidating, hostile or offensive working environment; or~~
- (3) ~~interferes with an individual's work performance.~~
- (1) Hostile Work Environment is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looked at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's work performance.
- (2) Quid Pro Quo harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when:
 - (A) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or,
 - (B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- (3) Retaliation is adverse action taken because of opposition to unlawful workplace harassment.

(c) Policy. The policy of the State of North Carolina is that no state employee may engage in conduct that falls under the definition of sexual unlawful workplace harassment indicated in Paragraph (b) of this Rule. No personnel decisions shall be made on the basis of ~~a granting or denial of sexual favors upon race, sex, creed, religion, national origin, age, color, or handicapping condition as defined by G.S. 168A-3.~~ All employees are guaranteed the right to work in an environment free from sexual unlawful workplace harassment, harassment and retaliation. Sexual Unlawful workplace harassment shall heretofore be deemed a form of sex discrimination prohibited by G.S. 126-16, G.S. 126-16 and G.S. 126-36.

(d) Grievances. Any current or former state employee who feels he/she has been ~~sexually harassed the victim of unlawful workplace harassment~~ in violation of this policy and G.S. 126-16 and G.S. 126-36 may file a grievance through the departmental grievance procedure. Filing such a written complaint shall be a prerequisite to any further appeal to the State Personnel Commission regarding unlawful workplace harassment. After the employee's written complaint is submitted to the department or agency, the department or agency shall have 60 days within which to consider the complaint and take appropriate remedial action, if any. Consistent with G.S. 126-34, G.S. 126-34.1, G.S. 126-36 and G.S. 126-36.1 any applicant for state employment or any current or former state employee who feels that he/she has been sexually harassed subjected to unlawful workplace harassment may appeal directly to the State Personnel Commission (such appeal consisting of a contested case hearing under Ch. 150B and a decision by the Personnel Commission) only after submitting a written complaint and waiting 60 days from the submission of the complaint, without first following the

departmental grievance procedure.

(e) Departmental Plans. Each department head or university chancellor shall include as a supplement to the Affirmative Action Plan a plan setting forth the steps to be taken to prevent and correct sexual unlawful workplace harassment. Each department or university shall submit such a plan to the Office of State Personnel for review, technical assistance, and approval by the Director of State Personnel. Each plan on sexual unlawful workplace harassment shall, at the minimum, include:

- (1) publishing and disseminating a policy statement establishing that sexual unlawful workplace harassment of employees and applicants is prohibited;
- (2) establishment of internal procedure to handle complaints of sexual unlawful workplace harassment. This procedure shall provide prompt investigation and resolution of complaints within the department or university and shall offer the employee recourse other than through the immediate supervisor;
- (3) utilization of training and other methods to prevent sexual unlawful workplace harassment;
- (4) stating that the department will, in allegations of sexual unlawful workplace harassment, review the entire record and the totality of the circumstances, to determine whether the alleged conduct constitutes sexual unlawful workplace harassment;
- (5) development of appropriate disciplinary actions for conduct determined to constitute sexual unlawful workplace harassment, to be implemented on a case by case basis on the facts of each complaint;
- (6) prohibition of internal interference, coercion, restraint or reprisal against any person complaining of alleged sexual unlawful workplace harassment;
- (7) notification to all employees that a complaint or allegation of sexual unlawful workplace harassment ~~may must~~ be filed within the department or agency ~~or may be filed with the State Personnel Commission, at the election of the employee, and that the agency or department has 60 days to take appropriate action, if any, in response to the complaint prior to the filing of a complaint of unlawful workplace harassment with the State Personnel Commission.~~

History Note: Authority G.S. 126-4; 126-16; 126-17; 126-36; 126-36.1;

Eff. December 1, 1980;

Amended Eff. November 1, 1988; April 1, 1983;

Temporary Amendment Eff. February 18, 1999.

SUBCHAPTER 1J - EMPLOYEE RELATIONS

SECTION .0500 - WORK SCHEDULE

.0506 DISCRIMINATION

(a) A state employee has the right of direct appeal to the Commission has the option of using the grievance procedure established within the employee's agency if the employee so desires. If an employee elects to utilize the agency grievance procedure, the employee must appeal an alleged act of

discrimination within the time frames set by the agency grievance procedure. An employee who chooses to bypass the agency's internal grievance procedure and appeal directly to the Commission must do so within 30 calendar days of notice the alleged discriminatory action.

(b) An employee who alleges sexual unlawful workplace harassment and elects to utilize the agency grievance procedure, shall have the right to bypass any step in the agency grievance procedure or alternative dispute resolution procedure involving discussions with or review by the alleged harasser. An employee who has a unlawful workplace harassment complaint must submit an unlawful workplace harassment complaint in writing to the agency or department. The agency or department has 60 days to take appropriate action, if any, in response to the complaint. After the agency or department has had 60 days in which to take appropriate action, if any, in response to the complaint of unlawful workplace harassment, the employee may file a complaint of unlawful workplace harassment with the State Personnel Commission within 30 days of the 60th day of the period of time which the agency or department is given to consider the unlawful workplace harassment complaint and take appropriate action, if any.

History Note: Authority G.S. 126-4(9); 126-4(17); 126-7.2; 126-16; 126-34.1; 126-34.2; 126-38;

Eff. February 1, 1976;

Amended Eff. December 1, 1995;

Temporary Amendment Eff. February 18, 1999.

SECTION .0600 - COMPETITIVE SERVICE

.0603 APPEALS

(a) A career employee who has been demoted, suspended or dismissed shall have 15 calendar days from the date of his receipt of written notice of such action to file an appeal with his department/university grievance procedure. Grievances which do not allege discrimination must follow the department or university grievance procedure. An appeal to the State Personnel Commission of a final departmental or university decision must be filed with the Office of Administrative Hearings in accordance with G.S. 150B-23 and within 30 calendar days of receipt of the final agency decision. Grievances which allege unlawful workplace harassment must be submitted in writing to the agency or department and the agency or department must be given 60 days in which to take appropriate remedial action, if any. An appeal to the State Personnel Commission of unlawful workplace harassment must be filed with the Office of Administrative Hearings in accordance with G.S. 150B-23 and within 30 calendar days of the 60th day of the period given to the agency to consider the unlawful workplace harassment complaint.

(b) Grievances which allege discrimination not including unlawful workplace harassment may, at the election of the employee, proceed through the department or university procedure or proceed directly to the State Personnel Commission (SPC) for a hearing by the Office of Administrative Hearings (OAH) and a decision by the SPC. A direct appeal to the SPC (such appeal involving a contested case hearing by the OAH and

a recommended decision by that agency to the SPC) alleging discrimination not including unlawful workplace harassment must be filed in accordance with G.S. 150B-23 and must be filed within 30 calendar days of receipt of notice of the alleged discriminatory act.

(c) Grievances filed on an untimely basis (see G.S. 126-35, G.S. 126-36 and G.S. 126-38) must be dismissed. Allegations of discrimination raised more than 30 calendar days after receipt of notice of the occurrence of the alleged discriminatory act must be dismissed. Grievances alleging unlawful workplace harassment raised more than 30 calendar days after the 60th day of the 60 day time period given to the agency to consider an unlawful workplace harassment complaint.

History Note: Authority G.S. 126-1A; 126-35; 126-36; 126-38; 150B, Article 3; 150B-23;

Eff. February 1, 1976;

Amended Eff. March 1, 1994; April 1, 1989; December 1, 1984; October 1, 1984;

Temporary Amendment Eff. February 18, 1999.

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, March 18, 1999, 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, March 15, 1999, 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
John Arrowood
Laura Devan
Jim Funderburke
David Twiddy

Appointed by House

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

RULES REVIEW COMMISSION MEETING DATES

March 18, 1999
April 15, 1999
May 20, 1999
June 17, 1999
July 15, 1999

August 19, 1999
September 16, 1999
October 21, 1999
November 18, 1999
December 16, 1999

LOG OF FILINGS

RULES SUBMITTED: JANUARY 20, 1999 THROUGH FEBRUARY 20, 1999

AGENCY/DIVISION	RULE NAME	RULE	ACTION
DENR/WILDLIFE RESOURCES COMMISSION			
	Safety Equipment	15 NCAC 10F .0201	Repeal
TRANSPORTATION, DEPARTMENT OF/DIVISION OF HIGHWAYS			
	Fees	19 NCAC 2E .0221	Amend
	Contracts with the Department	19 NCAC 2E .0222	Amend
STATE BOARDS/COSMETIC ART EXAMINERS, STATE BOARD OF			
	Teacher/Student Ratio	21 NCAC 14G .0113	Amend
	Effect on Student-Teacher Ratio	21 NCAC 14L .0210	Amend
	Fee	21 NCAC 14L .0214	Amend

RULES REVIEW COMMISSION

**February 18, 1999
MINUTES**

The Rules Review Commission met on February 18, 1999, in the West Wing Conference Room of the Methodist Building, 1307 Glenwood Avenue, Raleigh, North Carolina. Commissioners in attendance were Chairman Paul Powell, David R. Twiddy, Steven P. Rader, R. Palmer Sugg, Jim R. Funderburk, Teresa L. Smallwood, Laura Devan, John Arrowood, Mark P. Garside, and George S. Robinson.

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

The following people attended:

Sharnese Ransome	DHHS/Social Services Commission
David Work	NC Board of Pharmacy
Warren Plonk	State Budget
Valerie Chaffin	Hunton & Williams
Tom West	Poyner & Spruill
Denise Stanford	NC Board of Pharmacy
Tara Minker	DHHS/Office of Juvenile Justice

APPROVAL OF MINUTES

The meeting was called to order at 10:02 a.m. with Chairman Powell presiding. He asked for any discussion, comments, or corrections concerning the minutes of the January 21, 1999 meeting. There being none, the minutes were approved.

FOLLOW-UP MATTERS

4 NCAC 3B .0101, .0102, and .0103: COMMERCE/Banking Commission – No action was taken on these rules at the request of the agency.

4 NCAC 3H .0002: COMMERCE/Banking Commission – No action was taken on this rule at the request of the agency.

10 NCAC 3R .6112: DHHS/Medical Care Commission – No action was taken on this rule at the request of the agency.

10 NCAC 14V .4301: DHHS/Commission for MH/DD/SAS – The rewritten rule submitted by the agency was approved contingent upon receiving clarifying changes today. The rule was subsequently received.

15A NCAC 21H .0110: DENR/Commission for Health Services – This rule was withdrawn by the agency.

17 NCAC 6B .0118: DEPARTMENT OF REVENUE – Staff will direct a letter to the agency due to their lack of response. The letter will indicate that unless the agency responds to the Commission at the Commission's next meeting, the Commission will interpret the lack of a response as an indication that the agency has decided not to change the rule.

21 NCAC 11 .0109: NC Board of Employee Assistance Professionals – The rewritten rule submitted by the agency was approved by the Commission.

21 NCAC 46 .1804 and .2506: NC Board of Pharmacy – The agency submitted a rewritten rule in response to the Commission's objection to .1804. However the Commission objected to the rewritten rule on the basis of ambiguity and also on the basis of lack of statutory authority to the extent that the rewritten rule purports or attempts to regulate the behavior of third persons. The rule is unclear as to the meaning of "altered." It is unclear what is meant by the term or from where (or whom) the alterations come. Commissioners Devan and Smallwood voted against the motion. The agency responded to the Commission's objection to .2506 by saying that they would not rewrite the rule and asking the Commission to return the rule. However, the Board's Executive Director and attorney asked the Commission to reconsider the rule and presented some arguments that they wished the Commissioners to consider. There was no motion made to reconsider the rule. The agency's representatives indicated that they would like some additional time to determine if the agency might present a rewritten rule after today's discussion. They requested that the rule not be returned immediately while they considered the Commission's comments.

21 NCAC 57A .0305: NC Appraisal Board - The agency responded that their Board was meeting today and requested additional time to respond.

LOG OF FILINGS

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

10 NCAC 41S .0101: DHHS/Social Services Commission – The Commission objected to the original rule due to ambiguity. Subparagraph (b)(1) is not grammatically correct nor does it make sense as written. The rewritten rule submitted by the agency was

approved by the Commission.

10 NCAC 41S .0704: DHHS/Social Services Commission – The Commission objected to the original rule due to ambiguity. In (n), it is not clear what is meant by a "recognized testing agency." The rewritten rule submitted by the agency was approved by the Commission.

COMMISSION PROCEDURES AND OTHER MATTERS

Chairman Powell mentioned that a proposed law suit against the Rules Review Commission is being considered by the Board of Pharmacy.

The next meeting will be on March 18, 1999.

The meeting adjourned at 11:25 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

Sammie Chess Jr.
Beecher R. Gray
Melissa Owens
Meg Scott Phipps

Robert Roosevelt Reilly Jr.
Dolores O. Smith
Beryl E. Wade

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
ADMINISTRATION				
Oceaneechi Band of the Saponi Nation v NC Comm of Indian Affairs	96 DOA 0006	Smith	12/07/98	13 13 NCR 1075
Carlton L. Coleman v Administration, Division of Purchase and Contract	98 DOA 1016	Phipps	12/16/98	
Unique Printing, Inc v NC A&T, Bobby E. Aldrich, Dir. of Purchasing, NC A&T, and Evelyn H. Gales, Asst. Dir. of Purchasing, NC A&T	98 DOA 1743	Owens	02/15/99	
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	Reilly	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 Comm v. Abdelhakeem Murawch Saleh	98 ABC 0308	Gray	02/16/99	
Alcoholic Beverage Control Comm v. Harold Webster Hadnott	98 ABC 0324	Smith	12/02/98	
Alcoholic Beverage Control Commission v. Axis Entertainment	98 ABC 0357*	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*	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 Dec 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	
Alcoholic Beverage Control Comm v. Partnership T/A Club Old Times	98 ABC 1071	Owens	01/29/99	
Alcoholic Beverage Control Comm v. Jerald Taft Howell, Jr.	98 ABC 1171	Smith	12/03/98	
Alton Olliviera Perry v Alcoholic Beverage Control Commission	98 ABC 1298	Owens	11/23/98	
Alcoholic Beverage Control Comm v. Khaled Mohamad Alzer	98 ABC 1321	Gray	02/05/99	
Alcoholic Beverage Control Comm v. Abdelhakeem M. Saleh	98 ABC 1341	Morrison	02/12/99	
William Randall Banks v Alcoholic Beverage Control Commission	98 ABC 1355	Gray	02/10/99	
Alcoholic Bev Control Comm v. Partnership T/A Alston's Conv Store	98 ABC 1374	Chess	02/16/99	
Alcoholic Beverage Control Comm v. Fast Fare, Inc,	98 ABC 1398	Gray	02/02/99	
Alcoholic Beverage Control Comm v. Frank Talley	98 ABC 1452	Phipps	02/08/99	
Phillip Allen Powell, Monika K. Powell, Jana Vlasta Kozlik v Doyle D. Alley, ABC Commission, Shon Talley, ALE Agent	99 ABC 0036	Smith	02/23/99	

CONTESTED CASE DECISIONS

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
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	
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	
Lorine Smith v Crime Victims Compensation Commission	98 CPS 1050	Gray	02/15/99	
Catherine Walker v Crime Victims Compensation Commission	98 CPS 1129	Gray	02/15/99	
Martha Bumpass v Crime Victims Compensation Commission	98 CPS 1154	Gray	02/15/99	
Kenneth B. Hall, Sr. v Crime Victims Compensation Commission	98 CPS 1170	Mann	12/21/98	
Dunnie G. Smith v Crime Victims Compensation Commission	98 CPS 1201	Reilly	01/04/99	
Felicia House v Crime Victims Compensation Commission	98 CPS 1273	Smith	01/25/99	
Antonia F. Jones v Office of Administrative Hearings	98 CPS 1403	Gray	01/29/99	
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
Kenneth D. Suttles v Bd./Registration/Engineers and Land Surveyors	98 ELS 0099	Mann	02/09/99	13 18 NCR 1578
ENVIRONMENT AND NATURAL RESOURCES				
Albert C. Wright, Jr. v Environment, Health, & Natural Resources	96 EHR 0610*17	Gray	01/29/99	
Albert C. Wright, Jr. v Environment, Health, & Natural Resources	96 EHR 0630*17	Gray	01/29/99	
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	
Alltel Carolina, Inc. v Dept. of Environment and Natural Resources	97 EHR 0729	Gray	01/28/99	
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	97 EHR 1607	Reilly	07/17/98	
Godfrey Lumber Company, Inc.				
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	97 EHR 1676	Reilly	07/17/98	
Hickory Alliance				
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	
Mid South Water Systems, Inc. v Environment and Natural Resources	98 EHR 0548	Gray	12/02/98	
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	
J.C. Faw v Department of Environment and Natural Resources	98 EHR 0957	Gray	12/11/98	
Unicon Concrete, Inc. v Dept. of Environment and Natural Resources	98 EHR 0990	Mann	01/14/99	
Hugh & Bonnie Mills v Dept. of Environment and Natural Resources	98 EHR 1090	Phipps	12/08/98	
Janice Spruill v Department of Environment and Natural Resources	98 EHR 1215	Reilly	01/27/99	
JM's Professional Construction Svcs., Ltd. v DENR	98 EHR 1217	Owens	12/21/98	
Ronald E. Bennett v Environment and Natural Resources	98 EHR 1237	Owens	12/29/98	
Don W. Hunt v Halifax County Health Department	98 EHR 1285	Gray	12/17/98	
Wayne D. Magee v Department of Environment and Natural Resources	98 EHR 1471	Phipps	02/02/99	
Karen J. Dixon, Myra Jones, Alphonzo Dixon v Nash Cty. Health Dept.	98 EHR 1475	Reilly	02/10/99	
Amos Vaughan v Department of Environment and Natural Resources	98 EHR 1538	Reilly	01/15/99	
Division of Air Quality				
Sebring Dev., Patrick Queen/John Amirante v DENR, Air Quality	98 EHR 0926	Phipps	12/11/98	
John Beard v DENR, Division of Air Quality	98 EHR 1314	Gray	01/29/99	

CONTESTED CASE DECISIONS

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
Division of Coastal Management				
Preston Warren v. Division of Coastal Management, Wilmington, NC	98 EHR 0177	Phipps	10/05/98	
Marion T. Noe v. DENR, Division of Coastal Management	98 EHR 0976	Smith	12/02/98	
Division of Environmental Health				
Gerald P. Sigal v. DENR, Division of Environmental Health	98 EHR 0051	Smith	10/02/98	
Ronnie Lee Hamill v. Pitt Cty. Health Dept., Environmental Health Div	98 EHR 1200	Smith	12/29/98	
Joe Scichilone v. Crave Natural Resources, Div. of Environmental Health	98 EHR 1286	Chess	01/07/99	
Ralph K. Crotts v. Burke County Env. Health Dept., Septic Tank Div	98 EHR 1334	Owens	01/14/99	
Carl D. Wicker v. Alamance Cty. Health Dept., Env. Health Division	98 EHR 1718	Wade	02/03/99	
Division of Environmental Management				
Save Our Rivers, Inc., et al v. Town of Highlands, EHNR, Env. Mgmt., William W. Cobey, Jr., Secretary	98 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. EHNHR, 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	
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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	
Carol and Conrad Kunkel v. Department of Human Services	98 DHR 1047	Smith	12/04/98	
Donald Wayne Perry v. Office of Emergency Medical Services	98 DHR 1097	Smith	01/13/99	
E. Jean Woods v. EDS - Medicaid	98 DHR 1118	Gray	10/26/98	
Sonia Schaefer Jolly v. Village Care King, Autumn Care, DHHS	98 DHR 1134	Chess	01/07/99	
Sandra Nelson Molina v. Department of Health & Human Services	98 DHR 1243	Chess	01/21/99	
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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	
James Michael Wallace v. Department of Human Resources	98 DHR 1340	Gray	12/21/98	
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Keith Warren Kendall v. Nurse Aide Registry and DHHS	98 DHR 1368	Reilly	01/29/99	
Brandy Shea Minton v. Markus Lodge, General Counsel	98 DHR 1595	Smith	01/06/99	
Reeva Oliver v. Board of Nursing, Nursing Asst. Registry	98 DHR 1604	Reilly	02/09/99	
Jackie E. Rathiff v. Department of Health & Human Services	98 DHR 1689	Reilly	02/01/99	
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Dulatown Presbyterian Children's Ctr. v. DHHS, Child Development	98 DHR 0654	Gray	08/06/98	
Cookie's Day Care Home, Wanza W. Garolds v. DHHS, Child Dev	98 DHR 0946	Gray	01/13/99	
Cassandra Myers v. Division of Child Development	98 DHR 0948	Owens	09/03/98	
Theresa McCormick v. DHHS, Division of Child Development	98 DHR 0989	Smith	12/29/98	
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Annie K. Morgan v. Health & Human Services, Facility Services	97 DHR 1046*	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. Journey	97 DHR 1209	Reilly	06/23/98	
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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,	98 DHR 0244*15	Phipps	11/24/98	13 12 NCR 1018
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.				
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,	98 DHR 0245*15	Phipps	11/24/98	13 12 NCR 1018
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.				
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,	98 DHR 0247*15	Phipps	11/24/98	13.12 NCR 1018
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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	
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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	
Bio-Medical Applications of NC, Inc d/b/a Johnston Dialysis Ctr v DHHS, Division of Facility Services, Certificate of Need Section	98 DHR 0701*20	Reilly	02/01/99	
and Hillchild, LLC and Dialysis Care of NC, LLC d/b/a DCNC, LLC				
Christy Jeton Hall v DHHS, Division of Facility Services	98 DHR 0706	Gray	10/12/98	
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and Bio-Medical Applications of NC, Inc d/b/a Johnston Dialysis Ctr				
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Latonia Denise Thomas v DHHS, Division of Facility Services	98 DHR 0809	Gray	10/23/98	
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Isaiah Smith, Jr., by/through his Guardian, Lawrence E. Thompson, III v. DHHS, Division of Medical Assistance	98 DHR 0273	Gray	12/07/98	
William M. Bell, Jr. v. DHHS, Medical Assistance, Third Party Rec. Sec.	98 DHR 0979	Mann	01/13/99	13 16 NCR 1366
Alic F. Schneider, Julia R. Hammonds v. DHHS, Medical Assistance	98 DHR 0994	Morrison	10/29/98	
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<i>Division of Social Services</i>				
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Charlie Rathff Jr. v. Department of Health & Human Services	98 CSE 0449	Mann	07/15/98	
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Paul Monroe Covington v. Department of Health & Human Services	98 CSE 1524	Phipps	02/09/99	
Vernon Reginald Pinkney v. Department of Health & Human Services	98 CSE 1547	Reilly	02/19/99	
Eugene B. Patton III v. Department of Human Resources	98 CSE 1548	Smith	01/26/99	
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Harold S. Fairbank v. Department of Human Resources	98 CSE 1575	Reilly	02/19/99	
Harry C. Rorie Jr. v. Department of Human Resources	98 CSE 1576	Smith	01/25/99	
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Carlton J. Hicks v. Department of Human Resources	98 CSE 1587	Owens	02/25/99	
Ronald E. Davis Jr. v. Department of Human Resources	98 CSE 1589	Reilly	01/26/99	
Douglas Sanders v. Department of Human Resources	98 CSE 1606	Mann	01/26/99	
Travis Lamont Stevenson v. Department of Human Resources	98 CSE 1609	Phipps	01/28/99	
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Bobby L. Mills v. Department of Human Resources	98 CSE 1663	Mann	01/20/99	
Anthony McRae v. Department of Human Resources	98 CSE 1682	Reilly	02/09/99	
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Charles Anthony Jacobs v. Department of Human Resources	98 CSE 1714	Phipps	01/19/99	
Johnny Richardson v. Department of Human Resources	98 CSE 1731	Smith	02/02/99	
Patricia Chambers v. Department of Human Resources	96 DCS 1944	Mann	01/26/99	
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	
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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	
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Sherisse Stancel Kelly v. Department of Human Resources	98 DCS 0508	Mann	12/16/98	
Melanie D. Nickerson v. Department of Health & Human Services	98 DCS 0593	Gray	01/19/99	
Ruth McFadden v. Department of Human Resources	98 DCS 0675	Reilly	07/15/98	
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James Todd Tippet v. NC Company Police Program	97 DOJ 1368	Phipps	09/10/98	
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Claude David Huggins v. Alarm Systems Licensing Board	98 DOJ 0871	Morrison	07/09/98	

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Robert Derek Ross v. Alarm Systems Licensing Board	98 DOJ 1494	Morrison	12/10/98	
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Wiley R. Tyndall v. Auctioneer Licensing Board	97 DOJ 1236	Phipps	07/24/98	
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Thomas Dwayne Brown v. Sheriffs' Education & Training Standards Comm	97 DOJ 1319	Phipps	07/29/98	
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Harold F. Esters v. Sheriffs' Education & Training Standards Comm	98 DOJ 0431	Gray	08/21/98	
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Amado Martinez v. Criminal Justice Education & Training Stds. Comm	98 DOJ 0526	Morrison	09/09/98	
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Kelly Suzanne Mayberry v. Sheriffs' Education & Training Stds. Comm	98 DOJ 0875	Chess	11/13/98	
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Floyd Lee Hatch v. Criminal Justice Ed. & Training Stds. Comm	98 DOJ 1441	Reilly	02/10/99	
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Walter R. Shirer v. Private Protective Services Board	98 DOJ 0937	Morrison	09/17/98	
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G. Russell Smith v. Private Protective Services Board	98 DOJ 0940	Owens	11/19/98	
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Danny Charles Garrett v. Private Protective Services Board	98 DOJ 1081	Morrison	09/17/98	
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Linda & Danny Howard for Nikki Howard v Lenoir Cty Bd. of Ed	97 EDC 1047	Gray	10/30/98	
George & Ruth Sinclair for Adam Sinclair v Wake County Schools (Special Education Services)	97 EDC 1233	Phipps	08/11/98	
Nicholas Eirschele, By and Through His Parents, Charles & Kathleen Eirschele v Craven County Board of Education	97 EDC 1234	Phipps	07/16/98	
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Joseph Hughey Barringer v Dr Michael Ward, Dept of Public Instruction	98 EDC 0127	Mann	01/14/99	
Mrs Phyllis Y Moore v Cumberland County Schools	98 EDC 0305	Gray	08/05/98	
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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 Sarretero 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	
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David Grigsby v NC Commission of Indian Affairs	98 OSP 0428	Morrison	12/14/98	
<i>Department of Agriculture</i>				
William T McClelland v Department of Agriculture	98 OSP 1405* ²¹	Reilly	02/17/99	
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<i>Community Colleges</i>				
Dr William R Strickland v NC Community College System	98 OSP 1305	Gray	12/07/98	
<i>Department of Correction</i>				
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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	
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Jayne D Bledsoe v Correction, Div of Adult Probation & Parole	98 OSP 0543	Owens	07/29/98	
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Dennis S. Harrell v Dept of Correction, Caledonia Correctional Institute	98 OSP 0846	Morrison	09/08/98	
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Bertha Darden v Raymond Smith & Dept of Correction, Central Prison	98 OSP 0905	Smith	09/25/98	
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Joseph A Harrell v Correction, Div of Adult Probation & Parole	98 OSP 1411	Gray	12/11/98	
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Charles Anthony Bruce v. ENR, Division of Parks and Recreation	98 OSP 0240	Reilly	06/08/98	
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Walker Cannon v. DHR/Caswell Center	97 OSP 0731	Phipps	11/30/98	
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Yolandra Best and Roy Hudson v. DHHS, John Umstead Hospital	97 OSP 0863*11	Chess	08/13/98	
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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	
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Euwell Falconer v. Karen A. Andrews, Gaston-Lincoln Area Mental Health	98 OSP 0538	Reilly	08/06/98	
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Delores Laverne Rich v. DHHS, Dorothea Dix Hospital	98 OSP 0763	Gray	12/02/98	
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Joseph A Bryant v North Carolina A & T University	96 OSP 1698* ^{1b}	Mann	12/02/98
Joseph A Bryant v North Carolina A & T University	97 OSP 0242* ^{1b}	Mann	12/02/98
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Thomas H Hasty, III v NC A & T State University	98 OSP 1114	Reilly	12/30/98
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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

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
98 ELS 0099

COUNTY OF MCDOWELL

Kenneth D. Suttles
Suttles Surveying, P.A.
Petitioner,

v.

N.C. State Board of Registration for Professional
Engineers and Land Surveyors
Respondent.

PROPOSAL FOR DECISION

This contested case was heard before Julian Mann, III, Chief Administrative Law Judge, on Thursday and Friday, November 12-13, 1998, in the Burke County Courthouse, Morganton, North Carolina.

APPEARANCES

For Petitioner: Arch T. Allen, III
Allen & Moore, L.L.P.
P. O. Box 18627
Raleigh, North Carolina 27619-8627
Attorney for Petitioner

Everette C. Carnes
Carnes & Franklin, P.A.
103 South Main Street
Marion, North Carolina 28752
Attorney for Petitioner

For Respondent: Wright T. Dixon, Jr.
Bailey & Dixon, L.L.P.
P. O. Box 1351
Raleigh, North Carolina 27602
Attorney for Respondent

WITNESSES

For Petitioner: Ken Suttles, Petitioner
Harvey Barron
Carl Bunton (Expert Witness)

For Respondent: Oliver Carswell
Larry Ballew
Andrew Ritter
George Paris (Expert Witness)
Bobby Long (Expert Witness)

EXHIBITS

For Respondent: Exhibits #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12,
#13, #14, #14A, #14B, #15, #16, #17, #18, #19, #20, #21,
#30, #31, #32, #33; P1, P2, P3, P4, P5, P6, P7, P8, P9,
and P10.

For Petitioner: None

STIPULATED FACTS

Taken from Order on Final Pre-Hearing Conference filed on November 12, 1998:

1. It is established that all parties are properly before the Office of Administrative Hearings and that the Office of Administrative Hearings has jurisdiction over the parties and of the subject matter.

2. It is established that all parties have been correctly designated and there is no question as to misjoinder or nonjoinder of parties.

3. In addition to the above established facts contained herein, the following undisputed uncontroverted facts are established:

a. Petitioner ("Suttles") is a registered land surveyor. He conducted a land survey for one Oliver Carswell ("Carswell") regarding land in Morganton Township, Burke County, North Carolina, in 1996. The land included two tracts conveyed to Carswell by Deeds.

1. Deed, dated 18 July 1969, recorded in Book 347, page 358, Burke County Registry, with a deed description as follows:

"SECOND TRACT: BEGINNING at a stake and running North 5 degrees East 162 feet to a stake; Thence South 67 degrees West 363 feet to a stake; Thence East 351 feet to the BEGINNING Corner. And Containing Seven Tenths (7/10) Acres."

2. "First Tract

BEGINNING at the North of property and running North 49 degrees East 300 feet to a stake; Thence South 5 degrees East 85 feet to a stake; Thence South 4 degrees 30' West 246 to a stakes; Thence South 1 degree 00' East 49 feet to a stake; Thence South 56 degrees West 102 feet to a stake; Thence North 30 degrees West 345 feet to the BEGINNINGS Corner. Containing 1 and 55/100 Acres."

b. Carswell filed charges against Suttles concerning the survey with Respondent (the "Board") by letter dated 9 July 1997.

c. The Board wrote Suttles a letter dated 28 August 1997 about the Carswell charges and the Board's investigation of them.

d. Suttles responded to that letter by letter dated 15 September 1997.

e. The Board by letter dated 12 December 1997 informed Suttles of a Notice of Contemplated Board Action dated 11 December 1997 and provided him with a copy of it.

f. A Settlement conference was tentatively scheduled for 30 December 1997, and Suttles' attorney, Everett C. Carnes, wrote the Board by letter dated 17 December 1997 requesting, among other things, writings from Carswell to the Board related to Suttles' survey.

g. The Board responded by letter dated 18 December 1997 and, among other things, declined to furnish the requested writings.

h. Carnes replied to the Board by letter dated 22 December 1997.

i. By letter dated 23 December 1997, the Board provided Carnes with a copy of Carswell's letter dated 9 July 1997.

j. The Board constituted a Review Committee consisting of Ray E. Anders, Larry D. Barnett, Jerry

T. Carter, and David S. Tuttle, which recommended that the Board issue a reprimand "for failing to report the results of a survey in a clear and factual manner [.1602(e)]."

k. Suttles requested a Settlement Conference, and a Settlement Conference was held on 5 January 1997. Members of the Board's Settlement and Review Committee were Ray E. Anders, Larry D. Barnett, Jerry T. Carter, and Wright T. Dixon, Jr. It recommended that the Board issue a reprimand "for failing to report the results of a survey in a clear and factual manner [.1602(e)]."

l. On 21 January 1997, the Board issued its Citation for Hearing "for failing to report the results of a survey in a clear and factual manner in violation of Board rule 21 NCAC 56.1602(e)."

m. The correct year of the survey at issue of the first survey is 1996, not 1995. Copies of the Maps of survey are listed below as Exhibit 3, a copy of "Survey for: Oliver Carswell" dated 7 May 1996 and revised 27 June 1996 [same as Carter Deposition Exhibit 6A], and Exhibit 4, a copy of "Survey for: Oliver Carswell" dated 7 May 1996 and revised 27 June 1996 and 28 November 1997 [same as Carter Deposition Exhibit 6].

4. This matter became a contested case upon Respondent filing a Citation for Hearing with the Office of Administrative Hearings.

[Other Stipulations are contained in the Prehearing Order and are incorporated herein by reference]

Based upon the foregoing Stipulations and the greater weight of the evidence, the undersigned makes the following:

FINDINGS OF FACT

1. Kenneth Suttles (hereinafter "Petitioner") is a registered land surveyor, seal number L-2678. At all times relevant herein, Petitioner was a licensed surveyor in the State of North Carolina, doing business under the name of Suttles Surveying, P.A., in both Marion, McDowell County, and Morganton, Burke County, North Carolina.

2. Respondent is a professional licensing board created under Chapter 89C of the North Carolina General Statutes with its principal headquarters in Raleigh, Wake County, North Carolina.

3. During the year 1996, Petitioner conducted a boundary survey for Oliver Carswell (hereinafter "Complainant") for land owned by Complainant in Morganton Township, Burke County, North Carolina. Petitioner, through Suttles Surveying, P.A., prepared a survey (Exhibits #3 and #4).

4. As a result of a dispute that arose between Complainant and Petitioner as to this survey, Complainant, by letter of July 9, 1997, filed charges with Respondent regarding this survey. Complainant writes, in part, as follows:

In December of 1995 Mr. Suttles of Suttles' Surveying approached me about signing over a right of way to an owner of an adjacent property. At that time I told Mr. Suttles that I wanted to have my property run-out because I believed that some of the land owners of adjacent properties had already taken more than enough of my property without my permission. This property was used to build their road, which at the time of construction was not a state owned road, but a private drive. At that time Mr. Suttles offered his services to me.

Mr. Suttles and I agreed for him to survey my property. He said due to prior obligations he would be unable to survey my property until after the first of 1996. I agreed with that as I would be out of town until then and as I told him I wanted to be there when he did the survey.

When I returned home Mr. Suttles had already finished the survey. He had the bill and the Map ready. On inspection of the stakes on my property I noticed several inconsistencies. Specifically on the piece of property where the deed calls for 7/10 of an acre. Where Mr. Suttles' Map is only 5/10 an acre. The deed calls for 162 feet of road front property. Mr. Suttles' Map reads 147.99 feet (this number appears nowhere on the deed). I informed Mr. Suttles of what I thought to be wrong. He told me that I didn't own the 2/10 acre missing from his Map. He further stated that no one owned the land. I don't understand this as no one has contacted me that my deed was wrong or that part of my land was being taken for some use, and no one has spoken to be about purchasing my land. (Attached to Exhibit #19).

5. Respondent, through its Investigation Supervisor, Andrew Ritter, wrote to Petitioner by letter of August 28, 1997, and states, in part, the following:

Charges have been filed with the Board which allege that you may be in violation of G.S. 89C, and the *Standards of Practice for Land Surveying in North Carolina*. Specifically, the charges allege that for a survey entitled "SURVEY FOR: OLIVER CARSWELL", dated 27th day of June 1995, that survey was inaccurate creating an encroachment on the adjoining property [.1602(a)(e)] or that survey failed to report and show a lappage [.1602(a)(c)]. (Exhibit #1)

6. By letter dated September 15, 1997, Petitioner responds to the Board's previous letter quoted, in part, as follows:

I made an accurate survey of Mr. Carswell's property which is clearly and graphically shown on a Map dated June 27, 1996. The Map shows five tracts of land located in Morganton Township, Burke County, North Carolina.

Mr. and Mrs. Carswell purchased three tracts of land which are shown in deed book 347, page 358 of the Burke County Registry. The other two tracts can be found in deed book 840, page 1116 and deed book 686, page 603. I have enclosed a copy of this deed. The tract that is in question is tract #2.

Please note that this tract is not physically tied to anything, nor does the deed describe any point as being a deed corner of any adjacent deed. The only things we know about this tract located in Morganton Township, Burke County, is that it contains 7/10 acres and was conveyed to Mr. and Mrs. Carswell by Mr. Carswell's mother-in-law, Annie Lou Mull, a widow who is now deceased.

I checked the closure of this deed and its error of closure is very poor. The actual error in deed is 36.63 feet. A diligent search was made for evidence on the ground. We were assisted in this search by Mr. Carswell but no corner stakes were found. We were able to find some stakes on another tract that Mr. Carswell owned which is recorded in deed book 111, page 377. We placed this tract on the ground, which had some common corner as stated by Mr. Carswell, who was familiar with the purchases. The second tract of deed book 347, page 358 had no deed corners to work from. Mr. Carswell's sister in law owns a tract across the road from Mr. Carswell's tract #2, which she had purchased previously to the purchase made by Mr. and Mrs. Carswell of their tract.

After researching the tract across the 15 foot gravel road, it was found that a survey had been made by Mr. Fred Wilkie dated July, 1969 and captioned, Mrs. Mull Property, Burke County, North Carolina. This survey revealed an access roadway being located directly north of Mr. Carswell's property. It also showed a bearing of North 67 degrees East and a distance of 362 feet to some kind of another road which was proved to be Burkemont Road, State Road 1957. Please refer to the second call in tract #2 of deed book 347, page 358, which shows a bearing of South 67 degrees West and a distance of 363 feet. This deed has the same bearing as the Plat prepared by Fred Wilkie and the distance is only one foot different. This gave a criteria now to establish the north line of tract #2 of Mr. Carswell's deed. The south is now established by Mr. Carswell's deed as recorded in deed book 111, page 377. (Exhibit #2)

7. By letter dated December 12, 1997, Respondent, through its Executive Secretary Jerry T. Carter, forwarded a letter to the Petitioner with the following statement:

As you are aware, the North Carolina State Board of Registration for Professional Engineers and Land Surveyors (hereinafter Board) has recently conducted an investigation concerning a survey entitled "SURVEY FOR: OLIVER CARSWELL", dated 27th day of June 1995, bearing your certification. After a thorough consideration of the investigative materials, the Board's Review Committee has determined that there is sufficient evidence that you are in violation of G.S. 89C-21 by failing to report the results of a survey in a clear and factual manner [.1602(e)]. Attached please find a NOTICE OF CONTEMPLATED BOARD ACTION advising you that the Board will issue you a reprimand for this act unless you request a hearing within twenty (20) days of receipt of this notice by certified mail addressed to the Board. (Exhibit #15)

8. By letter dated January 21, 1998, Respondent forward by certified mail to Petitioner a citation for hearing alleging the following:

WHEREAS, the North Carolina State Board of Registration for Professional Engineers and Land Surveyors issued NOTICE OF CONTEMPLATED BOARD ACTION UNDER SECTION 1403, CHAPTER 56 TITLE 21, NORTH CAROLINA ADMINISTRATIVE CODE dated December 11, 1997, to Kenneth D. Suttles, RLS, No. L-2678; and whereas as provided in said notice, Kenneth D. Suttles, after a settlement conference has requested a hearing, the purpose of which is to determine whether he is guilty of gross negligence, incompetence or misconduct in the practice of his profession in the preparation of a survey entitled "SURVEY FOR: OLIVER CARSWELL", dated 27th day of June 1995 by:

failing to report the results of a survey in a clear and factual manner in violation of Board rule 21 NCAC 56.1602(e).
(from pleadings)

9. Pursuant to an order entered by the undersigned herein, Respondent, through counsel by pleading dated 15 July, 1998, filed a more definite statement of charges as follows:

Board Rule 21 NCAC 56.1602(e) was violated By Mr. Suttles as follows:

Mr. Suttles reports on the face of the Carswell survey within the eastern (triangular) tract:

"This tract would not close mathematically. The Southwest corner was established and the deed angle was used to establish the North line of this tract."

With this statement, Mr. Suttles has utilized this common deficiency found in other deeds/surveys as justification to ignore the extant deed description and the intent of the grantor of the property.

Further Mr. Suttles failed to show disputed property lines and Mr. Carswell's claim of occupation, on his survey Map, and,

Reports a general easement as an enlarged right-of-way without supporting documentation

- a. Expanding a northern easement into Mr. Carswell's property.
- b. Presuming a public dedication of land that did not exist.
- c. Relying on an unpublished and unregistered survey
- d. Ignoring or denying Mr. Carswell's possession of land.

Reports a boundary-line agreement without consent of parties

- a. Completing a "final survey" and then telling his client he needed an attorney (To solve the "problem" that doesn't appear on the survey)
- b. (Based on his own action of moving Mr. Carswell's eastern (triangular) line, south) maintaining that "no one owned the tract" shown as right-of-way
- c. Report removing landmarks, which, in themselves, deny a boundary line agreement.
- d. Being aware of problems with the boundaries but not reporting it: his survey reflecting: "No problem here"

Attempting to absolve himself by improperly reporting the following disclaimers when his seal and signature affirm that the Map is a correct delineation of the properties set forth thereon:

- a. "No title search conducted at time of survey"
- b. "Property is subject to any rights of way easements of record, or retroactive covenants."
- c. "This survey does not certify legal title to the land itself nor the boundaries shown hereon."
- d. "Users of this Plat should obtain a current legal title opinion of ownership of the boundaries."

10. The Oliver Carswell survey (Exhibit #3) included five tracts of land as recorded in Book 347, page 358, Burke County Registry (Exhibit #5), Book 111, page 377, Burke County Registry (Exhibit #6), Book 840, page 1116, Burke County Registry (Exhibit #13), Book 686, page 603, Burke County Registry (Exhibit #12), and Book 363, page 684, Burke County Registry (Exhibit

#9). The tract in question is bounded on the north by a 30' access road, the property of Elsie Mull, Deed Book 347, page 248; and Edith Mull Peeler and husband James Peeler, Deed Book 363, page 664; on the west by the property of Raymond D. Church and wife Lisa B. Church, Deed Book 832, page 1892; on the south by the property of Harvey C. Barron and wife Patricia M. Barron, Deed Book 369, page 671 and Rebecca N. Miller, Deed Book 846, page 1274 and the Mull Grove Baptist Church (deed references omitted); and on the east by the Burkemont Road, State Road 1957.

11. Complainant resides in his residence on the homeplace tract (Deed Book 111, page 377) which is noted on the survey as a "Frame House." Complainant has lived in this house since 1949.

12. The gravel road, which runs along the northern boundary is identified as the T.S. Mull Road (P3), and was graded in 1969. The Burkemont Road (S.R. 1957) on the eastern boundary was built in 1955.

13. In 1994, Petitioner surveyed the land along the western boundary of the Carswell's tract, shown as the Raymond D. Church and wife Lisa B. Church tract on Exhibit #3. Petitioner surveyed the land and requested, on behalf of the Church's, a right-of-way of ingress and egress to the Burkemont Road. The right-of-way sought ran through a portion of the survey now in contention. In 1994, Petitioner approached Complainant about getting a right-of-way for this land and Complainant had told him "no." (Tr. V. 1, p. 78) Later, Petitioner, after the completion of the Carswell survey (Exhibit #3), told Complainant that he had no rights in the gravel road. In the Complainant's mind, Petitioner's previous statement was inconsistent with his later assertion that Complainant had no interest in the gravel road. (Tr. V. 1, pp. 79-80)

14. Petitioner, in 1994, obtained the right-of-way for the Church's from Elsie Mull on her side of the gravel drive and at the same time secured a copy of the unregistered Wilkie Map. (Exhibit #14)

15. Some two decades after the gravel road was in use, a disagreement arose between the Complainant's wife's brother-in-law, James Peeler, and the Complainant, over the land Complainant was maintaining as part of the triangular tract (Deed Book 347, page 358).

16. On or about September 6, 1995, Complainant called Petitioner's business office. Complainant indicated that he was having some problems with an adjoining owner (Peeler) and that he wanted to establish his corners so he would know where his boundary lines were. Based on that conversation, Petitioner made preparations to perform a boundary survey.

17. Before performing the survey, Petitioner (during the time of their initial conference), actually walked the property lines with the Complainant. (Tr. V. 11, pp. 239-240)

18. Petitioner secured all of the deeds in question from the Burke County Registry and sketched, nearly as possible, what the deeds actually laid out. Complainant was not sure of how the tracts fit together. Petitioner first made a composite Map of the deeds but found the descriptions in the deeds to be vague. (Tr. V. 2, p. 243)

19. Petitioner, as part of the survey, mailed out notification of his survey to the surrounding property owners in order to give them an opportunity to respond or comment. None of the surrounding property owners availed themselves of this opportunity. (Tr. V. 2, p. 240)

20. After making the composite of the descriptions from the deeds, Petitioner then performed a physical survey. (Tr. V. 2, p. 243)

21. Petitioner surveyed the property from the existing evidence on the ground. He located the improvements on the ground and the State Road. He located the gravel road along Complainant's northern boundary line. (Tr. V. 2, p. 244)

22. There are no deed references to a road or a gravel road but there is clearly a reference to a 30' strip on the Wilkie Plat (Exhibit #14) and thereafter evidenced by the fact that the road is in existence and utilized.

23. Mr. Paris testified as to the relationship between the 30 foot strip as follows:

I know it would overlap what's designated on the Wilkie Map as the 30-foot strip, which would be the access into the property. Whether the 30-foot access and the road today appear in conjunction with each other, I would assume that to be true.

(Tr. V. 2, p. 392)

24. The 30 foot access road on the northern boundary was derived from the Wilkie Plat. (Exhibit #14) The Wilkie Plat indicates that the width of this right-of-way is 33 feet but the Petitioner's Map (Exhibit #3) shows only a width of 30 feet. The difference is explained that the 33 feet on the Wilkie Map is at a skew and if the distance is measured at right angles the true measurement is 30 feet. Also noted on Petitioner's Plat (Exhibit #3) is the statement: "30' RIGHT OF WAY ACCORDING TO PLAT REFERENCE (SEE SURVEY BY FRED WILKIE DATED JULY 1969)". (Tr. V. 2, pp. 298-299)

25. When asked a hypothetical question which assumed that the Complainant's contention as to the length of the northern line of the triangular tract was correct and whether or not this assumption would have an affect on the northern boundary, Carl D. Bunton, R.L.S., believed it would create an overlap or encroachment on the 30 foot access road.

26. Most of the physical evidence as to the corners was located along the southern and western boundary line. (Tr. V. 2, p. 247)

27. The existing iron pipes and monuments are depicted on the survey as shown in the legend (Exhibit #3). The points established by the Petitioner are also shown in the legend.

28. From the physical evidence located on the ground, the iron pins and other evidence determinative of the property lines found by his field crew, Petitioner brought this information back to his office and he and his field crew began to analyze the information that had been collected. From this data, a composite deed plat was created. (Tr. V. 2, p. 247)

29. From the existing iron pipe in the northwestern corner of the western tract (Deed Book 363, page 684) (which is a common corner with the Raymond Church property surveyed by Petitioner earlier), using the relevant deed descriptions and information from his earlier survey of the adjoining Raymond Church property, Petitioner established the northern boundary line of the western tract and its intersection with the western line of the home place tract (Deed Book 111, page 377). He set a 1 inch pin at the point. From that point, he extended the western line of the home place tract northerly for 45' as shown on line "L8". He set a 1 inch iron pin at that point, which he established as the northwest corner of the home place tract in common with the western corner of the triangular tract (Deed Book 347, page 358)

30. Petitioner was not able to locate any existing iron pipes or monuments in the triangular tract (Deed Book 347, page 358). However, Petitioner had secured from Elsie Mull, an unrecorded survey dated July of 1969, and prepared by Registered Surveyor, Fred A. Wilkie (Exhibit #14) as previously referenced above.

31. Starting from the existing iron stake at the southwest corner of the home tract, (Deed Book 111, page 377), and thereafter moving from that point in a southerly direction 246.33' to another existing iron stake, which is noted as "Existing 1 1/2" Iron Pipe 4th Corner of Deed Book 363, page 684" on Exhibit #3 and which is the southwest corner of the Harvey C. Barron and wife Patricia M. Barron property, Petitioner's survey shows a measured distance and direction almost identical, i.e., within 33/100 of a foot, with the distance shown by Fred A. Wilkie on his unrecorded Plat dated July of 1969 (Exhibit #14). This line is the western boundary line of Harvey C. Barron and wife Patricia M. Barron's property shown on Deed Book 369, page 671 (Tr. V. 2, pp. 254-255)

32. From this existing point, Petitioner, based upon the angle and the distance (85') found in the Wilkie Plat of 1969 (Exhibit #14), established an iron pipe which coincides with the northeast corner of the western tract (Deed Book 363, page 684). From that established point, moving in a northerly direction along "L8", Petitioner established the northwest corner of the home tract (Deed Book 111, page 377), which was a point 45' north of the northeast corner of the western tract and also a point consistent with the Wilkie Plat of 1969 (Exhibit #14) (Tr. V. 2, pp. 255-256). The northwest corner of the home place tract is also the common corner with the western point of the triangular tract (Deed Book 347, page 358).

33. From that common point established as the western point of the triangular tract (Deed Book 347, page 358), Petitioner, by turning the deed angle and following the deed angle, established the northern line N 67° 55' 34" E 363.00' and also established the northeast corner of the triangular tract. (Tr. V. 2, pp. 257-258)

34. Complainant believed that there had once been a stake in the northeastern corner of the triangular tract prior to 1969, but that when the gravel road was graded in 1969, the bulldozer doing the grading must have removed or covered it. Complainant's contention as to the location of the northeastern corner of the triangular tract (Deed Book 347, page 358), is that this corner extends onto the southern shoulder of the gravel road and Complainant contests the point established by Petitioner whereas Petitioner's survey determined that it is in the ditch along the southern side of the gravel road.

35. From the northeastern corner of the triangular tract, Petitioner surveyed the direction and distance from that point to a point in the home place tract and established the "BEGINNING Corner" in the deed description (below) to the triangular tract.

36. The triangular tract, Deed Book 347, page 358, was conveyed to Complainant by deed on July 18, 1969, with the following deed description:

SECOND TRACT beginning at a stake and running north five degrees east 162 feet to a stake; Thence South 67 degrees West 363 feet to a stake; Thence East 351 feet to the BEGINNING Corner. And containing Seventh Tenths (7/10) Acres.
(Exhibit #5)

37. When plotting the deed description, the northern line of the triangular tract, Deed Book 347, page 358, will not close mathematically with the beginning point. Concerning this point, Petitioner testified as follows:

In looking at the triangular piece of land that is in question here and the northeast corner that's in question, when this particular tract of land was plotted out, when it came back to the point of origin, it overlaps itself by 29.27 feet to the east. It also misses this beginning corner 19.62 feet to the north. Now, what all that means is if you take the parcel and use the evidence along the northern line, which was shown on the Wilkie Plat, and you used the two angles, you used the angle at the northeast corner and turned the angle, then you will intersect back into that line at 142.38 feet. That's based solely upon the deed.

If you'll notice on Exhibit 4A, the distance is 148.05 feet. Now, that -- between the deed and between what we were establishing, it actually gave Mr. Carswell a little more distance along the front line, rather than using the actual intersection of the two lines. (Tr. V. 2, p. 261)

38. Although not incorporated by reference in the deed descriptions shown in the exhibits, many of the Petitioner's calls and distances are identical to the Wilkie Plat (Exhibits #14 and #14A). The 162' distance contained in the second tract of the deed description in Exhibit #5 is shown on a later acquired Wilkie Map (Exhibit #14A) which is the northern line of the triangular tract (Deed Book 347, page 358). It is this northerly line shown on the Wilkie Map and the deed call of 162' which is the Complainant's chief complaint against the Petitioner. Petitioner's Map (Exhibit #3) shows the northerly line at a distance of 148.05' and not 162'.

39. By reference to Exhibit #14A, the later acquired Wilkie Plat (acquired after the preparation of Exhibit #3), the northeast corner of the triangular tract closes beneath the point in the middle of the access road. A further reference to the Wilkie Plat (Exhibit #14A), indicates that the triangular tract will not close by measurement to the point in the center of the access road. There appears to be an ambiguity between the deed reference in Exhibit #5 and the Wilkie Plat (Exhibit #14A) as to this 162' distance.

40. Petitioner asserts that the lesser distance of 148.05' shown on his survey (Exhibit #3) is more nearly the correct measurement of the northern line of the triangular tract (Deed Book 347, page 358) instead of the 162'. By first determining the location of this point in the access road immediately north of the northeast corner of the triangular tract by reference to the Wilkie Plat (Exhibit #14A) and then subtracting the 134' distance shown as a call on a portion of the eastern common boundary line of the 2 6/10 Acre Tract from the 154' distance shown as a call on a portion of the common western boundary line of the 7 8/10 acre tract, leaves a difference of 20'. This 20' is the distance from the southeast corner of the 2 6/10 acre tract and the middle of the 33' right-of-way. Subtracting 20' from the 33' right-of-way leaves a difference of 13', as the measurement between the pin shown in the middle of the 33' right-of-way of the Wilkie Plat (Exhibit #14A) and the northeastern point of closure of the triangular tract. Subtracting 13' from the 162' leaves a difference of 149'. Petitioner's line shows 148.05' which is less than a foot's difference from the 149' computed based upon measurements contained in the Wilkie Plat (Exhibit #14A). (Tr. V. 2, pp. 318-319)

41. Some of the differences between the distances found in the Wilkie Plat (Exhibit #14) and the Petitioner's survey (Exhibit #3) is attributable to the manner of measurement; the former based upon surface measured distances and the later on horizontally measured distances. (Tr. V. 2, p. 301)

42. The error of closure on the triangular tract (Deed Book 347, page 358), is 1' in 24', meaning there is one foot of error for every measured 24'. The deed description for the triangular tract when plotted do not mathematically close but overlap.

43. Petitioner's expert, Carl Bunton, RLS, performed a test of closure using the two longer distances over the triangular tract (Deed 347, page 358) of 363' and 351' which are also the identical distances found on the Wilkie Map, Exhibit #14A and also

using the bearings on this deed. The closing distance on the northerly line of the triangular tract computes to 142.83', or, just under 143'. (Tr. V. 2, p. 376)

44. The distance found by Petitioner is longer by slightly over 5' from the Bunton computation for the northern line of the triangular tract (Deed Book 347, page 358).

45. According to the testimony of George Paris, RLS, the deed descriptions were inaccurate. He testified as follows:

[Q] Now, did you look at the deed descriptions to Mr. Carswell's property?

[A] Yes, I did.

[Q] Did you try to plot out any of these deed descriptions?

[A] Yes.

[Q] And what results did you have when you plotted out and tried to plot out these deed descriptions?

[A] A very poor description -- obviously, a very poor description. It would not close, neither his nor Elsie Mull's would close. I think they were both out. They got to closure of something like 1 in 38 feet, which is not even acceptable for any kind of closure. (Tr. V. 1, p. 140)

46. Petitioner placed a note in the triangular tract (Deed Book 347, page 358), regarding the mathematical closure and also as to the southwest corner and the northern line of the triangular tract as follows: "This tract would not close mathematically. The Southwest corner was established and the Deed angle was used to establish the North line of this tract."

47. The deed distance along the southern line of the triangular tract (Deed Book 347, page 358), is 351' and is in accord with the distance shown on the Wilkie Map, Exhibit #14A. George Paris, RLS, testified that this measurement on the Wilkie Map does not coincide with Petitioner's survey, Exhibit #3; however, no distance is measured along the southern line on Exhibit #3 from the western corner of the triangular tract to the southeastern corner of the triangular tract. This line is apparently a shared former boundary between the triangular tract (Deed Book 347, page 358), and the home place tract of 3.25 acres (Deed Book 111, page 377). The testimonial evidence agrees that "L1" on Petitioner's survey, Exhibit #3, is the beginning point in the deed descriptions. Deed Book 111, page 377 makes the following reference to this line: "Beginning on an iron pipe on the West bank of the Burkemont Road and runs West with a new marked line 319 1/2 feet to an iron stake;" The reference to the 319 1/2', the reference to the Wilkie Plat of 351'; and the description in Deed Book 347, page 358, are inconsistent. Notwithstanding this apparent inconsistency, Petitioner did not attempt to show a distance for the common southern line of the triangular tract (Deed Book 347, page 358), and the home place tract (Deed Book 111, page 377). This line is shown as a broken line on Exhibit #3.

48. After completing his survey (Exhibit #3), Petitioner and the Complainant, examined the survey on the ground. Complainant disagreed with the northern line of the triangular tract (Deed Book 347, page 358), because it shortened what was called for in the deed from 162' to 148.05' found on Petitioner's survey. Petitioner asserted that the deed distance was not correct and that his surveyed distance of 148.05' was correct.

(I) [t]ook Mr. Carswell out on the ground and I showed him where we had put the stakes. And I took him to the northeast corner. And he said that's not correct. He said I am supposed to have a 162 feet along that line. I said, Mr. Carswell, I said, the deed that you've got, that you came in possession of, has a very poor closure in it. And if you try to compute what your closure is, you cannot come up with your 162 feet. And he said, I don't care. I want my 162 feet on the front. And I said, Mr. Carswell, I cannot give that to you based upon all the available evidence that I find upon the ground. I said, there's nothing in that deed that ever tells me that it went to a road. There's nothing in that deed that ever tells me that there was a call for an adjoiner (sic). There's nothing in that deed that says it was an iron stake. The only thing that that deed called for was beginning on a stake, running to a stake, and then to the stake as to the beginning.

And I said, Mr. Carswell, that deed has a tremendous amount of error in it, and the only person that knows where that error is is the good Lord, because I don't know where it's at. But I know, based upon surveying practices, that I've established that corner based on all the available evidence and trying to retrace the original surveyors foot steps as to where that corner should be. (Tr. V. 2, pp. 263-264)

49. Once the disagreement arose between Complainant and Petitioner regarding the northern line of the triangular tract (Deed Book 347, page 358), communications became strained between the two. Mr. Harvey Barron, a retired forester who had surveyor experience with the North Carolina Forest Service and confidante of the Complainant, tried to represent Complainant in his communicating with Petitioner. The Barron tract (Deed

Book 369, page 671), is shown on Petitioner's survey, Exhibit #3, just south of the home place tract, (Deed Book 111, page 377). (Tr. V. 2, page 265)

50. Petitioner went over the details of his survey with Mr. Barron.

51. At Mr. Barron's suggestion, a sliver of land between Mr. Peeler and Mr. Carswell's southeastern boundary line could provide potential for an agreed boundary line agreement. Petitioner volunteered to talk to Mr. Peeler, the adjacent property owner to the northwest of the Carswell home tract, about a boundary line agreement. This boundary line agreement negotiation ultimately failed because of the need of so many signatures from individuals having an interest in this tract or sliver. (Tr. V. 2, p. 268)

52. Mr. Barron was a disinterested witness with some knowledge and experience in mountain surveying who attempted to reconcile the deed descriptions with the Wilkie survey and the Complainant's position. His testimony is not only credible but insightful and his conclusions are quoted in part as follows:

Well, I realized there was somethin' wrong, because it didn't -- as I just looked at what was there, it didn't jibe with what I thought it should be. So I told Oliver that I would do all I could to help him to solve it.

So I went in the next day to get a copy of the deed to Elsie's property directly due north and Mr. Peeler's property south on down to the west. And I plotted those and scaled them off there on my kitchen table -- not real professional. But, anyway, I plotted them off and discovered the closure error was really astronomical. Realizing then, of course, that, I looked and asked some questions about who did the survey. And he told me there was someone out of Rutherford County, and I didn't know his name then, and I don't think he remembered his name. But anyway, I said, well, this is the worst I've seen, and I've been in some pretty mountainous country where a lot of surveys have been made with an old staff compass...

Well, some of the calls he made overlapped the neighbors in one place 25 feet, as I remember. And the closure error on his was close to 100 feet (reference to deed descriptions) (Tr. V. 2, pp. 356-357)

Well, I realized after seeing this awful surveying job that this man out of Rutherford did that that may be the problem. And so -- well, when Mr. Suttles put the stake down in a ditch, as I remember, there was about 17 feet, but I could be wrong there because it's two years ago and I forget a little bit.

But if -- I got to thinking, I said, okay, we'll move it wherever Oliver says that stake's supposed to go, and then we'll backside the same reading and distance which would be parallel with what is known as the north line of that tract of pie-shaped land. We would then end up, probably, say, 16, 17, 18 feet north of where the present stake is now, down on the northwest corner, I guess you'd call it. So that would then, in my mind, run (sic) (ruin) the integrity of the solid piece of home land he had over here because it would be 17 feet on beyond and over the road and down in the bank, north of the road.

And so I got to thinking, well -- and I sat down and told Oliver this and I also told Mr. Ritter and told Mr. Suttles. I told all three because I wanted everything to be up and open, that I thought that since that was the case that -- and so many bad calls by the previous surveyor, that I felt and believed that Mr. Suttles did the best he could with what he had to do with it. That's the very words I said. And I still believe that.

Now I'm a friend with Oliver. He's a very close friend of mine, a very dear neighbor. But I feel that the problem -- to me now -- the problem is the bad surveys that had been done with these additional little pieces of land that went to the heirs caused the problem, although, I still believe that at one time the state was there. But how can you resolve it? I don't know. But that's how I feel. (Tr. V. 2, pp. 358-360)

53. Petitioner's survey did not reflect the disagreement between Petitioner and Complainant as to the deed distance along the northern line of the triangular tract (Deed Book 347, page 358). The land in dispute between Complainant and his neighbors to the north had been in dispute for well over 20 years. (Tr. V. 1, p. 110)

54. According to the opinion of George Paris, RLS, if a surveyor does not show a deed distance, some statement as to that reason should appear on the survey. Mr. Paris' practice is to show two bearings and two distances shown on the Map, one being the record bearing distance, the other the survey bearing distance. In Mr. Paris' testimony he does not indicate that this omission

violated a standard of care or that this omission specifically renders Petitioner's Plat as not clear and factual.

55. According to the testimony of Bobby Long, RLS, he, too, believes that some mention of the conflict between the deeds and the surveys as to the disputed lines should have been placed on the Plat. He testifies as follows:

And after talking with Mr. Carswell about the errors in the deed and the amount of errors in the deed, I would have set out the context (sic) of both of the parties or I would at least recognize that the Mull property to the north and also Mr. Carswell's property to the south, that they didn't agree on the line, that it, maybe, should be, in fact -- I would have probably put on it that I would have recommended the boundary line go between owners. (Tr. V. 1, pp. 198-199)

56. The survey further has the standard certification as follows: "THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN SEE PLAT TO LEFT." The undersigned cannot find any dotted lines appearing on the Petitioner's Plat, Exhibit #3, as lacking clarity and being factual if the legend and certification indicate that these dotted lines have not been surveyed.

57. Ordinarily, a surveyor surveys boundaries and all who refer to the surveyor's plat should be able to rely on the boundaries. However, due to the nature of the error of closure in the deeds and in the previous surveys, coupled with the lack of existing iron stakes or monuments on the ground, the Petitioner's disclaimer that: "THIS SURVEY DOES NOT CERTIFY LEGAL TITLE TO THE LAND ITSELF NOR THE BOUNDARIES SHOWN HEREIN." and "USERS OF THIS PLAT SHOULD OBTAIN A CURRENT LEGAL TITLE OPINION OF OWNERSHIP OF THE BOUNDARIES." would not make his survey (Exhibit #3) unclear or factually incorrect.

58. Mr. Bunton's testimony as to whether or not he would include the 162 foot line claimed by Mr. Carswell is as follows:

- [Q] And you say that you, too, would refuse to put out the 162-foot line that Mr. Carswell maintained was his eastern triangular line?
- [A] The question I was asked was if I would set out a point and 162, and my answer was "no, I would not."
- [Q] Would you put it on your Map that that's what he claimed?
- [A] If he requested it, I would put it on the Map that that was his contention. I would put it on there that that was his contention, but it was not based on my survey.
- [Q] But it would at least appear on your Map that that's what his claim was?
- [A] If he had asked me personally to put that on there, yes.
- (Tr. V. 2, p. 393)

59. Complainant never asked the Petitioner to specifically place his contention of 162' along the northern line of the triangular tract (Deed Book 347, page 358), on the Petitioner's survey (Exhibit #3).

60. There was no lappage or encroachment on Petitioner's survey. (Exhibit #3)

61. Complainant objected to the survey but paid the Petitioner's invoice for survey services in full. (Exhibits #30 and #31)

62. Although the Respondent's experts testified that they would have surveyed the property differently, neither testified that Petitioner's survey was not clear and factual regarding the length of the eastern line of the triangular tract except that it was inconsistent with Complainant's contentions.

63. Under the revision notes found in the bottom left corner of Exhibit #3, Petitioner deleted the proposed 45' right-of-way: "REVISED JUNE 27, 1996 TO DELETE PROPOSED 45' RIGHT-OF-WAY."

64. Petitioner's survey, Exhibit #3, is clear and factual.

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

CONCLUSIONS OF LAW

1. Pursuant to Chapters 89C and 150B of the North Carolina General Statutes, the Office of Administrative Hearings has personal and subject matter jurisdiction of this contested case.

2. Pursuant to 89C-10(a), the Respondent is granted the authority to adopt rules governing the professional conduct of its licensees.

3. Pursuant to this statutory authority, the Respondent promulgated 21 NCAC 56.1602.

4. 21 NCAC 56.1602(e) is quoted, in part, below:

The results of a survey when reported to the user of that survey, whether in written or graphic form, shall be prepared in a clear and factual manner. All reference sources shall be identified. Artificial monuments called for in such reports shall be described as found or set. When no monument is found or set for points shown in such reports, that fact shall be noted.

5. The phrase "in a clear and factual manner" is not defined in 21 NCAC 56.1602(e) and therefore must be construed based upon the evidence.

6. Pursuant to the standards found in 21 NCAC 56.1602(a) pertaining to adequate investigation for the determination of encroachments, gaps, lappages, or other irregularities along each line surveyed, Petitioner, under the facts found, conducted adequate investigations to make these determinations.

7. Under the provisions of 21 NCAC 56.1602(b) Petitioner determined encroachments or easements on the subject property being surveyed and to the best of his knowledge and ability accurately located and clearly indicated these encroachments or easements. Further, Petitioner adequately researched the existing deeds and the deeds and plats of the surrounding tracts.

8. Because of the errors of closure contained in the deed description to the triangular tract and the grantor's apparent reliance upon the Wilkie Plats in the deed calls and, further, due to the Petitioner's inability to locate existing iron stakes or monuments, it became necessary for the Petitioner to reconcile the Wilkie Plats with the deed description. Further, the deed description had very few references to existing monuments, the 30' strip adjoining the property, or other references to even determine the beginning point of the deed description.

9. Respondent did not establish by the greater weight of the evidence that Petitioner violated Board Rule 21 NCAC 56.1602(e) or that Petitioner otherwise failed to prepare his survey in a clear and factual manner by ignoring the deed descriptions and the intent of the grantor when placing the following note on his survey: "This tract would not close mathematically. The Southwest corner was established and the deed angle was used to establish the North line of this tract."

10. Respondent did not establish by the greater weight of the evidence that Petitioner violated Board Rule 21 NCAC 56.1602(e) or that Petitioner otherwise failed to prepare his survey (Exhibit #3) in a clear and factual manner by failing to show disputed property lines and Complainant's claim of occupation on his survey (Exhibit #3).

11. Respondent did not establish by the greater weight of the evidence that Petitioner violated Board Rule 21 NCAC 56.1602(e) or that Petitioner otherwise failed to prepare his survey (Exhibit #3) in a clear and factual manner by reporting a general easement as an enlarged right-of-way without supporting documentation by: (a) expanding a northern easement into Complainant's property; (b) presuming a public dedication of land that did not exist; (c) relying on an unpublished and unregistered survey; (d) ignoring or denying Complainant's possession of land.

12. Respondent did not establish by the greater weight of the evidence that Petitioner violated Board rule 21 NCAC 56.1602(e) or that Petitioner otherwise failed to prepare his survey in a clear and factual manner by reporting a boundary-line agreement without the consent of parties by: (a) completing a "final survey" and then telling his client he needed an attorney (to solve the "problem that doesn't appear on the survey"; (b) based on his own action of moving Complainant's eastern (triangular) line, south maintaining that "no one owned the tract" shown as right-of-way; (c) removing landmarks, which, in themselves, deny a boundary-line agreement; (d) being aware of problems with the boundaries but not reporting it: his survey reflecting: "no problem here."

13. Respondent did not establish by the greater weight of the evidence that the Petitioner violated Board rule 21 NCAC 56.1602(e) or otherwise failed to prepare his survey (Exhibit #3) in a clear and factual manner by attempting to absolve himself by

improperly reporting the following disclaimers when his seal and signature affirm that the map is a correct delineation of the property set forth thereon: (a) "No title search conducted at time of survey"; (b) "property is subject to any rights of way easements of record, or retroactive covenants"; (c) "this survey does not certify legal title to the land itself nor the boundaries shown thereon"; (d) "users of this plat should obtain a current legal title opinion of ownership of the boundaries."

14. As to Respondent's charge that Petitioner failed to show disputed property lines and Complainant's claim of occupation on his survey map (Exhibit #3) was a more factually contested issue and the chief complaint of the Complainant. The expert testimony and opinions on this issue conflicted and, although elucidating, were not controlling. The pivotal question as to whether or not Petitioner should have disclosed the Complainant's contention as to the northern line of the triangular tract, Deed Book 347, page 358, is a close question. The Complainant, as a member of the public whose protection is the subject of the public policy behind the regulatory scheme of licensing land surveyors (see G.S. 89C-2), is entitled to know why his deed call along this line did not measure up to the length of his deed distance of "162' to a stake." The survey reported this distance of 148.05'. The testimonial evidence agrees that no stake was found to locate and identify Complainant's northeastern corner of the triangular tract (Deed Book 347, page 358). The dilemma for both the Petitioner and the Complainant, by reference to the deed as well as to the Wilkie Plat, is that this northern line will not produce closure of the triangular tract at the deed distance. By reference to the Wilkie Plat (Exhibit #14A), this point is above the closure of the triangular tract and by reference to the deed, testimonial evidence agrees that no closure will occur under the description. The failure to find evidence on the ground to support the deed description coupled with the evidence found in reproducing these points from the Wilkie Plats, demonstrates that Petitioner's survey (Exhibit #3) was technically correct within the standards of practice and neither was a violation of Board Rule 21 NCAC 56.1602(e) nor was it a failure by Petitioner to prepare his survey in a clear and factual manner. However, Complainant was entitled to a clear explanation as to why this line in Petitioner's survey determination was not in conformity with the deed description.

15. Petitioner's conversations with the Complainant after the survey (as found in the Findings of Fact) as well as Mr. Barron's attempt at explaining this discrepancy to the Complainant (as found in the Findings of Fact) was a good faith attempt on the part of the Petitioner to explain the discrepancy.

16. The uncertainties found in the Petitioner's survey (Exhibit #3) is, in large measure, attributable to the uncertainties of the existing deed descriptions and the Wilkie Plats.

17. The undersigned can find no grounds by which the Respondent can or should make a finding of misconduct on the part of the Petitioner for gross negligence or misconduct in the practice of his profession as required by G.S. 89C-21(a)(2)."

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

PROPOSAL FOR DECISION

That the Notice of Hearing and charges contained therein against the Petitioner be dismissed and that the Petitioner, and with his consent, accept a letter of warning and admonishment that will remain in his record for a period of three (3) years for his failure to note on his survey the inconsistency between his surveyed distance and the deed distance along the northern line of the triangular tract for the edification and understanding of both his client and other members of the public, but that this warning or admonishment not constitute a formal adjudication of misconduct or gross negligence which would support a reprimand.

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

**Many Chapters in Title 21 (21, 22, 26, 40, 42, 48G, 63, 66 and 69) as well as Title 27 (1B) provide for the issuance of a lesser finding of culpability than a reprimand. If this disciplinary provision was available to the Respondent under Title 21, Chapter 56, it would be appropriate to admonish or warn the Petitioner that he could be subject to disciplinary action in the future if he failed to note or reconcile a deed distance of a boundary-line with his surveyed distance.

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 State Board of Registration for Professional Engineers and Land Surveyors.

This the 9th day of February, 1999.

Julian Mann, III
Chief Administrative Law Judge

STATE OF NORTH CAROLINA

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
98 OSP 0170

COUNTY OF RANDOLPH

CHARLES A. LINDQUIST

Petitioner,

v.

STATE OF NORTH CAROLINA; DEPT. OF CRIME
CONTROL AND PUBLIC SAFETY; N.C. HIGHWAY
PATROL

Respondent.

RECOMMENDED DECISION

The above entitled matter was heard before North Carolina Administrative Law Judge Beecher R. Gray on September 24, 1998 in Raleigh, North Carolina. Respondent had previously filed a motion to dismiss under Rule 12(b)(6), which was denied by the Honorable Brenda Becton, Administrative Law Judge. Respondent had also previously filed a motion for summary judgment, which was also denied.

APPEARANCES

Petitioner: J. Michael McGuinness, Esquire

Respondent: Jonathan P. Babb, Assistant Attorney General

ISSUES

1. Whether Petitioner Lindquist is entitled to relief under N.C.G.S. 126-25 by having Respondent retract misleading and inaccurate information from Petitioner's personnel file?
2. Whether the information objected to by Petitioner was inaccurate or misleading?

FINDINGS OF FACT

1. The parties received notice of hearing more than fifteen (15) days prior to the hearing and each party stipulated on the record that notice was proper.
2. Petitioner Lindquist initiated a grievance seeking removal of information from his personnel file that he deemed inaccurate and misleading. The information that Petitioner Lindquist objected to was the inclusion of documents in his personnel file that accused Petitioner of a "Personal Conduct" violation imposing a written warning, and by allegedly demonstrating a "disrespectful and insolent attitude toward Colonel E.W. Horton." See Personnel Charge Sheet, exhibit F. There was no evidence that Petitioner was insubordinate, or that Petitioner exhibited any disrespectful or insolent attitude toward Colonel Horton.
3. The trial began with stipulations as to the admissibility of a number of exhibits. T4.¹ The parties stipulated that Petitioner Lindquist authored the subject article which appeared in the Black and Silver News, which is a newsletter publication of the North Carolina Troopers Association. Trooper Lindquist did not publish the article, but the Troopers Association did publish the article.
4. Trooper Lindquist is a master trooper stationed in Asheboro and has served the patrol continuously since 1979. T2-2. Trooper Lindquist holds the advanced law enforcement certification from the Training and Standards Commission and graduated first in his highway patrol school class. T2-3. Several witnesses testified that Petitioner Lindquist was a dedicated trooper, was a person of integrity and honesty, effective in his job and respected by his

¹ The hearing transcript is denoted herein as T, followed by the pertinent page numbers.

peers. T144 (testimony of Sgt. Wadell); T164 (testimony of First Sgt. J.R. Williams).

5. Trooper Lindquist has served as President of the North Carolina Troopers' Association since 1996 and he was previously associated with the Troopers' Association since 1987. T2-4. Trooper Lindquist explained the essential purposes of the North Carolina Troopers' Association. T2-5-6. Trooper Lindquist started publishing articles in the association's publications in 1993. T2-8.
6. The North Carolina Troopers Association (NCTA) is a voluntary association of state troopers that engages in advocacy on behalf of North Carolina troopers. NCTA engages in various community service activities, legislative advocacy, litigation, and publishes the Black and Silver News. Petitioner Lindquist is the president of the NCTA.
7. Exhibit 1 is the copy of the relevant article from the Black and Silver News. The subject article appeared in the August 1997 edition of Black and Silver News, which contained a column authored by Petitioner Lindquist that addressed the use of "stop sticks" by the North Carolina Highway Patrol. There was no evidence offered that the subject article was written while on duty or in connection with governmental resources.
8. A "stop stick" is a tire deflation device used by the N.C. Highway Patrol to safely and effectively deflate the tire of a pursued vehicle thereby resulting in the termination of a high speed chase. High speed pursuits by law enforcement officers are controversial topics of public interest and opinion. Therefore, communications by state troopers about stop sticks and related matters is a proper subject of commentary by Petitioner and others.
9. The NCTA purchased stop sticks for the N.C. Highway Patrol. NCTA's labels on the stop sticks were subsequently covered up by another label. The gist of Petitioner Lindquist's expression in his column was that the NCTA had been unfairly treated by the Patrol in connection with the stop sticks. The subject article contained expression and opinions about the N.C. Highway Patrol and Colonel E.W. Horton.
10. There was no evidence offered by Respondent that denied the truth of what Petitioner Lindquist stated in his column. Without a denial of the truth of the matter asserted, there is no basis to scrutinize Petitioner Lindquist for what he wrote in his column. Petitioner, like all other citizens, is free to speak, write and otherwise communicate any and all truthful matters.
11. Petitioner's Exhibit 2 is the January 16, 1998 memo from Captain Compton to Major Cain (King), which is one of the two documents offered to show what the inaccurate and misleading personnel information was. T16-17. Respondent's Exhibit F, the personnel charge sheet disposition, is also a document contended by Petitioner to be inaccurate and misleading. The alleged misleading and inaccurate personnel information is set forth in Exhibits 2 and F. T20.
12. Upon consideration of the evidence, the undersigned issued a determination at the hearing that the documents comprising the written warning imposed on Petitioner Lindquist are "inaccurate and misleading." T28. The undersigned reasoned that Petitioner Lindquist's article was protected by the constitution because it was "protected speech." T28. Consequently, Petitioner Lindquist's speech cannot constitute insubordination in this case. T28-29.
13. Petitioner Lindquist offered proof demonstrating that there was a prior incident of attempted retaliation against him for writing articles in publications of the NCTA. See testimony of Retired Colonel Robert Barefoot. T45-47.
14. Petitioner's first witness was Robert A. Barefoot, a retired Colonel of the North Carolina Highway Patrol who served from 1959 up until his retirement in approximately 1996. T40. Retired Colonel Barefoot knew Petitioner Lindquist from the time when Lindquist wrote an article critical of some of the policies of the North Carolina Highway Patrol. T41.
15. Retired Colonel Barefoot explained that he was very close to Colonel E. W. Horton and had worked very closely with him. T43. Retired Colonel Barefoot enjoyed a good working relationship with Colonel Horton. T43. Retired Colonel Barefoot had recommended E. W. Horton to the North Carolina Governor to replace Colonel Barefoot when he retired. T42.

16. Retired Colonel Barefoot was aware that Petitioner Lindquist had been writing articles for publication that appeared in the publications of the North Carolina Troopers Association. T44. Colonel Barefoot called a staff meeting to discuss the articles being written by Petitioner Lindquist about the Patrol. T45. In the staff meeting, E. W. Horton "was very rigid about it and wanted to treat it as a serious type thing..." T45. Mr. Horton told Colonel Barefoot at the time that he should consider disciplinary action against Petitioner Lindquist. T45. The disciplinary action that Mr. Horton suggested to Colonel Barefoot was "rather severe, firing, dismissal, or move him from his location." T46. Mr. Horton's statements in that regard were based upon what Petitioner Lindquist had written in the article. T46. Mr. Horton's recommendation to Colonel Barefoot was that Petitioner Lindquist be fired or moved. T46-47.
17. After conferring with counsel and obtaining legal advice, Colonel Barefoot decided to not take any adverse or disciplinary action against Trooper Lindquist because of his speech contained in the articles. T47. Colonel Barefoot also asked the staff not to take any action against Trooper Lindquist because of his speech. T47. Despite Colonel Barefoot's decision, Mr. Horton's reaction to Colonel Barefoot's decision was that Mr. Horton "still wanted to carry forward with his idea on it..." T48.
18. Colonel E. W. Horton was called to testify. T195. Colonel Horton was familiar with the magazine published by the North Carolina Troopers' Association. T200. Colonel Horton had occasion to observe what the Troopers' Association was publishing. T201. Colonel Horton previously read an article published in the Troopers' Association's newsletter, the Black and Silver News whereby Trooper Lindquist referenced Colonel Horton.
19. Colonel Horton indicated that the article that Trooper Lindquist wrote about him "gave him heartburn." T201. Colonel Horton became a complainant and issued a charge of misconduct against Trooper Lindquist for writing the article. T202. Colonel Horton was then interviewed by Internal Affairs in a capacity as a witness in that matter. T202. After the Internal Affairs inquiry was concluded, Colonel Horton also acted as the decision maker in that same case. T202. Colonel Horton conceded that there "could be an issue" of a conflict of interest because of his dual roles as witness and decision maker. T202.
20. The disciplinary action in the form of a written warning against Trooper Lindquist was based solely upon what Trooper Lindquist said in the article that was written. T203. Colonel Horton acknowledged reading a previous article in the Black and Silver News which was complimentary of him; Colonel Horton did not have any objection to that article. T204.
21. Consequently, Colonel Horton did not object to what he deemed to be favorable speech about him but when the speech became critical, he got "heartburn" and imposed disciplinary action in the form of a written warning. T204. The purpose and effect of such a written warning was to chill speech that Colonel Horton objected to.
22. The prior incident explained by Retired Colonel Barefoot sheds light on the motivation of the adverse action in this case.
23. Trooper Timothy Amburn was called to testify. T235. Trooper Amburn has served for over 12 years with the patrol and is currently stationed in Guilford County. T235. Trooper Amburn served as the Vice President of the North Carolina Troopers' Association. T235. Trooper Amburn testified that the Troopers' Association held a board meeting which Colonel Horton attended. One of the topics that Colonel Horton discussed was the fact that he wanted the Troopers' Association to present a more positive image from some of the articles that had been previously written, specifically making reference to Charles Lindquist in referring to the previous articles. T236.
24. Offers of proof were submitted consisting of deposition testimony of Colonel Horton. T2-73. They involve Colonel Horton's deposition testimony in the Garner case and in the Lindquist case; also the court order in the case of Allan Williams v. E.W. Horton and the State of North Carolina was submitted. T2-74. The Williams case was settled after entry of a temporary restraining order was entered finding retaliation against Plaintiff Williams because of free expression very similar to this case.
25. N.C.G.S. 126-25 provides in pertinent part:

"An employee, former employee or applicant for employment who objects to material in his file because he considers it **inaccurate or misleading** may seek the removal of

such material from his file in accordance with the grievance procedure of that department, including appeal to the state personnel commission.” (emphasis added)

Additional language in the statute also demonstrates that the General Assembly authorized a particular remedy including destruction of the original and copies of the material to be removed from the file.

26. N.C.G.S. 126-34.1 is entitled “Grounds For Contested Case Under The State Personnel Act Defined” and provides in pertinent part that:

A state employee or former state employee may file in the Office of Administrative Hearings a contested case under Article 3 of Chapter 150B of the General Statutes...(6) denial of an employee's request for removal of allegedly inaccurate or misleading information from the employee's personnel file as provided by G.S. 126-25.

CONCLUSIONS OF LAW

Based upon the forgoing findings of fact, I make the following conclusions of law.

1. The Parties properly are before the Office of Administrative Hearings.
2. Inaccurate or misleading information in a personnel file results in definitive harm to and adversely affects the aggrieved employee, the agency and the public:
 - a) It can be used by the employer to justify more severe adverse action in future incidents of discipline;
 - b) It can be accessed by future prospective employers when the individual might be changing jobs; this may cause an individual to lose a future job based upon the misleading information;
 - c) The employing agency files will not be accurate therefore personnel decisions may be erroneous or even unlawful if premised upon misleading information;
 - d) Misleading or adverse inaccurate references therein can cause permanent injury to public employees as they seek promotions, other employee related advancement, and other career efforts in the future.
 - e) Consistent with traditional principles of substantive due process and equal protection, governmental employers are required to act in good faith and not arbitrarily. See, e.g., Wall v. Stanly Cty. Bd. of Educ., 259 F. Supp. 238, 249 (M.D.N.C. 1966)(citizens “are not at the mercy of any whimsical or arbitrary decision” by government; the government must act “in good faith and not arbitrarily, capriciously . . .”), rev'd on other grounds, 378 F.2d 275 (4th Cir. 1967). Consequently, in order to comply with their good faith obligations, governmental employers should strive to maintain accurate personnel information for the benefit of government and employees.
3. In this case, the misleading and inaccurate information in Petitioner Lindquist's personnel file has adversely affected Petitioner because his permanent personnel record and history as a state employee would be adversely affected if the information remains permanently in Petitioner's file. There is no legitimate basis for the inaccurate and misleading information to remain in Petitioner's file; this court finds that the information should be removed in order to promote integrity of the State's personnel system and Petitioner's personnel files.
4. Respondent's personnel charge sheet/disposition makes specific allegations against Petitioner Lindquist. Petitioner's contested case petition alleged under N.C.G.S. 126-25 that the information contained in his personnel file is both "misleading" and "inaccurate" as provided for in the statute.
5. Because the written warning contains misleading and inaccurate information in Petitioner Lindquist's personnel file, an express violation of N.C.G.S. 126-25 has been committed. Pursuant to N.C.G.S. 126-34.1(a)(6), Petitioner sought removal of the inaccurate and misleading information from his file, which was denied up through the chain of command to and including Secretary Richard Moore.

6. The apparent legislative purpose in N.C.G.S. 126-25 is to afford a remedial mechanism authorizing state employees to protect the integrity of their personnel files. Information within governmental personnel files of state employees is vitally important because it becomes a permanent and official part of the employee's employment and occupational history. The North Carolina Constitution affords specific protection for occupational liberty in Article 1, section 1 of the North Carolina Constitution. In Treants v. Onslow County, 83 N.C. App., 350 S.E.2d 365, 371 (N.C. App. 1986), aff'd as modified, 320 N.C. 776, 360 S.E.2d 783 (1987), the North Carolina appellate courts explained how the right to earn a livelihood is a "fundamental" constitutional right under the North Carolina Constitution.
7. In order to make a proper determination of whether the objected to information is misleading or inaccurate, the undersigned has to consider and determine whether the speech in question was protected. The undersigned's speech analysis is employed only for purposes of analyzing the question under N.C.G.S. 125-25. The undersigned is not, however, attempting to decide a constitutional question in and of itself. Rather, the analysis is being employed to assist in determining the statutory questions presented under the State Personnel Act.
8. If the speech in question is protected, Petitioner cannot be subjected to any punishment for the speech. If the speech in issue was protected, it cannot constitute insubordination as Respondent submits.
9. Respondent contends that Petitioner's speech was "insubordinate" because it criticized Colonel Horton and the Highway Patrol. Respondent's contention is awkward because there was no evidence that Petitioner had been ordered to not publish the subject article. There was no evidence that Petitioner was ordered to do anything. Without an order of some type, there is no basis for an insubordination charge in any event.
10. Generally, insubordination involves "a willful or intentional disregard of the lawful and reasonable instructions of the employer." See Black's Law Dictionary, citing Porter v. Pepsi Cola Bottling Co., 247 S.C. 370, 147 S.E. 2d 620, 622 (1964). Insubordination has been defined by North Carolina courts to constitute "a willful disregard of express or implied directions of the employer and a refusal to obey reasonable orders." Thompson v. Wake County Board of Education, 31 N.C. App. 401, 424-25 (1976).² Professor Silver defines insubordination as "willful disobedience to a lawful and proper order of an agency superior..." Volume I, Silver, Public Employee Discharge and Discipline, Section 3.7 at 156 (2nd Ed. 1995).
11. Publications such as the Black and Silver News are proper forums for employee associations to express ideas about public service, issues affecting their employers and their work, and a host of other issues of public concern. The Black and Silver News is a publication which generally enjoys constitutional protection under the Freedom of the Press Clause and the Free Speech Clause of the First Amendment to the United States Constitution unless the government can prove some compelling interest to suppress the expression in issue.
12. As a North Carolina State employee, Petitioner Lindquist enjoys protection afforded under the State Personnel Act, under the First Amendment to the United States Constitution and under Article 1, section 14 of the North Carolina Constitution. Article 1, section 14 provides that freedom of speech is one "of the great bulwarks of liberty."
13. In U.S. v. National Treasury Employees Union, 513 U.S. 454, 115 S. Ct. 1003 (1995), the United States Supreme Court held that off-duty expressive activities of public employees cannot be restricted. The Court held unconstitutional a statutory provision prohibiting government employees from earning income through off-duty self employment involving writing. The Court held that a statute prohibiting receipt of honoraria by government employees was unconstitutional because it would burden expressive activities in violation of the First Amendment. The statute in question prohibited federal employees from accepting any compensation for making speeches or writing articles. The Supreme Court observed that public employees "who write for publication in their spare time have made significant contributions to the marketplace of ideas." 115 S. Ct. at 1012.
14. Petitioner Lindquist was punished in the form of a written warning because he engaged in constitutionally protected activities of free speech and freedom of the press.

² See Higgins v. City of St. Louis, 738 S.W. 2d 895 (Mo. Ct. App. 1987); Fink v. Revco, 666 F. Supp. 1325 (W.D. No. 1987). An alternative definition of insubordination is a "constant or continuing intentional refusal to obey a direct or implied order reasonable in nature and given by and with proper authority." Lockhart v. Arapahoe, 735 P. 2d 913, 915 (Col. 1986).

15. Generally, a public employee may not be adversely affected for exercising one's right to freedom of speech upon an issue of public concern. Numerous cases, *infra*, have firmly established the fundamental constitutional right of all public employees to communicate with and even criticize their public agency employers and various public officials.
16. The constitutional rights of law enforcement officers "must be afforded great weight." *Konraith v. Williquette*, 732 F. Supp. 973, 978 (W.D. Wis. 1990). The United States Supreme Court has made clear that police officers are not relegated to a "watered down version of constitutional rights." *Garrity v. New Jersey*, 385 U.S. 493, 500 (1967). "There can be no doubt that a policeman has full First Amendment rights." *Brukiewa v. Police Commissioner*, 263 A.2d 210 (Md. 1970). "Freedom of speech is among the most precious of our constitutional rights." *National v. Town of Dedham*, 43 F.3d 731, 736 (1995).³ Speech on public issues occupies the highest rung of the hierarchy of First Amendment values and is entitled to special protection. *NAACP v. Claiborne*, 458 U.S. 886, 913 (1982).
17. Expressing "unpopular viewpoints" has long been an essential constitutional right. E.g., *Tinker v. Des Moines*, 393 U.S. 503, 508-09 (1968) where the Court held that wearing armband as symbolic protest of Vietnam war was protected even though such expressive conduct may "cause a disturbance." In *Berger v. Battaglia*, 779 F.2d 992, 1001 (4th Cir. 1985), the Fourth Circuit rejected the police department's efforts to restrict off-duty expression consisting of entertainment.
18. The speech and expression of Petitioner Lindquist in the subject *Black and Silver News* constituted expression on a matter of public concern and is protected speech.
19. Communicating and reporting governmental inefficiency or misconduct constitutes classic protected speech.⁴ See *Hall v. Marion*, 31 F.3d 183 (4th Cir. 1994)(affirming verdict for employee where communication involved allegations of waste of taxpayer's money); *Marshall v. Porta County*, 32 F.3d 1215, 1219 (7th Cir. 1994)(affirming verdict for employee where public employee commented about claims for excessive mileage, improper inspections and other agency misuse).
20. Allegations of malfeasance or abuse of office have been among the areas of speech most vigilantly protected by the courts. E.g., *Hall*, 31 F.3d 183; *Davis*, 40 F.2d 777; *Czurlanis v. Albanese*, 721 F.2d 98 (3rd Cir. 1983).⁵
21. Expression related to law enforcement issues is virtually always held to constitute matters of public concern.⁶ Such

³ See *Churchill v. Waters*, 114 S.Ct. 1878, 128 L.Ed 2d 686 (1994); *Fikes v. City of Daphne*, 79 F.3d 1079 (11th Cir. 1996); *Beckwith v. City of Daytona*, 58 F. 3d 1554 (11th Cir. 1995); *Dishow v. School Dist.*, 77 F. 3d 195 (7th Cir. 1996); *Vezzetti v. Pelligrini*, 22 F. 3d 483 (2nd Cir. 1994); *Voj vodich v. Lopez*, 48 F. 3d 879 (5th Cir. 1994); *Pro v. Donatucci*, 81 F. 3d 1283 (3rd Cir. 1996); *Watters v. City of Philadelphia*, 55 F. 3d 886 (3rd Cir. 1995); *Tao v. Freeh*, 27 F.3d 639 (D.C. Cir. 1994); *Schultea v. Wood*, 27 F.3d 1112 (5th Cir. 1994).

⁴ See, e.g., *Vasbinder v. Ambach*, 926 F.2d 1333 (2nd Cir. 1993)(communicating about suspicious activity in federally funded program of public concern); *O'Connor v. Stevens*, 994 F.2d 905, 912-16 (1st Cir. 1993)(communications about unauthorized use of public agency departmental accounts of public concern).

⁵ Scores of cases are in accord. *Marohonic v. Walker*, 800 F.2d 613, 616 (6th Cir. 1986)(communication about fraudulent medical billing by public employer touched upon public concern; "public interest is near its zenith when ensuring that public organizations are operating in accordance with the law ... and seeing that public funds are not purloined."); *OHFC v. Hughes*, 816 F.2d 1144 (7th Cir. 1987) (communication detailing abuses in public probation office was of public concern); *McMurphy v. City of Flushing*, 802 F.2d 191 (6th Cir. 1986)(accusations of misconduct by municipal officials touched public concern); *Rookard v. Health and Hosp. Corp.*, 710 F.2d 41, 46 (2d Cir. 1983)(communications about corruption and waste in government "obviously" a matter of public concern); *Benson v. Alphin*, 786 F.2d 268 (7th Cir. 1986)(employee's communications about tax violations by government employees was of public concern.)

⁶ A plethora of courts have held that speech and conduct relating to virtually every facet of law enforcement agencies is of utmost public concern and is among the most protected forms of any kind of speech or conduct. E.g., *Rankin v. McPherson*, 483 U.S. 378 (1987); *Biggs v. Village of Dupo*, 892 F.2d 1298, 1301-02 (7th Cir. 1990)(police officer's communications discussing lack of police funding protected); *Manhattan Beach Police Ass'n v. City of Manhattan Beach*, 881 F.2d 816 (9th Cir. 1989)(police officer's communications and conduct critical of manpower shortage held protected); *Rode v. Dellarciprete*, 845 F.2d 1195 (3rd Cir. 1988)(police officer's communications about racial harassment of her held protected); *Matulin v. Village of Lodi*, 862 F.2d 609 (6th

law enforcement related speech is of "utmost public concern." O'Donnell v. Yanchulis, 875 F.2d 1059, 1061 (3rd Cir. 1989). "The delivery of police services... is unavoidably of interest to its citizenry." Broderick v. Roache, 767 F. Supp. 20, 24 (D. Mass. 1991). Thus, commentary about police services and agencies is protected. Conditions within police departments are of such great public concern because those conditions affect the level of public safety. See Watters v. City, 55 F.3d 886, 891 (3rd Cir. 1995).

22. The undersigned has weighed the respective interests of the parties in arriving at the conclusion that Petitioner's expression is protected. The respondent has not shown any compelling governmental interest that would outweigh Petitioner's interests in free expression. Judge Sam Ervin III has explained how a public employer must prove a "compelling governmental justification" for limiting expression or protected activities. See Hickory Firefighters v. City, 656 F.2d 917, 921 (4th Cir. 1981). The government's conduct must "survive exacting scrutiny" in order to justify suppression of expression or association. Elrod v. Burns, 427 U.S. 347, 362 (1976). "The interest advanced must be paramount, one of vital importance, and the burden is on the government to show the existence of such an interest." Id.
23. In this case, the respondent has no compelling or other legitimate interest in imposing a written warning upon Petitioner Lindquist because of his article in the Black and Silver News. Free expression of ideas about stop sticks and the Patrol's position are matters of important public interest worthy of commentary by Petitioner and others. A weighing of the respective interests compels the conclusion that Petitioner's interests in free expression (and that of the public) outweigh any interest that the government might have in suppressing the expression.
24. The North Carolina Appellate courts have breathed new life into the North Carolina Constitution in a series of public employee free speech cases. See Corum v. UNC, 330 N.C. 761, 413 S.E.2d 276 (1992); Lenzer v. Flaherty, 106 N.C. App. 496 (1992); Howell v. Town of Carolina Beach, 419 S.E.2d 277 (N.C. App. 1992); Warren v. New Hanover Bd. of Educ., 410 S.E.2d 232 (1991). Each of these cases reversed lower court dismissals and recognized developing or new applications of the state constitution for public employees. These cases generally follow the analytical framework enunciated in the federal cases construing the First Amendment.

RECOMMENDED DECISION

Based upon the foregoing findings of fact and conclusions of law, it is hereby recommended that the State Personnel Commission find that the information objected to in Petitioner Lindquist's personnel file is both inaccurate and misleading; that the inaccurate and misleading information be stricken from Petitioner's personnel file; and that counsel fees and costs be awarded to Petitioner.

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, NC 27611-7447, in accordance with North Carolina General Statutes Section 150B-36(b).

NOTICE

Before the agency makes the FINAL DECISION, it is required by N.C.G.S. Section 150B-36(a) 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.

The agency is required by N.C.G.S. Section 150B-36(b) to serve a copy of the Final Decision on all parties and to furnish a copy to the Parties' attorney of record.

Cir. 1988)(police officer's statements regarding employment discrimination held protected); O'Donnell v. Yanchulis, 875 F.2d 1059 (3rd Cir. 1989)(police chief's statements held protected); Browner v. City of Richardson, 855 F.2d 187 (5th Cir. 1988)(letter alleging police departmental improprieties held protected); Murphy v. City of Flushing, 802 F.2d 191, 196 (6th Cir. 1986)(public obviously concerned with how a police department is operated); Bricknell v. Norton, 732 F.2d 664 (8th Cir. 1984)(Public has a "vital interest" in police department); Soleman v. Royal Oak Township, 842 F.2d 862 (6th Cir. 1988)(police officer's statements alleging departmental improprieties held of public concern and protected); O'Brien v. Town of Caledonia, 748 F.2d 403, 407 (7th Cir. 1984)(police officer's communications alleging departmental problems "is deserving of vigilant protection by the First Amendment.").

This 19th day of January, 1999.

Beecher R. Gray
Administrative Law Judge

CUMULATIVE INDEX

(Updated through March 5, 1999)

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This index provides information related to notices, rules and other documents published in the Register. It includes information about rules for which Notice of Rule-Making Proceedings or Notice of Text have been published, rules submitted to the Rules Review Commission and rules codified since the last session of the General Assembly. For assistance contact the Rules Division at 919/733-2678.

Fiscal Note: S = Rule affects the expenditure or distribution of state funds, L = Rule affects the expenditure or distribution of local government funds, SE = Rule has a substantial economic impact of at least \$5,000,000 in a 12-month period. * = Rule-making agency has determined that the rule does not impact state or local funds and does not have a substantial economic impact. See G.S. 150B-21.4.

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21 NCAC 01 .0105	12:22 NCR 1981		13:05 NCR 502	*	Approve	12/17/98	*		13:17 NCR 1381	

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1 NCAC 25 .0212	12:23 NCR 2088		13:08 NCR 642	*	Approve	12/17/98	*		13:17 NCR 1381	
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1 NCAC 05B .1512	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1513	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98			13:17 NCR 1381	
1 NCAC 05B .1517	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98			13:17 NCR 1381	
1 NCAC 05B .1518	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1519		12:17 NCR 1611	13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1520	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98			13:17 NCR 1381	
1 NCAC 05B .1521	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1601	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1602	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1603	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1604		12:17 NCR 1611	13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1605	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1901	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1903	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1906		12:17 NCR 1611	13:08 NCR 627	*	Approve	12/17/98	*		13:17 NCR 1381	
1 NCAC 05B .1907	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98			13:17 NCR 1381	

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1 NCAC 05B .1909	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98			13:17 NCR 1381	
1 NCAC 05C	13:04 NCR 360									
1 NCAC 05D	13:04 NCR 360									
State Building Commission										
1 NCAC 30F .0305	13:04 NCR 360		13:08 NCR 645	*	Approve	12/17/98	*		13:17 NCR 1381	
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										
2 NCAC 09K .0214	13:14 NCR 1109									
2 NCAC 20B .0104	13:13 NCR 1040		13:18 NCR 1503	*						
2 NCAC 43L .0309	13:14 NCR 1109									
Consumer Services										
2 NCAC 54 .0101	13:14 NCR 1119	13:14 NCR 1119								
2 NCAC 54 .0102	13:14 NCR 1119	13:14 NCR 1119								
2 NCAC 54 .0103	13:14 NCR 1119	13:14 NCR 1119								
2 NCAC 54 .0104	13:14 NCR 1119	13:14 NCR 1119								
2 NCAC 54 .0101	13:14 NCR 1119	13:14 NCR 1119								
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	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0102	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	

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21 NCAC 57A .0201	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0202	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0203	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0204	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0205	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0206	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0207	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0208	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0210	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0301	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0302	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0303	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0304	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0305	13:01 NCR 3		13:05 NCR 513	*	Object	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0306	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0401	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0402	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0403	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0404	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0405	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0406	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0407	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0501	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
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	

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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	
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CERTIFIED PUBLIC ACCOUNTANT EXAMINERS

21 NCAC 08A .0301	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 08A .0308	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 08A .0310	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 08A .0315	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 08F .0107	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 08F .0504	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 08H .0101	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 08H .0102	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 08I .0104	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 08I .0102	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 08I .0107	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 08I .0108	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 08I .0110	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 08I .0111	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 08K .0104	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 08K .0105	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 08M .0102	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 08M .0103	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 08M .0104	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 08M .0201	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 08M .0202	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 08M .0204	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	

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21 NCAC 08M .0206	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 08M .0207	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 08M .0301	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 08M .0302	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 08M .0303	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 08M .0304	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 08M .0305	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 08M .0306	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 08M .0401	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 08M .0402	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 08M .0403	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 08N .0202	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 08N .0208	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 08N .0302	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 08N .0303	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 08N .0306	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 08N .0307	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*		13:17 NCR 1381	
CHIROPRACTIC										
21 NCAC 10 .0203		12:23 NCR 2098	13:14 NCR 1117	*						
COMMERCE										
4 NCAC 01E .0104	11:09 NCR 569		13:08 NCR 652	*	Object	12/17/98	*		13:17 NCR 1381	
4 NCAC 01E .0202	11:09 NCR 569		13:08 NCR 652	*	Approve	01/21/99			13:17 NCR 1381	
4 NCAC 01E .0205	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98			13:17 NCR 1381	
4 NCAC 01E .0206	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98			13:17 NCR 1381	
4 NCAC 01E .0207	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98			13:17 NCR 1381	
4 NCAC 01E .0303	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98			13:17 NCR 1381	
4 NCAC 01E .0306	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98			13:17 NCR 1381	
4 NCAC 01F	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98			13:17 NCR 1381	

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4 NCAC 01H	11:09 NCR 569		13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0101	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0101	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0102	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0201	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0201	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0202	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0301	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0301	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0302	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0303	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0303	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0304	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0401	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0402	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0403	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0404	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0405	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0501	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0501	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0502	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0503	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0601	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0701	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0801	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01J	11:09 NCR 569									
4 NCAC 01K .0101	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98			13:17 NCR 1381	
4 NCAC 01K .0102	11:09 NCR 569		13:08 NCR 652	*	Object	12/17/98				

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4 NCAC 01K .0103	11:09 NCR 569		13:08 NCR 652	*	Approve	01/21/99	*			
4 NCAC 01K .0104	11:09 NCR 569		13:08 NCR 652	*	Object	12/17/98				
4 NCAC 01K .0105	11:09 NCR 569		13:08 NCR 652	*	Approve	01/21/99	*		13:17 NCR 1381	
4 NCAC 01K .0202	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98			13:17 NCR 1381	
4 NCAC 01K .0203	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98			13:17 NCR 1381	
4 NCAC 01K .0204	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98			13:17 NCR 1381	
4 NCAC 01K .0205	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98			13:17 NCR 1381	
4 NCAC 01K .0206	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98			13:17 NCR 1381	
4 NCAC 01K .0301	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98			13:17 NCR 1381	
4 NCAC 01K .0302	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98			13:17 NCR 1381	
4 NCAC 01K .0401	11:09 NCR 569		13:08 NCR 652	*	Object	12/17/98	*			
4 NCAC 01K .0402	11:09 NCR 569		13:08 NCR 652	*	Approve	01/21/99			13:17 NCR 1381	
4 NCAC 01K .0404	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98	*			
Banking Commission										
4 NCAC 03B .0101					Object	12/17/98				
4 NCAC 03B .0102					Approve	01/21/99				
4 NCAC 03B .0103					Approve	12/17/98				
4 NCAC 03H .0102					Object	12/17/98				
COMMUNITY COLLEGES										
23 NCAC 02B .0104	13:10 NCR 804				Object	10/22/98				
23 NCAC 02C .0307		13:05 NCR 524			Object	10/22/98				
23 NCAC 02C .0503		13:10 NCR 815			Object	10/22/98				
23 NCAC 02C .0504		13:10 NCR 815			Object	10/22/98				
23 NCAC 02C .0505		13:10 NCR 815			Object	10/22/98				
COSMETIC ART EXAMINERS										
21 NCAC 14A .0101	13:14 NCR 1114									
21 NCAC 14A .0104	13:14 NCR 1114									

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21 NCAC 14A .0104	N/A	N/A	N/A	N/A	Approve	07/23/98			13:09 NCR 779	
21 NCAC 14A .0105		13:14 NCR 1157								
21 NCAC 14C .0202	13:14 NCR 1114									
21 NCAC 14F .0101	13:14 NCR 1114									
21 NCAC 14G .0103		13:14 NCR 1157								
21 NCAC 14H .0112		13:16 NCR 1263								
21 NCAC 14H .0118		13:16 NCR 1263								
21 NCAC 14I .0104	13:14 NCR 1114									
21 NCAC 14I .0107	12:22 NCR 1981	13:14 NCR 1157	13:02 NCR 246	*	Approve	09/17/98	*		13:11 NCR 912	
21 NCAC 14I .0109	13:14 NCR 1114									
21 NCAC 14J .0103		13:14 NCR 1157								
21 NCAC 14J .0208	13:14 NCR 1114									
21 NCAC 14J .0501	13:14 NCR 1114									
21 NCAC 14K .0102		13:14 NCR 1157								
21 NCAC 14K .0107		13:14 NCR 1157								
21 NCAC 14L .0101	13:14 NCR 1114									
21 NCAC 14L .0105	12:06 NCR 453		12:11 NCR 925	*	Approve	06/18/98			13:03 NCR 334	
21 NCAC 14L .0105	13:14 NCR 1114	13:14 NCR 1157								
21 NCAC 14L .0109		13:14 NCR 1157								
21 NCAC 14L .0216		13:14 NCR 1157								
21 NCAC 14L .0303	13:14 NCR 1114									
21 NCAC 14N .0101	13:14 NCR 1114									
21 NCAC 14N .0102	13:14 NCR 1114									
21 NCAC 14N .0103	12:06 NCR 453		12:11 NCR 925	*	Approve	09/17/98	*		13:11 NCR 912	
21 NCAC 14N .0103	13:14 NCR 1114	13:14 NCR 1157								
21 NCAC 14N .0104		13:14 NCR 1157								
21 NCAC 14N .0105	13:14 NCR 1114									
21 NCAC 14N .0108	13:14 NCR 1114									
21 NCAC 14N .0110		13:14 NCR 1157								

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21 NCAC 14N .0112	13:14 NCR 1114									
21 NCAC 14N .0113	13:14 NCR 1114	13:14 NCR 1157								
21 NCAC 14N .0601		13:14 NCR 1157								
21 NCAC 14N .0602		13:14 NCR 1157								
21 NCAC 14N .0701		13:14 NCR 1157								
21 NCAC 14N .0702		13:14 NCR 1157								
21 NCAC 14O .0101		13:14 NCR 1157								
21 NCAC 14O .0102		13:14 NCR 1157								
21 NCAC 14O .0103		13:14 NCR 1157								
21 NCAC 14O .0104		13:14 NCR 1157								
21 NCAC 14O .0105		13:14 NCR 1157								
21 NCAC 14O .0106		13:14 NCR 1157								
21 NCAC 14O .0107		13:14 NCR 1157								
21 NCAC 14P .0101		13:14 NCR 1157								
21 NCAC 14P .0102		13:14 NCR 1157								
21 NCAC 14P .0103		13:14 NCR 1157								
21 NCAC 14P .0104		13:14 NCR 1157								
21 NCAC 14P .0105		13:14 NCR 1157								
21 NCAC 14P .0106		13:14 NCR 1157								
21 NCAC 14P .0107		13:14 NCR 1157								
21 NCAC 14P .0108		13:14 NCR 1157								
21 NCAC 14P .0109		13:14 NCR 1157								
21 NCAC 14P .0110		13:14 NCR 1157								
21 NCAC 14P .0111		13:14 NCR 1157								
21 NCAC 14P .0112		13:14 NCR 1157								
21 NCAC 14P .0113		13:14 NCR 1157								
21 NCAC 14P .0114		13:14 NCR 1157								
21 NCAC 14P .0115		13:14 NCR 1157								
21 NCAC 14P .0116		13:14 NCR 1157								

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CRIME CONTROL & PUBLIC SAFETY

Governor's Crime Commission

14A NCAC 07 .0313 11:24 NCR 1818

13:11 NCR 912
13:14 NCR 1167

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
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
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 .0202 12:24 NCR 2203

Object Approve
09/17/98
10/22/98

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12:01 NCR 6
13:15 NCR 1218
13:15 NCR 1218
13:15 NCR 1218
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13:11 NCR 910 13:15 NCR 1218

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13:15 NCR 1218
13:15 NCR 1218

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					Action	Date				
21 NCAC 16Q .0301	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16Q .0302	12:24 NCR 2203		13:15 NCR 1218	*						
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		13:15 NCR 1218	*						
21 NCAC 16V .0101	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16V .0102	13:10 NCR 804		13:15 NCR 1218	*						
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	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .0201	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .0202	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98	*		13:16 NCR 1265	
21 NCAC 18B .0203	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .0402	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .0406	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98	*		13:16 NCR 1265	
21 NCAC 18B .0501	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98	*		13:16 NCR 1265	
21 NCAC 18B .0504	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98	*		13:16 NCR 1265	
21 NCAC 18B .0505	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98	*		13:16 NCR 1265	
21 NCAC 18B .0701	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .0702	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .0703	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .0704	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .0706	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .1001	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .1002	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .1003	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .1004	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .1101	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	

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13:06 NCR 537

Notice of Intent to Redevelop a Brownfields Property

Notice of Intent to Redevelop a Brownfields Property

15A NCAC 01J .0101	13:18 NCR 1528
15A NCAC 01J .0102	13:18 NCR 1528
15A NCAC 01J .0202	13:18 NCR 1528
15A NCAC 01J .0303	13:18 NCR 1528
15A NCAC 01J .0402	13:18 NCR 1528
15A NCAC 01J .0502	13:18 NCR 1528
15A NCAC 01J .0504	13:18 NCR 1528
15A NCAC 01J .0601	13:18 NCR 1528
15A NCAC 01J .0604	13:18 NCR 1528
15A NCAC 01J .0701	13:18 NCR 1528

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					Action	Date				
15A NCAC 01J .0703		13:18 NCR 1528								
15A NCAC 01J .0803		13:18 NCR 1528								
15A NCAC 01J .0903		13:18 NCR 1528								
15A NCAC 01J .0904		13:18 NCR 1528								
15A NCAC 01K	10:19 NCR 2506									
15A NCAC 01L .0101		13:18 NCR 1528								
15A NCAC 01L .0102		13:18 NCR 1528								
15A NCAC 01L .0203		13:18 NCR 1528								
15A NCAC 01L .0303		13:18 NCR 1528								
15A NCAC 01L .0501		13:18 NCR 1528								
15A NCAC 01L .0503		13:18 NCR 1528								
15A NCAC 01L .0601		13:18 NCR 1528								
15A NCAC 01L .0604		13:18 NCR 1528								
15A NCAC 01L .0701		13:18 NCR 1528								
15A NCAC 01L .0801		13:18 NCR 1528								
15A NCAC 01L .0902		13:18 NCR 1528								
15A NCAC 01L .1003		13:18 NCR 1528								
15A NCAC 01L .1004		13:18 NCR 1528								
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	*	Approve	11/19/98			13:16 NCR 1265	

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					Action	Date				
15A NCAC 01N .0102	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 01N .0103	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0201	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 01N .0202	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0203	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0301	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 01N .0302	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 01N .0303	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 01N .0304	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 01N .0401	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0402	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 01N .0403	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Object	11/19/98			13:17 NCR 1381	
15A NCAC 01N .0501	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	12/17/98	*		13:16 NCR 1265	
15A NCAC 01N .0502	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0503	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0601	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0602	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0603	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0604	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Object	11/19/98			13:17 NCR 1381	
15A NCAC 01N .0605	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	12/17/98	*		13:16 NCR 1265	
15A NCAC 01N .0606	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0701	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 01N .0702	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Object	11/19/98			13:17 NCR 1381	
15A NCAC 01N .0703	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	12/17/98			13:16 NCR 1265	
15A NCAC 01N .0704	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 01N .0705	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Object	11/19/98	*		13:17 NCR 1381	
15A NCAC 01N .0801	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	12/17/98	*		13:16 NCR 1265	
				S	Approve	11/19/98			13:16 NCR 1265	

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15A NCAC 01N .0802	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*		13-16 NCR 1265	
15A NCAC 01N .0901	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98			13-16 NCR 1265	
15A NCAC 01N .0902	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*		13-16 NCR 1265	
15A NCAC 01O .0101	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*	Approve	12/17/98			13-17 NCR 1381	
15A NCAC 01O .0102	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*	Approve	12/17/98	*		13-17 NCR 1381	
15A NCAC 01O .0103	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*	Approve	12/17/98			13-17 NCR 1381	
15A NCAC 01O .0104	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*	Approve	12/17/98	*		13-17 NCR 1381	
15A NCAC 01O .0105	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*	Approve	12/17/98	*		13-17 NCR 1381	
15A NCAC 01O .0106	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*	Approve	12/17/98			13-17 NCR 1381	
15A NCAC 01O .0107	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*	Approve	12/17/98	*		13-17 NCR 1381	
15A NCAC 01O .0108	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*	Approve	12/17/98			13-17 NCR 1381	
15A NCAC 01O .0109	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*	Approve	12/17/98			13-17 NCR 1381	
15A NCAC 12B .0901	12-13 NCR 1097	12-03 NCR 209	13-05 NCR 495	L	Approve	12/17/98			13-17 NCR 1381	

Temp. Expired

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									
15A NCAC 07H .0210	12-02 NCR 52									
15A NCAC 07H .0300	13-05 NCR 436									
15A NCAC 07H .0306	11-04 NCR 183									
15A NCAC 07H .0306	12-19 NCR 1763		11-11 NCR 907	*						
15A NCAC 07H .0308	12-16 NCR 1489		13-01 NCR 26	S	Approve	09/17/98	*		13-11 NCR 912	
15A NCAC 07H .0308	N/A		N/A	N/A	Approve	12/17/98			13-17 NCR 1381	
15A NCAC 07H .0309	13-05 NCR 436		13-13 NCR 1044	S						
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									

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15A NCAC 07M .0300	12:24 NCR 2202									
15A NCAC 07M .0401	13:04 NCR 361	13:12 NCR 976	13:16 NCR 1259	*						
15A NCAC 07M .0402	13:04 NCR 361	13:12 NCR 976	13:16 NCR 1259	*						
15A NCAC 07M .0403	13:04 NCR 361	13:12 NCR 976	13:16 NCR 1259	*						
15A NCAC 07O .0105	13:02 NCR 176		13:06 NCR 551	S	Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 07O .0202	13:02 NCR 176		13:06 NCR 551	S	Approve	12/17/98	*		13:17 NCR 1381	
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		11:30 NCR 2303	*						
15A NCAC 02B .0202	11:24 NCR 1818									
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	L/SE						
			11:14 NCR 1136							
15A NCAC 02B .0233	11:02 NCR 75		11:10 NCR 824	L	Object	01/15/98	*		12:22 NCR 2012	Disapproved (HB 1402)
		12:02 NCR 77	11:14 NCR 1136	L	Approve	02/19/98				
		12:14 NCR 1348								
		12:20 NCR 1836								
15A NCAC 02B .0245	12:23 NCR 2088		12:06 NCR 462	S/L/SE						
15A NCAC 02B .0246	12:23 NCR 2088		13:04 NCR 368	*						
15A NCAC 02B .0247	12:23 NCR 2088		13:04 NCR 368	*						
15A NCAC 02B .0248	12:23 NCR 2088		13:04 NCR 368	L/SE						
15A NCAC 02B .0249	12:23 NCR 2088		13:04 NCR 368	*	Approve	12/17/98	*		13:17 NCR 1381	
			13:04 NCR 368	SE	Approve	12/17/98	*		13:17 NCR 1381	

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					Action	Date				
15A NCAC 02B .0250	12:23 NCR 2088		13:04 NCR 368	L/SE	Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 02B .0251	12:23 NCR 2088		13:04 NCR 368	L/SE	Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 02B .0303	13:14 NCR 1111									
15A NCAC 02B .0304	13:14 NCR 1111									
15A NCAC 02B .0306	13:14 NCR 1111									
15A NCAC 02B .0308	12:12 NCR 993			*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02B .0308	12:14 NCR 1233		12:21 NCR 1879	L	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02B .0308	12:16 NCR 1489		12:19 NCR 1769	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02B .0308	13:14 NCR 1111									
15A NCAC 02B .0309	12:14 NCR 1233		12:19 NCR 1769	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02B .0311	12:10 NCR 865		12:20 NCR 1825	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02B .0311	12:23 NCR 2088		13:04 NCR 368	*	Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 02B .0313	12:10 NCR 865		12:20 NCR 1825	*	Approve	11/19/98			13:16 NCR 1265	
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	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0409	12:16 NCR 1482		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .0410	12:16 NCR 1482		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .0501	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0501	11:15 NCR 1200									
15A NCAC 02D .0501	11:04 NCR 183									
15A NCAC 02D .0501	13:16 NCR 1252									
15A NCAC 02D .0503	10:24 NCR 3045		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .0504	10:24 NCR 3045		13:03 NCR 270	*	Approve	11/19/98	*		13:16 NCR 1265	

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15A NCAC 02D .0518	11:19 NCR 1408									
15A NCAC 02D .0521	11:15 NCR 1200									
15A NCAC 02D .0524	11:15 NCR 1200									
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 .0541	13:16 NCR 1252									
15A NCAC 02D .0601	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .0602	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .0604	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0605	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0606	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0607	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .0608	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0610	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0610	11:15 NCR 1200									
15A NCAC 02D .0611	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0611	11:15 NCR 1200									
15A NCAC 02D .0612	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0612	11:15 NCR 1200									
15A NCAC 02D .0613	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0613	11:15 NCR 1200									
15A NCAC 02D .0614	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0614	11:15 NCR 1200									
15A NCAC 02D .0615	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .0615	11:15 NCR 1200									
15A NCAC 02D .0806	11:26 NCR 1976									
15A NCAC 02D .0902	11:19 NCR 1408		12:22 NCR 1983	*	Approve	11/19/98			13:16 NCR 1265	

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13:16 NCR 1265

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15A NCAC 02D .1106	11:26 NCR 1976									
15A NCAC 02D .1200	13:12 NCR 943									
15A NCAC 02D .1200	13:16 NCR 1252									
15A NCAC 02D .1201	12:16 NCR 1482		13-03 NCR 270	L	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .1202	12:16 NCR 1482		13-03 NCR 270	L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .1203	11:15 NCR 1200									
15A NCAC 02D .1203	12:16 NCR 1482		13-03 NCR 270	L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .1204	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .1204	12:16 NCR 1482		13-03 NCR 270	L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .1205	12:16 NCR 1482		13-03 NCR 270	L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .1206	12:16 NCR 1482		13-03 NCR 270	L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .1208	12:16 NCR 1482		13-03 NCR 270	L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .1209	12:16 NCR 1482		13-03 NCR 270	L	Object	11/19/98			13:17 NCR 1381	
15A NCAC 02D .1404	10:18 NCR 2318		13-03 NCR 270	L	Approve	12/17/98	*		13:16 NCR 1265	
15A NCAC 02D .1404	11:15 NCR 1200		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .1501	12:20 NCR 1817		13-03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .1502	12:20 NCR 1817		13-03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .1503	12:20 NCR 1817		13-03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .1504	12:20 NCR 1817		13-03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .1601	12:20 NCR 1817		13-03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .1700	12:02 NCR 52		13-03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .1703	13:16 NCR 1252									
15A NCAC 02D .1801		13:18 NCR 1545								
15A NCAC 02D .1802		13:18 NCR 1545								
15A NCAC 02D .1803		13:18 NCR 1545								
15A NCAC 02D .1804		13:18 NCR 1545								
15A NCAC 02D .1805		13:18 NCR 1545								
15A NCAC 02D .1903	12:16 NCR 1482									

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15A NCAC 02Q .0102	12:02 NCR 52		13:03 NCR 270	*	Approve	11/19/98	*		13:16 NCR 1265	
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 .0102		13:18 NCR 1545								
15A NCAC 02Q .0103	12:16 NCR 1482		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02Q .0103	12:20 NCR 1817									
15A NCAC 02Q .0107	12:16 NCR 1482		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02Q .0304	11:26 NCR 1976		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02Q .0306	11:26 NCR 1976		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02Q .0309	11:26 NCR 1976		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02Q .0314	11:26 NCR 1976		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02Q .0315	12:20 NCR 1817		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02Q .0401	12:04 NCR 240		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02Q .0402	12:04 NCR 240		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02Q .0508	13:08 NCR 621									
15A NCAC 02Q .0511	12:20 NCR 1817		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
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 .0711	13:16 NCR 1252									
15A NCAC 02Q .0801	12:02 NCR 52		13:03 NCR 270	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02Q .0803	12:02 NCR 52		13:03 NCR 270	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02Q .0808	12:16 NCR 1482		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
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									
15A NCAC 02S	13:18 NCR 1502									

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Health Services, Commission for

15A NCAC 13A .0100	12:02 NCR 52		12:22 NCR 2000	*	Approve	09/17/98			13:11 NCR 912	
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	*		13:16 NCR 1265	
15A NCAC 13B .1627	11:08 NCR 442		11:13 NCR 1055	*	Approve	11/19/98				
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								
15A NCAC 18A .0432		13:06 NCR 566	13:06 NCR 566	*	Approve	12/17/98			13:17 NCR 1381	
15A NCAC 18A .1000	13:16 NCR 1252	12:14 NCR 1352	13:06 NCR 566	*	Approve	12/17/98			13:17 NCR 1381	
15A NCAC 18A .1202	N/A	13:06 NCR 566	13:06 NCR 566	*	Approve	12/17/98			13:17 NCR 1381	
15A NCAC 18A .1300	13:16 NCR 1252		N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
15A NCAC 18A .1600	13:16 NCR 1252									
15A NCAC 18A .1601		12:21 NCR 1882								
15A NCAC 18A .1611		12:21 NCR 1882								
15A NCAC 18A .1700	13:16 NCR 1252	13:12 NCR 979								
15A NCAC 18A .1720	12:16 NCR 1482	12:18 NCR 1713								
15A NCAC 18A .1808	13:08 NCR 621	12:21 NCR 1882								
15A NCAC 18A .1810		12:24 NCR 2228	13:13 NCR 1047	*						
15A NCAC 18A .1812	13:08 NCR 621	12:24 NCR 2228	13:13 NCR 1047	*						
15A NCAC 18A .1952		13:12 NCR 979	13:13 NCR 1047	*						
15A NCAC 18A .1953		13:12 NCR 979								

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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 .2400	13:16 NCR 1252									
15A NCAC 18A .2508	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2513	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2515	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2517	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2518	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98			13:14 NCR 1167	
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	11/19/98	*		13:16 NCR 1265	
15A NCAC 18A .2528	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2530	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2531	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2532	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2535	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*		13:14 NCR 1167	
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	11/19/98	*		13:16 NCR 1265	
15A NCAC 18A .2543	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2600	12:04 NCR 240		13:01 NCR 31	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2612		12:14 NCR 1352								
15A NCAC 18A .2801	12:16 NCR 1482	13:06 NCR 566	13:06 NCR 566	*	Approve	12/17/98			13:17 NCR 1381	
15A NCAC 18A .2802	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2803	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2804	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
				*	Object	10/22/98				
				*	Approve	11/19/98				
				*	Approve	12/17/98				

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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 Approve	10/22/98 11/19/98	*		13:16 NCR 1265	
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	*		13:14 NCR 1167	
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	*		13:14 NCR 1167	
15A NCAC 18A .2813	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
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			13:14 NCR 1167	
15A NCAC 18A .2816	12:16 NCR 1482									
15A NCAC 18A .2817	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
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	*		13:14 NCR 1167	
15A NCAC 18A .2820	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
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	*		13:14 NCR 1167	
15A NCAC 18A .2823	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2824	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2825	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
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 Approve Approve	10/22/98 11/19/98 10/22/98	*		13:16 NCR 1265	
15A NCAC 18A .2828	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2829	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2830	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2831	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2832	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	

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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	11/19/98	*		13:16 NCR 1265	
15A NCAC 18A .2835	12:16 NCR 1482				Approve	10/22/98			13:14 NCR 1167	
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				
15A NCAC 18A .3102	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	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	Object	07/23/98	*		13:10 NCR 817	
15A NCAC 18A .3104	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	08/20/98	*		13:09 NCR 779	
15A NCAC 18A .3105	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 18A .3106	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	07/23/98				
15A NCAC 18A .3107	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	08/20/98	*		13:10 NCR 817	
15A NCAC 18A .3108	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 18A .3109	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 18A .3110	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	07/23/98	*		13:10 NCR 817	
15A NCAC 18A .3111	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	08/20/98	*		13:10 NCR 817	
15A NCAC 18C	13:04 NCR 356				Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 19A .0101	12:02 NCR 52	12:02 NCR 88			Object	07/23/98				
15A NCAC 26C .0001	11:19 NCR 1408				Approve	08/20/98	*		13:10 NCR 817	
15A NCAC 26C .0002	11:19 NCR 1408				Object	07/23/98	*		13:10 NCR 817	
15A NCAC 26C .0003	11:19 NCR 1408				Approve	08/20/98	*		13:09 NCR 779	
15A NCAC 26C .0004	11:19 NCR 1408				Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 26C .0005	11:19 NCR 1408				Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 26C .0006	11:19 NCR 1408				Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 26C .0007	11:19 NCR 1408				Approve	07/23/98	*		13:09 NCR 779	
Land Resources/Land Quality/Sedimentation Control Commission										
15A NCAC 04B .0106	12:20 NCAC 1817		13:09 NCR 769	*						
15A NCAC 04B .0107	12:20 NCAC 1817		13:09 NCR 760	*						

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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 03	12:14 NCR 1113									
15A NCAC 03	13:17 NCR 1377									
15A NCAC 03H .0103	12:23 NCR 2089									
15A NCAC 03I .0101	12:23 NCR 2089		13:03 NCR 303	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 03J .0103	13:08 NCR 739									
15A NCAC 03J .0107	12:23 NCR 2089		13:03 NCR 303	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 03J .0109	12:23 NCR 2089		13:03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
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		13:03 NCR 303	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 03M .0507	12:23 NCR 2089		13:03 NCR 303	*	Approve	11/19/98	*		13:16 NCR 1265	
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	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03O .0306		12:19 NCR 1780	13:03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
		12:23 NCR 2094	13:03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03O .0401		13:18 NCR 1553								
15A NCAC 03O .0402		13:18 NCR 1553								
15A NCAC 03O .0403		13:18 NCR 1553								
15A NCAC 03O .0404		13:18 NCR 1553								
15A NCAC 03O .0405		13:18 NCR 1553								

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15A NCAC 030 .0406		13:18 NCR 1553								
15A NCAC 03P .0103	12:23 NCR 2089		13:03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03P .0201	12:23 NCR 2089		13:03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03P .0202	12:23 NCR 2089		13:03 NCR 303	*	Object	11/19/98				
15A NCAC 03P .0203	12:23 NCR 2089		13:03 NCR 303	*	Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 03P .0301	12:23 NCR 2089		13:03 NCR 303	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 03P .0302	12:23 NCR 2089		13:03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03P .0303	12:23 NCR 2089		13:03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03P .0304	12:23 NCR 2089		13:03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03Q .0107	11:26 NCR 1985		13:13 NCR 1043	*	Approve	11/19/98			13:16 NCR 1265	
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									

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Radiation Protection										
15A NCAC 12B .1201	12:13 NCR 1097									
15A NCAC 11 .0104	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0111	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0117	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0305	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0317	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0318	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 11 .0321	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0323	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0339	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0353	12:22 NCR 1979		13:04 NCR 378	S	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0359	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 11 .0360	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0361	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 11 .0362	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0502	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0503	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0506	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0507	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0508	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0509	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0510	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 11 .0511	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0512	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0513	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0515	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0516	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0517	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	

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15A NCAC 11.0520	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11.0521	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11.0522	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11.0523	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11.0524	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11.0525	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11.0702	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11.0703	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11.1003	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11.1100	12:04 NCR 240									No/Action by Agcy
15A NCAC 11.1400	12:04 NCR 240									No/Action by Agcy
15A NCAC 11.1633	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11.1635	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 11.1647	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11.1653	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
Soil & Water Conservation										
15A NCAC 06E.0105	12:20 NCR 1817		13:01 NCR 25	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 06E.0107	12:20 NCR 1817		13:08 NCR 688	*	Approve	12/17/98			13:17 NCR 1381	
Water Pollution Control System Operators Certification Commission										
15A NCAC 08A.0101	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08A.0202	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08A.0301	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08A.0302	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08A.0303	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0101	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0102	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0103	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0104	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B.0105	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	

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15A NCAC 08B .0106	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0108	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0109	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0201	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0202	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0203	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0204	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0205	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0207	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0208	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0209	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0210	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0211	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0212	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0213	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0214	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0301	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0302	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0303	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0304	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0402	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0404	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0405	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0502	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0506	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08C .0102	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08C .0104	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08C .0105	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	

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15A NCAC 08C .0106	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08C .0107	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08C .0108	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08D .0102	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08D .0104	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08D .0105	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08D .0106	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08E	11-26 NCR 1976									
15A NCAC 08F	11-26 NCR 1976									
15A NCAC 08F .0406	13:16 NCR 1252									
15A NCAC 08F .0407	13:16 NCR 1252									
15A NCAC 08G .0101	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0102	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0201	11-26 NCR 1976		13-02 NCR 204	S/L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0202	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0203	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0204	11-26 NCR 1976		13-02 NCR 204	S/L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0205	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0301	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0302	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0303	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0304	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0305	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0306	11-26 NCR 1976		13-02 NCR 204	S/L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0307	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0308	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0401	11-26 NCR 1976		13-02 NCR 204	*	Object	11/19/98	*		13:16 NCR 1265	
				*	Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 08G .0402	11-26 NCR 1976		13-02 NCR 204	S/L	Object	11/19/98	*		13:17 NCR 1381	
					Approve	12/17/98	*		13:17 NCR 1381	

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15A NCAC 08G .0403	11:26 NCR 1976		13:02 NCR 204	*	Object	11/19/98			13:17 NCR 1381	
15A NCAC 08G .0404	11:26 NCR 1976		13:02 NCR 204	*	Approve	12/17/98	*			
15A NCAC 08G .0405	11:26 NCR 1976		13:02 NCR 204	*	Object	11/19/98	*		13:17 NCR 1381	
15A NCAC 08G .0406	11:26 NCR 1976		13:02 NCR 204	*	Approve	12/17/98	*			
15A NCAC 08G .0407	11:26 NCR 1976		13:02 NCR 204	*	Object	11/19/98	*		13:17 NCR 1381	
15A NCAC 08G .0408	11:26 NCR 1976		13:02 NCR 204	*	Approve	12/17/98	*			
15A NCAC 08G .0409	11:26 NCR 1976		13:02 NCR 204	*	Object	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0501	11:26 NCR 1976		13:02 NCR 204	*	Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 08G .0502	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0503	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G .0504	11:26 NCR 1976		13:02 NCR 204	*	Object	12/17/98	*		13:17 NCR 1381	
15A NCAC 08G .0505	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0601	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08G .0602	11:26 NCR 1976		13:02 NCR 204	*	Object	11/19/98	*		13:17 NCR 1381	
15A NCAC 08G .0603	11:26 NCR 1976		13:02 NCR 204	*	Approve	12/17/98	*		13:16 NCR 1265	
15A NCAC 08G .0604	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0701	11:26 NCR 1976		13:02 NCR 204	S/L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0801	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0802	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0803	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0804	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0901	11:26 NCR 1976		13:02 NCR 204	*	Object	11/19/98	*		13:17 NCR 1381	
15A NCAC 08G .0902	11:26 NCR 1976		13:02 NCR 204	*	Approve	12/17/98	*		13:16 NCR 1265	
15A NCAC 08G .1001	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .1002	11:26 NCR 1976		13:02 NCR 204	*	Object	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .1101	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:17 NCR 1381	
				*	Approve	12/17/98	*		13:16 NCR 1265	
				*	Agcy withdrew	11/19/98				
				*	Approve	11/19/98			13:16 NCR 1265	
				*	Approve	11/19/98			13:16 NCR 1265	

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15A NCAC 08G .1102 11:26 NCR 1976

Well Contractors Certification Commission

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
 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

13:12 NCR 948

13:07 NCR 595

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15A NCAC 10B .0113	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10B .0115	13:18 NCR 1502									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	*						
15A NCAC 10B .0300	13:08 NCR 625		13:12 NCR 948	*						
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		13:12 NCR 948	*						
15A NCAC 10C .0205	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10C .0206	13:08 NCR 625									
15A NCAC 10C .0300	13:08 NCR 625									
15A NCAC 10C .0302	13:01 NCR 3	13:11 NCR 907	13:05 NCR 492	*	Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 10C .0305	13:01 NCR 3	13:11 NCR 907	13:05 NCR 492	*	Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 10C .0400	13:01 NCR 3		13:12 NCR 948	*						
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	*	Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 10C .0405	13:01 NCR 3	13:11 NCR 907	13:05 NCR 492	*	Approve	12/17/98	*		13:17 NCR 1381	
15A NCAC 10C .0500	13:14 NCR 1113									
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	*						

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15A NCAC 10D .0103	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10F .0300	13:14 NCR 1113									
15A NCAC 10F .0301	12:19 NCR 1763	12:24 NCR 2224	12:24 NCR 2224	*	Object Approve	10/22/98 11/19/98	*		13:16 NCR 1265	
15A NCAC 10F .0303	12:19 NCR 1763		N/A		Approve	05/21/98			13:02 NCR 249	
15A NCAC 10F .0303	N/A				Approve	07/23/98			13:09 NCR 779	
15A NCAC 10F .0305	12:10 NCR 865	12:16 NCR 1518	12:16 NCR 1518	*	Approve	12/17/98			13:17 NCR 1381	
15A NCAC 10F .0310	12:19 NCR 1763	12:24 NCR 2224	12:24 NCR 2224	L	Approve	02/18/99	*			
15A NCAC 10F .0310	13:07 NCR 595	13:15 NCR 1231	13:11 NCR 905	L	Approve	07/23/98			13:09 NCR 779	
15A NCAC 10F .0311	12:11 NCR 920	12:24 NCR 2224	12:17 NCR 1608	L	Approve	07/23/98				
15A NCAC 10F .0314	12:19 NCR 1763		13:14 NCR 1116	*						
15A NCAC 10F .0317	12:11 NCR 920									
15A NCAC 10F .0317	13:08 NCR 625									
15A NCAC 10F .0318	12:06 NCR 445									
15A NCAC 10F .0321	13:13 NCR 1040									
15A NCAC 10F .0323	13:13 NCR 1040									
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	13:15 NCR 1217	13:15 NCR 1231	L						
15A NCAC 10F .0339	13:13 NCR 1040									
15A NCAC 10F .0342	13:07 NCR 585	13:15 NCR 1231	13:11 NCR 905	L	Approve	02/18/99	*			
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 Object Approve	04/15/98 06/18/98 07/23/98	*		13:09 NCR 779	

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Voting Rights Act

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13:09 NCR 756
13:12 NCR 941
13:13 NCR 1038
13:16 NCR 1251
13:17 NCR 1376
13:18 NCR 1501

GENERAL CONTRACTORS LICENSING BOARD

21 NCAC 12 .0204
21 NCAC 12 .0503
21 NCAC 12 .0504
21 NCAC 12 .0504
21 NCAC 12 .0902
21 NCAC 12 .0905
21 NCAC 12 .0906
21 NCAC 12 .0907
21 NCAC 12 .0908
21 NCAC 12 .0909
21 NCAC 12 .0910
21 NCAC 12 .0911
21 NCAC 12 .0912

13:06 NCR 568
13:13 NCR 1048
13:13 NCR 1040
13:18 NCR 1524

*

*

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Number 136 - Eff. 06/05/98
Number 137 - Eff. 08/11/98
Number 138 - Eff. 08/25/98
Number 139 - Eff. 08/26/98
Number 140 - Eff. 09/29/98
Number 141 - Eff. 12/21/98

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13:06 NCR 535
13:07 NCR 581
13:07 NCR 581
13:09 NCR 753
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Aging

10 NCAC 22 10:23 NCR 2956

Blind/State Rehabilitation Council, Commission for the

10 NCAC 19G .0823 13:17 NCR 1378

10 NCAC 19G .0827 13:17 NCR 1378

Child Day Care Commission

10 NCAC 03U .0102 12:21 NCR 1873

10 NCAC 03U .0305 12:21 NCR 1873

10 NCAC 03U .0602 11:24 NCR 1817

10 NCAC 03U .0604 11:24 NCR 1817

10 NCAC 03U .0605 11:24 NCR 1817

10 NCAC 03U .0705 11:14 NCR 1108

10 NCAC 03U .0705 11:24 NCR 1817

10 NCAC 03U .1601 12:21 NCR 1873

10 NCAC 03U .1602 12:21 NCR 1873

10 NCAC 03U .1606 12:21 NCR 1873

10 NCAC 03U .1612 12:21 NCR 1873

10 NCAC 03U .1701 12:21 NCR 1873

10 NCAC 03U .2000 12:21 NCR 1873

10 NCAC 03U .2500 12:21 NCR 1873

10 NCAC 03U .2801 12:21 NCR 1873

10 NCAC 03U .2802 12:21 NCR 1873

10 NCAC 03U .2803 12:21 NCR 1873

10 NCAC 03U .2804 12:21 NCR 1873

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13:16 NCR 1248
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			13:06 NCR 539	*	Approve	11/19/98	*		13:16 NCR 1265	
			13:06 NCR 539	*	Object	11/19/98	*		13:17 NCR 1381	
			11:27 NCR 2054	*	Approve	12/17/98				
			13:06 NCR 539	*	Object	11/19/98	*		13:17 NCR 1381	
			13:06 NCR 539	*	Approve	11/19/98	*		13:16 NCR 1265	
			13:06 NCR 539	*	Approve	11/19/98	*		13:16 NCR 1265	
			13:06 NCR 539	*	Approve	11/19/98	*		13:16 NCR 1265	
			13:06 NCR 539	*	Approve	11/19/98	*		13:16 NCR 1265	
			13:06 NCR 539	S	Approve	11/19/98	*		13:16 NCR 1265	
			13:06 NCR 539	S	Approve	11/19/98	*		13:16 NCR 1265	
			13:06 NCR 539	S	Approve	11/19/98	*		13:16 NCR 1265	
			13:06 NCR 539	S	Approve	11/19/98	*		13:16 NCR 1265	

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10 NCAC 03R .2715		13:14 NCR 1119								
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			13:14 NCR 1167	
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 .4203		13:14 NCR 1119								
10 NCAC 03R .6001	11:22 NCR 1704									
10 NCAC 03R .6101		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98	*		13:14 NCR 1167	
10 NCAC 03R .6102		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98	*		13:14 NCR 1167	
10 NCAC 03R .6103		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6104		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6105		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6106		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6107		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6108		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6109		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6110		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6111		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	

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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			13:14 NCR 1167	
10 NCAC 03R .6114		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6115		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6116		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6117		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6118		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6119		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6120		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6121		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6122		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98	*		13:14 NCR 1167	
10 NCAC 03R .6123		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6124		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98	*		13:14 NCR 1167	
10 NCAC 03R .6125		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6126		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6127		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6128		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6129		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6130		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6131		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98	*		13:14 NCR 1167	
10 NCAC 03R .6132		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6133		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6134		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6135		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6136		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6137		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6138		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6139		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	

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10 NCAC 03R .6140		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6141		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6201		13:14 NCR 1119								
10 NCAC 03R .6202		13:14 NCR 1119								
10 NCAC 03R .6203		13:14 NCR 1119								
10 NCAC 03R .6204		13:14 NCR 1119								
10 NCAC 03R .6205		13:14 NCR 1119								
10 NCAC 03R .6206		13:14 NCR 1119								
10 NCAC 03R .6207		13:14 NCR 1119								
10 NCAC 03R .6208		13:14 NCR 1119								
10 NCAC 03R .6209		13:14 NCR 1119								
10 NCAC 03R .6210		13:14 NCR 1119								
10 NCAC 03R .6211		13:14 NCR 1119								
10 NCAC 03R .6212		13:14 NCR 1119								
10 NCAC 03R .6213		13:14 NCR 1119								
10 NCAC 03R .6214		13:14 NCR 1119								
10 NCAC 03R .6215		13:14 NCR 1119								
10 NCAC 03R .6216		13:14 NCR 1119								
10 NCAC 03R .6217		13:14 NCR 1119								
10 NCAC 03R .6218		13:14 NCR 1119								
10 NCAC 03R .6219		13:14 NCR 1119								
10 NCAC 03R .6220		13:14 NCR 1119								
10 NCAC 03R .6221		13:14 NCR 1119								
10 NCAC 03R .6222		13:14 NCR 1119								
10 NCAC 03R .6223		13:14 NCR 1119								
10 NCAC 03R .6224		13:14 NCR 1119								
10 NCAC 03R .6225		13:14 NCR 1119								
10 NCAC 03R .6226		13:14 NCR 1119								

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10 NCAC 03R .6227		13:14 NCR 1119								
10 NCAC 03R .6228		13:14 NCR 1119								
10 NCAC 03R .6229		13:14 NCR 1119								
10 NCAC 03R .6230		13:14 NCR 1119								
10 NCAC 03R .6231		13:14 NCR 1119								
10 NCAC 03R .6232		13:14 NCR 1119								
10 NCAC 03R .6233		13:14 NCR 1119								
10 NCAC 03R .6234		13:14 NCR 1119								
10 NCAC 03R .6235		13:14 NCR 1119								
10 NCAC 03R .6236		13:14 NCR 1119								
10 NCAC 03R .6237		13:14 NCR 1119								
10 NCAC 03R .6238		13:14 NCR 1119								
10 NCAC 03R .6239		13:14 NCR 1119								
10 NCAC 03R .6240		13:14 NCR 1119								
10 NCAC 03R .6241		13:14 NCR 1119								
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			13:16 NCR 1265	
15A NCAC 16A .0106	12:22 NCR 1979		13:02 NCR 234	*	Approve	11/19/98	*		13:14 NCR 1167	
15A NCAC 16A .0108	12:22 NCR 1979		13:02 NCR 234	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 16A .1103	13:14 NCR 1114									
15A NCAC 16A .1104	13:14 NCR 1114									
15A NCAC 16A .1106	13:14 NCR 1114									
15A NCAC 19A .0400	13:11 NCR 855									
15A NCAC 19A .0502	13:11 NCR 855	13:13 NCR 1059								
15A NCAC 19C .0206		12:15 NCR 1451	13:05 NCR 496	S	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 21H .0110	12:20 NCR 1822		13:07 NCR 591	S	Extended Rev.	01/21/99				
15A NCAC 21H .0111	12:20 NCR 1822		13:07 NCR 591	S	Agcy Withdrew	02/02/99	*			
					Approve	01/21/99				

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15A NCAC 21H .0113	12:20 NCR 1822		13:07 NCR 591	*	Approve	01/21/99				
15A NCAC 23 .0202		13:18 NCR 1555								
15A NCAC 24A .0101	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 24A .0102	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 24A .0302	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 24A .0402	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 24A .0403	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 24A .0404	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98			13:14 NCR 1167	
Medical Assistance										
10 NCAC 26B .0103	12:18 NCR 1694		13:01 NCR 5	*	Approve	10/22/98	*		13:14 NCR 1167	
10 NCAC 26D .0110	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 26H .0101	11:14 NCR 1108									
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								
10 NCAC 26H .0304		13:08 NCR 733								
10 NCAC 26H .0304		13:03 NCR 316	13:08 NCR 668	S/L	Object	12/17/98				
10 NCAC 26H .0401	12:08 NCR 618	12:14 NCR 1341	12:21 NCR 1875	S/L	Approve	01/21/99	*		13:09 NCR 779	
10 NCAC 26H .0401		13:02 NCR 248	13:12 NCR 947	*	Approve	07/23/98				
10 NCAC 26H .0101	13:02 NCR 175		13:07 NCR 588	*	Approve	02/18/99	*			
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	*	Approve	12/17/98	*		13:17 NCR 1381	Ext Com. Period 13:05 NCR 435

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10 NCAC 26M .0202	12:06 NCR 444		13:01 NCR 5	*	Approve	12/17/98	*		13:17 NCR 1381	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	*	Approve	12/17/98	*		13:17 NCR 1381	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	*	Approve	12/17/98	*		13:17 NCR 1381	
10 NCAC 50A .0604	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 50B .0102		13:18 NCR 1526								
10 NCAC 50B .0202	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 50B .0302	13:02 NCR 175		13:10 NCR 806	*	Approve	02/18/99				
10 NCAC 50B .0311	13:03 NCR 268									
10 NCAC 50B .0313	13:02 NCR 175		13:10 NCR 806	*	Approve	02/18/99	*			
10 NCAC 50B .0313		13:18 NCR 1526								
Medical Care Commission										
10 NCAC 03D .1500	11:23 NCR 1779									
10 NCAC 03II .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	*	Approve	01/21/99	*			
10 NCAC 14V .4302	12:19 NCR 1762		13:07 NCR 586	*	Object	01/21/99	*			
10 NCAC 14V .4303	12:19 NCR 1762		13:07 NCR 586	*	Approve	02/18/99	*			
10 NCAC 14V .4304	12:19 NCR 1762		13:07 NCR 586	*	Approve	01/21/99	*			
10 NCAC 14V .4305	12:19 NCR 1762		13:07 NCR 586	*	Approve	01/21/99	*			
10 NCAC 14V .4306	12:19 NCR 1762		13:07 NCR 586	*	Approve	01/21/99	*			
10 NCAC 14V .5000	12:20 NCR 1820		13:07 NCR 586	*	Approve	01/21/99	*			

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10 NCAC 4511 .0201	N/A	N/A	N/A	N/A	Approve	08/20/98			13-10 NCR 817	
10 NCAC 4511 .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	*	Approve	12/17/98	*		13-17 NCR 1381	
10 NCAC 14V .7006		12-01 NCR 31	12-07 NCR 511	*						
10 NCAC 14V .7201	13-05 NCR 436		13-13 NCR 1042	*						
10 NCAC 14V .7202	13-05 NCR 436		13-13 NCR 1042	*						
10 NCAC 14V .7203	13-05 NCR 436		13-13 NCR 1042	*						
10 NCAC 14V .7204	13-05 NCR 436		13-13 NCR 1042	*						
10 NCAC 14V .7205	13-05 NCR 436		13-13 NCR 1042	*						
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	*		13-14 NCR 1167	
Social Services Commission										
10 NCAC 24A .0508	12-12 NCR 993	12-13 NCR 1180	12-23 NCR 2090	*	Approve	10/22/98			13-14 NCR 1167	
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	07/23/98	*		13-09 NCR 779	
10 NCAC 41E .0401	12-11 NCR 919		13-05 NCR 438	*	Approve	02/18/99				
10 NCAC 41E .0403	12-11 NCR 919		13-11 NCR 857	*	Approve	02/18/99				
10 NCAC 41E .0404	12-11 NCR 919		13-05 NCR 438	*	Approve	02/18/99				
10 NCAC 41E .0405	12-11 NCR 919		13-11 NCR 857	*	Approve	02/18/99				
10 NCAC 41E .0406	12-11 NCR 919		13-05 NCR 438	*	Approve	02/18/99				
10 NCAC 41E .0501	12-11 NCR 919		13-11 NCR 857	*	Approve	02/18/99				
10 NCAC 41E .0502	12-11 NCR 919		13-05 NCR 438	*	Approve	02/18/99				
10 NCAC 41E .0503	12-11 NCR 919		13-11 NCR 857	*	Approve	02/18/99				
10 NCAC 41E .0504	12-11 NCR 919		13-05 NCR 438	*	Approve	02/18/99				

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10 NCAC 41E .0505	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
10 NCAC 41E .0506	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
10 NCAC 41E .0507	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
10 NCAC 41E .0508	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
10 NCAC 41E .0509	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
10 NCAC 41E .0510	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
10 NCAC 41E .0511	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
10 NCAC 41E .0512	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
10 NCAC 41E .0513	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
10 NCAC 41E .0514	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
10 NCAC 41E .0515	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
10 NCAC 41E .0516	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
10 NCAC 41E .0517	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
10 NCAC 41E .0518	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
10 NCAC 41E .0601	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
10 NCAC 41E .0602	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
10 NCAC 41E .0603	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
10 NCAC 41E .0604	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
10 NCAC 41E .0605	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
10 NCAC 41E .0606	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
10 NCAC 41E .0701	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				

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10 NCAC 41E .0702	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41E .0703	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41E .0704	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41F .0707		12:11 NCR 938	13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41F .0813		12:15 NCR 1420	12:15 NCR 1420	S	Approve	05/21/98			13:02 NCR 249	
10 NCAC 41G .0501	12:11 NCR 919	12:11 NCR 938	12:15 NCR 1420	S	Approve	05/21/98			13:02 NCR 249	
10 NCAC 41G .0502	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41G .0504	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .0505	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41G .0506	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .0507	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41G .0508	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .0509	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41G .0510	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .0511	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41G .0512	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .0513	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41G .0601	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .0602	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41G .0603	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .0604	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41G .0605	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				

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10 NCAC 41G .0606	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41G .0701	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41G .0702	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41G .0703	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .0704	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41G .0705	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .0706	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41G .0707	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .0708	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41G .0801	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .0802	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41G .0803	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .0804	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41G .0805	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .0806	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41G .0807	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .0808	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41G .0809	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .0902	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41G .1001	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .1002	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41G .1004	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						

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10 NCAC 41G .1005	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .1006	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .1007	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .1008	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .1009	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .1010	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .1011	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .1012	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .1013	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .1101	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .1102	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .1103	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .1104	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .1105	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .1106	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .1201	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .1202	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .1203	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .1204	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .1205	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41G .1206	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99				

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10 NCAC 41G .1207	12:11 NCR 919		13:05 NCR 438	*		Approve	02/18/99				
10 NCAC 41G .1208	12:11 NCR 919		13:11 NCR 857	*		Approve	02/18/99				
10 NCAC 41G .1301	12:11 NCR 919		13:05 NCR 438	*		Approve	02/18/99				
10 NCAC 41G .1302	12:11 NCR 919		13:11 NCR 857	*		Approve	02/18/99				
10 NCAC 41G .1303	12:11 NCR 919		13:05 NCR 438	*		Approve	02/18/99				
10 NCAC 41G .1304	12:11 NCR 919		13:11 NCR 857	*		Approve	02/18/99				
10 NCAC 41G .1305	12:11 NCR 919		13:05 NCR 438	*		Approve	02/18/99				
10 NCAC 41G .1306	12:11 NCR 919		13:11 NCR 857	*		Approve	02/18/99				
10 NCAC 41G .1307	12:11 NCR 919		13:05 NCR 438	*		Approve	02/18/99				
10 NCAC 41G .1308	12:11 NCR 919		13:11 NCR 857	*		Approve	02/18/99				
10 NCAC 41G .1309	12:11 NCR 919		13:05 NCR 438	*		Approve	02/18/99				
10 NCAC 41G .1402	12:11 NCR 919		13:11 NCR 857	*		Approve	02/18/99				
10 NCAC 41I .0100	10:17 NCR 2228		13:05 NCR 438	*		Approve	02/18/99				
10 NCAC 41I .0102	10:17 NCR 2228		13:11 NCR 857	*		Approve	02/18/99				
10 NCAC 41R .0101	12:11 NCR 919		13:05 NCR 438	*		Approve	02/18/99				
10 NCAC 41R .0102	12:11 NCR 919		13:11 NCR 857	*		Approve	02/18/99				
10 NCAC 41R .0103	12:11 NCR 919		13:05 NCR 438	*		Approve	02/18/99				
10 NCAC 41R .0104	12:11 NCR 919		13:11 NCR 857	*		Approve	02/18/99				
10 NCAC 41R .0105	12:11 NCR 919		13:05 NCR 438	*		Approve	02/18/99				
10 NCAC 41R .0106	12:11 NCR 919		13:11 NCR 857	*		Approve	02/18/99				
10 NCAC 41R .0107	12:11 NCR 919		13:05 NCR 438	*		Approve	02/18/99				
10 NCAC 41S .0101	12:11 NCR 919		13:11 NCR 857	*		Approve	02/18/99				
			13:05 NCR 438	*		Object	02/18/99				

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10 NCAC 41S .0102	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99	*			
10 NCAC 41S .0201	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0202	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99	*			
10 NCAC 41S .0203	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*			
10 NCAC 41S .0204	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99	*			
10 NCAC 41S .0301	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*			
10 NCAC 41S .0302	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99	*			
10 NCAC 41S .0303	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0304	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41S .0305	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0306	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41S .0307	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0401	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41S .0402	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0403	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41S .0404	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0405	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41S .0406	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0407	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99	*			
10 NCAC 41S .0501	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0502	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
			13:11 NCR 857	*	Approve	02/18/99	*			

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					Action	Date				
10 NCAC 41S .0503	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99	*			
10 NCAC 41S .0504	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41S .0505	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41S .0506	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0601	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41S .0602	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0603	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41S .0604	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0605	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41S .0606	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0607	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41S .0608	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0609	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41S .0610	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0611	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41S .0612	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0613	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41S .0614	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0615	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41S .0701	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0702	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41S .0703	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						

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					Action	Date				
10 NCAC 41S .0704	12:11 NCR 919		13:11 NCR 857 13:05 NCR 438 13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0705	12:11 NCR 919		13:05 NCR 438	*	Object	02/18/99	*			
10 NCAC 41S .0706	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0707	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41S .0708	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*			
10 NCAC 41S .0709	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41S .0710	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0711	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41S .0712	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0713	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41T .0101	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41T .0102	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99	*			
10 NCAC 41T .0103	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41T .0104	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99	*			
10 NCAC 41T .0105	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41T .0106	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41T .0201	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41T .0202	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99	*			
10 NCAC 41T .0203	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41T .0204	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99	*			
10 NCAC 41T .0205	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				

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					Action	Date				
10 NCAC 41T .0206	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*						
10 NCAC 42C .2301	12:22 NCR 1979		13:11 NCR 857	*	Approve	02/18/99				
			13:05 NCR 438	*	Approve	11/19/98	*		13:16 NCR 1265	
10 NCAC 42C .3401		12:13 NCR 1180	13:02 NCR 200	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 42C .3403		12:13 NCR 1180	13:02 NCR 200	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 42C .3404		12:13 NCR 1180	13:02 NCR 200	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 42C .3601		12:13 NCR 1180	13:02 NCR 200	*	Approve	10/22/98			13:14 NCR 1167	
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			13:14 NCR 1167	
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	
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	*	Approve	11/19/98	*		13:02 NCR 249	
Vocational Rehabilitation Services										
10 NCAC 20B .0224		13:17 NCR 1379							13:16 NCR 1265	
10 NCAC 20B .0228		13:17 NCR 1379								
10 NCAC 20C .0125	12:24 NCR 2202		13:06 NCR 547	S	Approve	11/19/98	*			
10 NCAC 20C .0206	12:24 NCR 2202		13:06 NCR 547	S	Object	11/19/98	*		13:17 NCR 1381	
					Approve	12/17/98	*			
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	*	Approve	12/17/98			13:17 NCR 1381	
11 NCAC 12 .0841	13:01 NCR 2	13:03 NCR 323	13:08 NCR 673	*	Approve	12/17/98	*		13:17 NCR 1381	

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11 NCAC 12.0842	13:01 NCR 2	13:03 NCR 323	13:08 NCR 673	*	Approve	12/17/98	*		13:17 NCR 1381	
11 NCAC 12.1003	13:01 NCR 2		13:05 NCR 489	*	Approve	11/19/98	*		13:16 NCR 1265	
11 NCAC 12.1025	13:01 NCR 2		13:05 NCR 489	*	Approve	11/19/98	*		13:16 NCR 1265	
11 NCAC 12.1026	13:01 NCR 2		13:05 NCR 489	*	Approve	11/19/98			13:16 NCR 1265	
11 NCAC 12.1212	13:01 NCR 2		13:05 NCR 489	*	Approve	11/19/98	*		13:16 NCR 1265	
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 08.0912	13:01 NCR 2		13:05 NCR 488	*	Object Approve	11/19/98 12/17/98	*		13:17 NCR 1381	
JUSTICE										
Alarm Systems Licensing Board										
12 NCAC 11	11:30 NCR 2300									
12 NCAC 11.0204	12:12 NCR 993		12:20 NCR 1823	*	Approve	11/19/98	*		13:16 NCR 1265	
12 NCAC 11.0210	12:08 NCR 618		12:20 NCR 1823	*	Approve	11/19/98			13:16 NCR 1265	
12 NCAC 11.0501	11:30 NCR 2300		12:20 NCR 1823	*	Object Agcy withdrew	09/17/98 10/22/98				
12 NCAC 11.0502	11:30 NCR 2300		12:20 NCR 1823	*	Object	09/17/98	*		13:14 NCR 1167 13:11 NCR 912	
12 NCAC 11.0503	11:30 NCR 2300		12:20 NCR 1823	*	Approve	10/22/98				
12 NCAC 11.0504	11:30 NCR 2300		12:20 NCR 1823	*	Approve	09/17/98				
12 NCAC 11.0505	11:30 NCR 2300		12:20 NCR 1823	*	Object	09/17/98	*		13:14 NCR 1167	
12 NCAC 11.0506	11:30 NCR 2300		12:20 NCR 1823	*	Approve	10/22/98	*		13:14 NCR 1167	
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										

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12 NCAC 09A .0101	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09A .0103	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0101	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0107	13:14 NCR 1110									
12 NCAC 09B .0109	13:14 NCR 1110									
12 NCAC 09B .0110	13:14 NCR 1110									
12 NCAC 09B .0112	13:14 NCR 1110									
12 NCAC 09B .0113	13:14 NCR 1110									
12 NCAC 09B .0115	13:14 NCR 1110									
12 NCAC 09B .0201	13:14 NCR 1110									
12 NCAC 09B .0202	13:14 NCR 1110									
12 NCAC 09B .0203	13:14 NCR 1110									
12 NCAC 09B .0204	13:14 NCR 1110									
12 NCAC 09B .0205	13:14 NCR 1110									
12 NCAC 09B .0205	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0206	13:14 NCR 1110									
12 NCAC 09B .0207	13:14 NCR 1110									
12 NCAC 09B .0208	13:14 NCR 1110									
12 NCAC 09B .0209	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0210	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0210	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0211	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0211	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0212	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0212	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0213	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0213	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0214	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0214	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	

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12 NCAC 09B .0215	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0218	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0219	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0220	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0221	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0222	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0226	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0226	13:14 NCR 1110									
12 NCAC 09B .0227	13:14 NCR 1110									
12 NCAC 09B .0227	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0228	13:14 NCR 1110									
12 NCAC 09B .0232	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0232	13:14 NCR 1110									
12 NCAC 09B .0233	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0233	13:14 NCR 1110									
12 NCAC 09B .0301	12:21 NCR 1873		13:01 NCR 6	*	Object Object Approve	10/22/98 11/19/98 12/17/98	*		13:17 NCR 1381	
12 NCAC 09B .0302	13:14 NCR 1110									
12 NCAC 09B .0303	13:14 NCR 1110									
12 NCAC 09B .0304	13:14 NCR 1110									
12 NCAC 09B .0305	13:14 NCR 1110									
12 NCAC 09B .0309	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0310	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0311	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0312	13:14 NCR 1110									
12 NCAC 09B .0403	13:14 NCR 1110									
12 NCAC 09B .0404	13:14 NCR 1110									
12 NCAC 09B .0404	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0405	13:14 NCR 1110									

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12 NCAC 09B .0406	13:14 NCR 1110									
12 NCAC 09B .0407	13:14 NCR 1110									
12 NCAC 09B .0408	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0409	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0414	13:14 NCR 1110									
12 NCAC 09B .0414	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0415	13:14 NCR 1110									
12 NCAC 09B .0416	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0603					Object	10/22/98				
12 NCAC 09B .0603	N/A		N/A	N/A	Approve	11/19/98			13:16 NCR 1265	
12 NCAC 09C .0211	13:14 NCR 1110									
12 NCAC 09C .0212	13:14 NCR 1110									
12 NCAC 09C .0213	13:14 NCR 1110									
12 NCAC 09C .0308	12:21 NCR 1873									
12 NCAC 09C .0403	13:14 NCR 1110									
12 NCAC 09C .0601	N/A									
12 NCAC 09E .0105	N/A									
12 NCAC 09E .0106	N/A									
12 NCAC 09E .0107	13:14 NCR 1110									
12 NCAC 09F .0107	N/A									
Private Protective Services Board										
12 NCAC 07D .0204	11:14 NCR 1108		12:08 NCR 622	*	Object	03/20/98	*		13:03 NCR 334	
					Approve	06/18/98				
12 NCAC 07D .0800	13:14 NCR 1110									
12 NCAC 07D .1106	11:14 NCR 1108		12:08 NCR 622	*	Object	03/20/98	*		13:03 NCR 334	
					Approve	06/18/98				
12 NCAC 07D .1201	11:10 NCR 818		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1202	11:10 NCR 818		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1301	11:16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1302	11:16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				

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12 NCAC 07D .1303	11:16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1304	11:16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1305	11:16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1306	11:16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1307	11:16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				
Sheriffs' Education and Training Standards Commission										
12 NCAC 10B .0103	13:14 NCR 1110									
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 .0502	13:14 NCR 1110									
12 NCAC 10B .0505	13:14 NCR 1110									
12 NCAC 10B .0506	13:14 NCR 1110									
12 NCAC 10B .0507	13:14 NCR 1110									
12 NCAC 10B .0508	13:14 NCR 1110									
12 NCAC 10B .0509	13:14 NCR 1110									
12 NCAC 10B .0601	13:14 NCR 1110									
12 NCAC 10B .0606	13:14 NCR 1110									
12 NCAC 10B .0607	13:14 NCR 1110									
12 NCAC 10B .0703	13:14 NCR 1110									
12 NCAC 10B .0908	13:14 NCR 1110									
12 NCAC 10B .1002	13:14 NCR 1110									
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							
12 NCAC 10B .1400	13:14 NCR 1110									
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									

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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	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 19 0102 13:03 NCR 268			13:08 NCR 686	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 19 0201 13:03 NCR 268			13:08 NCR 686	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 19 0301 13:03 NCR 268			13:08 NCR 686	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 19 0302 13:03 NCR 268			13:08 NCR 686	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 19 0401 13:03 NCR 268			13:08 NCR 686	*	Approve	12/17/98	*		13:17 NCR 1381	
13 NCAC 19 0402 13:03 NCR 268			13:08 NCR 686	*	Approve	12/17/98	*		13:17 NCR 1381	
13 NCAC 19 0501 13:03 NCR 268			13:08 NCR 686	*	Approve	12/17/98	*		13:17 NCR 1381	
13 NCAC 19 0502 13:03 NCR 268			13:08 NCR 686	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 19 0601 13:03 NCR 268			13:08 NCR 686	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 19 0602 13:03 NCR 268			13:08 NCR 686	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 19 0603 13:03 NCR 268			13:08 NCR 686	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 19 0604 13:03 NCR 268			13:08 NCR 686	*	Approve	12/17/98	*		13:17 NCR 1381	
13 NCAC 19 0605 13:03 NCR 268			13:08 NCR 686	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 19 0701 13:03 NCR 268			13:08 NCR 686	*	Approve	12/17/98	*		13:17 NCR 1381	
13 NCAC 19 0702 13:03 NCR 268			13:08 NCR 686	*	Approve	12/17/98			13:17 NCR 1381	
Wage and Hour Division										
13 NCAC 12 0101 13:03 NCR 268			13:08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 0104 13:03 NCR 268			13:08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 0303 13:03 NCR 268			13:08 NCR 676	*	Approve	12/17/98	*		13:17 NCR 1381	
13 NCAC 12 0304 13:03 NCR 268			13:08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 0305 13:03 NCR 268			13:08 NCR 676	*	Approve	12/17/98	*		13:17 NCR 1381	
13 NCAC 12 0306 13:03 NCR 268			13:08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 0307 13:03 NCR 268			13:08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	

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13 NCAC 12 .0308	13-03 NCR 268		13-08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0309	13-03 NCR 268		13-08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0310	13-03 NCR 268		13-08 NCR 676	*	Approve	12/17/98	*		13:17 NCR 1381	
13 NCAC 12 .0501	13-03 NCR 268									
13 NCAC 12 .0502	13-03 NCR 268		13-08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0602	13-03 NCR 268		13-08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0603	13-03 NCR 268		13-08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0604	13-03 NCR 268		13-08 NCR 676	*	Approve	12/17/98	*		13:17 NCR 1381	
13 NCAC 12 .0605	13-03 NCR 268		13-08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0701	13-03 NCR 268		13-08 NCR 676	*	Approve	12/17/98	*		13:17 NCR 1381	
13 NCAC 12 .0702	13-03 NCR 268		13-08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
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	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0804	13-03 NCR 268		13-08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0805	13-03 NCR 268		13-08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0806	13-03 NCR 268		13-08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
13 NCAC 12 .0807	13-03 NCR 268		13-08 NCR 676	*	Approve	12/17/98			13:17 NCR 1381	
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								
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21 NCAC 32	13-06 NCR 538									
21 NCAC 32B	11-18 NCR 1369									

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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	*						
21 NCAC 32H .0402		12:04 NCR 314	13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32M .0101	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32M .0102	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32M .0103	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32M .0104	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32M .0105	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32M .0106	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32M .0107	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32M .0108	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32M .0109	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32M .0110	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32M .0111	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32M .0112	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32M .0115	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32O .0101	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32O .0102	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32O .0103	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32O .0104	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32O .0105	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32O .0106	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32O .0107	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32O .0109	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32O .0110	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32O .0111	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32O .0112	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	

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21 NCAC 320 .0113	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0114	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0115	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0116	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0117	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 320 .0118	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 .0119	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 .0120	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 .0121	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32R .0101	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 32R .0102	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32R .0103	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32R .0104	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0101	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0102	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0103	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0104	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 32S .0105	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0106	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0107	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 32S .0108	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 32S .0109	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0110	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0111	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0112	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 32S .0113	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0114	11:18 NCR 1369		13:08 NCR 709	*	Agency withdrew	12/17/98				
21 NCAC 32S .0115	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
21 NCAC 32S .0116	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	

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21 NCAC 32S .0117	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 32S .0118	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98			13:17 NCR 1381	
MORTUARY SCIENCE, BOARD OF										
21 NCAC 34A .0201		12:07 NCR 556								
21 NCAC 34C	12:09 NCR 745									
MUNICIPAL INCORPORATIONS PETITION										
Town of St. James - Brunswick County										13:14 NCR 1101
Town of Rimertown - Cabarrus County										13:14 NCR 1101
Town of Hampstead - Pender County										13:14 NCR 1101
Town of Holiday Island - Perquimans County										13:14 NCR 1101
Town of Bermuda Run - Davie County										13:14 NCR 1101
Town of Mineral Springs - Union County										13:14 NCR 1101
NURSING, BOARD OF										
21 NCAC 36 .0227	12:05 NCR 338		13:08 NCR 725	*	Approve	12/17/98	*		13:17 NCR 1381	
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	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 46 .1414	12:24 NCR 2203		13:06 NCR 559	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 46 .1601	12:24 NCR 2203		13:04 NCR 419	*	Approve	11/19/98	*		13:16 NCR 1265	
21 NCAC 46 .1606	13:01 NCR 3		13:06 NCR 559	*	Approve	12/17/98			13:17 NCR 1381	
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	*	Object	11/19/98				
21 NCAC 46 .1703	12:24 NCR 2203		13:04 NCR 419	*	Approve	12/17/98	*		13:17 NCR 1381	
21 NCAC 46 .1706	12:24 NCR 2203		13:04 NCR 419	*	Approve	11/19/98	*		13:16 NCR 1265	
21 NCAC 46 .1804	12:03 NCR 168		12:07 NCR 527	*	Approve	11/19/98	*		13:16 NCR 1265	
			12:09 NCR 797	*	State Budget	03/20/98				
			13:02 NCR 246	SE	Object	12/17/98				

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21 NCAC 46 .1809	12-24 NCR 2203		13-04 NCR 419	*	Object	02/18/99				
21 NCAC 46 .1814	13-01 NCR 3		13-06 NCR 559	*	Approve	11/19/98	*		13-16 NCR 1265	
21 NCAC 46 .1815		13-11 NCR 910			Approve	12/17/98	*		13-17 NCR 1381	
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	*	Approve	11/19/98	*		13-16 NCR 1265	
21 NCAC 46 .2306	12-24 NCR 2203		13-04 NCR 419	*	Object	11/19/98				
21 NCAC 46 .2502	12-24 NCR 2203		13-04 NCR 419	*	Object	11/19/98	*		13-17 NCR 1381	
					Approve	12/17/98				
21 NCAC 46 .2506	12-24 NCR 2203		13-04 NCR 419	*	Object	12/17/98	*			
21 NCAC 46 .2604	12-24 NCR 2203		13-04 NCR 419	*	Approve	11/19/98			13-16 NCR 1265	
21 NCAC 46 .2609	12-24 NCR 2203		13-04 NCR 419	*	Object	11/19/98	*		13-17 NCR 1381	
					Approve	12/17/98	*			
21 NCAC 46 .2611	12-24 NCR 2203		13-04 NCR 419	*	Object	11/19/98	*		13-17 NCR 1381	
					Approve	12/17/98	*			

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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								
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									

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21 NCAC 54 .2704	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2705	12:05 NCR 338									
21 NCAC 54 .2706	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2801	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2802	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2803	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2804	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2805	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2806	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2807	12:05 NCR 338		13:13 NCR 1050	*						
PUBLIC EDUCATION										
16 NCAC 06B .0108		13:13 NCR 1061	13:18 NCR 1503	*						
16 NCAC 06C .0102			13:18 NCR 1503	*						
16 NCAC 06C .0103			13:18 NCR 1503	*						
16 NCAC 06C .0202			13:18 NCR 1503	*						
16 NCAC 06C .0205			13:18 NCR 1503	*						
16 NCAC 06C .0206			13:18 NCR 1503	*						
16 NCAC 06C .0207			13:18 NCR 1503	*						
16 NCAC 06C .0301			13:18 NCR 1503	*						
16 NCAC 06C .0302			13:18 NCR 1503	*						
16 NCAC 06C .0303			13:18 NCR 1503	*						
16 NCAC 06C .0304			13:18 NCR 1503	*						
16 NCAC 06C .0305			13:18 NCR 1503	*						
16 NCAC 06C .0306			13:18 NCR 1503	*						
16 NCAC 06C .0307			13:18 NCR 1503	*						
16 NCAC 06C .0308			13:18 NCR 1503	*						
16 NCAC 06C .0309			13:18 NCR 1503	*						
16 NCAC 06C .0310		12:03 NCR 210	12:01 NCR 18	*						

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16 NCAC 06C .0311			13:18 NCR 1503	*						
16 NCAC 06C .0312			13:18 NCR 1503	*						
16 NCAC 06C .0313			13:18 NCR 1503	*						
16 NCAC 06C .0501			13:18 NCR 1503	*						
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 06D .0103			13:18 NCR 1503	*						
16 NCAC 06D .0210			13:18 NCR 1503	*						
16 NCAC 06D .0301			13:18 NCR 1503	*						
16 NCAC 06D .0302			13:18 NCR 1503	*						
16 NCAC 06D .0303			13:18 NCR 1503	*						
16 NCAC 06D .0305			13:18 NCR 1503	*						
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 .0202			13:18 NCR 1503	*						
16 NCAC 06E .0301		13:05 NCR 523								
16 NCAC 06E .0301			13:18 NCR 1503	*						
16 NCAC 06G .0202			13:18 NCR 1503	*						
16 NCAC 06G .0305			12:19 NCR 1773	N/A	Approve	08/20/98	*		13:10 NCR 817	
16 NCAC 06G .0308			13:18 NCR 1503	*						
16 NCAC 06G .0309			13:18 NCR 1503	*						
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 .0311			13:18 NCR 1503	*						
16 NCAC 06G .0501		12:12 NCR 1071	12:19 NCR 1773	N/A	Approve	08/20/98			13:10 NCR 817	
16 NCAC 06G .0502			13:18 NCR 1503	*						
16 NCAC 06H .0101			13:18 NCR 1503	*						
16 NCAC 06H .0103			13:18 NCR 1503	*						
16 NCAC 06H .0105			13:18 NCR 1503	*						
16 NCAC 06H .0106			13:18 NCR 1503	*						

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16 NCAC 06H .0107			13:18 NCR 1503	*						
16 NCAC 06H .0108			13:18 NCR 1503	*						
16 NCAC 06H .0109			13:18 NCR 1503	*						
16 NCAC 06H .0110			13:18 NCR 1503	*						
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	Approve	12/17/98	*		13:17 NCR 1381	
17 NCAC 03B .0102	N/A	N/A	N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 03B .0103	N/A	N/A	N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 03B .0104	N/A	N/A	N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 03B .0106	N/A	N/A	N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 03B .0108	N/A	N/A	N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 03B .0109	N/A	N/A	N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 03B .0110	N/A	N/A	N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 03B .0111	N/A	N/A	N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 03B .0112	N/A	N/A	N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 03B .0113	N/A	N/A	N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 03B .0114	N/A	N/A	N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
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						
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						

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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	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 04D .0303			13:05 NCR 496	S/SE	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 04D .0305			13:05 NCR 496	S/SE	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 04D .0401			13:05 NCR 496	S/SE	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 04D .0402			13:05 NCR 496	S/SE	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 04D .0501			13:05 NCR 496	S/SE	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 04D .0505			13:05 NCR 496	S/SE	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 04D .0506			13:05 NCR 496	S/SE	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 04D .0508			13:05 NCR 496	S/SE	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 04D .0610			13:05 NCR 496	S/SE	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 04D .0901			13:05 NCR 496	S/SE	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 04D .0902			13:05 NCR 496	S/SE	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 04D .0903			13:05 NCR 496	S/SE	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 04D .0907			13:05 NCR 496	S/SE	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 04D .0908			13:05 NCR 496	S/SE	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 04D .1001			13:05 NCR 496	S/SE	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 04D .1003			13:05 NCR 496	S/SE	Approve	12/17/98			13:17 NCR 1381	
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						

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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	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 05B .1105	N/A		13-09 NCR 760	N/A	Approve	12/17/98			13:17 NCR 1381	
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	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 05C .2004	N/A		13-09 NCR 760	N/A	Approve	12/17/98	*		13:17 NCR 1381	
17 NCAC 05C .2101	N/A		13-09 NCR 760	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 05C .2102	N/A		13-09 NCR 760	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 06B .0104	N/A		13-09 NCR 762	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 06B .0105	N/A		13-08 NCR 694	N/A						
17 NCAC 06B .0110	N/A		13-09 NCR 762	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 06B .0118	N/A		13-09 NCR 762	N/A	Object	12/17/98				
17 NCAC 06B .0606	N/A		13-09 NCR 762	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 06B .3203	N/A		13-09 NCR 762	N/A	Approve	12/17/98			13:17 NCR 1381	
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	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 06B .3207	N/A	N/A	N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 06B .3719	N/A	N/A	N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 06B .3901	N/A		13-09 NCR 762	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 06B .3904	N/A		13-09 NCR 762	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 06B .4004	N/A		13-09 NCR 762	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 06C .0124	N/A		13-09 NCR 762	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .0104	N/A		13-09 NCR 767	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .0124	N/A		13-08 NCR 695	N/A	Approve	12/17/98			13:17 NCR 1381	

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17 NCAC 07B .0125	N/A		13:08 NCR 695	N/A						
17 NCAC 07B .0206	N/A		13:09 NCR 767	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .1301	N/A		13:09 NCR 767	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .1303	N/A		13:09 NCR 767	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .1602	N/A		13:09 NCR 767	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .1704	N/A	N/A	N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .1801	N/A	N/A	N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .1905	N/A		13:09 NCR 767	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .2101	N/A		13:09 NCR 767	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .2201	N/A	N/A	N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .2212	N/A	N/A	N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .2802	N/A		13:10 NCR 809	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .3201	N/A	N/A	N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .3301	N/A		13:10 NCR 809	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .3302	N/A		13:10 NCR 809	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .3702	N/A		13:10 NCR 809	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5401	N/A		13:06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5402	N/A		13:06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5403	N/A		13:06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5404	N/A		13:06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5405	N/A		13:06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5406	N/A		13:06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5408	N/A		13:06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5409	N/A		13:06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5410	N/A		13:06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5411	N/A		13:06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5412	N/A		13:06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5414	N/A		13:06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5415	N/A		13:06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	

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17 NCAC 07B .5416	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5417	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5418	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5419	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5420	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5421	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5422	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5423	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5424	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5428	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5429	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5430	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5431	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5432	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5433	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5434	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5435	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5438	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5440	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5442	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5443	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5444	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5447	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5448	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5449	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5450	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5451	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5452	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5453	N/A		13-06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	

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17 NCAC 07B .5454	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5455	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5456	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5457	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5458	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5459	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5460	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5461	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 07B .5463	N/A		13.06 NCR 552	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 091 .0301	N/A	N/A	N/A	N/A	Approve	12/17/98			13:17 NCR 1381	
17 NCAC 09K .0601	N/A		13:08 NCR 695	N/A	Approve	06/18/98			13:03 NCR 334	13:03 NCR 262 13:14 NCR 1102
17 NCAC 09L .0302			12:17 NCR 1610	*						

Tax Review Board

Tax Review Board

SECRETARY OF STATE

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18 NCAC 06 .1304		13:14 NCR 1151								
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18 NCAC 06 .1803		12:07 NCR 534	12:14 NCR 1312	*						
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18 NCAC 10 .0201	13:09 NCR 759	13:14 NCR 1153								
18 NCAC 10 .0301	13:09 NCR 759	13:14 NCR 1153								
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18 NCAC 10 .0303	13:09 NCR 759	13:14 NCR 1153								
18 NCAC 10 .0304	13:09 NCR 759	13:14 NCR 1153								
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18 NCAC 10 .0306		13:18 NCR 1556								
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 18 NCAC 10 .0402 13-09 NCR 759 13-14 NCR 1153
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 25 NCAC 01B .0414 13-18 NCR 1560
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19A NCAC 031 .0501	12.18 NCR 1695		12.24 NCR 2220	*	Approve	08/20/98	*		13.10 NCR 817	
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19A NCAC 06B .0404	12:22 NCR 1981		13:06 NCR 557	*	Approve	12/17/98	*		13:17 NCR 1381	
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19A NCAC 06B .0409	12:22 NCR 1981		13:06 NCR 557	*	Approve	12/17/98			13:17 NCR 1381	
19A NCAC 06B .0410	12:22 NCR 1981		13:06 NCR 557	*	Approve	12/17/98			13:17 NCR 1381	
19A NCAC 06B .0412	12:22 NCR 1981		13:06 NCR 557	*	Approve	12/17/98			13:17 NCR 1381	
19A NCAC 06B .0413	12:22 NCR 1981		13:06 NCR 557	*	Approve	12/17/98	*		13:17 NCR 1381	
19A NCAC 06B .0414	12:22 NCR 1981		13:06 NCR 557	*	Approve	12/17/98			13:17 NCR 1381	
19A NCAC 06B .0417	12:22 NCR 1981		13:06 NCR 557	*	Approve	12/17/98			13:17 NCR 1381	
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VETERINARY MEDICAL BOARD

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21 NCAC 66 .0208 12:23 NCR 2089

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