

# ***NORTH CAROLINA REGISTER***

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**VOLUME 14 • ISSUE 1 • Pages 1 - 71**

**July 1, 1999**

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Commerce  
Cosmetic Art Examiners  
Environment and Natural Resources  
Health and Human Services  
Real Estate Appraisal Board  
Transportation  
Rules Review Commission  
Contested Case Decisions

## **PUBLISHED BY**

*The Office of Administrative Hearings  
Rules Division  
PO Drawer 27447  
Raleigh, NC 27611-7447  
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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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Bobby Bryan, Staff Attorney

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marys@ms.ncga.state.nc.us

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NC Association of County Commissioners

215 North Dawson Street

Raleigh, North Carolina 27603

(919) 715-2893

contact: Jim Blackburn or Rebecca Troutman

NC League of Municipalities

215 North Dawson Street

Raleigh, North Carolina 27603

(919) 715-4000

contact: Paula Thomas



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**July 1, 1999**

This issue contains documents officially filed  
through June 10, 1999.

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

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# NORTH CAROLINA REGISTER

## Publication Schedule

(April 1999 - January 2000)

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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 <sup>th</sup> 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
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## EXPLANATION OF THE PUBLICATION SCHEDULE

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

GENERAL	FILING DEADLINES	NOTICE OF RULE-MAKING PROCEEDINGS	NOTICE OF TEXT
<p>The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:</p> <ul style="list-style-type: none"> <li>(1) temporary rules;</li> <li>(2) notices of rule-making proceedings;</li> <li>(3) text of proposed rules;</li> <li>(4) text of permanent rules approved by the Rules Review Commission;</li> <li>(5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;</li> <li>(6) Executive Orders of the Governor;</li> <li>(7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;</li> <li>(8) orders of the Tax Review Board issued under G.S. 105-241.2; and</li> <li>(9) other information the Codifier of Rules determines to be helpful to the public.</li> </ul> <p><b>COMPUTING TIME:</b> In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.</p>	<p><b>ISSUE DATE:</b> The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month closest to (either before or after) the first or fifteenth respectively that is not a Saturday, Sunday, or holiday for State employees.</p> <p><b>LAST DAY FOR FILING:</b> The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.</p>	<p><b>END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS:</b> This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.</p> <p><b>EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT:</b> The date of the next issue following the end of the comment period.</p>	<p><b>EARLIEST DATE FOR PUBLIC HEARING:</b> The hearing date shall be at least 15 days after the date a notice of the hearing is published.</p> <p><b>END OF REQUIRED COMMENT PERIOD</b>  <b>(1) RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT:</b> An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.  <b>(2) RULE WITH SUBSTANTIAL ECONOMIC IMPACT:</b> An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(h1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.</p> <p><b>DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION:</b> The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.</p> <p><b>FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY:</b> This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.</p>

**EXECUTIVE ORDER NO. 152**  
**ADVISORY COMMITTEE ON AGRICULTURE**

WHEREAS, agriculture is a major sector in the economy of our State; and

WHEREAS, State policy on agriculture as set by the Governor should be developed with the advice of representatives of agriculture.

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

Section 1. Committee and Membership

- a. There is hereby established the Advisory Committee on Agriculture ("Committee").
- b. The Committee shall consist of at least 15 members who shall be appointed by the Governor. The Governor shall appoint a Chair and Vice-Chair of the Committee.
- c. Each member shall serve at the pleasure of the Governor.
- d. Meetings may be called by the Governor or the Chair, and shall be held at least quarterly.

Section 2. Duties

The Committee shall have the following functions and duties:

- a. to advise the Governor concerning his policies related to agriculture;
- b. to provide the Governor timely and relevant information that will assist him in formulating and implementing his agricultural policies;
- c. to recommend policies and programs to the Governor that advance the cause of agriculture in the State;
- d. to assist the Governor in heightening citizen awareness of the past, present, and future importance of agriculture in the State; and
- e. to undertake such other functions and duties as may be assigned by the Governor.

Section 3. Administration

- a. The Governor's Office shall provide such clerical and other support services as may be required by the Committee.
- b. Members of the Committee shall serve on a voluntary basis without compensation of any sort, including travel or subsistence allowable under state law.

This order is effective immediately.

Done in the Capital City of Raleigh, North Carolina, this the 21st day of May, 1999.



*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.*

**PUBLIC NOTICE OF RULE-MAKING  
BY THE NORTH CAROLINA INDUSTRIAL COMMISSION  
TO ESTABLISH HOSPITAL FEES FOR WORKERS' COMPENSATION CASES**

NOTICE IS HEREBY GIVEN that, pursuant to N.C. General Statute Sections 97-26(b)(3), 97-26(a) and 97-80(a), the North Carolina Industrial Commission will consider amending its fee schedule for hospital inpatient bills to become effective September 1, 1999. The Commission solicits the comments of all interested persons, firms, and organizations who wish to comment concerning any aspect of the amended fee schedule. Copies of the amended fee schedule may be obtained by any interested person by addressing a request to the address below. **COPIES MAY ALSO BE OBTAINED ON THE INDUSTRIAL COMMISSION'S WEBSITE:**  
<http://www.comp.state.nc.us/ncichome.htm>

The amendment to the inpatient hospital fee schedule is designed: **TO ESTABLISH** a method of calculating inpatient hospital fees in workers' compensation cases pursuant to N.C. General Statute Section 97-26(b)(3) based upon Diagnostic Related Groupings and the inpatient hospital bill (UB-92) for the period beginning with adoption and extending until a successor method is adopted pursuant to N.C. General Statute Section 97-26(b)(3).

The Commission requests written comments on the amendment. In addition, there will be a public hearing held on the 22nd day of July, 1999, at 10:00 a.m., in Room 2149, the Utilities Commission Hearing Room, Dobbs Building, 430 North Salisbury Street, Raleigh, N.C., during which the Commission will hear the verbal comments of persons scheduled to speak. Those desiring to make an oral presentation, not to exceed 10 minutes in length, should submit a request on or before 21 July 1999. Speakers at the public hearing are encouraged to prepare a written summary of remarks for the use of the Commission.

**WRITTEN COMMENTS, REQUESTS FOR COPIES AND REQUESTS FOR ORAL PRESENTATIONS SHOULD BE ADDRESSED TO COMMISSIONER THOMAS J. BOLCH AT 430 NORTH SALISBURY STREET, RALEIGH, NC 27611. COPIES MAY ALSO BE OBTAINED ON THE INDUSTRIAL COMMISSION'S WEBSITE:**  
<http://www.comp.state.nc.us/ncichome.htm>

**WRITTEN COMMENTS SHOULD BE FAXED OR MAILED NO LATER THAN AUGUST 2, 1999.**

The amendment to the method of calculating inpatient hospital fees is as follows: **Diagnostic Related Groupings (DRG's) will be utilized subject to the following maximum and minimum. The maximum will be 100% of the hospital's itemized charges as shown on the UB-92 claim form. The minimum shall be 81.35% of the charges as shown on the UB-92 claim form. DRG's falling within the band limited by the maximum and minimum will be approved at whatever they are.**

The 81.35% minimum was established by (a) reviewing data from the State Health Plan to ascertain the aggregate hospital itemized charges and aggregate amounts authorized for payment by the State Plan (including payments actually made by the State Plan and deductible, coinsurance, or other amounts for which the patient/insured may have been liable) for inpatient hospital claims paid to participating hospitals by the State Plan during the fiscal year ended June 30, 1998. The Commission then utilized the data described in the preceding sentence to calculate the extent, if any, to which aggregate State Plan authorized payments were less than aggregate charges on inpatient hospital claims paid by the State Plan during the fiscal year ended June 30, 1998. (b) The Commission then calculated aggregate hospital itemized charges and aggregate payments authorized by the Commission on all inpatient hospital workers' compensation claims approved for payment by the Commission during the fiscal year ended June 30, 1998.

Based on the data described in subdivisions (a) and (b) immediately preceding, the Commission established a minimum percentage that will result in a payment rate for inpatient workers' compensation cases that in the aggregate bears a percentage relationship to hospital itemized charges that is equal to the State Plan relationship between aggregate payments authorized and aggregate itemized charges for claims paid by the State Plan during the fiscal year ended June 30, 1998.

This 26th day of May 1999.

/s/ J. Howard Bunn, Jr., Chairman  
North Carolina Industrial Commission



**PUBLIC NOTICE**

North Carolina Department of Environment and Natural Resources  
Division of Waste Management  
Post Office Box 27687  
Raleigh, North Carolina 27611-7687  
(919) 733-2178

Notice is hereby given of the Division of Waste Management's receipt of the Remedial Investigation Report, Groundwater Flow and Transport Model Report, Human Health and Ecological Risk Assessment (Baseline Risk Assessment) and Draft Feasibility Study Report for the former Seaboard Chemical Corporation facility located at 5899 Riverdale Drive, Jamestown, Guilford County, North Carolina, and the adjacent City of High Point former Riverdale Drive Landfill, which are collectively referred to as "the Site."

The public comment period will extend for sixty (60) days following the publication of this notice. Comments regarding these reports should be sent within this time frame and should be addressed to: William L. Meyer, Director, Division of Waste Management, at the above address.

All documents relating to the Site are available as part of the administrative record and can be reviewed at the following location during office hours (8:00 a.m. to 4:00 p.m.) Monday through Friday.

Hazardous Waste Section  
401 Oberlin Road, Room 150  
Raleigh, North Carolina 27605  
call (919) 733-2178 extension 311 for appointment

---

**Editor's Notice**

The Rules Division omitted the Comment Procedures to the Notice of Text published for the rules cited within 15A NCAC 2E, published in the *Register* 13 NCR 24, Page 1998. The Comment period has been extended due to this omission.

Comment Procedures as follows: The purpose of this announcement is to encourage those interested in this proposal to provide written comments. It is very important that all interested and potential affected parties make their views known to the Environmental Management Commission whether in favor or opposed to any and all provisions of the proposal being noticed. The public comment period ends August 2, 1999. Written comments, data, or other information relevant to this proposal may be submitted to: Nat Wilson, DENR/Division of Water Resources, PO Box 27687, Raleigh, NC 27611. Tel. (919) 715-5445.

*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 2 - DEPARTMENT OF AGRICULTURE**

**Notice of Rule-making Proceedings** is hereby given by the North Carolina Pesticide Board 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:** 2 NCAC 9L .0502, .1201. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 143-440(a)(b); 143-441; 143-458

**Statement of the Subject Matter:** 2 NCAC 9L .0502 designates certain pesticides as restricted use pesticides, which are subject to greater restrictions on sale and use than general use pesticides. The proposed amendment would exempt certain ant control pesticides from this Rule. 2 NCAC 9L .1201 establishes restrictions for the use or storage of pesticides containing arsenic trioxide. This proposed amendment would exempt certain ant control products from this Rule.

**Reason for Proposed Action:** This rule-making proceedings was initiated as a result of a petition submitted by Dr. John A. Todhunter, SRS International Corporation, on behalf of Grant Laboratories, Inc.

**A Public Hearing** will be conducted at 12:30 p.m. on August 10, 1999 at the James B. Hunt, Jr. Horse Complex, State Fairgrounds, corner of Trinity Road and Youth Center Road, Raleigh, NC.

**Comment Procedures:** Written comments may be submitted to James W. Burnette, Jr., Secretary, North Carolina Pesticide Board, c/o Food and Drug Protection Division, Pesticide Section, North Carolina Department of Agriculture and Consumer Services, PO Box 27647, Raleigh, NC 27611.

### **CHAPTER 9 - FOOD AND DRUG PROTECTION DIVISION**

#### **SUBCHAPTER 9L - PESTICIDE SECTION**

#### **SECTION .0500 - PESTICIDE LICENSES**

##### **.0502 LIST OF RESTRICTED USE PESTICIDES**

For the purpose of this Regulation a restricted use pesticide is:

- (1) any pesticide required by the environmental protection agency to bear the designation on its labeling "Restricted Use Pesticide";
- (2) arsenic trioxide, all formulations of which must be sold and/or purchased in accordance with additional regulations (2 NCAC 9L .1200) adopted by the North Carolina Pesticide Board; except for federally registered ant control products containing arsenic trioxide (solid formulation manufactured in a sealed metal container only) for:
  - (a) domestic outdoor - domestic dwellings, or
  - (b) domestic indoor - domestic dwellings;
- (3) any pesticide approved under 2 NCAC 9L .0318.

Authority G.S. 143-440(a),(b); 143-441; 143-458.

## **SECTION .1200 - ARSENIC TRIOXIDE**

### **.1201 RESTRICTIONS ON USE AND STORAGE**

All pesticide formulations containing the active ingredient arsenic trioxide shall not be used or stored inside or in the immediate vicinity of any building used as a human dwelling; except for federally registered ant control products containing arsenic trioxide (solid formulation manufactured in a sealed metal container only) for:

- (1) domestic outdoor - domestic dwellings, or
- (2) domestic indoor - domestic dwellings.

Authority G.S. 143-440(b); 143-441.

## **TITLE 10 - DEPARTMENT OF HEALTH & HUMAN SERVICES**

### **CHAPTER 26 - MEDICAL ASSISTANCE**

**Notice of Rule-making Proceedings** is hereby given by the DHHS - Division of Medical Assistance 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:** 10 NCAC 26B .0113. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 108A-25(b); 108A-54; 42 CFR 441, Subpart D

**Statement of the Subject Matter:** *This Rule establishes the continued stay review criteria. The change is in Subparagraph (5) which establishes reimbursement for post acute level of care for patients through the age of 17.*

**Reason for Proposed Action:** *This Rule is being revised due to the termination of the Carolina Alternatives Program.*

**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, PO Box 29529, Raleigh, NC 27626-0529.*

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

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

**Notice of Rule-making Proceedings** is hereby given by the North Carolina Wildlife Resources Commission 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 10F .0300. Other rules may be proposed in the course of the rule-making process.*

**Authority for the rule-making:** *G.S. 75A-3; 75A-15*

**Statement of the Subject Matter:** *To adopt a rule for no-wake zones in the waters of Mountain Island Lake that preside in multiple counties.*

**Reason for Proposed Action:** *The Mountain Island Lake Marine Commission initiated the no-wake zones pursuant to G.S. 75A-15 to protect public safety in the area by restricting vessel speed. The Wildlife Resources Commission may adopt this Rule as a temporary rule pursuant to G.S. 150B-21.1(a1) following this abbreviated notice.*

**Comment Procedures:** *The record will be open for receipt of written comments until the Notice of Text is published in the North Carolina Register. Such written comments must be delivered or mailed to the North Carolina Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.*



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

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Wildlife Resources Commission intends to amend the rule cited as 15A NCAC 10D .0103. Notice of Rule-making Proceedings was published in the Register on April 1, 1999.

**Proposed Effective Date:** July 1, 2000

**A Public Hearing** will be conducted at 10:00 a.m. on July 22, 1999 at the Archdale Building, Room 332, 512 North Salisbury Street, Raleigh, NC 27603.

**Reason for Proposed Action:** To set/amend seasons including the addition of waterfowl hunting opportunities on the game lands, and regulate the manner of hunting on game lands which are necessary to manage and conserve the resource. The Wildlife Resources Commission may adopt this Rule as a temporary rule pursuant to G.S. 150B-21.1(a1) following the abbreviated notice as indicated in the Notice of Rule-Making Proceedings or following the public hearing and public comment period as indicated in this notice.

**Comment Procedures:** Interested persons may present their views either orally or in writing at the hearing. In addition, the record of hearing will be open for receipt of written comments from July 1, 1999 to August 2, 1999. Such written comments must be delivered or mailed to the North Carolina Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.

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

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

**SUBCHAPTER 10D - GAME LANDS REGULATIONS**

**SECTION .0100 - GAME LANDS REGULATIONS**

**.0103 HUNTING ON GAME LANDS**

(a) Safety Requirements. No person while hunting on any designated game land shall be under the influence of alcohol or any narcotic drug, or fail to comply with special restrictions

enacted by the National Park Service regarding the use of the Blue Ridge Parkway where it adjoins game lands listed in this Rule.

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

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

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

(e) Definitions:

- (1) For purposes of this Section "Eastern" season refers to seasons set for those counties or parts of counties listed in 15A NCAC 10B .0203(b)(1)(A); "Central" season refers to seasons set for those counties or parts of counties listed in 15A NCAC 10B .0203(b)(1)(D); "Northwestern" season refers to seasons set for those counties or parts of counties listed in 15A NCAC 10B .0203(b)(1)(B); "Western" season refers to seasons set for those counties or parts of counties listed in 15A NCAC 10B .0203(b)(1)(C).
- (2) For purposes of this Section, "Dove Only Area" refers to a Game Land on which doves may be taken and dove hunting is limited to Mondays, Wednesdays, Saturdays and to Thanksgiving, Christmas and New Year's Days within the federally-announced season.
- (3) For purposes of this Section, "Three Days per Week



Area" refers to a Game Land on which any game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays, Saturdays and Thanksgiving, Christmas and New Year's Days. These "open days" also apply to either-sex hunting seasons listed under each game land. Raccoon and opossum hunting may continue until 7:00 a.m. on Tuesdays, until 7:00 a.m. on Thursdays, and until midnight on Saturdays.

- (4) For purposes of this Section, "Six Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons, except that:
  - (A) Bears shall not be taken on lands designated and posted as bear sanctuaries;
  - (B) Wild boar shall not be taken with the use of dogs on such bear sanctuaries, and wild boar may be hunted only during the bow and arrow seasons, the muzzle-loading deer season and the regular gun season on male deer on bear sanctuaries;
  - (C) On game lands open to deer hunting located in or west of the counties of Rockingham, Guilford, Randolph, Montgomery and Anson, the following rules apply to the use of dogs during the regular season for hunting deer with guns:
    - (i) Except for the counties of Cherokee, Clay, Graham, Jackson, Macon, Madison, Polk, and Swain, game birds may be hunted with dogs.
    - (ii) In the counties of Cherokee, Clay, Graham, Jackson, Macon, Madison, Polk, and Swain, small game in season may be hunted with dogs on all game lands except on bear sanctuaries.
  - (D) On bear sanctuaries in and west of Madison, Buncombe, Henderson and Polk counties dogs shall not be trained or allowed to run unleashed between March 1 and the Monday on or nearest October 15;
- (f) Game Lands Seasons and Other Restrictions:
  - (1) Alcoa Game Land in Davidson, Davie, Montgomery, Rowan and Stanly counties
    - (A) Six Days per Week Area
    - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
  - (2) Angola Bay Game Land in Duplin and Pender counties
    - (A) Six Days per Week Area
    - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (3) Anson Game Land in Anson County
    - (A) Six Days per Week Area
    - (B) Deer of either sex may be taken the first six

open days and the last six open days of the applicable Deer With Visible Antlers Season.

- (4) Bachlelor Bay Game Land in Bertie and Washington counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (5) Bertie County Game Land in Bertie County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (6) Bladen Lakes State Forest Game Land in Bladen County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season. Deer of either sex may also be taken the Saturday preceding Eastern bow season with bow and arrow and the Friday preceding the Eastern muzzle-loading season with any legal weapon (with weapons exceptions described in this Paragraph) by participants in the Disabled Sportsman Program.
  - (C) Handguns shall not be carried and, except for muzzle-loaders, rifles larger than .22 caliber rimfire shall not be used or possessed.
  - (D) On the Breece Tract and the Singletary Tract deer and bear may be taken only by still hunting.
  - (E) Wild turkey hunting is by permit only.
- (7) Brushy Mountains Game Land in Caldwell County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (8) Bullard and Branch Hunting Preserve Game Lands in Robeson County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (9) Butner - Falls of Neuse Game Land in Durham, Granville and Wake counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) Waterfowl may be taken only on Tuesdays, Thursdays and Saturdays, Christmas and New Year's Days, and on the opening and closing days of the applicable waterfowl seasons. Waterfowl shall not be taken after 1:00 p.m. On the posted waterfowl impoundments a

- special permit is required for all waterfowl hunting after November 1.
- (D) Horseback riding, including all equine species, is prohibited.
  - (E) Target shooting is prohibited
  - (F) Wild turkey hunting is by permit only.
- (10) Cape Fear Game Land in Pender County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) Turkey Hunting is by permit only on that portion known as the Roan Island Tract.
- (11) Caswell Game Land in Caswell County
- (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season. Deer of either sex may also be taken the Friday preceding the Central muzzle-loading season by participants in the Disabled Sportsman Program.
  - (C) Horseback riding is allowed only during June, July, and August and on Sundays during the remainder of the year except during open turkey and deer seasons. Horseback riding is allowed only on roads opened to vehicular traffic. Participants must obtain a game lands license prior to engaging in such activity.
- (12) Caswell Farm Game Land in Lenoir County
- (A) Dove-Only Area
- (13) Catawba Game Land in Catawba and Iredell counties
- (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
  - (C) Deer may be taken with bow and arrow only from the tract known as Molly's Backbone.
- (14) Chatham Game Land in Chatham County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (15) Cherokee Game Land in Ashe County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (16) Cherry Farm Game Land in Wayne County
- (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) The use of centerfire rifles and handguns is prohibited.
- (17) Chowan Game Land in Chowan County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days, open days the week of Thanksgiving, and the last six open days of the applicable Deer With Visible Antlers Season. In addition, one antlerless deer may be taken anytime during the Deer With Visible Antlers season.
- (18) Chowan Swamp Game Land in Gates County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (19) Columbus County Game Land in Columbus County.
- (A) Three Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (20) Croatan Game Land in Carteret, Craven and Jones counties
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) Waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons.
- (21) Currituck Banks Game Land in Currituck County
- (A) Six Days per Week Area
  - (B) Permanent waterfowl blinds in Currituck Sound adjacent to these game lands shall be hunted by permit only after November 1.
  - (C) Licensed hunting guides may accompany the permitted individual or party provided the guides do not possess or use a firearm.
  - (D) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
- (21)(22) Dare Game Land in Dare County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) No hunting on posted parts of bombing range.
  - (D) The use and training of dogs is prohibited from March 1 through June 30.
- (22)(23) Dupont State Forest Game Lands in Henderson and Transylvania counties
- (A) Hunting is by Permit only.
  - (B) The training and use of dogs for hunting except during scheduled small game permit hunts for squirrel, grouse, rabbit, or quail is prohibited.
  - (C) Participants of the Disabled Sportsman Program may also take deer of either sex with any legal weapon on the Saturday prior to the first segment of the Western bow and arrow season.

- (23)(24) Dysartsville Game Land in McDowell and Rutherford counties
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (24)(25) Elk Knob Game Land in Ashe and Watauga counties
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (25)(26) Gardner-Webb Game Land in Cleveland County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (26)(27) Goose Creek Game Land in Beaufort and Pamlico counties
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) On posted waterfowl impoundments waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons. After November 1, on the Pamlico Point, Campbell Creek, Hunting Creek and Spring Creek impoundments, a special permit is required for hunting on opening and closing days of the duck seasons, Saturdays of the duck seasons, and on Thanksgiving and New Year's day.
- (27)(28) Green River Game Land in Henderson, Polk and Rutherford counties
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season in that portion in Rutherford County; and deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season in that portion in Polk and Henderson counties.
- (28)(29) Green Swamp Game Land in Brunswick County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (29)(30) Gull Rock Game Land in Hyde County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) On the posted waterfowl impoundments of Gull Rock Game Land hunting of any species of wildlife is limited to Mondays, Wednesdays, Saturdays; Thanksgiving, Christmas, and New Year's Days; and the opening and closing days of the applicable waterfowl seasons.
- (30)(31) Hickorynut Mountain Game Land in McDowell County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (31)(32) Hofmann Forest Game Land in Jones and Onslow counties
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (32)(33) Holly Shelter Game Land in Pender County
- (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season. Deer of either sex may also be taken the Friday preceding the Eastern muzzle-loading season with any legal weapon and the Saturday preceding Eastern bow season with bow and arrow by participants in the Disabled Sportsman Program
  - (C) Waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons regardless of the day of the week on which they occur.
- (33)(34) Huntsville Community Farms Game Land in Yadkin County
- (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (34)(35) Hyco Game land in Person County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (35)(36) Jordan Game Land in Chatham, Durham, Orange and Wake counties
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) Waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons.
  - (D) Horseback riding, including all equine species, is prohibited.
  - (E) Target shooting is prohibited.
  - (F) Wild turkey hunting is by permit only.



- (36)(37) Lantern Acres Game Land in Tyrrell and Washington counties
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days, open days the week of Thanksgiving, and the last six open days of the applicable Deer With Visible Antlers Season. In addition, one antlerless deer may be taken anytime during the Deer With Visible Antlers season.
- (37)(38) Lee Game Land in Lee County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (38)(39) Linwood Game Land in Davidson County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (39)(40) Moore Game Land in Moore County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (40)(41) Nantahala Game Land in Cherokee, Clay, Graham, Jackson, Macon, Swain and Transylvania counties
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season in that portion located in Transylvania County.
  - (C) Raccoon and opossum may be hunted only from sunset Friday until sunrise on Saturday and from sunset until 12:00 midnight on Saturday on Fires Creek Bear Sanctuary in Clay County and in that part of Cherokee County north of US 64 and NC 294, east of Persimmon Creek and Hiwassee Lake, south of Hiwassee Lake and west of Nottely River; in the same part of Cherokee County dog training is prohibited from March 1 to the Monday on or nearest October 15.
- (41)(42) Neuse River Game Land in Craven County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (42)(43) New Lake Game Land in Hyde County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (43)(44) North River Game Land in Currituck County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days, open days the week of Thanksgiving, and the last six open days of the applicable Deer With Visible Antlers Season. In addition, one antlerless deer may be taken anytime during the Deer With Visible Antlers season.
- (C) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
- (44)(45) Northwest River Marsh Game Land in Currituck County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days, open days the week of Thanksgiving, and the last six open days of the applicable Deer With Visible Antlers Season. In addition, one antlerless deer may be taken anytime during the Deer With Visible Antlers season.
  - (C) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
- (45)(46) Pee Dee River Game Land in Anson, Montgomery, Richmond and Stanly counties
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) Use of centerfire rifles prohibited in that portion in Anson and Richmond counties North of US-74.
- (46)(47) Perkins Game Land in Davie County
- (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (47)(48) Person Game Land in Person County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) Waterfowl may be taken only on Tuesdays, Thursdays and Saturdays, Christmas and New Year's Days, and on the opening and closing days of the applicable waterfowl seasons.
- (48)(49) Pisgah Game Land in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, Watauga and Yancey counties
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season except on that portion of Avery County north of the Blue Ridge Parkway and that portion in Haywood County encompassed by US 276 on the north, US 74 on the west, and the Blue Ridge Parkway on the south and east.



- (C) Harmon Den and Sherwood Bear Sanctuaries in Haywood County are closed to hunting raccoon, opossum and wildcat. Training raccoon and opossum dogs is prohibited from March 1 to the Monday on or nearest October 15 in that part of Madison County north of the French Broad River, south of US 25-70 and west of SR 1319.

~~(49)~~(50) Pungo River Game Land in Hyde County

- (A) Six Days per Week Area  
(B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.

~~(50)~~(51) Roanoke River Wetlands in Bertie, Halifax and Martin counties

- (A) Hunting is by Permit only. Vehicles are prohibited on roads or trails except those operated on official Commission business or by permit holders.

~~(51)~~(52) Robeson Game Land in Robeson County

- (A) Three Days per Week Area  
(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

~~(52)~~(53) Sampson Game Land in Sampson County

- (A) Three Days per Week Area  
(B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.

~~(53)~~(54) Sandhills Game Land in Moore, Richmond and Scotland counties

- (A) Three Days per Week Area  
(B) The Deer With Visible Antlers season for deer consists of the open hunting dates from the second Monday before Thanksgiving through the third Saturday after Thanksgiving except on the field trial grounds where the gun season is from the second Monday before Thanksgiving through the Saturday following Thanksgiving. Deer may be taken with bow and arrow on all open hunting dates during the bow and arrow season, as well as during the regular gun season. Deer may be taken with muzzle-loading firearms on Monday, Wednesday and Saturday of the second week before Thanksgiving week, and during the Deer With Visible Antlers season.

- (C) Gun either-sex deer hunting is by permit only the Thursday and Friday before Thanksgiving Week. For participants in the Disabled Sportsman Program, either-sex deer hunting with any legal weapon is permitted on all areas the Thursday and Friday prior to the muzzle-loading season described in the preceding paragraph. Except for the deer seasons indicated in the preceding paragraph and the

managed either-sex permit hunts, the field trial grounds are closed to all hunting during the period October 22 to March 31.

- (D) In addition to the regular hunting days, waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons

- (E) Wild turkey hunting is by permit only.

- (F) Dove hunting on the field trial grounds will be prohibited from the second Sunday in September through the remainder of the hunting season.

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

~~(54)~~(55) Sauratown Plantation Game Land in Stokes County

- (A) Three Days per Week Area  
(B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.

~~(55)~~(56) Scuppernon Game Land in Tyrrell and Washington counties

- (A) Six Days per Week Area  
(B) Deer of either sex may be taken the first six open days, open days the week of Thanksgiving, and the last six open days of the applicable Deer With Visible Antlers Season. In addition, one antlerless deer may be taken anytime during the Deer With Visible Antlers season.

~~(56)~~(57) Shearon Harris Game Land in Chatham and Wake counties

- (A) Six Days per Week Area  
(B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.  
(C) Waterfowl may be taken only on Tuesdays, Fridays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons.

- (D) The use or construction of permanent hunting blinds is prohibited.

~~(57)~~(58) South Mountains Game Land in Burke, Cleveland, McDowell and Rutherford counties

- (A) Six Days per Week Area  
(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

~~(58)~~(59) Suggs Mill Pond Game Land in Bladen County; Hunting is by Permit only.

~~(59)~~(60) Sutton Lake Game Land in New Hanover County

- (A) Six Days per Week Area  
(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible

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

open days of the applicable Deer With Visible Antlers Season.

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

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

Bertie, Halifax and Martin counties--Roanoke River Wetlands;

Bertie County--Roanoke River National Wildlife Refuge.

Burke County--John's River Waterfowl Refuge

Dare County--Dare Game Lands (Those parts of bombing range posted against hunting)

Davie--Hunting Creek Swamp Waterfowl Refuge

Gaston, Lincoln and Mecklenburg counties--Cowan's Ford Waterfowl Refuge.

Henderson and Transylvania counties--Dupont State Forest Game Lands

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

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**N**otice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Health Services intends to amend rules cited as 15A NCAC 16A .1104 and .1106. Notice of Rule-making Proceedings was published in the Register on January 15, 1999.

**Proposed Effective Date:** August 1, 2000

**A Public Hearing** will be conducted at 9:00 a.m. on August 3, 1999 at the Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury St., Raleigh, NC.

**Reason for Proposed Action:** The North Carolina Cancer Control Program seeks to amend its rules to limit functional reconstructive surgery to a patient for whom the Program has paid for an additional breast cancer treatment, to limit lodging and meals to situations and circumstances where a patient has also received services also funded by the Program, and to determine survival rate restrictions based upon the time of submission of the request, not at the initial stage of the disease. Given current medical technological and cancer care changes, these amendments will more precisely define allowed services and circumstances funded by the Cancer Program.

**Comment Procedures:** Comments and other information may be submitted in writing to The Cancer Control Program, PO



Box 26905, Raleigh, NC 27626-0605. Comments must be received no later than August 3, 1999. Copies of the proposed rules and information packages may be obtained by contacting Phyllis Rochester at (919) 715-3369.

**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 16 - ADULT HEALTH

### SUBCHAPTER 16A - CHRONIC DISEASE

#### SECTION .1100 - CANCER DIAGNOSTIC AND TREATMENT PROGRAM

##### **.1104 COVERED SERVICES**

(a) Covered services shall include diagnostic and treatment services for cancer or a condition suggestive of cancer. Physical therapy following surgery, where medically indicated, is an approved treatment service.

(b) Service restrictions:

- (1) Dental treatment is not covered except in cases of head and neck cancer when necessary for the delivery of oncologic care.
- (2) The Program shall not cover late discharge fees, transportation, telephone calls, or other miscellaneous charges.
- (3) Cosmetic surgery shall not be covered. This does not preclude the coverage of functional, reconstructive surgery: surgery when done to a patient for whom the Program has paid for an additional breast cancer treatment service.
- (4) Ancillary diagnostic studies shall be authorized only when they are determined by the Program to be directly related to the confirmation of a diagnosis of cancer or are necessary for treatment planning.
- (5) The Program may authorize reimbursement for up to two follow-up office visits after completion of diagnostic studies or treatment. These visits shall be included within the days allowed for diagnostic and treatment services.
- (6) Treatment for patients suspected of having cervical intraepithelial neoplasia shall be performed in accordance with the guidelines of the American College of Obstetricians and Gynecologists (ACOG) contained in Technical Bulletin Number 183 - August 1993, which is incorporated herein by reference in accordance with G.S. 150B-21.6, along with any subsequent amendments and editions. Copies of the guidelines may be obtained at no cost by calling (252)715-3757 or by writing to the Cancer Control Program, P.O. Box 27687, Raleigh, NC 27611-7687.
- (7) The use of any course of treatment treatment; equipment; drug; device or supply not recognized as

having scientifically established medical value nor accepted as standard medical treatment for the condition being treated, as determined by the Program, will not be covered.

- (8) Inpatient services shall not be authorized unless the hospital is licensed in the State of North Carolina under G.S. 131E-5, the Hospital Licensure Act, or under conditions of participation for Medicare (Title XVIII of the Social Security Act) or Medicaid (Title XIX of the Social Security Act).

(c) Meals and overnight accommodations, in a motel, home, boarding house, ambulatory care facility, or similar facility for patients receiving covered services on an outpatient basis funded by the Program shall be covered by the Program if the patient's residence is at least 50 miles from the medical facility providing the outpatient services.

- (1) Reimbursement for actual expenses shall not exceed the maximum allowable subsistence (meals and accommodations) for state employees in the course of their official duties, found in G.S. 138-6, based on those rates of reimbursement in effect at the time of the authorization of these expenses by the Program.
- (2) Program authorization of meals and accommodations shall be limited to the maximum number of days of service coverage. However, the Program shall cover meals and accommodations for weekends between the periods during which treatment is authorized.
- (3) Authorization Requests for meals and accommodations shall state the number of days which will be required, as well as the dates of service on which outpatient diagnostic or treatment services shall be rendered.

Authority G.S. 130A-205.

##### **.1106 MEDICAL ELIGIBILITY**

(a) To be medically eligible for diagnostic authorization, a patient must have a condition strongly suspicious of cancer which requires diagnostic services to confirm the preliminary diagnosis. The Program shall authorize only those services determined by the program to be medically necessary to confirm a preliminary diagnosis.

(b) Diagnostic services for suspected cervical intraepithelial neoplasia shall be covered by the Program if there is cytologic evidence suggestive of cervical intraepithelial neoplasia.

(c) A positive pathology report shall be required before treatment services can be authorized by the Program.

(d) Before treatment services may be authorized, the attending physician must certify that there is a 25 percent or better chance of five-year survival with initial treatment. The Program shall use the current five-year relative survival rates published by the National Cancer Institute's Surveillance, Epidemiology, and End Results (SEER) Program as a guide for evaluating requests for treatment. These rates are incorporated herein by reference in accordance with G.S. 150B-21.6, along with any subsequent amendments and editions. They may be

used by physicians to assist with estimating survival. Copies of the rates may be obtained at no cost by calling (919)715-3575 or by writing to the Cancer Control Program, P.O. Box 27687, Raleigh, North Carolina 27611-7687.

(e) All requests for treatment shall be reviewed by the Program. Such requests shall be authorized when the Program determines that there is at least a 25 percent chance of five-year survival with initial treatment and that the services to be provided are medically necessary to improve the chance of survival. In determining medical eligibility, the Program may confer with the patient's attending physician, members of the Cancer Committee of the North Carolina Medical Society, and other physicians trained in the treatment of cancer.

(f) All requests for chemotherapy shall be accompanied by a protocol describing the treatment being requested.

Authority G.S. 130A-205.

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**Notice** is hereby given in accordance with G.S. 150B-21.2 that the Commission for Health Services intends to adopt rule(s) cited as 15A NCAC 26C .0101-.0107. Notice of Rule-making Proceedings was published in the Register on May 14, 1999.

**Proposed Effective Date:** August 1, 2000

**A Public Hearing** will be conducted at 9:00 a.m. on August 3, 1999 at the Archdale Building, Ground Floor Hearing Room.

**Reason for Proposed Action:** The General Assembly (1995) added a new part "Birth Defects" to Article 5 of Chapter 130A. This new part establishes the Birth Defects Monitoring Program within the State Center for Health Statistics, and directs the Commission for Health Services to adopt rules pertaining to the release of confidential information from the monitoring program for scientific research.

These rules cover the major components of the design and operation of the Birth Defects Monitoring Program. This legislation expanded the scope of birth defects data collection activities to include hospital medical records, the scope of these proposed rules is broadened to cover monitoring program operations related to data access and collection, in addition to confidentiality issues. Specific areas addressed by these rules are: 1) required skills, training, and expertise of monitoring program staff; 2) development, composition, and functions of the Birth Defects Advisory Committee; 3) operational procedures, including case definition, data sources, and procedures for accessing and abstracting hospital medical records; 4) procedures for safeguarding confidentiality of monitoring program information; and 5) specific guidelines for the release of monitoring program information for scientific research.

**Comment Procedures:** Comments, statements, data, and other information may be submitted in writing within 60 days after the date of publication of this issue of the North Carolina Register.

Copies of the proposed rules and information package may be obtained by contacting the Technical Assistance and Certification Group at (919) 733-0026. Written comments may be submitted to Dr. Robert Meyer, State Center for Health Statistics, Division of Public Health, NCDHHS, PO Box 29538, Raleigh, NC 27626-0538.

**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 26 - INFORMATION SERVICES

### SUBCHAPTER 26C - BIRTH DEFECTS MONITORING PROGRAM

#### SECTION .0100 - MONITORING PROGRAM

##### .0101 GENERAL

(a) These Sections implement the provisions of Senate Bill 818, 1995 Session of the General Assembly, adding Part 7 to Article 5 of G.S. 130(A). This Part authorizes the Commission to adopt rules related to the surveillance of birth defects. The legislation establishes a Birth Defects Monitoring Program within the State Center for Health Statistics. The purpose of the monitoring program is to compile, tabulate and publish information related to the incidence and prevention of birth defects.

(b) The Birth Defects Monitoring Program is administered by the State Center for Health Statistics, Department of Health and Human Services, PO Box 29538, Raleigh, North Carolina 27626-0538.

Authority G.S. 130A-131.

##### .0102 DEFINITIONS

The following definitions shall apply throughout this Section:

- (1) "Abstract" refers to a document or documents containing information obtained from a patient's medical record.
- (2) "Birth Defect" means any physical, functional or chemical abnormality present at birth that is of possible genetic or prenatal origin.
- (3) "Case-Finding" is the process used to identify potential cases for inclusion in the central registry of the Birth Defects Monitoring Program. Potential cases may be ascertained through review of medical records, disease indices, logs, vital records, hospital discharge summaries, and other sources.
- (4) "Case Report" refers to a document or documents containing information on a diagnosed birth defect reported to the monitoring program by a physician.
- (5) "Central Registry" is the database of birth defect cases obtained through the surveillance activities of the Birth Defects Monitoring Program.



- (6) "Confidential Information" is any information that could be used to reveal, either directly or indirectly, the identity of a patient with a birth defect.
- (7) "Department" is the NC Department of Health and Human Services.
- (8) "Director" is the Director of the State Center for Health Statistics (SCHS).
- (9) "ICD-9-CM" means the *International Classification of Diseases, 9th Revision, Clinical Modification*, Volumes 1 and 2, US Department of Health and Human Services, US Government Printing Office, Washington, DC.
- (10) "Institutional Review Board" means a committee for the protection of human subjects which is approved by the US Department of Health and Human Services pursuant to Part 46 of Title 45 of the Code of Federal Regulations.
- (11) "Licensed Medical Facility" means general acute care hospitals and ambulatory surgical facilities licensed by the Department of Human Resources pursuant to G.S. 131E-77, which regularly provide services for the diagnosis and treatment of birth defects, genetic counseling, or prenatal diagnostic services.
- (12) "Monitoring Program" means the Birth Defects Monitoring Program (BDMP) established within the Department.
- (13) "Program Director" is the individual directly responsible for oversight and operation of the Birth Defects Monitoring Program.
- (14) "Program Staff" means employees of the State Center for Health Statistics or persons providing services to SCHS under written contract who are authorized by the director to collect and have access to information from the monitoring program.

Authority G.S. 130A-131.

#### **.0103 MONITORING PROGRAM STAFF**

(a) The director of the State Center for Health Statistics shall designate an individual to serve as program director of the Birth Defects Monitoring Program. The program director shall be responsible for administrative oversight of the monitoring program and for supervising program staff.

(b) The following general skills and qualifications shall be required of program staff.

- (1) The program director shall possess masters or doctoral level training in the public health sciences or a closely related field, and experience in data analysis, public health surveillance and birth defects.
- (2) Persons who will conduct case-finding and record abstraction shall possess knowledge of basic medical terminology and be able to interpret complex medical record information.

Authority G.S. 130A-131.

#### **.0104 BIRTH DEFECTS ADVISORY COMMITTEE**

(a) The State Health Director shall establish a birth defects advisory committee to provide practical and scientific advice to the monitoring program in implementing an effective birth defects surveillance program.

(b) The advisory committee shall be composed of not more than 12 members and must include scientific experts in the fields of birth defects, genetics, epidemiology, and medicine. At least one member must have a background in a non-scientific area. At least one member must be a representative of the facilities from which the data will be collected. The Director of the monitoring program shall serve as ex officio member of the advisory committee.

(c) The birth defects advisory committee shall:

- (1) Provide scientific and medical advice and consultation to the monitoring program;
- (2) Make recommendations to the Department or the state legislature, as appropriate.

Authority G.S. 130A-131.

#### **.0105 SURVEILLANCE OF BIRTH DEFECTS: CENTRAL REGISTRY**

(a) The monitoring program shall operate statewide.

(b) In order for information on a child to be included in the monitoring program's central registry, the following conditions must be met.

- (1) The state of birth or the mother's state of residence at the time of birth must have been in North Carolina.
- (2) The child must have a birth defect or other specified perinatal condition that can adversely affect his or her health and development.

(c) The central registry shall include birth defects occurring in a fetal death, miscarriage, or pregnancy termination.

(d) The coding scheme used by the monitoring program to classify birth defects shall be based on a medically recognized system, such as ICD-9-CM or the CDC/BPA system used by the Centers for Disease Control and Prevention in the Metropolitan Atlanta Congenital Defects Program, as described in the report titled "Metropolitan Atlanta Congenital Defects Program Procedure Manual," dated June, 1993.

(e) The program director shall, in consultation with the birth defects advisory committee, develop a list of specific birth defects to be monitored. In developing this list consideration shall be given to the following:

- (1) The medical and public health significance of the condition, including potential preventability;
- (2) The feasibility of obtaining reasonably complete and reliable diagnostic information on the condition from the data sources available to the monitoring program; and
- (3) The consistency with birth defects data collected and reported by the Centers for Disease Control and Prevention and by other state-based birth defects surveillance programs.

(f) The monitoring program may utilize for case

ascertainment any data source routinely collected by or available to the State Center for Health Statistics, such as vital records, hospital discharge information, and Health Services Information System files.

(g) The monitoring program may, upon request, review and abstract information on a diagnosed or suspected birth defect from any medical record in a licensed medical facility. When obtaining such information the following conditions shall apply:

- (1) The administrator, director, or person in charge of a licensed medical facility shall designate one staff member as the contact person for the monitoring program. That staff member will coordinate scheduled visits by program staff to review disease indices, labor and delivery logs, or other case-finding data sources. That person will also be responsible for arranging visits by program staff for medical records review.
- (2) Monitoring program staff and the contact person shall establish a general schedule of case-finding and record review visits. This schedule shall take into account the capabilities of the medical facility in responding to requests, as well as the expected needs and workload of the monitoring program.
- (3) Procedures for record management and the use of copiers and other equipment at the medical facility shall be agreed upon with each facility. Monitoring program staff shall abide by these procedures at all times.
- (4) The medical records and other original materials provided by the medical facility shall not be removed from that facility. All information, either on paper or in electronic form, which is removed from the medical facility shall be transported by secure means at all times. Abstracts, printouts, notes, and other information will be carried in locked briefcases.

(h) Physicians and other persons involved in the diagnosis, care, and treatment of birth defects may report information on a diagnosed birth defect to the monitoring program. Physicians and other persons who submit a case report or other information to the monitoring program shall be immune from civil or criminal liability that might otherwise be incurred or imposed for releasing this information based upon invasion of privacy or breach of physician-patient confidentiality.

*Authority G.S. 130A-131.*

#### **.0106 CONFIDENTIALITY**

(a) Access to patient-level information collected by the monitoring program shall be limited to program staff authorized by the doctor.

(b) All program staff shall be required to sign an agreement to actively protect the confidentiality of patient information collected through the monitoring program.

(c) All identifying or potentially identifying information collected by the monitoring program, including abstracts, case reports, computer printouts, notes and other material shall be stored in locked offices or in locked file cabinets at all times.

(d) Central registry files stored in electronic format shall be maintained in a passwork-protected local area computer network. Only authorized program staff shall have access to this information. Access to the data is controlled by the network administrator. Back up data files shall be maintained at the State Computer Center. This computer system is protected by the Resource Allocation Control Facility (RACF) system.

(e) A publicly accessible data file containing limited patient-level information from the central registry may be made available. This file may contain the following data items only: county of residence, county of birth, year of birth, sex of infant, race of infant, age of mother, and birth defect diagnoses. All other patient information contained in the central registry shall be considered confidential and not open to public inspection, except as specified in Paragraph (f) of this Rule.

(f) Clinical information maintained in the central registry may be disclosed in the following circumstances, when authorized by the Director:

- (1) A patient shall have access to review or obtain copies of his/her own records.
- (2) Information may be disclosed in response to a valid court order provided, however, that such information may not be subject to or disclosed pursuant to discovery in any civil action against a hospital or a provider of professional health services.
- (3) Information may be disclosed as provided in Rule .0107 of this Section.

*Authority G.S. 130A-131.*

#### **.0107 RELEASE OF MONITORING PROGRAM INFORMATION FOR RESEARCH**

(a) Individuals other than authorized program staff requesting access to monitoring program information for research purposes must establish a valid scientific interest in order to obtain this information. An application requesting access to monitoring program information must contain a research protocol and be submitted to the Director. The protocol shall contain the following information:

- (1) The name and qualifications of the principal investigator, professional staff, and every person who will review, analyze, or access the data;
- (2) The purpose of the research;
- (3) The research design and statistical methods to be used to analyze the data;
- (4) The proposed benefits to be derived from such research and the potential risk to human subjects; and
- (5) The plans and procedures to maintain the confidentiality of information provided by the monitoring program.

(b) After the Director receives and approves the completed application, the protocol shall be evaluated and judged by an institutional review board. Final approval of the protocol shall require the approval of both the Director and the institutional review board, and shall be based on an evaluation of the criteria listed in Paragraph (c) of this Rule.

(c) The evaluation criteria for approval shall include the



following:

- (1) The key investigators shall have significant training and experience in biomedical research as demonstrated by a history of prior research and publication of results in peer-reviewed journals. For bona fide student proposals and research carried out for educational purposes, faculty committee members should possess these qualifications;
  - (2) The purpose of the research shall be clearly stated, and the hypotheses under investigation shall be scientifically compelling, as judged by the importance of the question relative to the fields of epidemiology, medicine, or public health;
  - (3) The research design shall be scientifically sound with respect to exposure measurement, assessment and control of other relevant risk factors, and statistical power. Statistical techniques to be used in the analysis shall be clearly described and appropriately applied;
  - (4) The benefits of the proposed research, and the potential risk to individuals whose identity may be disclosed or who are involved as study participants must be clearly stated;
  - (5) Plans of how the investigators propose to maintain the confidentiality and integrity of the information provided by the monitoring program shall be clearly detailed and must adequately protect the security of the data; and
  - (6) The hypothesis or topic to be studied must not already be under investigation.
- (d) Modifications to the protocol or other terms and conditions may be required before releasing any data.
- (e) If the applicant intends to contact individuals whose

names were provided by the monitoring program, the protocol must contain strong methodologic support for the need for such contact.

(f) If the protocol is approved by the Director and the institutional review board, then the researcher shall be considered to have established a valid scientific interest as required. Before any data are released, the researcher will be required to submit to the Director a signed written statement guaranteeing the following:

- (1) The applicant shall not allow any person other than those identified in the protocol to access, use or otherwise review the data supplied by the monitoring program.
- (2) There shall be no deviation from the protocol without explicit advance review and approval by the Director and the institutional review board.
- (3) Information obtained in the course of activities undertaken or supported using the data from the monitoring program shall not be used for any purpose other than the exact purpose for which it was supplied.
- (4) Any confidential or potentially identifying information supplied by the monitoring program which is copied or otherwise transferred shall be destroyed upon completion of the study unless otherwise stated in the research protocol.

(g) Upon completion of the study, the researcher shall submit one copy of the completed research paper or abstract to the monitoring program.

*Authority G.S. 130A-131.*



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

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

**Rule-making Agency:** *North Carolina Marine Fisheries Commission*

**Rule Citation:** *15A NCAC 3H .0101, .0103; 3I .0101, .0105-.0106, .0114, .0120; 3J .0103-.0104, .0110, .0301-.0302, .0305; 3K .0101, .0105-.0106, .0202, .0502; 3L .0201, .0206; 3M .0202, .0301, .0501, .0503-.0504, .0507, .0511, .0513, .0515-.0516; 3O .0101-.0111, .0201, .0301-.0310.*

**Effective Date of Temporary Rules:** *July 1, 1999*

**Findings for Temporary Rules Reviewed and Approved by:**  
*Beecher R. Gray*

**Authority for the rule-making:** *G.S. 113-134; 143B-289.52; Section 5.2 of Session Law 1998-225.*

**Reason for Proposed Action:** *The Fisheries Reform Act of 1997 and its amendments (House Bill 1448) requires a complete review and in most cases, a rewrite, of the Marine Fisheries Laws. These revisions include separation of gear and limits for commercial license holders and recreational commercial gear license holders.*

**Comment Procedures:** *Written comments are encouraged and may be submitted to the MFC, Juanita Gaskill, PO Box 769, Morehead City, NC 28557.*

**CHAPTER 3 - MARINE FISHERIES**

**SUBCHAPTER 3H - IDENTIFICATION AND  
DELEGATION OF AUTHORITY**

**SECTION .0100 - IDENTIFICATION INFORMATION**

**.0101 IDENTIFICATION INFORMATION**

(a) The Marine Fisheries Division of the Department of Environment, Health, and Natural Resources maintains its office headquarters at the Marine Fisheries Building, 3441 Arendell St., Post Office Box 769, Morehead City, North Carolina 28557. Telephone (919) 726-7021, or 1-800-682-2632, toll free in North Carolina.

(b) The coastal area is divided into three management/enforcement districts, each with a Regional Supervisor and an Enforcement Captain and a District Operations Office. The District Offices are:

(1) Northern District, 1367 U.S. 17 South, Elizabeth City;

NC 27909. Telephone (919) 264-3911, or 1-800-338-7805, toll free in North Carolina.

(2) Central District, Post Office Box 769, Morehead City, NC 28557. Telephone (919) 726-7021, or 1-800-682-2632, toll free in North Carolina.

(3) Southern District, 127 Cardinal Dr. Ext., Wilmington, NC 28405. Telephone (910) 395-3900, or 1-800-248-4536, toll free in North Carolina.

*History Note: Authority G.S. 113-134;*

*Eff. January 1, 1991;*

*Amended Eff. March 1, 1994;*

*Temporary Repeal Eff. July 1, 1999.*

**.0103 PROCLAMATION AUTHORITY OF  
FISHERIES DIRECTOR**

(a) The following specific functions have been delegated by the Secretary to the Fisheries Director:

(1) The authority to return confiscated property when satisfied that the owner of such property had no knowledge of the use of the property for illegal purposes pursuant to G.S. 113-137;

(2) The authority to select license agents pursuant to G.S. 113-151.1;

(3) The authority to suspend or revoke all licenses pursuant to G.S. 113-166;

(4) The authority to grant, renew or terminate shellfish leases pursuant to G.S. 113-202, 113-202.1 and 113-202.2;

(5) The authority to settle claims of ownership of estuarine bottoms pursuant to G.S. 113-206; and

(6) The authority to issue Scientific Collecting Permits pursuant to G.S. 113-261.

(a)(b) The proclamation authority granted to the Fisheries Director by the Marine Fisheries Commission within this Chapter includes the authority to close as well as open seasons and areas, to establish conditions governing various activities, and to reduce or increase the size and harvest limits from those stated in rule when specifically authorized. It is unlawful to violate the provisions of any proclamation issued by the authority of Marine Fisheries Commission Rule.

(b) Unless specific variable conditions are set forth in a rule granting proclamation authority to the Fisheries Director, variable conditions triggering the use of the Fisheries Director's proclamation authority may include any of the following: compliance with changes mandated by the Fisheries Reform Act and its amendments, biological impacts, environmental conditions, compliance with Fishery Management Plans, user conflicts, bycatch issues and variable spatial distributions.

*History Note: Authority G.S. 113-134; 113-182; 113-221;*

143B-289.52;

Eff. January 1, 1991;

Amended Eff. March 1, 1994; September 1, 1991;

Temporary Amendment Eff. July 1, 1999.

## SUBCHAPTER 3I - GENERAL RULES

### SECTION .0100 - GENERAL

#### **.0101 DEFINITIONS**

(a) All definitions set out in G.S. 113, Subchapter IV apply to this Chapter.

(b) The following additional terms are hereby defined:

(1) Commercial Fishing Equipment or Gear. Equipment: All fishing equipment used in coastal fishing waters except:

(A) Seines less than 30 ±2 feet in length;

(B) Collapsible crab traps, a trap used for taking crabs with the largest open dimension no larger than 18 inches and that by design is collapsed at all times when in the water, except when it is being retrieved from or lowered to the bottom;

(C) Spears; Spears, Hawaiian slings or similar devices which propel pointed implements by mechanical means, including elastic tubing or bands, pressurized gas or similar means, when used in the Atlantic Ocean beyond three statute miles;

(D)(E) A dip net having a handle not more than eight feet in length and a hoop or frame to which the net is attached not exceeding 60 inches along the perimeter;

(E)(D) Hook-and-line and bait-and-line equipment other than multiple-hook or multiple-bait trotline;

(F)(E) A landing net used to assist in taking fish when the initial and primary method of taking is by the use of hook and line; and

(G)(F) Cast Nets.

(2) Fixed or stationary net. A net anchored or staked to the bottom, or some structure attached to the bottom, at both ends of the net.

(3) Mesh Length. The diagonal distance from the inside of one knot to the outside of the other knot, when the net is stretched hand-tight.

(4) Possess. Any actual or constructive holding whether under claim of ownership or not.

(5) Transport. Ship, carry, or cause to be carried or moved by public or private carrier by land, sea, or air.

(6) Use. Employ, set, operate, or permit to be operated or employed.

(7) Purse Gill Nets. Any gill net used to encircle fish when the net is closed by the use of a purse line through rings located along the top or bottom line or elsewhere on such net.

(8) Gill Net. A net set vertically in the water to capture

fish by entanglement by the gills in its mesh as a result of net design, construction, mesh size, webbing diameter or method in which it is used.

(9) Seine. A net set vertically in the water and pulled by hand or power to capture fish by encirclement and confining fish within itself or against another net, the shore or bank as a result of net design, construction, mesh size, webbing diameter, or method in which it is used.

(10) Internal Coastal Waters or Internal Waters. All coastal fishing waters except the Atlantic Ocean.

(11) Channel Net. A net used to take shrimp which is anchored or attached to the bottom at both ends or with one end anchored or attached to the bottom and the other end attached to a boat.

(12) Dredge. A device towed by engine power consisting of a frame, tooth bar or smooth bar, and catchbag used in the harvest of oysters, clams, crabs, scallops, or conchs.

(13) Mechanical methods for clamming. Includes, but not limited to, dredges, hydraulic clam dredges, stick rakes and other rakes when towed by engine power, patent tongs, kicking with propellers or deflector plates with or without trawls, and any other method that utilizes mechanical means to harvest clams.

(14) Mechanical methods for oystering. Includes, but not limited to, dredges, patent tongs, stick rakes and other rakes when towed by engine power and any other method that utilizes mechanical means to harvest oysters.

(15) Depuration. Purification or the removal of adulteration from live oysters, clams, and mussels by any natural or artificially controlled means.

(16) Peeler Crab. A blue crab that has a soft shell developing under a hard shell and having a definite pink, white, or red line or rim on the outer edge of the back fin or flipper.

(17) Length of finfish.

(A) Total length is determined by measuring along a straight line the distance from the tip of the snout with the mouth closed to the tip of the compressed caudal (tail) fin.

(B) Fork length is determined by measuring along a straight line the distance from the tip of the snout with the mouth closed to the middle of the fork in the caudal (tail) fin.

(C) Fork length for billfish is measured from the tip of the lower jaw to the middle of the fork of the caudal (tail) fin.

(18) Licensee. Any person holding a valid license from the Department to take or deal in marine fisheries resources.

(19) Aquaculture operation. An operation that produces artificially propagated stocks of marine or estuarine resources or obtains such stocks from authorized sources for the purpose of rearing in a controlled



environment. A controlled environment provides and maintains throughout the rearing process one or more of the following: predator protection, food, water circulation, salinity, or temperature controls utilizing proven technology not found in the natural environment.

- (20) Critical habitat areas. The fragile estuarine and marine areas that support juvenile and adult populations of economically important seafood species, as well as forage species important in the food chain. Critical habitats include nursery areas, beds of submerged aquatic vegetation, shellfish producing areas, anadromous fish spawning and anadromous fish nursery areas, in all coastal fishing waters as determined through marine and estuarine survey sampling. Critical habitats are vital for portions, or the entire life cycle, including the early growth and development of important seafood species.

(A) Beds of submerged aquatic vegetation are those habitats in public trust and estuarine waters vegetated with one or more species of submerged vegetation such as eelgrass (*Zostera marina*), shoalgrass (*Halodule wrightii*) and widgeongrass (*Ruppia maritima*). These vegetation beds occur in both subtidal and intertidal zones and may occur in isolated patches or cover extensive areas. In either case, the bed is defined by the presence of above-ground leaves or the below-ground rhizomes and propagules together with the sediment on which the plants grow. In defining beds of submerged aquatic vegetation, the Marine Fisheries Commission recognizes the Aquatic Weed Control Act of 1991 (G.S. 113A-220 et. seq.) and does not intend the submerged aquatic vegetation definition and its implementing rules to apply to or conflict with the non-development control activities authorized by that Act.

(B) Shellfish producing habitats are those areas in which economically important shellfish, such as, but not limited to clams, oysters, scallops, mussels, and whelks, whether historically or currently, reproduce and survive because of such favorable conditions as bottom type, salinity, currents, cover, and cultch. Included are those shellfish producing areas closed to shellfish harvest due to pollution.

(C) Anadromous fish spawning areas are defined as those areas where evidence of spawning of anadromous fish has been documented by direct observation of spawning, capture of running ripe females, or capture of eggs or early larvae.

(D) Anadromous fish nursery areas are defined as those areas in the riverine and estuarine systems utilized by post-larval and later

juvenile anadromous fish.

- (21) Intertidal Oyster Bed. A formation, regardless of size or shape, formed of shell and live oysters of varying density.
- (22) North Carolina Trip Ticket. Multiple-part form provided by the Department to fish dealers who are required to record and report transactions on such forms.
- (23) Transaction. Act of doing business such that fish are sold, offered for sale, exchanged, bartered, distributed or landed. The point of landing shall be considered a transaction when the fisherman is the fish dealer.
- (24) Live rock. Living marine organisms or an assemblage thereof attached to a hard substrate including dead coral or rock (excluding mollusk shells). For example, such living marine organisms associated with hard bottoms, banks, reefs, and live rock may include, but are not limited to:

(A) Animals:

- (i) Sponges (Phylum Porifera);
- (ii) Hard and Soft Corals, Sea Anemones (Phylum Cnidaria):
  - (I) Fire corals (Class Hydrozoa);
  - (II) Gorgonians, whip corals, sea pansies, anemones, *Solenastrea* (Class Anthozoa);
- (iii) Bryozoans (Phylum Bryozoa);
- (iv) Tube Worms (Phylum Annelida):
  - (I) Fan worms (Sabellidae);
  - (II) Feather duster and Christmas tree worms (Serpulidae);
  - (III) Sand castle worms (Sabellaridae).
- (v) Mussel banks (Phylum Mollusca:Gastropoda);
- (vi) Colonial barnacles (Arthropoda: Crustacea: Megabalanus sp.).

(B) Plants:

- (i) Coralline algae (Division Rhodophyta);
- (ii) *Acetabularia* sp., *Udotea* sp., *Halimeda* sp., *Caulerpa* sp. (Division Chlorophyta);
- (iii) *Sargassum* sp., *Dictyopteris* sp., *Zonaria* sp. (Division Phaeophyta).

(25) Coral:

- (A) Fire corals and hydrocorals (Class Hydrozoa);
- (B) Stony corals and black corals (Class Anthozoa, Subclass Scleractinia);
- (C) Octocorals; Gorgonian corals (Class Anthozoa, Subclass Octocorallia):
  - (i) Sea fans (*Gorgonia* sp.);
  - (ii) Sea whips (*Leptogorgia* sp. and *Lophogorgia* sp.);
  - (iii) Sea pansies (*Renilla* sp.).

(26) Shellfish production on leases and franchises:

- (A) The culture of oysters, clams, scallops, and mussels, on shellfish leases and franchises



- from a sublegal harvest size to a marketable size.
- (B) The transplanting (relay) of oysters, clams, scallops and mussels from designated areas closed due to pollution to shellfish leases and franchises in open waters and the natural cleansing of those shellfish.
- (27) Shellfish marketing from leases and franchises. The harvest of oysters, clams, scallops, mussels, from privately held shellfish bottoms and lawful sale of those shellfish to the public at large or to a licensed shellfish dealer.
- (28) Shellfish planting effort on leases and franchises. The process of obtaining authorized cultch materials, seed shellfish, and polluted shellfish stocks and the placement of those materials on privately held shellfish bottoms for increased shellfish production.
- (29) Pound Net. A fish trap consisting of a holding pen, one or more enclosures, and a lead or leaders. The lead(s), enclosures, and holding pen are not conical, nor are they supported by hoops or frames.
- (30) Educational Institution. A college, university or community college accredited by a regional accrediting institution.
- (31) Long Haul Operations. A seine towed between two boats.
- (32) Swipe Net Operations. A seine towed by one boat.
- (33) Bunt Net. The last encircling net of a long haul or swipe net operation constructed of small mesh webbing. The bunt net is used to form a pen or pound from which the catch is dipped or hauled.
- (34) Responsible party. Person who coordinates, supervises or otherwise directs operations of a business entity, such as a corporate officer or executive level supervisor of business operations and the person responsible for use of the issued license in compliance with applicable laws and regulations.
- (35) New fish dealer. Any fish dealer making application for a fish dealer license who did not possess a valid dealer license for the previous license year in that name or ocean pier license in that name on June 30, 1999. For purposes of license issuance, adding new categories to an existing fish dealers license does not constitute a new dealer.
- (36) Tournament Organizer. The person who coordinates, supervises or otherwise directs a recreational fishing tournament and is the holder of the Recreational Fishing Tournament License.
- (37) Holder. A person who has been lawfully issued in their name a license, permit, franchise, lease, or assignment.
- (38) Recreational Purpose. A fishing activity has a recreational purpose if it is not a commercial fishing operation as defined in G.S. 113-168.
- (39) Recreational Possession Limit. Includes, but is not limited to, restrictions on size, quantity, season, time

- period, area, means, and methods where take or possession is for a recreational purpose.
- (40) Attended. Being in a vessel, in the water or on the shore immediately adjacent to the gear and immediately available to work the gear and within 100 yards of any gear in use by that person at all times. Attended does not include being in a building or structure.
- (41) Commercial Quota. Total quantity of fish allocated for harvest taken by commercial fishing operations.
- (42) Recreational Quota. Total quantity of fish allocated for harvest taken for a recreational purpose.
- (43) Office of the Division. Physical locations of the Division conducting license transactions in the cities of Wilmington, Washington, Morehead City, Columbia, Wanchese and Elizabeth City, North Carolina. Other businesses or entities designated by the Secretary to issue Recreational Commercial Gear Licenses are not considered Offices of the Division.
- (44) Land:
- (A) For purposes of trip tickets, when fish reach a licensed seafood dealer, or where the fisherman is the dealer, when the fish reaches the shore or a structure connected to the shore.
- (B) For commercial fishing operations, when fish reach the shore or a structure connected to the shore.
- (C) For recreational fishing operations, when fish are retained in possession by the fisherman.
- (45) Master. Captain of a vessel or one who commands and has control, authority, or power over a vessel.
- (46) Regular Closed Oyster Season. The regular closed oyster season occurs from May 15 through October 15, unless amended by the Fisheries Director through proclamation authority.
- (47) Assignment. Temporary transferral to another person of privileges under a license for which assignment is permitted. The person assigning the license delegates the privileges permitted under the license to be exercised by the assignee, but retains the power to revoke the assignment at any time, is still the responsible party for the license.
- (48) Transfer. Permanent transferral to another person of privileges under a license for which transfer is permitted. The person transferring the license retains no rights or interest under the license transferred.

*History Note: Authority G.S. 113-134; 143B-289.52;*

*Eff. January 1, 1991;*

*Amended Eff. March 1, 1995; March 1, 1994; October 1, 1993; July 1, 1993;*

*Recodified from 15A NCAC 31.0001 Eff. December 17, 1996;*

*Amended Eff. April 1, 1999; August 1, 1998; April 1, 1997;*

*Temporary Amendment Eff. July 1, 1999.*

**.0105 LEAVING DEVICES UNATTENDED**

(a) It is unlawful to leave stakes, anchors, nets, buoys, or floating devices in any coastal fishing waters when such devices are not being employed in fishing operations except as otherwise provided by rule or General Statute.

(b) It is unlawful to leave pots in any coastal fishing waters for more than seven ~~10~~ consecutive days, when such pots are not being employed in fishing operations, except upon a timely and sufficient showing of hardship as defined in Subparagraph (b) (2) of this Rule or as otherwise provided by General Statute.

(1) Agents of the Fisheries Director may tag pots with a device approved by the Fisheries Director to aid and assist in the investigation and identification of unattended pots. Any such device attached to a pot by agents of the Fisheries Director must be removed by the individual utilizing the pot within seven ~~10~~ days of attachment in order to demonstrate that the pot is being employed in fishing operations.

(2) For the purposes of Paragraph (b) of this Rule only, a timely and sufficient showing of hardship in a commercial fishing operation shall be written notice given to the Fisheries Director that a mechanical breakdown of the owner's vessel(s) currently registered with the Division of Marine Fisheries ~~licensed under G.S. 113-168.6, 113-152~~, or the death, illness or incapacity of the owner of the pot or his immediate family prevented or will prevent employing such pots in fishing operations more than seven ~~10~~ consecutive days. The notice, specifying the time needed because of hardship, shall be received by the Fisheries Director before any pot is left in coastal fishing waters for seven ~~10~~ consecutive days without being employed in fishing operations, and shall state, in addition to the following, the number and specific location of the pots, and the date on which the pots will be employed in fishing operations or removed from coastal fishing waters:

(A) in case of mechanical breakdown, the notice shall state the commercial fishing vessel registration number, owner's N.C. motor boat registration number of the disabled vessel, date disabled, arrangements being made to repair the vessel or a copy of the work order showing the name, address and phone number of the repair facility; or

(B) in case of the death, illness or incapacity of the owner of the pot or his immediate family, the notice shall state the name of the owner or immediate family member, the date of death, the date and nature of the illness or incapacity. The Fisheries Director may require a doctor's verification of the illness or incapacity.

(3) The Fisheries Director may, by proclamation, modify the seven day requirement, if necessary due to hurricanes, severe weather or other variable conditions.

Failure to employ in fishing operations or remove from coastal fishing waters all pots for which notice of hardship is received

under this Rule within 14 days of the expiration of the hardship shall be violation of this Rule.

(c) It is unlawful to set or have any fishing equipment in coastal fishing waters in violation of this Section or which contains edible species of fish unfit for human consumption.

*History Note: Authority G.S. 113-134; 113-13; 113-182; 143B-289.52;*

*Eff. January 1, 1991;*

*Amended Eff. March 1, 1996;*

*Recodified from 15A NCAC 31 .0005 Eff. December 17, 1996;*

*Amended Eff. April 1, 1997;*

*Temporary Amendment Eff. July 1, 1999.*

## **.0106 SCIENTIFIC, EDUCATIONAL, OR OFFICIAL COLLECTING PERMIT**

(a) It is unlawful to take any marine or estuarine species for scientific purposes which is out of season or otherwise protected without first securing a scientific collecting permit from the Secretary. If the Secretary determines that the request is for a valid scientific purpose and will not result in a significant adverse effect on fisheries management, the permit may be issued. Such permit will be subject to any restrictions concerning areas, times, and sampling methods as the Secretary deems appropriate.

(b) It is unlawful for persons who have been issued an educational, scientific, or official collecting permit to fail to keep records according to the conditions of the permit. This information shall be submitted to the Division of Marine Fisheries on an annual basis unless otherwise specified on the permit.

*History Note: Authority G.S. 113-134; 113-169.3; 113-182; 113-261; 143B-289.52;*

*Eff. January 1, 1991;*

*Recodified from 15A NCAC 31 .0006 Eff. December 17, 1996;*

*Temporary Amendment Eff. July 1, 1999.*

## **.0114 RECORDKEEPING REQUIREMENTS**

(a) It is unlawful for a fish dealer:

(1) To fail to accurately and legibly complete all mandatory items on the North Carolina trip ticket for each transaction ~~transaction~~; and submit the trip ticket in accordance with G. S. 113-168.2;

(2) To fail to provide to the Division a completed no transaction form by the tenth day of the following month when no transactions occurred for a month; ~~month~~.

(3) To fail to keep all trip tickets and all supporting documentation for each transaction including receipts, checks, bills of lading, records and accounts for a period of not less than three years.

(b) It is unlawful for a seller licensed under Article 14A ~~G.S. 113-153~~ or ~~G.S. 113-154~~ ~~or~~ donor to fail to provide to the fish dealer, at the time of transaction, the following:

(1) A current and valid license or permit to sell the type of fish being offered and if a vessel is used, the



commercial fishing vessel registration; and A valid endorsement to sell for the fishing operation used to take the fish;

- (2) Complete and accurate information on on, but not limited to, harvest method and area of catch and other information required by the Division, catch:

(c) It is unlawful to transport fish without having ready at hand for inspection a bill of consignment, bill of lading, or other shipping documentation provided by the shipping dealer showing thereon the name of the consignee, name of the shipper, the date of the shipment, and the quantity of each species of fish shipped. In the event the fisherman taking the fish is also a dealer and ships from the point of landing, all shipping records shall be recorded at the point of landing. Fishermen who transport their fish directly to dealers are exempt from this Paragraph of this Rule.

(d) It is unlawful to export fish landed in the State in a commercial fishing operation without a North Carolina licensed fish dealer completing all the record keeping requirements in G.S. 113-168.2 (i).

(e) It is unlawful to offer for sale fish purchased from a licensed fish dealer without having ready at hand for inspection written documentation of purchase showing thereon the name of the licensed dealer, name of the purchaser, date of the purchase, and the quantity of each species purchased.

(f) It is unlawful for a holder of a Fish Dealer's License to have in possession at a licensed location fish without written documentation from a licensed fish dealer or a completed North Carolina Marine Fisheries Trip Ticket to show the quantity and origin of all fish.

*History Note: Authority G.S. 113-134; 113-168.2; 113-168.3; 113-169.3; 113-170; 113-170.3; 113-170.4; 143B-289.52; Eff. March 1, 1994;*

*Recodified from 15A NCAC 31 .0014 Eff. December 17, 1996; Temporary Amendment Eff. July 1, 1999.*

#### **.0120 POSSESSION OR TRANSPORTATION LIMITS**

(a) It is unlawful to possess any species of fish which is subject to size or harvest restrictions, while actively engaged in a fishing operation, unless all fish are in compliance with the restrictions for the waterbody and area being fished.

(b) It is unlawful to import into the state species of fish native to North Carolina for sale in North Carolina that do not meet established size limits, except as provided in 15A NCAC 3K .0202 (c) and .0305.

*History Note: Authority G.S. 113-134; 113-170; 113-170.4; 113-170.5; 113-182; 143B-289.52; Temporary Adoption Eff. July 1, 1999.*

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

#### **SECTION .0100 - NET RULES, GENERAL**

#### **.0103 GILL NETS, SEINES, IDENTIFICATION, RESTRICTIONS**

(a) It is unlawful to use a gill net with a mesh length less than 2½ inches.

(b) The Fisheries Director may, by proclamation, limit or prohibit the use of gill nets or seines in coastal waters, or any portion thereof, or impose any or all of the following restrictions on the use of gill nets or seines:

- (1) Specify area.
- (2) Specify season.
- (3) Specify gill net mesh length.
- (4) Specify means/methods.
- (5) Specify net number and length.

(c) It is unlawful to use fixed or stationary gill nets in the Atlantic Ocean, drift gill nets in the Atlantic Ocean for recreational purposes, or any gill nets in internal waters unless nets are marked by attaching to them at each end two separate yellow buoys which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. Gill nets which are not connected together at the top line shall be considered as individual nets, requiring two buoys at the end of each individual net. Gill nets connected together at the top line shall be considered as a continuous net requiring two buoys at each end of the continuous net. Any other marking buoys on gill nets used for recreational purposes shall be yellow except one additional buoy, any shade of hot pink in color, constructed as specified in Paragraph (c) of this Rule, shall be added at each end of each individual net. Any other marking buoys on gill nets used in commercial fishing operations shall be yellow except that one additional identification buoy of any color or any combination of colors, except any shade of hot pink, may be used at either or both ends. Any other marking buoys on gill nets shall be yellow except that one additional identification buoy of any color or any combination of colors may be used at either or both ends. The owner shall always be identified on a buoy on each end either by using engraved buoys or by attaching engraved metal or plastic tags to the buoys. Such identification shall include owner's last name and initials and if a vessel is used, one of the following:

- (1) Owner's N.C. motor boat registration number, or
- (2) Owner's U.S. vessel documentation name, name, or
- (3) Owner's last name and initials;

(d) It is unlawful to use gill nets:

- (1) Within 200 yards of any pound net with lead and pound or heart in use;
- (2) From March 1 through October 31 in the Intracoastal Waterway within 150 yards of any railroad or highway bridge.

(e) It is unlawful to use gill nets within 100 feet either side of the center line of the Intracoastal Waterway Channel south of Quick Flasher No. 54 in Alligator River at the southern entrance to the Intracoastal Waterway to the South Carolina line, unless such net is used in accordance with the following conditions:

- (1) No more than two gill nets per boat may be used at any one time;
- (2) Any net used must be attended by the fisherman from



a boat who shall at no time be more than 100 yards from either net; and

- (3) Any individual setting such nets shall remove them, when necessary, in sufficient time to permit unrestricted boat navigation.

(f) It is unlawful to use drift gill nets in violation of 15A NCAC 3J .0101(2) and Paragraph (d) (e) of this Rule.

(g) It is unlawful to use gill nets from May 1 through October 31 with a mesh length of less than five inches in internal coastal waters (including joint waters) unless attended. In order to be considered attended, the fishermen must be within 100 yards of any net employed by that fisherman.

*History Note: Authority G.S. 113-134; 113-173; 113-182; 113-221; 143B-289.52;*

*Eff. January 1, 1991;*

*Amended Eff. August 1, 1998; March 1, 1996; March 1, 1994; July 1, 1993; September 1, 1991;*

*Temporary Amendment Eff. July 1, 1999; October 22, 1998.*

#### **.0104 TRAWL NETS**

(a) It is unlawful to use trawl nets for the taking of finfish in internal waters, except that it shall be permissible to take or possess finfish incidental to crab or shrimp trawling in accordance with the following limitations:

- (1) It is unlawful to possess aboard a vessel while using a trawl in internal waters more than 500 pounds of finfish from December 1 through February 28 and 1,000 pounds of finfish from March 1 through November 30.
- (2) The Fisheries Director may, by proclamation, close any area to trawling for specific time periods in order to secure compliance of this Rule.

(b) It is unlawful to use trawl nets:

- (1) In internal coastal waters, between one hour after sunset Friday and one hour before sunset on Sunday;
- (2) For the taking of oysters;
- (3) In Albemarle Sound and its tributaries;
- (4) In the areas described in 15A NCAC 3R .0106;
- (5) From December 1 through February 28 from one hour after sunset to one hour before sunrise in the following areas:
  - (A) In Pungo River north of a line beginning at a point on Wades Point 35° 23' 17" N - 76° 34' 30" W; running 060° (M) to a point on Currituck Point 35° 24' 35" N - 76° 32' 19" W.
  - (B) In Pamlico River west of a line beginning at a point on the south shore near Fulford Point 35° 19' 52" N - 76° 35' 56" W; running 026° (M) through Flashing Red Marker "1" to a point on Wades Point 35° 23' 17" N - 76° 34' 30" W.
  - (C) In Bay River west of a line beginning at a point on Maw Point 35° 09' 02" N - 76° 32' 10" W; running 021° (M) through Flashing Green Marker "1" to a point on Bay Point 35° 11' 01" N - 76° 31' 35" W.
  - (D) In Neuse River west of a line beginning at a

point off Cherry Point 34° 56' 17" N - 76° 48' 37" W; running 020° (M) through Flashing Red Marker "9" to a point off Wilkinson Point 34° 57' 58" N - 76° 48' 22" W.

- (E) In New River all waters upstream of the N.C. Highway 172 Bridge.

(c) Minimum mesh sizes for shrimp and crab trawls are presented in 15A NCAC 3L .0103 and .0202.

(d) The Fisheries Director may, with prior consent of the Marine Fisheries Commission, by proclamation, require bycatch reduction devices or codend modifications in trawl nets to reduce the catch of finfish that do not meet size limits or are unmarketable as individual foodfish by reason of size.

(e) It is unlawful to use trawl nets for recreational purposes unless each net is marked by attaching to the cod end (tailbag), one floating buoy, any shade of hot pink in color, which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The owner shall always be identified on the buoy by using an engraved buoy or by attaching engraved metal or plastic tags to the buoy. Such identification shall include owner's last name and initials and if a vessel is used, one of the following:

- (1) Owner's N.C. motor boat registration number, or
- (2) Owner's U.S. vessel documentation name,

(f) It is unlawful to use shrimp trawls for the taking of blue crabs in internal waters, except that it shall be permissible to take or possess blue crabs incidental to shrimp trawling in accordance with the following limitations:

- (1) For individuals using shrimp trawls authorized by a Recreational Commercial Gear License, 50 blue crabs, not to exceed 100 blue crabs if two or more Recreational Commercial Gear License holders are on board,
- (2) For commercial operations, crabs may be taken incidental to lawful shrimp trawl operations provided that the weight of the crabs shall not exceed:
  - (A) 50 percent of the total weight of the combined crab and shrimp catch; or
  - (B) 300 pounds, whichever is greater,
- (3) The Fisheries Director may, by proclamation, close any area to trawling for specific time periods in order to secure compliance of this Rule.

*History Note: Authority G.S. 113-134; 113-173; 113-182; 113-221; 143B-289.52;*

*Eff. February 1, 1991;*

*Amended Eff. August 1, 1998; May 1, 1997; March 1, 1994; February 1, 1992;*

*Temporary Amendment Eff. July 1, 1999.*

#### **.0110 SEINES**

It is unlawful to use seines greater than 30 feet in length for recreational purposes unless the net is marked by attaching to the corkline one floating buoy, any shade of hot pink in color, which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The owner shall always be identified on the buoy using

engraved buoys or by attaching engraved metal or plastic tags to the buoy. Such identification shall include owner's last name and initials and if a vessel is used, one of the following:

- (1) Owner's N.C. motor boat registration number, or
- (2) Owner's U.S. vessel documentation name.

*History Note: Authority G.S. 113-134; 113-173; 113-182; 143B-289.52;*

*Temporary Adoption Eff. July 1, 1999.*

## **SECTION .0300 - POTS, DREDGES, AND OTHER FISHING DEVICES**

### **.0301 POTS**

(a) It is unlawful to use pots except during time periods and in areas specified herein:

- (1) From November 1 through April 30, except that all pots, except fish pots upstream of U.S. 17 Bridge across Chowan River and upstream of a line across the mouth of Roanoke, Cashie, Middle and Eastmost Rivers to the Highway 258 Bridge, shall be removed from internal waters from January 24 through February 7. The Fisheries Director may, by proclamation, reopen various waters to the use of pots after January 28 if it is determined that such waters are free of pots.
- (2) From May 1 through October 31, north and east of the Highway 58 Bridge at Emerald Isle:
  - (A) In areas described in 15A NCAC 3R .0107(a);
  - (B) To allow for the variable spatial distribution of crustacea and finfish, the Fisheries Director may, by proclamation, specify time periods for or designate the areas described in 15A NCAC 3R .0107(b); or any part thereof, for the use of pots.
- (3) From May 1 through October 31 in the Atlantic Ocean and west and south of the Highway 58 Bridge at Emerald Isle in areas and during time periods designated by the Fisheries Director by proclamation.
- (4) Pots attached to the shore or pier may be used year round except during the closed period specified in Subparagraph (a) (1) of this Rule.

(b) It is unlawful to use pots:

- (1) in any navigation channel maintained and marked by State or Federal agencies; or
- (2) in any turning basin maintained and marked by the North Carolina Ferry Division.

(c) It is unlawful to use pots in a commercial fishing operation unless each pot is marked by attaching a floating buoy which shall be of solid foam or other solid buoyant material and no less than five inches in diameter and no less than five inches in length. Buoys may be of any color except yellow; yellow and hot pink. The owner shall always be identified on the attached buoy by using engraved buoys or by engraved metal or plastic tags attached to the buoy. Such identification shall include one of the following:

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

(d) Pots attached to shore or a pier shall be exempt from Subparagraphs (a)(2) and (a)(3) (a)(2), (a)(3), and (c) of this Rule.

(e) It is unlawful to use shrimp pots with mesh lengths smaller than one and one-fourth inches stretch or five-eighths inch bar.

(f) It is unlawful to use eel pots with mesh sizes smaller than one inch by one-half inch unless such pots contain an escape panel that is at least four inches square with a mesh size of 1" x 2" located in the outside panel of the upper chamber of rectangular pots and in the rear portion of cylindrical pots, except that not more than two eel pots per fishing operation with a mesh of any size may be used to take eels for bait.

(g) It is unlawful to use crab pots in coastal waters unless each pot contains no less than two unobstructed escape rings that are at least 2 5/16 inches inside diameter and located in the opposite outside panels of the upper chamber of the pot. Peeler pots with a mesh size less than 1-1/2 inches shall be exempt from the escape ring requirement. The Fisheries Director may, by proclamation, exempt the escape ring requirement in order to allow the harvest of peeler crabs or mature female crabs and may impose any or all of the following restrictions:

- (1) Specify areas, and
- (2) Specify time.

(h) It is unlawful to use more than 150 pots per vessel in Newport River.

(i) It is unlawful to remove crab pots from the water or remove crabs from crab pots between one hour after sunset and one hour before sunrise.

#### (j) User Conflicts:

- (1) The Fisheries Director may, with the prior consent of the Marine Fisheries Commission, by proclamation close any area to the use of pots in order to resolve user conflict. The Fisheries Director shall hold a public meeting in the affected area before issuance of such proclamation.
- (2) Any person(s) desiring to close any area to the use of pots may make such request in writing addressed to the Director of the Division of Marine Fisheries. Such requests shall contain the following information:
  - (A) A map of the proposed closed area including an inset vicinity map showing the location of the proposed closed area with detail sufficient to permit on-site identification and location;
  - (B) Identification of the user conflicts causing a need for closing the area to the use of pots;
  - (C) Recommended method for resolving user conflicts; and
  - (D) Name and address of the person(s) requesting the closed area.
- (3) Person(s) making the requests to close an area will be required to present their request at the public meeting.
- (4) The Fisheries Director shall deny the request or



submit a proposed proclamation granting the request to the Marine Fisheries Commission for their approval.

(k) Effective February 1, 2000, it is unlawful to use pots to take crabs unless the line connecting the pot to the buoy is non-floating.

*History Note: Authority G. S. 113-134; 113-173; 113-182; 113-221; 143B-289.52;*

*Eff. January 1, 1991;*

*Amended Eff. August 1, 1998; May 1, 1997; March 1, 1996; March 1, 1994; October 1, 1992; September 1, 1991;*

*Temporary Amendment Eff. July 1, 1999.*

### **.0302 RECREATIONAL USE OF POTS**

(a) It is unlawful to use pots for recreational purposes unless each pot is marked by attaching one floating buoy, any shade of hot pink in color, which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The owner shall always be identified on the buoy using engraved buoys or by attaching engraved metal or plastic tags to the buoy. Such identification shall include the owner's last name and initials and if a vessel is used, one of the following:

- (1) Owner's N.C. motor boat registration number, or
- (2) Owner's U.S. vessel documentation name.

(b) It is unlawful for a person to use more than one crab pot attached to the shore along privately owned land or to a privately owned pier without possessing a valid Recreational Commercial Gear License.

(a) Pots may be attached to shore or a pier any time of year with the exception of the closed clean-up period specified in 15A NCAC 3J .0301(a)(1).

(b) Pots attached to shore or a pier are not required to meet the buoy and identification requirements specified in 15A NCAC 3J .0301(c), but must meet the minimum mesh length and escape ring requirements specified in 15A NCAC 3J .0301(e), (f) and (g).

(c) The license requirements of GS 113-152 apply if a vessel is used in connection with the use of pots.

(d) All provisions of 15A NCAC 3J .0301 apply if pots are not attached to shore or a pier.

*History Note: Authority G.S. 113-134; 113-173; 113-182; 143B-289.52;*

*Eff. January 1, 1991;*

*Temporary Amendment Eff. July 1, 1999.*

### **.0305 TROT LINES (MULTIPLE HOOK OR MULTIPLE BAIT)**

It is unlawful to use multiple hook or multiple bait trotlines for recreational purposes unless such trotlines are marked by attaching to them at each end one floating buoy, any shade of hot pink in color, which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The owner shall always be identified on the buoy by using an engraved buoy or by attaching engraved

metal or plastic tags to the buoy. Such identification shall include owner's last name and initials and if a vessel is used, one of the following:

- (1) Owner's N.C. motor boat registration number, or
- (2) Owner's U.S. vessel documentation name.

*History Note: Authority G.S. 113-134; 113-173; 113-182; 143B-289.52;*

*Temporary Adoption Eff. July 1, 1999.*

## **SUBCHAPTER 3K - OYSTERS, CLAMS, SCALLOPS AND MUSSELS**

### **SECTION .0100 - SHELLFISH, GENERAL**

#### **.0101 PROHIBITED SHELLFISH AREAS/ACTIVITIES**

(a) It is unlawful to possess, sell, or take oysters, clams or mussels from areas which have been designated as prohibited (polluted) by proclamation by the Fisheries Director except as provided in 15A NCAC 3K .0103, .0104, and .0401. The Fisheries Director shall issue such proclamations upon notice by the Division of Environmental Health that duly adopted criteria for approved shellfish harvest areas have not been met. The Fisheries Director may reopen any such closed area upon notification from the Division of Environmental Health that duly adopted criteria for approved shellfish harvest areas have been met.

Copies of these proclamations and maps of these areas are available upon request at the Division of Marine Fisheries, 3441 Arendell St., Morehead City, NC 28557; (919) 726-7021.

(b) The Fisheries Director may, by proclamation, close areas to the taking of oysters, clams, scallops and mussels in order to protect the shellfish populations for management purposes or for public health purposes not specified in Paragraph (a) of this Rule.

(c) It is unlawful to possess or sell oysters, clams, or mussels taken from polluted waters outside North Carolina.

(d) It is unlawful to possess or sell oysters, clams, or mussels taken from the waters of North Carolina except as provided in G.S. 113-169.2 (i) 3K .0105 (a)(1) and (a)(2) without a harvest tag affixed to each container of oysters, clams or mussels. Harvest tags shall be affixed by the harvester and shall meet the following criteria:

- (1) Tags shall be identified as harvest tags. They shall be durable for at least 90 days, water resistant, and a minimum of two and five-eighths inches by five and one-fourth inches in size.
- (2) Tags shall be securely fastened to the outside of each container in which shellstock is transported. Bulk shipments in one container and from the same source may have one tag with all required information attached. Harvesters who are also certified shellfish dealers may use only their dealers tag if it contains the required information. The required information shall be included on all lots of shellfish subdivided or



combined into market grades or market quantities by a harvester or a certified shellfish dealer.

(3) Tags shall contain legible information arranged in the specific order as follows:

- (A) The harvester's name, address and shellfish license or standard commercial fishing license ~~oyster, clam and scallop license~~ shellfish endorsement number.
- (B) The date of harvest.
- (C) The most precise description of the harvest location as is practicable (e.g., Long Bay, Rose Bay) that can be easily located by maps and charts.
- (D) Type and quantity of shellfish.
- (E) The following statement will appear in bold, capitalized type: "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS".

*History Note:* Authority G.S. 113-134; 113-168.5; 113-169.2; 113-182; 113-221; 143B-289.52;

*Eff. January 1, 1991;*

*Amended Eff. July 1, 1993;*

*Temporary Amendment Eff. July 1, 1999.*

#### **.0105 HARVEST OF CRABS AND SHELLFISH**

(a) It is unlawful for individuals claiming exemption from crab license required by G.S. 113-153.1 or the shellfish license required by GS 113-154, by reason of non-commercial use, to take more than:

- (1) One bushel of oysters per person per day, not to exceed two bushels per vessel per day;
- (2) One hundred clams per person per day, not to exceed two hundred clams per vessel per day;
- (3) One-half bushel of scallops per person per day, not to exceed one bushel per vessel per day;

(a)(4) It is unlawful for individuals who harvest blue crabs for a recreational purpose to possess more than 50 Fifty blue crabs per person per day not to exceed 100 blue crabs per vessel per day; day.

- (5) Ten conchs per person per day not to exceed twenty conchs per vessel per day;
- (6) One hundred mussels per person per day not to exceed two hundred mussels per vessel per day.

(b) ~~It is unlawful to take crabs or shellfish by mechanical means without having first procured an individual crab license or shellfish license and a vessel license. A vessel license, as required by GS 113-152 for the use of other commercial fishing equipment as defined in 15A NCAC 31.0001(b)(1) is not required for the non-commercial harvest of shellfish in accordance with limits in Paragraph (a) of this Rule.~~

(b) It is unlawful to exceed the daily vessel limits specified in G.S. 113-169.2 without each person having ready at hand a valid shellfish license.

(c) It is unlawful to take oysters or clams on Sundays and

scallops on Saturdays and Sundays except:

- (1) during open seasons, and
- (2) in accordance with limits outlined in G.S. 113-169.2, Paragraph (a) of this Rule with or without license.

~~(d) Unlicensed individuals taking crabs pursuant to GS 113-153.1(d) or taking shellfish pursuant to GS 113-154(c1) shall be exempt from the limits established in Paragraphs (a) and (b) of this Rule.~~

*History Note:* Filed as a Temporary Amendment Eff. October 9, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

*Authority G.S. 113-134; 113-169.2; 113-182; 143B-289.52;*

*Eff. January 1, 1991;*

*Amended Eff. May 1, 1997; March 1, 1996; March 1, 1994; February 1, 1992; September 1, 1991;*

*Temporary Amendment Eff. July 1, 1999.*

#### **.0106 TAKING OR UNLOADING OYSTERS AND CLAMS ON SUNDAY OR AT NIGHT**

(a) It is unlawful to take oysters or clams on Sunday, except in accordance with 15A NCAC 3K .0105 .0105(c); or between the hours of sunset and sunrise on any day.

(b) It is unlawful to unload oysters or clams from any vessel or remove any vessel containing oysters or clams from the water on Sunday or between sunset and sunrise on any day except that in New Hanover, Pender and Brunswick Counties, oysters and clams may be unloaded until two hours after sunset. Oysters and clams taken on Sunday under the provisions of 15A NCAC 3K .0105 are exempt from the Sunday unloading prohibition.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;

*Eff. January 1, 1991;*

*Temporary Amendment Eff. July 1, 1999.*

### **SECTION .0200 - OYSTERS**

#### **.0202 SIZE LIMIT AND CULLING TOLERANCE**

(a) It is unlawful to possess oysters which have accumulated dead shell, accumulated oyster cultch material, a shell length less than that specified by proclamation, or any combination thereof that exceeds a 10 percent tolerance limit by volume. In determining whether the tolerance limit is exceeded, the Fisheries Director and his agents may grade all, or any portion, or any combination of portions of the entire quantity being graded, and in cases of violations, may seize and return to public bottom or otherwise dispose of the oysters as authorized by law.

(b) All oysters shall be culled by the catcher where harvested and all oysters of less than legal size, accumulated dead shell and cultch material, shall be immediately returned to the bottom from which taken.

(c) This Rule shall not apply to oysters imported from out-of-state solely for shucking by dealers holding a valid license for dealing in oysters and are currently permitted at shucking houses which are currently certified for shucking and

packing by the Division of Environmental Health Health, Shellfish Sanitation Section, and which hold a valid dealer shucker-packer license:

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;

*Eff. January 1, 1991;*

*Amended Eff. March 1, 1996; September 1, 1991;*

*Temporary Amendment Eff. July 1, 1999.*

### SECTION .0500 - SCALLOPS

#### **.0502 TAKING BAY SCALLOPS AT NIGHT AND ON WEEKENDS**

It is unlawful to take bay scallops between sunset and sunrise, or on Saturdays or Sundays, except as provided in 15A NCAC 3K .0105, .0105(c).

*History Note:* Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;

*Eff. January 1, 1991;*

*Temporary Amendment Eff. July 1, 1999.*

### **SUBCHAPTER 3L - SHRIMP, CRABS, AND LOBSTER**

#### SECTION .0200 - CRABS

##### **.0201 SIZE LIMIT AND CULLING TOLERANCE**

(a) It is unlawful to possess blue crabs less than five inches from tip of spike to tip of spike except mature females, soft, soft and peeler crabs and from March 1 through October 31, male crabs to be used as peeler bait. A tolerance of not more than 10 percent by number in any container shall be allowed.

(b) All crabs less than legal size, except mature female and soft crabs shall be immediately returned to the waters from which taken. Peeler crabs shall be separated where taken from the entire catch and placed in a separate container, container before reaching shore or dock. Those peeler crabs not separated before reaching shore or dock shall be deemed hard crabs and are not exempt from the size restrictions specified in Paragraph (a) of this Rule.

*History Note:* Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;

*Eff. January 1, 1991;*

*Amended Eff. April 1, 1997; July 1, 1993;*

*Temporary Amendment Eff. July 1, 1999.*

##### **.0206 PEELER CRABS**

(a) It is unlawful to bait peeler pots, except with male blue crabs. Male blue crabs to be used as peeler bait and less than the legal size must be kept in a separate container, and may not be landed or sold.

(b) It is unlawful to possess male white line peelers from June 1 through September 1.

*History Note:* Authority G.S. 113-134; 113-182; 143B-289.52;

*Temporary Adoption Eff. July 1, 1999.*

### SUBCHAPTER 3M - FINFISH

#### SECTION .0200 - STRIPED BASS

##### **.0202 SEASON, SIZE AND HARVEST LIMIT: INTERNAL COASTAL WATERS**

(a) The Fisheries Director may, by proclamation, impose any or all the following restrictions on the taking of striped bass in internal coastal waters:

- (1) Specify season or seasons:
  - (A) for hook-and-line fishing, for recreational purposes;
  - (B) for commercial fishing operations equipment between from October 1 through and April 30.
- (2) Specify areas,
- (3) Specify quantity,
- (4) Specify means/methods,
- (5) Specify size, but the minimum size specified shall not be less than 18 inches total length, and
- (6) Require submission of statistical and biological data.

Fish that do not meet the minimum size limit specified by proclamation shall immediately be returned to the waters from which taken regardless of condition.

(b) The Fisheries Director may, by proclamation, impose any or all the following restrictions on the taking of striped bass by hook-and-line or for recreational purposes in internal coastal waters in order to comply with the management requirements incorporated in the North Carolina Estuarine Striped Bass Plan:

- (1) Specify quantity, but shall not exceed possession of more than three fish in any one day, and
- (2) Specify size, but the minimum size specified shall not be less than 18 inches total length.

*History Note:* Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;

*Eff. January 1, 1991;*

*Amended Eff. March 1, 1996; November 1, 1991;*

*Temporary Amendment Eff. September 1, 1996;*

*Amended Eff. April 1, 1997;*

*Temporary Amendment Eff. July 1, 1999.*

#### SECTION .0300 - SPANISH AND KING MACKEREL

##### **.0301 SPANISH AND KING MACKEREL**

(a) The Fisheries Director may, by proclamation, impose any or all of the following restrictions on the taking of Spanish or king mackerel:

- (1) Specify areas.
- (2) Specify seasons.
- (3) Specify commercial quantity.
- (4) Specify means/methods.
- (5) Specify size for fish taken by commercial fishing



operations.

(b) King mackerel and Spanish mackerel taken for recreational purposes or by hook and line:

- (1) It is unlawful to possess king mackerel less than 20 inches fork length.
- (2) It is unlawful to possess more than three king mackerel per person per day.
- (3) It is unlawful to possess Spanish mackerel less than 12 inches fork length.
- (4) It is unlawful to possess more than 10 Spanish mackerel per person per day.

(c) King mackerel and Spanish mackerel taken by commercial fishing operations, exclusive of hook and line:

- (1) It is unlawful to possess king mackerel less than 20 inches fork length.
- (2) It is unlawful to possess Spanish mackerel less than 12 inches fork length.

(a) King mackerel:

- (1) It is unlawful to possess king mackerel less than 20 inches fork length.
- (2) It is unlawful to possess more than three king mackerel per person per day taken by hook-and-line.

(b) Spanish mackerel:

- (1) It is unlawful to possess Spanish mackerel less than 12 inches fork length.
- (2) It is unlawful to possess more than 10 Spanish mackerel per person per day taken by hook-and-line.

(c)(d) Persons in possession of a valid National Marine Fisheries Service Coastal Migratory Pelagic (Mackerel) Permit to fish on the commercial mackerel quotas are exempt from the mackerel creel limits restrictions established in Paragraph Paragraphs (a) and (b) of this Rule.

(d)(e) Charter vessels with Persons in possession of a valid National Marine Fisheries Service Federal Coastal Migratory Pelagic (Mackerel) Permit must comply with the mackerel creel limits restrictions established in Paragraph Paragraphs (a) and (b) of this Rule when fishing with more than three persons (including the captain and mate) on board.

(e) It is unlawful to possess aboard or land from a vessel, or combination of vessels that form a single operation, more than 3,500 pounds of Spanish or king mackerel, in the aggregate, in any one day. The Fisheries Director may, by proclamation, impose any or all of the following restrictions on the taking of Spanish or king mackerel:

- (1) Specify areas:
- (2) Specify seasons:
- (3) Specify commercial quantity:
- (4) Specify means/methods:
- (5) Specify size for fish taken by commercial fishing equipment.

(f) It is unlawful to possess aboard or land from a vessel, or combination of vessels that form a single operation, more than 3,500 pounds of Spanish or king mackerel, in the aggregate, in any one day.

*History Note: Authority G.S. 113-134; 113-182; 113-221;*

*143B-289.52;*

*Eff. January 1, 1991;*

*Amended Eff. March 1, 1996;*

*Temporary Amendment Eff. July 1, 1999.*

## **SECTION .0500 - OTHER FINFISH**

### **.0501 RED DRUM**

(a) The Fisheries Director, may by proclamation, impose any or all of the following restrictions on the taking of red drum:

- (1) Specify areas.
- (2) Specify seasons.
- (3) Specify quantity for fish taken by commercial gear.
- (4) Specify means/methods.
- (5) Specify size for fish taken by commercial gear.

(b) It is unlawful to possess red drum greater than 27 inches total length.

(c) (b) It is unlawful to remove red drum from any type of net with the aid of any boat hook, gaff, spear, gig, or similar device.

(d) (c) It is unlawful to possess red drum less than 18 inches total length; length or greater than 27 inches total length.

(e) (d) It is unlawful to possess more than one red drum per person per day taken by hook-and-line or for recreational purposes, of which no more than one may be larger than 27 inches total length.

(f) (e) It is unlawful to possess more than 100 pounds of red drum per vessel per day taken in a commercial fishing operation, by commercial fishing equipment.

(g) (f) The annual commercial quota (January through December) for red drum is 250,000 pounds. If the quota is projected to be taken, the Fisheries Director shall, by proclamation, prohibit possession of red drum taken in a by commercial fishing operation, equipment.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;*

*Eff. January 1, 1991;*

*Amended Eff. March 1, 1996; October 1, 1992; September 1, 1991;*

*Temporary Amendment Eff. July 1, 1999; October 22, 1998.*

### **.0503 FLOUNDER**

(a) It is unlawful to possess flounder:

- (1) Less than 13 inches total length taken from internal waters:
- (2) Less than 14 inches total length taken from the Atlantic Ocean in a with commercial fishing operation; equipment or by hook-and-line or gig if claiming the exemption specified in Paragraph (f) of this Rule;
- (3) Less than 15 inches total length taken from the Atlantic Ocean for recreational purposes, by hook-and-line or gig.

(b) From October 1 through April 30, it shall be unlawful to use a trawl in the Atlantic Ocean within three miles of the ocean beach from the North Carolina/Virginia state line (35°E 33°N)



to Cape Lookout (34E 36N N) unless each trawl has a mesh length of 5 2 inches or larger diamond mesh (stretched) or 6 inches or larger square mesh (stretched) applied throughout the body, extension(s) and the cod end (tailbag) of the net except as provided in Paragraphs (h) and (i) of this Rule.

(c) License to Land Flounder from the Atlantic Ocean:

- (1) It is unlawful to land more than 100 pounds per trip of flounder taken from the Atlantic Ocean unless the owner of the vessel or in the case of Land or Sell Licenses, the responsible party, vessel has been issued a License to Land Flounder from the Atlantic Ocean and the vessel in use is the vessel specified on the License to Land Flounder from the Atlantic Ocean.
- (2) It is unlawful for a fish dealer to purchase or offload more than 100 pounds of flounder taken from the Atlantic Ocean by a vessel whose owner, or in the case of Land or Sell Licenses, the responsible party, that has not first procured a valid North Carolina License to Land Flounder from the Atlantic Ocean and the vessel in use is the vessel specified on the License to Land Flounder from the Atlantic Ocean.
- (3) It is unlawful for any person to land flounder from the Atlantic Ocean under a License to Land Flounder from the Atlantic Ocean unless that person is the holder of the license or the master designated on the license.
- (3) To qualify for a North Carolina License to Land Flounder from the Atlantic Ocean, a vessel shall have:
  - (A) been G. S. 113-152 or 113-153 during any two of the 1992-93, 1993-94, or 1994-95 license years, and
  - (B) landed in North Carolina at least 1,000 pounds of flounder each year from the Atlantic Ocean during any two of the 1992-93, 1993-94, or 1994-95 license years for which the vessel was licensed to land in North Carolina.
- (4) At least 10 days prior to issuance, applicants for the license shall complete an application form provided by the Division of Marine Fisheries and submit it to the North Carolina Division of Marine Fisheries, Post Office Box 769, 3441 Arendell Street, Morehead City, North Carolina 28557. The following information is required:
  - (A) Valid documentation papers or current motor boat registration or copy thereof;
  - (B) Proof of required licenses and flounder landings data for that vessel during the years the vessel was licensed.

Licenses shall be issued to qualifying vessels at no fee and only from the Morehead City Office of the Division of Marine Fisheries.
- (5) Licenses may only be transferred:
  - (A) with the transfer of the ownership of a vessel holding a License to Land Flounder from the Atlantic Ocean to the new owner of that vessel;

or

- (B) by the owner of a vessel to another vessel under the same ownership. The vessel owner is only eligible for the same number of Licenses to Land Flounder from the Atlantic Ocean for which his boats qualify;

- (6) Any transfer of license under this Paragraph must be facilitated through the Division of Marine Fisheries Morehead City Office only;

- (4) (7) It is unlawful for any individual to land flounder from the Atlantic Ocean without having ready at hand for inspection a valid License to Land Flounder from the Atlantic Ocean, except as specified in Subparagraph (c)(1) of this Rule.

- (8) Suspension or Revocation:

- (A) A License to Land Flounder from the Atlantic Ocean issued under this Rule shall be subject to suspension or revocation pursuant to the provisions of 15A NCAC 3P, except that this license shall be subject to revocation pursuant to the provisions of G.S. 113-166 when the licensee is convicted of a criminal offense within the jurisdiction of the Department under the provisions of Subchapter IV of G.S. 113, or of the rules of the Marine Fisheries Commission adopted under the authority of that Subchapter.

- (B) The Division may commence proceedings under 15A NCAC 3P, for suspension or revocation of a License to Land Flounder from the Atlantic Ocean if it finds:

- (i) the license was obtained by providing any false information or willfully omitting required information when the information is material to the securing of the license; or
- (ii) the license was falsified, fraudulently altered, or counterfeited; or
- (iii) the licensee practices any fraud or deception designed to evade the provisions of this Rule or reasonable administrative directives made under the authority of this Rule or G.S. 113-182(b)(3).

- (d) It is unlawful to transfer flounder taken from the Atlantic Ocean from one vessel to another.

- (e) It is unlawful to possess more than eight flounder per person per day taken for recreational purposes by hook-and-line or gig from the Atlantic Ocean.

- (f) Persons fishing from a vessel with a valid vessel endorsement to sell or persons fishing but not from a vessel who hold a valid nonvessel endorsement to sell are exempt from the possession limit in Paragraphs (a)(3) and (e) of this Rule.

- (1)(g) Tailbag liners of any mesh size, the multiple use of two or more cod ends, or other netting material that in any way could restrict the legal size mesh required by this Rule; shall not be used or possessed on the deck of a vessel in the Atlantic Ocean

from October 1 through April 30 from the North Carolina/Virginia state line (36° 33' N) to Cape Lookout (34° 36' N).

(g)(fr) Trawls with a cod end mesh size smaller than described in Paragraph (b) of this Rule may be used or possessed on the deck of a vessel provided not more than 100 pounds of flounder per trip from May 1 through October 31 or more than 200 pounds from November 1 through April 30 is possessed aboard or landed from that vessel.

(h)(ti) Flynets are exempt from the flounder trawl mesh requirements if they meet the following definition:

- (1) The net has large mesh in the wings that measure 8 inches to 64 inches;
- (2) The first body section (belly) of the net has 35 or more meshes that are at least 8 inches; and
- (3) The mesh decreases in size throughout the body of the net to as small as 2 inches or smaller towards the terminus of the net.

(i)(j) Commercial Season.

- (1) The North Carolina season for landing ocean-caught flounder shall open January 1 each year. If 70 percent of the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder is projected to be taken, the Fisheries Director shall, by proclamation, close North Carolina ports to landing of flounder taken from the ocean.
- (2) The season for landing flounder taken in the Atlantic Ocean shall reopen November 1 if any of the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder remains. If after reopening, 100 percent of the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder is projected to be taken prior to the end of the calendar year, the Fisheries Director shall, by proclamation, close North Carolina ports to landing of flounder taken from the ocean.
- (3) During any closed season prior to November 1, vessels may land up to 100 pounds of flounder per trip taken from the Atlantic Ocean.

(j)(k) The Fisheries Director may, by proclamation, establish trip limits for the taking of flounder from the Atlantic Ocean to assure that the individual state quota allocated to North Carolina in the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder is not exceeded.

*History Note: Filed as a Temporary Amendment Eff. November 1, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner:*

*Authority G.S. 113-134; 113-169.5; 113-182; 113-221; 143B-289.52;*

*Eff. January 1, 1991;*

*Amended Eff. March 1, 1996; February 1, 1992;*

*Temporary Amendment Eff. December 23, 1996;*

*Amended Eff. April 1, 1997;*

*Temporary Amendment Eff. June 1, 1998; August 18, 1997;*

*Amended Eff. April 1, 1999;*

*Temporary Amendment Eff. July 1, 1999.*

#### **.0504 TROUT**

(a) Spotted seatrout (speckled trout).

- (1) It is unlawful to possess spotted seatrout less than 12 inches total length.
- (2) It is unlawful to possess more than 10 spotted seatrout per person per day taken by hook-and-line; hook-and-line or for recreational purposes.

(b) Weakfish (gray trout).

- (1) The Fisheries Director may, by proclamation, impose any or all of the following restrictions on the taking of weakfish by commercial gear: fishing operations.
  - (A) Specify areas.
  - (B) Specify seasons.
  - (C) Specify quantity.
  - (D) Specify means/methods.
  - (E) Specify size, but the minimum size shall not be greater than 12 inches total length.
- (2) The Fisheries Director may, by proclamation, in order to comply with or utilize conservation equivalency to comply with the Atlantic States Marine Fisheries Commission Weakfish Management Plan, impose any or all of the following restrictions on the taking of weakfish by hook-and-line; hook-and-line or for recreational purposes:
  - (A) Specify quantity.
  - (B) Specify size.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;*

*Eff. January 1, 1991;*

*Amended Eff. March 1, 1996; March 1, 1995; February 1, 1992;*

*Temporary Amendment Eff. September 9, 1996;*

*Temporary Amendment Eff. October 1, 1996;*

*Amended Eff. April 1, 1997;*

*Temporary Amendment Eff. July 1, 1999.*

#### **.0507 BILLFISH**

(a) Blue marlin: Marlin; Taken for recreational purposes or by hook and line;

- (1) It is unlawful to possess blue marlin less than 96 99 inches in length from the lower jaw to the fork in the tail.
- (2) It is unlawful to possess white marlin less than 66 inches in length from the lower jaw to the fork in the tail.
- (3) It is unlawful to possess more than one blue or white



marlin in the aggregate per vessel per trip.

(4) It is unlawful to sell or offer for sale blue or white marlin.

(2) It is unlawful to possess more than one blue marlin per person per day:

(b) White marlin:

(1) It is unlawful to possess white marlin less than 66 inches in length from the lower jaw to the fork in the tail:

(2) It is unlawful to possess more than one white marlin per person per day:

(c) Sailfish:

(b) Sailfish: Taken for recreational purposes or by hook and line:

(1) It is unlawful to possess sailfish less than 63 57 inches in length from the lower jaw to the fork in the tail.

(2) It is unlawful to possess more than one sailfish per person per day.

(3) It is unlawful to sell or offer for sale sailfish.

(d) Cobia:

(1) It is unlawful to possess cobia less than 33 inches fork length taken by hook-and-line:

(2) It is unlawful to possess more than two cobia per person per day taken by hook-and-line:

(e) Dolphin:

(1) It is unlawful to possess more than 10 dolphin per person per day:

(2) Exemptions:

(A) Charter vessels with a valid National Marine Fisheries Service Charter Vessel Coastal Migratory Pelagic Permit and licensed by the U.S. Coast Guard to carry six or less passengers for hire, may possess a maximum of 60 dolphin per day regardless of the number of people on board.

(B) Vessels with a valid commercial National Marine Fisheries Service Federal Coastal Migratory Pelagic Permit including charterboats when fishing with three or less persons (including captain and mate) on board are exempt from the creel limits set out in Subparagraph (e)(1) of this Rule.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*

*Eff. January 1, 1991;*

*Amended Eff. March 1, 1996; March 1, 1994; February 1, 1992; September 1, 1991;*

*Temporary Amendment Eff. June 7, 1998; September 1, 1996;*

*Amended Eff. July 1, 1998;*

*Temporary Amendment Eff. July 1, 1999.*

#### **.0511 BLUEFISH**

(a) In order to comply with or utilize conservation equivalency to comply with the management requirements incorporated in the Fishery Management Plan for Bluefish

developed cooperatively by the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission, the Fisheries Director may, by proclamation, take any or all of the following actions for bluefish: in the bluefish commercial fishery:

(1) Taken by a commercial fishing operation:

(1)(a) Specify size;

(2)(b) Specify seasons;

(3)(c) Specify areas;

(4)(d) Specify quantity;

(5)(e) Specify means/methods; and

(6)(f) Require submission of statistical and biological data.

(2) Taken for recreational purposes:

(b) In order to comply with or utilize conservation equivalency to comply with the management requirements incorporated in the Fishery Management Plan for Bluefish developed cooperatively by the Mid-Atlantic Fisheries Management Council and the Atlantic States Marine Fisheries Commission, the Fisheries Director may, by proclamation, take any or all of the following actions in the bluefish hook-and-line fishery:

(1)(a) Specify size;

(2)(b) Specify quantity.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;*

*Eff. March 1, 1994;*

*Amended Eff. March 1, 1996;*

*Temporary Amendment Eff. September 9, 1996;*

*Amended Eff. April 1, 1997;*

*Temporary Amendment Eff. July 1, 1999.*

#### **.0513 RIVER HERRING AND SHAD**

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

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

(1) Specify size;

(2) Specify season;

(3) Specify area;

(4) Specify quantity;

(5) Specify means/methods; and

(6) Require submission of statistical and biological data.

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



*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;*

*Eff. March 1, 1995;*

*Amended Eff. August 1, 1998;*

*Temporary Amendment Eff. July 1, 1999.*

**.0515 DOLPHIN**

It is unlawful to possess more than 10 dolphin per person per day taken by hook and line for recreational purposes except:

- (1) Charter vessels with a valid National Marine Fisheries Service Charter Vessel Coastal Migratory Pelagic Permit and licensed by the U.S. Coast Guard to carry six or less passengers for hire, may possess a maximum of 60 dolphin per day regardless of the number of people on board.
- (2) Vessels with a valid commercial National Marine Fisheries Service Federal Coastal Migratory Pelagic Permit including charterboats when fishing with three or less persons (including captain and mate) on board.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*

*Temporary Adoption Eff. July 1, 1999.*

**.0516 COBIA**

(a) It is unlawful to possess cobia less than 33 inches fork length.

(b) It is unlawful to possess more than two cobia per person per day.

*History Note: Authority G. S. 113-134; 113-182; 143B-289.52;*

*Temporary Adoption Eff. July 1, 1999.*

**SUBCHAPTER 30 - LICENSES, LEASES, AND FRANCHISES**

**SECTION .0100 - LICENSES**

**.0101 PROCEDURE AND REQUIREMENTS TO OBTAIN LICENSES, ENDORSEMENTS AND COMMERCIAL FISHING VESSEL REGISTRATIONS**

(a) To obtain any Marine Fisheries licenses, endorsements, commercial fishing vessel registrations except Recreational Fishing Tournament Licenses to Sell Fish and Land or Sell Licenses, the following information is required for a proper application by the licensee, a responsible party or person holding a power of attorney:

- (1) Full name, physical address, mailing address, date of birth, and signature of the licensee on the application. If the licensee is not appearing before a license agent or a representative of the Division, the licensee's signature on the application must be notarized;
- (2) Picture identification of licensee or responsible party; acceptable forms of picture identification are driver's

license, state identification card, military identification card, resident alien card (green card) or passport or if purchased by mail, a copy thereof;

- (3) Certification that the applicant does not have four or more marine or estuarine resource violations during the previous three years;
- (4) Valid documentation papers or current motor boat registration or copy thereof when purchasing a commercial fishing vessel registration. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted;
- (5) Current articles of incorporation and a current list of corporate officers when purchasing a license or commercial fishing vessel registration in a corporate name;
- (6) If a partnership is established by a written partnership agreement, a current copy of such agreement shall be provided when purchasing a license, endorsement or commercial fishing vessel registration in a partnership name;
- (7) For nonresidents, certification of the state of residency;
- (8) In addition to the information required in G.S. 113-169.4, linear length of pier when purchasing an Ocean Fishing Pier License;
- (9) In addition to the information required in G.S. 113-171.1, current aircraft registration and list of operator(s) when purchasing a Spotter Plane License;
- (10) In addition, for fish dealers licenses, the physical address of the established location where business is conducted and, if different, the address where records are kept.

(b) To obtain a License to Land Flounder from the Atlantic Ocean:

- (1) To qualify for a License to Land Flounder from the Atlantic Ocean, the applicant shall:
  - (A) have landed in North Carolina at least 1,000 pounds of flounder from a single vessel each year from the Atlantic Ocean during any two of the 1992-93, 1993-94, 1994-95 license years for which the person had a vessel that was licensed to land in North Carolina; and
  - (B) have been licensed under G.S. 113-152 or 113-153 during any two of the 1992-93, 1993-94, or 1994-95 license years; and
  - (C) hold a valid Standard or Retired Commercial Fishing License or valid Land or Sell License.
- (2) It is lawful for a person to hold Licenses to Land Flounder from the Atlantic Ocean equal to the number of vessels that he owns that individually met the eligibility requirements of Subparagraphs (b) (1) (A) and (b) (1) (B) of this Rule.
- (3) The License to Land Flounder from the Atlantic Ocean is only valid when used on the vessel specified at the time of license issuance.

- (4) At the time of issuance, the applicant for the License to Land Flounder from the Atlantic Ocean shall specify the name of the master of the vessel for each License to Land Flounder from the Atlantic Ocean issued.
- (5) Applicants for a License to Land Flounder from the Atlantic Ocean shall complete an application form provided by the Division of Marine Fisheries and submit it to the Morehead City Office of the Division of Marine Fisheries for processing.
- (6) It is unlawful for the holder of the License to Land Flounder from the Atlantic Ocean to fail to notify the Morehead Office of the Division of Marine Fisheries within five days of change as to the master identified on the license.
- (7) Licenses to Land Flounder from the Atlantic Ocean are issued for the current license year and expire on June 30.

(c) To obtain a Recreational Fishing Tournament License to Sell Fish, the following information is required for a proper application:

- (1) Full name, physical address, mailing address, date of birth, signature of the tournament organizer, name of tournament, and dates of tournament on the license application. If the licensee is not appearing before a representative of the Division, the licensee's signature must be notarized on the application.
- (2) Picture identification of tournament organizer; acceptable forms of picture identification are driver's license, state identification card, military identification card, or passport, or if purchased by mail, a copy thereof.
- (3) The tournament organizer must apply with the Division of Marine Fisheries at least 30 days prior to the starting date of the tournament.

(d) To obtain a Land or Sell License, the following information is required for a proper application:

- (1) Full name, physical address, mailing address, date of birth, and signature of the responsible party or master for the vessel on the license application. If the licensee is not appearing before a representative of the Division, the licensee's signature on the application must be notarized on the application;
- (2) Pictured identification of responsible party or master; acceptable forms of picture identification are driver's license, state identification card, military identification card, or passport or if applying by mail, a copy thereof;
- (3) Valid documentation papers or current motor boat registration or copy thereof when purchasing a commercial fishing vessel registration. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted.

Fees will be based on the vessel's homeport as it appears on the U.S. Coast Guard documentation papers or the State in which the vessel is registered.

(e) Proof of residency in North Carolina for:

- (1) Standard Commercial Fishing License or Retired Standard Commercial Fishing License shall be:
  - (A) a notarized certification from the applicant that the applicant is a resident of the State of North Carolina as defined by G.S. 113-130(4) and;
  - (B) a notarized certification from the applicant that a North Carolina State Income Tax Return was filed for the previous calendar or tax year as a North Carolina resident; or
  - (C) a notarized certification that the applicant was not required to file a North Carolina State Income Tax Return for the previous calendar or tax year; or
  - (D) military identification, military dependent identification and permanent change of station orders or assignment orders substantiating individual's active duty assignment at a military facility in North Carolina.
- (2) All other types of licenses:
  - (A) North Carolina voter registration card; or
  - (B) Valid North Carolina Driver's License; or
  - (C) Valid North Carolina Certificate of Domicile; or
  - (D) Valid North Carolina Identification Card issued by the North Carolina Division of Motor Vehicles; or
  - (E) Military identification, military dependent identification and permanent change of station orders or assignment orders substantiating individual's active duty assignment at a military facility in North Carolina.

(f) Applications submitted without complete and required information will be deemed incomplete and will not be considered further until resubmitted with all required information.

(g) License holders are required to notify the Division of Marine Fisheries within 30 days of a change of address.

(h) Licenses are available at Offices of the Division or by mail from the Morehead City Office, unless otherwise specified. In addition, Recreational Commercial Gear Licenses are available at Wildlife Service Agents who have been designated as agents of the Department.

(a) The total number of license agents in the counties which contain or border on coastal fishing waters shall not exceed 43. The license agents authorized for each county as of October 1, 1983, shall be allowed to renew their agency authorization subject to the terms of this Rule. The desired number of license agents for coastal fishing waters counties is three agents for Carteret, Dare, New Hanover and Onslow counties; two agents for Beaufort, Brunswick and Craven counties; and one agent for the remaining counties:

(b) In the selection of license agents, the Secretary shall consider the following requirements:

- (1) Willingness to attend annual training seminars conducted at the Division field offices;
- (2) Demonstrated ability, either through past performance



or through present capabilities, to maintain an accurate accounting of licenses and funds received from the sale of licenses; and

- (3) That no two license agents be located within a 10-mile radius.

(c) License agents appointed after October 1, 1983, shall receive a temporary appointment for a six month period. The Secretary shall review the appointment and determine whether the appointment should continue on the same terms applicable to other license agents.

(d) It is unlawful for a Division-appointed license agent or any other person who is acting in such agent's behalf to:

- (1) withhold or misappropriate funds from the sale of licenses;
- (2) falsify records of licenses sold;
- (3) willfully and knowingly assist or allow a person to obtain a license for which he is ineligible;
- (4) willfully issue a backdated license;
- (5) willfully on records or licenses to include false information or omit material information as to:
  - (A) a person's entitlement to a particular license; or
  - (B) the applicability or term of a particular license;
- (6) refuse to return all consigned licenses, or to remit the net value of consigned licenses sold or unaccounted for upon demand from an authorized employee of the Division.

(e) The Secretary may temporarily suspend, revoke, or refuse to renew a person's appointment as a license agent if he or his employees fail in a timely manner to submit required reports; remit monies due the Division; or otherwise comply with qualifications and standards set by the Division of Marine Fisheries. Any appeal of the Secretary's decision to temporarily suspend, revoke or refuse to renew an appointment of a license agent shall be conducted pursuant to the process set out in 15A NCAC 3P-0002.

*History Note:* Authority G.S. 113-134; 113-168; 113-168.1; 113-168.2; 113-168.3; 113-168.4; 113-168.5; 113-168.6; 113-169; 113-169.2; 113-169.3; 113-169.4; 113-169.5; 113-171.1; 143B-289.52;

*Eff. January 1, 1991;*

*Amended Eff. July 1, 1997; March 1, 1994;*

*Temporary Amendment Eff. July 1, 1999.*

## **.0102 RECREATIONAL FISHING TOURNAMENT LICENSE TO SELL FISH**

(a) It is unlawful for anyone other than the holder of the Recreational Fishing Tournament License to Sell Fish to sell fish taken during a recreational fishing tournament.

(b) Fish to be sold under the Recreational Fishing Tournament License to Sell Fish must be sold only to licensed fish dealers.

(c) It is unlawful for a licensed recreational fishing tournament organizer to fail to accurately and legibly complete and file within 30 days after the last day of the tournament a North Carolina Recreational Fishing Tournament Disposition of

Proceeds from the Sale of Fish Form provided by the Division.

(a) To obtain a vessel license, an endorsement to sell fish or a shellfish and crab license, the following information is required:

- (1) Full name, address, date of birth, and signature on license application;
- (2) Pictured identification of purchaser when purchasing a shellfish and crab license;
- (3) Valid documentation papers or current motor boat registration or copy thereof when purchasing a vessel license. A hull identification number is required for new boats which have not been issued a motor boat registration number;
- (4) Overall length of vessel. Any vessel with length involving inches shall be rounded off to the nearest foot. Less than six inches shall be dropped off; six inches or more shall be raised to the next foot.

(b) Buy-boats, run boats, or any other vessels used in conjunction with commercial fishing operations, except vessels without motors used in connection with other licensed vessels and purse boats used in connection with menhaden mother ships; are required to meet the vessel license requirements of G.S. 113-152.

(c) Licenses for fish spotter planes, menhaden fishing and licensing by mail shall be handled only by the Division of Marine Fisheries, P.O. Box 769, Morehead City, N.C. 28557-0769. All other licenses may be purchased at any of several authorized license agents located throughout the coastal counties and in several inland counties.

(d) A vessel endorsement to sell must be purchased for every licensed vessel used to take fish for sale and the endorsement to sell on a specific vessel must be used when fish taken by that vessel are sold.

(e) The non-vessel endorsement to sell fish may only be used to sell fish when a vessel was not used to take such fish except that fish taken by paying passengers on vessels for hire or fish taken in conjunction with a fishing tournament may be sold with the non-vessel endorsement to sell. Fish taken during a sanctioned tournament may only be sold by an authorized tournament agent possessing a non-vessel endorsement to sell. To be eligible for a non-vessel endorsement license, tournaments must register with the Division of Marine Fisheries 30 days prior to the tournament and must designate an authorized tournament selling and reporting agent. Any tournament so registered is a sanctioned tournament within the meaning of this subsection.

(f) Vessel owners from states which have reciprocal land or sell agreements with North Carolina may land fish taken outside North Carolina waters without purchasing a land or sell license as required by G.S. 113-153. A vessel endorsement to sell fish with an endorsement card at the established fee based on vessel length is required to sell fish in North Carolina.

(g) Vessel owners from states which do not have reciprocal land or sell agreements with North Carolina taking fish only outside North Carolina coastal fishing waters may land those fish with a land or sell license. To sell fish in North Carolina, the vessel owner must also possess an endorsement to sell at the



established fee based on the vessel length.

*History Note:* Authority G.S. 113-134; 113-168.4; 143B-289.52;

*Eff. January 1, 1991;*

*Amended Eff. March 1, 1994;*

*Temporary Amendment Eff. July 1, 1999.*

### **.0103 AUXILIARY VESSELS**

(a) Buy boats, run boats, purse boats or any other vessels used in conjunction with commercial fishing operations, except vessels without motors used in connection with other vessels with commercial fishing vessel registrations, are required to have a commercial fishing vessel registration.

(b) A person in command of a vessel that is auxiliary to a vessel with a commercial fishing vessel registration with a person aboard who holds a Standard Commercial Fishing License or a Retired Standard Commercial Fishing License engaged in a commercial fishing operation using a pound net, long-haul, beach seine or purse seine is exempt from the provisions of G.S. 113-168.2 (a1).

(a) The following definitions shall apply for the purpose of determining the various dealer licenses required:

- (1) Shucker-packer (oyster, scallop or clam) means a person who shucks, packs, or otherwise processes oysters, scallops or clams and offers such product for general market distribution.
- (2) Shell stock shipper means a person engaged in any other oyster, scallop or clam dealer activity not defined as a shucker-packer.
- (3) Crab processor means a person who cooks, picks, prepares and offers hard crab meat for general market distribution.
- (4) Unprocessed crab dealer means a person engaged in any other crab dealer activity not defined as a crab processor.
- (5) Shrimp processor means a person who peels, deveins, and/or breads shrimp and offers such processed product for general market distribution.
- (6) Unprocessed shrimp dealer means a person who engages in any other shrimp dealer activity not defined in shrimp processor.
- (7) Finfish processor means a person who processes finfish through the stages of heading, gutting, filleting (or similar stage), canning, deboning, and/or grinding, and offers for general wholesale market distribution.
- (8) Unprocessed finfish dealer means a person who engages in any other finfish dealer activity not defined in finfish processor.

(b) Persons in possession of a shucker-packer (oyster, scallop or clam), crab processor, shrimp processor, or finfish processor license may also operate a dehydrating plant for the species group for which the processor license has been secured. Dehydration of any species for which a processor license has not been issued will require an unprocessed finfish dealer license.

(c) Any person dealing in fish not included in the categories of Paragraph (a) and (b) of this Rule must secure the appropriate

finfish (unprocessed or processor) dealer's license.

*History Note:* Authority G.S. 113-134; 113-168.1; 113-168.2; 113-168.5; 113-168.6; 113-169; 143B-289.52;

*Eff. January 1, 1991;*

*Temporary Amendment Eff. July 1, 1999.*

### **.0104 COMMERCIAL UNLOADING OF FISH**

It is unlawful to unload fish from a vessel in North Carolina engaged in a commercial fishing operation outside state waters without possessing a valid:

- (1) Standard or Retired Commercial Fishing Licenses; or
- (2) a Menhaden License for Nonresidents Without a Standard Commercial Fishing License; or
- (3) a Shellfish License for North Carolina Residents without a Standard Commercial Fishing Licenses; or
- (4) a Land or Sell License.

(a) It is unlawful to transport seafood without having ready at hand for inspection a bill of consignment (bill of lading) provided by the shipping dealer showing thereon the name of the consignee, name of the shipper, the date of the shipment, and the quantity of each product shipped. In the event the fisherman taking the seafood is also a dealer and ships from the point of landing, all records of bills of consignment shall be recorded at the point of landing.

(b) Fishermen who transport their catch to dealers are not required to abide by this Rule.

*History Note:* Authority G.S. 113-168.1; 113-168.2; 113-168.4; 113-169; 113-169.5; 143B-289.52;

*Eff. January 1, 1991;*

*Temporary Amendment Eff. July 1, 1999.*

### **.0105 BAIT DEALERS**

Persons dealing in minnows, live shrimp, or both minnows and live shrimp for bait purposes, who are subject to licensing requirements under G.S. 113-169.3 +13-156 are required to purchase only the license applicable to finfish dealers. A bona fide dealer in shrimp, licensed under the provisions of G.S. 113-169.3 +13-156, may, however, deal in minnows as well as live shrimp for bait purposes, as an incident of his operations under his shrimp dealer's license.

*History Note:* Authority G.S. 113-134; 113-169.3; 143B-289.52;

*Eff. January 1, 1991;*

*Temporary Amendment Eff. July 1, 1999.*

### **.0106 DISPLAY OF LICENSES**

(a) It is unlawful:

- (1) For any person to use a vessel required to be registered under the provisions of G.S. 113-168.6 in a commercial fishing operation without a current commercial fishing vessel registration decal mounted on an exterior surface so as to be plainly visible when viewed from the port side;
- (2) To display any commercial fishing vessel registration

decals not issued for the vessel displaying it.

(b) It is unlawful to fail to display any fish dealer's licenses required by G.S. 113-169.3 and ocean fishing pier license required by G.S. 113-169.4 in prominent public view in each location subject to licensing.

(c) It is unlawful to display any license other than the current licenses for that license year.

It is unlawful to offer for sale fish purchased from a licensed dealer without having ready at hand a receipt or bill of purchase to verify the purchase of said fish.

*History Note: Authority G.S. 113-168.6; 113-169.3; 113-169.4; 143B-289.52;*

*Eff. January 1, 1991;*

*Temporary Amendment Eff. July 1, 1999.*

### **.0107 LOST LICENSE REPLACEMENT**

Lost licenses, endorsements, and commercial fishing vessel registration decals may be replaced upon payment of a fee of ten dollars (\$10.00) or a fee equal to the initial cost of the license, endorsement, or commercial fishing vessel registration, whichever is less.

(a) It is unlawful:

- (1) For any person to use a vessel required to be licensed under the provisions of G.S. 113-152 without a current license decal mounted on an exterior surface or in the rigging so as to be plainly visible when viewed from the port side;
- (2) To display any license decal not issued for the vessel displaying it;
- (3) For the person in charge of a vessel to fail to have ready at hand for inspection the current license receipt for the vessel concerned;

(b) It is unlawful to fail to display any dealer's licenses required by G.S. 113-156 and ocean pier license required by G.S. 113-156.1 in prominent public view in each location subject to licensing.

*History Note: Authority G.S. 113-134; 113-168.1; 113-168.6; 113-169.4; 113-173; 143B-289.52;*

*Eff. January 1, 1991;*

*Temporary Amendment Eff. July 1, 1999.*

### **.0108 LICENSE TRANSFERS**

(a) Licenses to Land Flounder from the Atlantic Ocean may only be transferred:

- (1) with the transfer of the ownership of a vessel that the licensee owns that individually met the eligibility requirements of 15A NCAC 3O .0101(b)(1)(A) and (b)(1)(B) to the new owner of that vessel. Transfer of the License to Land Flounder from the Atlantic Ocean transfers all flounder landings from the Atlantic Ocean associated with that vessel; or
- (2) by the owner of a vessel to another vessel under the same ownership.

Any transfer of license under this Paragraph may only be

processed through the Division of Marine Fisheries Morehead City Office and no transfer is effective until approved and processed by the Division.

(b) Commercial Fishing Vessel Registration Transfer. When transferring ownership of a vessel bearing a current commercial fishing vessel registration, the new owner will follow the requirements in 15A NCAC 3O .0101 and pay a replacement fee of ten dollars (\$10.00) for a replacement commercial fishing vessel registration. The new owner must submit a form provided by the Division with the signatures of the former licensee and the signature of the new licensee notarized.

(c) Standard or Retired Standard Commercial Fishing License transfers:

- (1) A Standard or Retired Standard Commercial Fishing License may only be transferred if both the transferor and the transferee have no current suspensions or revocations of any Marine Fisheries license privileges.
- (2) License eligibility privileges accruing to any individual, such as historic landings or participation in a fishery, shall be assigned by the Division to a specific Standard or Retired Standard Commercial Fishing License held by that individual. At the time of the transfer of a Standard or Retired Standard Commercial Fishing License, the transferor must indicate the extent of the transfer of the transferor's license eligibility privileges in a particular fishery, if any. The transferor may retain residual license eligibility privileges only if the transferor holds an additional Standard or Retired Standard Commercial Fishing License.
- (3) To transfer a Standard or Retired Standard Commercial Fishing License, the following information is required:
  - (A) information on the transferee as set out in 15A NCAC 3O .0101;
  - (B) notarization of the current license holder's and the transferee's signatures on a transfer form provided by the Division; and
  - (C) when the transferee is a non-resident, a written certified statement from the applicant listing any violations involving marine and estuarine resources during the previous three years.
  - (D) when the transferor is retiring from commercial fishing, the transferor must submit evidence showing that such retirement has in fact occurred, for example, evidence of the transfer of all licensee's Standard Commercial Fishing Licenses, sale of all the licensee's registered vessels, or discontinuation of any active involvement in commercial fishing.

Properly completed transfer forms must be returned to Division Offices by mail or in person; and

- (4) The Standard or Retired Standard Commercial Fishing License which is being transferred must be surrendered to the Division at the time of the transfer



application.

(5) Fees:

- (A) Transferee must pay a replacement fee of ten dollars (\$10.00.)
- (B) Transferee must pay the differences in fees as specified in G.S. 113-168.2(e) or G.S. 113-168.3(b) when the transferee who is a non-resident is being transferred a resident Standard or Retired Standard Commercial Fishing License.
- (C) Transferee must pay the differences in fees as specified in G.S. 113-168.2(e) when the license to be transferred is a Retired Standard Commercial Fishing License and the transferee is less than 65 years old.

(6) Transfer of Standard or Retired Standard Commercial Fishing License for Deceased Licensees:

- (A) Only when the deceased licensee's immediate surviving family member(s) is eligible to hold the deceased's Standard Commercial Fishing License or Retired Standard Commercial Fishing License, the Administrator/Executor must give written notification within six months after the Administrator/Executor qualifies under G.S. 28A to the Morehead City Office of the Division of Marine Fisheries of the request to transfer the deceased's license to the estate Administrator/Executor.
- (B) A transfer to the Administrator/Executor will be made according to the provisions of Subparagraphs (c)(2) - (c)(4) of this Rule. The Administrator/Executor must provide a copy of the deceased licensee's death certificate, a copy of the certificate of administration and a list of eligible immediate family members to the Morehead City Office of the Division of Marine Fisheries.
- (C) The Administrator/Executor may only transfer a license in the Administrator/Executor name on behalf of the estate to a eligible surviving family member. The surviving family member transferee may only transfer the license to a third party purchaser of the deceased licensee's fishing vessel. Transfers will be made according to the provisions of Subparagraphs (c)(2) - (c)(4) of this Rule.

(d) Transfer forms submitted without complete and required information will be deemed incomplete and will not be considered further until resubmitted with all required information.

(e) It is unlawful for a person to accept transfer of a Standard or Retired Standard Commercial Fishing License for which they are ineligible.

(a) Lost vessel license including endorsement to sell and decal may be replaced upon payment of a fee of five dollars (\$5.00) and submission of evidence to the Division of Marine Fisheries that a current license has been purchased and is not

suspended or revoked:

(b) Lost Dealer's, Ocean Pier, and Shellfish and Crab and non-vessel endorsement to sell licenses may be replaced upon submission of evidence to the Division of Marine Fisheries that a current license has been purchased and is not suspended or revoked:

*History Note: Authority G.S. 113-134; 113-168.1; 113-168.2; 113-168.3; 113-168.6; 143B-289.52;*

*Eff. January 1, 1991;*

*Amended Eff. March 1, 1994;*

*Temporary Amendment Eff. July 1, 1999.*

**.0109 ASSIGNMENT OF SCFL**

(a) The Division of Marine Fisheries will provide assignment forms upon issuance of the Standard Commercial Fishing License. Assignment must be made on the Division assignment forms. On the assignment form, the Standard Commercial Fishing License holder must designate what, if any, endorsements are included in the assignment. Endorsements may not be assigned independent of the Standard Commercial Fishing License. It is unlawful for the Standard Commercial Fishing License holder to fail to submit the completed assignment form to the Morehead City Division Office in person or by mail. An assignment is in effect from the date specified on the assignment form and when:

- (1) assignment form is properly completed;
- (2) signatures of the current license holder and the assignee are notarized; and
- (3) assignee has in their possession the original actual Standard Commercial Fishing License with endorsements of the current license holder.

(b) Assignments terminate when:

- (1) date specified on the assignment form is reached; or
- (2) licensee or assignee are determined ineligible for a license or assignment; or
- (3) Division receives a notarized statement from the current license holder stating a revised date for an earlier assignment termination; or
- (4) upon the licensee or assignee's death; or
- (5) the Standard Commercial Fishing License expires.

If the properly completed assignment form is not received by the Division within five days from the date it was signed, the assignment is null and void. For an extension of time for assignments, a new assignment form must be completed in accordance with Subparagraphs (a)(1) - (3) of this Rule.

(c) It is unlawful for an individual assigned a Standard Commercial Fishing License to fail to have available ready at hand for inspection all required documents as stated under G.S. 113-168.1. The assignee when involved in a commercial fishing operation must have the original actual Standard Commercial Fishing License and any assigned endorsements and a copy of the assignment form in their possession ready for inspection.

(d) All landings occurring during the time of the assignment will be credited to the Standard Commercial Fishing License holder, not the assignee.

(e) It is unlawful to be assigned more than a single Standard



Commercial Fishing License at any one time. It is unlawful to assign a Standard Commercial Fishing License to more than one individual at any one time. Assignments can only be made by the person issued the Standard Commercial Fishing License and can not be further assigned by assignees.

(f) It is unlawful for a person to accept assignment of a Standard Commercial Fishing License for which they are ineligible. A nonresident is not eligible for assignment of a resident Standard Commercial Fishing License.

(g) Assignments submitted without complete and required information will be deemed not in effect and will not be considered further until resubmitted with all required information.

(h) It is unlawful for any assignee of a Standard Commercial Fishing License not to return the assignment and the Standard Commercial Fishing License with any assigned endorsements to the assignor of that license within five days of notice that the assignment has been terminated or a demand by the assignor to return the license.

It is unlawful for any licensee to refuse to surrender to an agent of the Secretary all license certificates, license receipts, license decals, and other forms and records relating to the license following personal service of notice of suspension or revocation of licenses in accordance with G.S. 113-166(d). It is unlawful for any person in custody or possession of any such certificate, receipt, decal, form, or record required to be surrendered to refuse to surrender same to an agent of the Secretary making such demand.

*History Note: Authority G.S. 113-134; 113-168.1; 113-168.2; 113-168.5; 143B-289.52;*

*Eff. January 1, 1991;*

*Temporary Amendment Eff. July 1, 1999.*

#### **.0110 LICENSE REFUNDS**

All license fees are non-refundable except when licenses are issued by the Division in error.

(a) A currently valid vessel license may be transferred from one vessel to another vessel purchased by the owner upon the surrender of the license receipt and decal from the originally licensed vessel to the Division of Marine Fisheries, Morehead City Office, and purchase of a vessel license for the new vessel at full cost. All other requirements for purchasing a vessel license apply to this transaction.

(b) Upon transfer of ownership of a vessel bearing a current valid vessel license, a vessel license may be transferred from the previous owner to the new owner by completing the ownership transfer section on the gold-colored license receipt. Proof that vessel ownership has been transferred to the new owner is required. Proof may include a notarized bill of sale or a vessel registration transfer or documentation transfer.

*History Note: Authority G.S. 113-134; 113-168.1; 113-173; 143B-289.52; 147-84; 1993 (Regular Session 1994), c. 576, s. 3;*

*Eff. March 1, 1995;*

*Temporary Amendment Eff. July 1, 1999.*

#### **.0111 SURRENDER OF LICENSES**

(a) It is unlawful for any licensee to refuse to surrender to an agent of the Secretary all licenses, license receipts, endorsements, commercial fishing vessel registration decals, and other forms and records relating to the license following personal service of notice of suspension or revocation of licenses in accordance with G.S. 113-171.

(b) It is unlawful for any person in custody or possession of any such receipt, decals, form or record required to be surrendered to refuse to surrender same to an agent of the Secretary making such demand.

*History Note: Authority G.S. 113-134; 113-171; 143B-289.52;*

*Temporary Adoption Eff. July 1, 1999.*

### **SECTION .0200 - LEASES AND FRANCHISES**

#### **.0201 STANDARDS FOR SHELLFISH BOTTOM AND WATER COLUMN LEASES**

(a) All areas of the public bottoms underlying coastal fishing waters shall:

- (1) Meet the following standards in addition to the standards in G.S. 113-202 in order to be deemed suitable for leasing for shellfish purposes:
  - (A) The lease area must not contain a natural shellfish bed which is defined as 10 bushels or more of shellfish per acre.
  - (B) The lease area must not be closer than 100 feet to a developed shoreline. In an area bordered by undeveloped shoreline, no minimum setback is required. When the area to be leased borders the applicant's property or borders the property of riparian owners who have consented in a notarized statement, the Secretary may reduce the distance from shore required by this Rule.
  - (C) Unless the applicant can affirmatively establish a necessity for greater acreage through the management plan that is attached to the application and other evidence submitted to the Secretary, the lease area shall not be less than one-half acre and shall not exceed:
    - (i) 10 acres for oyster culture;
    - (ii) 5 acres for clam culture; or
    - (iii) 5 acres for any other species.

This Subparagraph shall not be applied to reduce any holdings as of July 1, 1983.

- (2) Produce and market 25 bushels of shellfish per acre per year to meet the minimum commercial production requirement or plant 25 bushels of cultch or seed shellfish per acre per year to meet commercial production by planting effort. Planting effort shall be considered in lieu of commercial production for five

consecutive years beginning March 1, 1994, or for the first five consecutive years for any lease granted after March 1, 1994.

- (A) Only shellfish planted, produced or marketed according to the definitions in 15A NCAC 31 .0101 (26), (27) and (28) shall be submitted on production/utilization forms for shellfish leases and franchises.
- (B) If more than one shellfish lease or franchise is used in the production of shellfish, one of the leases or franchises used in the production of the shellfish must be designated as the producing lease or franchise for those shellfish. Each bushel of shellfish may be produced by only one shellfish lease or franchise. Shellfish transplanted between leases or franchises may be credited as planting effort on only one lease or franchise.
- (C) Production and marketing information and planting effort information are compiled and averaged separately to assess compliance with the standards. The lease or franchise must meet either the production requirement or the planting effort requirement within the dates set forth to be judged in compliance with these standards.
- (D) In determining production and marketing averages and planting effort averages for information not reported in bushel measurements, the following conversion factors shall be used:
  - (i) 300 oysters, 400 clams, or 400 scallops equal one bushel;
  - (ii) 40 pounds of scallop shell, 60 pounds of oyster shell, 75 pounds of clam shell and 90 pounds of fossil stone equal one bushel.
- (E) In the event that a portion of an existing lease or franchise is obtained by a new owner, the production history for the portion obtained shall be a percentage of the originating lease or franchise production equal to the percentage of the area of lease or franchise site obtained to the area of the originating lease or franchise.
- (F) All bushel measurements shall be in U.S. Standard Bushels.

(b) Water columns superjacent to leased bottoms shall meet the standards in G.S. 113-202.1 in order to be deemed suitable for leasing for aquaculture purposes.

(c) Water columns superjacent to duly recognized perpetual franchises shall meet the standards in G.S. 113-202.2 in order to be deemed suitable for leasing for aquaculture purposes.

(d) Water column leases must produce and market 100 bushels of shellfish per acre per year to meet the minimum commercial production requirement or plant 100 bushels of cultch or seed shellfish per acre per year as determined by Division biologists to meet commercial production by planting

effort. Planting effort shall be considered in lieu of commercial production for five consecutive years beginning March 1, 1994, or for the first five consecutive years for any lease granted after March 1, 1994. The rules for determining production and marketing averages and planting effort averages shall be the same for water column leases as for bottom leases and franchises set forth in Paragraph (a) of this Rule.

*History Note: Authority G.S. 113-134; 113-201; 113-202; 113-202.1; 113-202.2; 143B-289.4;*

*Eff. January 1, 1991;*

*Amended Eff. May 1, 1997; March 1, 1995; March 1, 1994; September 1 1991;*

*Temporary Amendment Eff. July 1, 1999.*

## **SECTION .0300 - LICENSE APPEAL PROCEDURES**

### **.0301 ELIGIBILITY FOR RECREATIONAL COMMERCIAL GEAR LICENSES**

(a) It is unlawful for any individual to hold more than one Recreational Commercial Gear License.

(b) Recreational Commercial Gear Licenses shall only be issued to individuals.

(a) If the Chairman of the Marine Fisheries Commission and the Director of the Division of Marine Fisheries do not intend to serve as members of the Appeals Panel, they may each name a designee and an alternate designee.

(b) A designee who is unable to attend a meeting of the Appeals Panel shall notify his or her alternate at least 24 hours before the meeting.

(c) The Chair of the Appeals Panel (Chair) shall be the Chairman of the Marine Fisheries Commission or any member of the Appeals Panel designated as Chair by the Chairman of the Marine Fisheries Commission.

(d) The Appeals Panel shall not act upon a petition without a quorum. Two or more members of the Appeals Panel constitute a quorum.

*History Note: Filed as a Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

*Authority G.S. 113-134; 113-170.4; 113-173; 113-221; 143B-289.52;*

*Eff. February 1, 1995;*

*Temporary Amendment Eff. July 1, 1999.*

### **.0302 AUTHORIZED GEAR**

(a) The following are the only commercial fishing gear authorized (including restrictions) for use under a valid Recreational Commercial Gear License:

(1) When used in state waters, with or without a vessel, spears, Hawaiian slings or similar devices which propel pointed implements by mechanical means, including elastic tubing or bands, pressurized gas or similar means;

(2) With or without a vessel, gigs or other pointed implements which are propelled by hand, whether or



- not the implement remains in the hand;
- (3) One seine 30 feet or over in length with a mesh length less than 2½ inches, pulled by hand. Mechanical methods for using the seine are not authorized for recreational purposes;
  - (4) One shrimp trawl with a headrope not exceeding 26 feet in length per vessel. Mechanical methods for retrieving the trawl are not authorized for recreational purposes;
  - (5) With or without a vessel, five eel, fish, shrimp, or crab pots in any combination, except only two pots of the five may be eel pots. Peeler pots are not authorized for recreational purposes;
  - (6) One multiple hook or multiple bait trotline up to 100 feet in length; and
  - (7) Gill Nets:
    - (A) Not more than 100 yards of gill nets with a mesh length equal to or greater than 2½ inches. Attendance is required at all times;
    - (B) Not more than 100 yards of gill nets with a mesh length equal to or greater than 5 ½ inches. Attendance is required when used from one hour after sunrise through one hour before sunset; and
    - (C) Not more than 100 yards of gill net may be used at any one time.

(b) It is unlawful to use more than the quantity of authorized gear specified in Subparagraphs (a)(3) - (a)(7) of this Rule, regardless of the number of individuals aboard a vessel possessing a valid Recreational Commercial Gear License.

(c) It is unlawful for a person to violate the restrictions of or use gear other than that authorized by Paragraph (a) of this Rule.

(d) Unless otherwise provided, this Rule does not exempt Recreational Commercial Gear License holders from the provisions of other applicable rules of the Marine Fisheries Commission or provisions of proclamations issued by the Fisheries Director as authorized by the Marine Fisheries Commission.

The Appeals Panel will hold regular meetings and quarterly meetings:

- (1) The Appeals Panel shall conduct its regular meetings on the first and third Friday of each month unless the Marine Fisheries Commission is scheduled to meet on those dates. Regular meetings may be conducted by telephone conference call or in such other manner as the Chair decides. The Chair may cancel meetings or call additional meetings as required. Persons who wish to attend a telephone conference call meeting must make written request with the Fisheries Director at least five working days prior to the meeting.
- (2) The Appeals Panel may conduct its quarterly meetings in conjunction with the quarterly meetings of the Marine Fisheries Commission.
- (3) Oral presentations of arguments and evidence may be considered by the Appeals Panel in rendering its decision in accordance with the following provisions:

(a) Answers, by persons other than legal counsel, to questions asked by Appeals Panel members during regular meetings and quarterly meetings shall be evidence;

(b) Oral arguments will only be heard at the quarterly Appeals Panel Meetings. Oral arguments shall not exceed 15 minutes per party. The time provided for argument may be shortened if the Chair determines a shorter time is necessary to dispose of all other matters on the Panel's agenda;

(c) Information presented in an oral argument is not evidence and shall not be included in the official record; and

(d) The Division of Marine Fisheries shall make tape recordings of all oral arguments and presentations;

*History Note: Filed as a Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

*Authority G.S. 113-134; 113-173;*

*Eff. February 1, 1995;*

*Temporary Amendment Eff. July 1, 1999.*

### **.0303 RECREATIONAL COMMERCIAL GEAR LICENSE POSSESSION LIMITS**

(a) It is unlawful to possess more than a single recreational possession limit when only one person aboard a vessel possesses a valid Recreational Commercial Gear License and recreational commercial fishing equipment as defined in 15A NCAC 30 .0302(a) is used, regardless of the number of persons on board.

(b) It is unlawful to possess individual recreational possession limits in excess of the number of individuals aboard a vessel holding valid Recreational Commercial Gear Licenses.

(c) It is unlawful for any person who holds both a Recreational Commercial Gear License and a Standard or Retired Commercial Fishing License and who is in possession of identified recreational commercial fishing equipment as defined in 15A NCAC 30 .0302(a), to exceed the single recreational possession limit.

(d) It is unlawful for persons aboard a vessel collectively holding only one Recreational Commercial Gear License and any Standard Commercial Fishing License or Retired Commercial Fishing License and who are in possession of any identified recreational commercial fishing equipment as defined in 15A NCAC 30 .0302(a), to exceed one recreational possession limit.

(a) Under the Statutes authorizing issuance of special licenses in cases of emergencies or hardships, the most important criterion is the demonstration of emergency or hardship. The Appeals Panel must and shall deny petitions which fail to demonstrate emergency or hardship consistent with the provisions of 15A NCAC 30 .0305 and .0306.

(b) The contents of an appeal petition are as follows:

- (1) Petitions that do not contain the following items shall be returned to the petitioner without being processed:
  - (A) A completed Appeals License Application;
  - (B) A statement of the license(s) being requested;
  - (C) Where a vessel license is requested, a copy of



the registration/documentation information which identifies the vessel;

- (D) The petitioner's notarized signature; and
- (E) Where petitioners are not residents of North Carolina, certification from the fisheries agency of their resident state or jurisdiction showing, for the time period beginning July 1, 1991 to the present, all licenses held and any violations or convictions entered against them, or the lack thereof.

(2) In addition, a petition shall include:

- (A) A statement of emergency or hardship consistent with the standards in this Section;
- (B) A list of license suspensions and revocations, and convictions of fisheries offenses in any state or jurisdiction during the past three years;
- (C) The reason(s) for failure to obtain the license(s) before July 1, 1994, and in the case of vessel endorsements to sell, between 1994 and August 15, 1997.
- (D) A list of commercial fishing license(s), from any state or jurisdiction, held by the petitioner since July 1, 1991, with identifying license number and issuing agency; and
- (E) Request for oral argument, if desired.

(3) A petition may be accompanied by:

- (A) Evidence demonstrating the extent to which the petitioner relies on commercial fishing as a livelihood, such as tax records, sales records, trip tickets, and similar information;
- (B) Sworn affidavits by others verifying or supporting the information in the petition;
- (C) Exhibits and any other evidence to be offered in support of the appeal; and
- (D) A statement waiving the opportunity to reply to the Division of Marine Fisheries recommendation.

(c) Requests for oral arguments may only be made in the appeal petition.

(d) Petitions, evidence, and supporting information may only be filed with the Division of Marine Fisheries at its offices in Morehead City or by mailing to Post Office Box 769, Morehead City, North Carolina 28557-0769. The petition shall not be processed until the petitioner provides an original and four copies of the petition and supporting information.

(e) The Division of Marine Fisheries shall submit its recommendation and any other relevant information on each appeal to the Appeals Panel within 10 working days of the receipt of a complete petition. On the same day the recommendation is sent to the Appeals Panel, the Division of Marine Fisheries shall serve a copy of its recommendation on the petitioner by depositing it in first class mail, hand delivery, or facsimile delivery.

(f) Any reply to the Division of Marine Fisheries recommendation must be filed with the Division of Marine Fisheries within 10 days after the recommendation is served. The petition shall not be processed until the petitioner provides

an original and four copies of the reply and supporting information:

*History Note:* Filed as a Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

*Authority* G.S. 113-134; 113-170.4; 113-173; 143B-289.52; Eff. February 1, 1995;

*Temporary Amendment Eff.* June 7, 1998;

*Amended Eff.* April 1, 1999;

*Temporary Amendment Eff.* July 1, 1999.

### **.0304 CONSIDERATION OF APPEAL PETITIONS**

(a) Petitions received by the Division of Marine Fisheries 15 working days before an Appeals Panel meeting shall be determined no later than the next meeting if the petitioner waived the opportunity to reply to the Division of Marine Fisheries recommendation in the petition. All other petitions shall be determined no later than the first Appeals Panel meeting occurring at least 10 days after the reply to the Division of Marine Fisheries recommendation is due to be filed.

(b) When a petitioner requests oral argument, the petition shall be decided at the next quarterly Appeals Panel meeting occurring at least 15 working days after the petition is submitted. When a petitioner requests oral argument and an opportunity to reply to the Division of Marine Fisheries recommendation, the petition shall be decided at the next quarterly Appeals Panel meeting occurring at least 10 days after the reply is due to be filed.

(c) In deciding appeal petitions, the Appeals Panel shall consider only information presented in accordance with this Section and the status report by the Division of Marine Fisheries on the number of licenses issued in each category.

(d) When the vote of the Appeals Panel is tied, the petition shall be decided at the next meeting of the Appeals Panel. Final decision on a petition may only be deferred once under this provision. This meeting will not be adjourned until a decision is made:

*History Note:* Filed as a Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

*Authority* G.S. 113-134; 113-153.1; 1993 (Regular Session 1994), c. 576, s. 3; 143B-289.4;

*Eff.* February 1, 1995;

*Temporary Repeal Eff.* July 1, 1999.

### **.0305 EMERGENCY LICENSES**

A 30-day emergency license may be issued upon a showing that death, illness, or incapacity of a licensee would make it impossible to continue the fishery operation unless an emergency license is issued to the petitioner.

- (1) Upon request by a petitioner, the Chair may suspend or shorten any procedures that would prevent the petition from being considered at the next Appeals Panel meeting occurring not less than three days after the request is made:

- (2) An emergency license may not be renewed.
- (3) An emergency license does not qualify the licensee to be issued a renewal license pursuant to Section 3-(c) of Chapter 576 of the 1993 (Regular Session 1994) Session Laws.

*History Note:* Filed as a Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

*Authority* G.S. 113-134; 113-153.1; 1993 (Regular Session 1994), c. 576, s. 3; 143B-289.52;

*Eff.* February 1, 1995;

Temporary Repeal Eff. July 1, 1999.

### **.0306    HARDSHIP LICENSES**

The following criteria will be applied in approving or denying petitions based on hardship:

- (1) A petition will be denied unless it demonstrates at least one of the following circumstances:
  - (a) For each license applied for, the petitioner has held that license or an equivalent commercial fishing license from North Carolina or from another state or jurisdiction in two out of the three years prior to the moratorium applicable to that license; and petitioner can demonstrate extenuating or extraordinary circumstances which prevented him or her from obtaining the North Carolina commercial fishing license for 1993-1994 or, in the case of the vessel endorsement to sell, for any of the years from 1994 through 1997;
  - (b) It can be demonstrated that petitioner did not obtain a 1993-1994 license because petitioner was on active military duty outside the state and that for two out of the three years previous to going on active military duty, petitioner held the license being applied for;
  - (c) The petitioner has become 16 years of age since June 30, 1994; has a history of commercial fishing with their parent or guardian; and holds a Shellfish or Crab License;
  - (d) A member of the petitioner's immediate family, who holds a current license, has died, is incapacitated, or is retiring from the commercial fishery; the petitioner needs the license to continue in that fishery operation; and the family member will surrender the license upon approval of the petition;
  - (e) The petitioner is applying for a commercial vessel license; does not have and has not applied for a vessel endorsement to sell fish; can demonstrate that the license is necessary to provide nutritional subsistence for petitioner's household which petitioner is otherwise unable to afford; and petitioner agrees to restrict

possession of fish to recreational size and creel limits; or

- (f) The petitioner can demonstrate facts similar in hardship to the preceding situations:
- (2) Hardship and emergency licenses are issued solely to the petitioner based upon individual demonstration of need. A petition may be denied if the Appeals Panel finds that the petitioner is unable to demonstrate a substantial adverse effect on his or her livelihood in the event the license is denied.
- (3) The petition shall be denied if, the petitioner has a history of fishing law violations which would cause petitioner to be ineligible for a license in North Carolina or has a history of substantial noncompliance with federal or state laws, regulations, or rules for the protection of marine and estuarine resources in any state or jurisdiction.
- (4) The holder of a current and valid hardship license on June 30 of the license year has the same eligibility to renew the license as persons not subject to the moratorium.

*History Note:* Filed as a Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

*Authority* G.S. 113-134; 113-153.1; 1993 (Regular Session 1994), c. 576, s. 3; 143B-289.52;

*Eff.* February 1, 1995;

*Temporary Amendment Eff.* June 7, 1998; April 6, 1998;

*Amended Eff.* April 1, 1999;

Temporary Repeal Eff. July 1, 1999.

### **.0307    APPEALS PANEL FINAL DECISION**

- (a) An approval of a petition shall be a final decision that shall be entered the same day it is approved by the Appeals Panel. Licenses approved under these Rules shall be issued upon payment of the required fee, subject to any conditions imposed by the Appeals Panel. Licenses issued under the Rules in this Section shall be specially denoted as emergency or hardship licenses and shall state the revocation provisions of these Rules and any other conditions imposed by the Appeals Panel:
  - (b) If a license is approved under 15A NCAC 30-.0306(1)(d), it shall only be issued upon the surrender of a license by the currently licensed family member.
  - (c) Emergency and hardship licenses shall only be issued by the Division of Marine Fisheries at its Morehead City Office.
  - (d) Denials of licenses shall be served within 10 working days of the decision by the Appeals Panel.
  - (e) The Appeals Panel shall issue a written order setting forth the basis for each approval or denial of a petition. For a hardship license petition, the order shall set forth the grounds for the decision as listed in 15A NCAC 30-.0306(1)(a)-(e). When the basis for the approval is 15A NCAC 30-.0306(1)(e), the order shall state the specific grounds demonstrating hardship.
  - (f) An Appeals Panel denial becomes final either upon



petitioner's filing for judicial review under G.S. 150B-43 et seq. or 30 days after the decision is served, whichever occurs first.

*History Note:* Filed as a Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

*Authority* G.S. 113-134; 113-153.1; 1993 (Regular Session 1994), c. 576, s. 3; 143B-289.52;

*Eff.* February 1, 1995;

Temporary Repeal Eff. July 1, 1999.

### .0308 OFFICIAL RECORD

The official record of an Appeals Panel decision for judicial review shall consist of the following:

- (1) The petition and any other items submitted by the petitioner;
- (2) The Division of Marine Fisheries recommendation, and any supporting information;
- (3) The Division of Marine Fisheries status report on license totals;
- (4) The petitioner's response, if any, to the Division of Marine Fisheries recommendation; and
- (5) The Appeals Panel final decision.

*History Note:* Filed as a Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

*Authority* G.S. 113-134; 113-153.1; 1993 (Regular Session 1994), c. 576, s. 3; 143B-289.52;

*Eff.* February 1, 1995;

Temporary Repeal Eff. July 1, 1999.

### .0309 REASONS FOR REVOCATION

The Appeals Panel shall revoke an emergency or hardship license for either of the following reasons:

- (1) Material information submitted by the petitioner and relied upon by the Appeals Panel is determined to be false; or
- (2) Any attempt is made to transfer such license.

*History Note:* Filed as a Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

*Authority* G.S. 113-134; 113-153.1; 1993 (Regular Session 1994), c. 576, s. 3; 143B-289.52;

*Eff.* February 1, 1995;

Temporary Repeal Eff. July 1, 1999.

### .0310 TEMPORARY EMERGENCY VESSEL CRAB LICENSES

(a) Vessel crab licenses may be transferred by the Fisheries Director, for a period not to exceed 30 days, upon a showing of death, illness, or incapacity.

(b) A temporary emergency vessel crab license does not qualify the licensee to be issued a renewal license pursuant to Section 3(c) of Chapter 576 of the 1993 (Regular Session 1994) Session Laws.

*History Note:* Filed as a Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

*Authority* G.S. 113-134; 113-153.1; 1993 (Regular Session 1994), c. 576, s. 3; 143B-289.52;

*Eff.* February 1, 1995;

Temporary Repeal Eff. July 1, 1999.

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**Rule-making Agency:** Coastal Resources Commission

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

**Effective Date:** July 8, 1999

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

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

**Reason for Proposed Action:** The amendments to the state's energy policies will enhance the state's authority to object to offshore energy proposals that may impact coastal resources or uses for which inadequate information has been submitted regarding impacts.

**Comment Procedures:** Contact Kim Crawford, NC Division of Coastal Management, PO Box 27687, Raleigh, NC 27611-7687.

## CHAPTER 7 - COASTAL MANAGEMENT

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

#### SECTION .0400 - COASTAL ENERGY POLICIES

##### .0401 DECLARATION OF GENERAL POLICY

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

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

*History Note: Authority G.S. 113A-102(b); 113A-107; 113A-124;*

*Eff. March 1, 1979;*

*Amended Eff. November 3, 1997 pursuant to E.O. 121, James B. Hunt Jr., 1997;*

*Temporary Amendment Eff. July 8, 1999; December 22, 1999.*

#### **.0402 DEFINITIONS**

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

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

(A) In all cases where the preferred site is located within an area of environmental concern (AEC) or on a barrier island, the applicant shall identify alternative sites considered and present a full discussion [in terms of Subparagraphs (a)(2) through (9) of this Rule] of the reasons why the chosen location was deemed more suitable than another feasible alternate site.

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

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

required as part of this assessment procedure;

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

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

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

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

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

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

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

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

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

Any impact assessment for a proposal for oil or gas exploration activities shall include a full discussion of the items described in Subparagraphs (a)(1) through (9) of this Rule for associated exploration activity, including all reasonably foreseeable exploration wells and any delineation activities that are reasonably likely to follow a discovery of oil or gas.

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

(1) Any facility capable of refining oil;



- (2) Any terminals (and associated facilities) capable of handling, processing, or storing liquid propane gas, liquid natural gas, or synthetic natural gas;
- (3) Any oil or gas storage facility that is capable of storing 15 million gallons or more on a single site;
- (4) Electric generating facilities 300 MGW or larger;
- (5) Thermal energy generation;
- (6) Major pipelines 12 inches or more in diameter that carry crude petroleum, natural gas, liquid natural gas, liquid propane gas, or synthetic gas;
- (7) Structures, including drillships and floating platforms and structures relocated from other states or countries, located in offshore waters for the purposes of exploration for, or development or production of, oil or natural gas; and
- (8) Onshore support or staging facilities related to exploration for, or development or production of, oil or natural gas.

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

*History Note: Authority G.S. 113A-102(b); 113A-107; 113A-124;*

*Eff. March 1, 1979;*

*Amended Eff. October 1, 1988;*

*Amended Eff. November 3, 1997 pursuant to E.O. 121, James B. Hunt Jr., 1997;*

*Temporary Amendment Eff. July 8, 1999; December 22, 1998.*

#### .0403 POLICY STATEMENTS

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

(b) Proposals, plans and permit applications for major energy facilities to be located in or affecting any land or water use or natural resource of the North Carolina coastal area shall include a full disclosure of all costs and benefits associated with the project. This disclosure shall be prepared at the earliest feasible stage in planning for the project and shall be in the form of an impact assessment prepared by the applicant as defined in 15A NCAC 7M .0402. If appropriate environmental documents are prepared and reviewed under the provisions of the National Environmental Policy Act (NEPA) or the North Carolina Environmental Policy Act (NCEPA), this review will satisfy the definition of "impact assessment" if all issues listed in this Rule are addressed and these documents are submitted in sufficient time to be used to review state permit applications for the project or subsequent consistency determinations.

(c) Local governments shall not unreasonably restrict the

development of necessary energy facilities; however, they may develop siting measures that will minimize impacts to local resources and to identify potential sites suitable for energy facilities.

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

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

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

- (1) Risks of environmental harm to fish spawning areas, in or affecting the coastal area, shall be assessed and minimized: Adverse impacts on resources of the coastal area, including marine and estuarine resources and wildlife resources, as defined in G.S. 113-129, and adverse impacts on land or water uses in the coastal area shall be avoided unless site specific information demonstrates that there will be no adverse impacts on land or water uses or natural resources of the coastal area.
- (2) Risks of environmental harm to coastal resources and uses shall be assessed and minimized. Necessary data and information required by the state for state permits and federal consistency reviews, pursuant to 15 CFR part 930, shall completely assess the risks of oil spills, evaluate possible trajectories, and enumerate response and mitigation measures employing the best available technology to be followed in the event of a spill. The information must demonstrate that the potential for oil spills and ensuing damage to coastal resources has been minimized and shall factor environmental conditions, currents, winds, and inclement events such as northeasters and hurricanes, in trajectory scenarios. For facilities requiring an Oil Spill Contingency Response Plan, this information shall be included in such a plan.
- (3) Dredging, spoil disposal and construction of related structures that are reasonably likely to affect any land or water use or natural resource of the coastal area shall be minimized, and any unavoidable actions of this sort shall minimize damage to the marine environment.
- (4) Damage to or interference with existing or traditional uses, such as fishing, navigation and access to public trust areas, and areas with high biological or

- recreational value, shall be avoided to the extent that such damage or interference is reasonably likely to affect any land or water use or natural resource of the coastal area.
- (5) Placement of structures in geologically unstable areas, such as unstable sediments and active faults, shall be avoided to the extent that damage to such structures resulting from geological phenomena is reasonably likely to affect any land or water use or natural resource of the coastal area.
  - (6) ~~Wildlife destruction or relocation shall be assessed and minimized to the extent that such destruction or relocation is reasonably likely to affect any land or water use or natural resource of the coastal area.~~ Procedures necessary to secure an energy facility in the event of severe weather conditions, such as extreme wind, currents and waves due to northeasters and hurricanes, shall be initiated sufficiently in advance of the commencement of severe weather to ensure that adverse impacts on any land or water use or natural resource of the coastal area shall be avoided.
  - (7) Adverse impacts on species identified as threatened or endangered on Federal or State lists shall be avoided.
  - (8) Major energy facilities are not appropriate uses in fragile or historic areas, and other areas containing environmental or natural resources of more than local significance, such as parks, recreation areas, wildlife refuges, and historic sites.
  - (9) No energy facilities shall be sited in areas where they pose a threat to the integrity of the facility and surrounding areas, such as ocean front areas with high erosion rates, areas having a history of overwash or inlet formation, and areas in the vicinity of existing inlets.
  - (10) In the siting of energy facilities and related structures, the following areas shall be avoided: ~~to the maximum extent practicable:~~
    - (A) areas of high biological significance, including offshore reefs, rock outcrops and hard bottom areas, sea turtle nesting beaches, freshwater and saltwater wetlands, primary or secondary nursery areas; areas and essential fish habitat-habitat areas of particular concern as designated by the appropriate fisheries management agency, submerged aquatic vegetation beds, shellfish beds, anadromous fish spawning and nursery areas, and colonial bird nesting colonies;
    - (B) major tracts of maritime forest and other important natural areas as identified by the North Carolina Natural Heritage Program;
    - (C) crossings of streams, rivers, and lakes except for existing readily-accessible corridors;
    - (D) anchorage areas and congested port areas;
    - (E) artificial reefs, shipwrecks, and submerged archaeological resources;
    - (F) dump sites;
    - (G) areas of large dunes or well-developed frontal dune systems;
    - (H) heavily developed and heavily used recreation areas.
  - (11) ~~Where impacts on these areas cannot be avoided, and the impact affects any land or water use or natural resource of the coastal area, damage shall be mitigated to the maximum extent practicable, and affected areas shall be restored to their original functions pursuant to a plan of reclamation, which must be a part of the consistency determination or permit.~~
  - (11)(12) Construction of energy facilities shall occur only during periods of lowest biological vulnerability. Nesting and spawning periods shall be avoided.
  - (12)(13) If facilities located in the coastal area are abandoned, habitat of equal value to or greater than that existing prior to construction shall be restored as soon as practicable following abandonment. For abandoned facilities outside the coastal area, habitat in the areas shall be restored to its preconstruction state and functions as soon as practicable if the abandonment of the structure is reasonably likely to affect any land or water use or natural resource of the coastal area.

*History Note: Authority G.S. 113A-102(b); 113A-107; 113A-124;*

*Eff. March 1, 1979;*

*Amended Eff. April 1, 1992;*

*Amended Eff. November 3, 1997 pursuant to E.O. 121, James B. Hunt Jr., 1997;*

*Temporary Amendment Eff. July 8, 1999; December 22, 1998.*



*This Section includes the Register Notice citation to Rules approved by the Rules Review Commission (RRC) at its meeting of March 18, 1999 pursuant to G.S. 150B-21.17(a)(1) and reported to the Joint Legislative Administrative Procedure Oversight Committee pursuant to G.S. 150B-21.16. The full text of rules are published below when the rules have been approved by RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register. The rules published in full text are identified by an \* in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

*These rules unless otherwise noted, will become effective on the 31st legislative day of the 2000 Session of the General Assembly or a later date if specified by the agency unless a bill is introduced before the 31st legislative day that specifically disapproves the rule. If a bill to disapprove a rule is not ratified, the rule will become effective either on the day the bill receives an unfavorable final action or the day the General Assembly adjourns. Statutory reference: G.S. 150B-21.3.*

**APPROVED RULE CITATION**

**REGISTER CITATION TO THE  
NOTICE OF TEXT**

4	NCAC 03B	.0101 - .0103*
4	NCAC 03H	.0102*
15A	NCAC 10F	.0201*
19A	NCAC 02E	.0221*
19A	NCAC 02E	.0222
21	NCAC 14G	.0113*
21	NCAC 14L	.0210*
21	NCAC 14L	.0214*
21	NCAC 57A	.0305*

not required, G.S. 150B-21.5(a)(4) & 150B-21.12  
 not required, G.S. 150B-21.5(a)(4) & 150B-21.12  
 not required, G.S. 150B-21.5(a)(3); 150B-21.5(a)(5) & 150B-21.5(b)(1)  
 13:10 NCR 811  
 13:10 NCR 811  
 not required, G.S. 150B-21.5(a)(3)  
 not required, G.S. 150B-21.5(a)(3)  
 not required, G.S. 150B-21.5(a)(3)  
 13:05 NCR 518

**TITLE 4 - DEPARTMENT OF COMMERCE**

**CHAPTER 3 - BANKING COMMISSION**

**SUBCHAPTER 3B - RULE-MAKING AND  
CONTESTED CASES**

**SECTION .0100 - RULE-MAKING**

**.0101 PETITIONS**

(a) Any person wishing to submit a petition requesting the adoption, amendment, or repeal of a rule by the Banking Commission shall address a petition to:

The Commissioner of Banks  
 P.O. Box 10709  
 Raleigh, North Carolina 27605-0709.

(b) The Commissioner of Banks will determine, based on a study of the facts stated in the petition, whether the public interest will be served by granting it. He will consider all the contents of the submitted petition, plus any additional information he deems relevant.

*History Note: Authority G.S. 53-92; 150B-20;  
 Eff. February 1, 1976;  
 Amended Eff. April 1, 1999.*

**.0102 NOTICE**

(a) Any person or agency desiring to be placed on the mailing list for Banking Commission rule-making notices may file a request in writing, furnishing their name and mailing address to:

The Commissioner of Banks  
 P.O. Box 10709  
 Raleigh, North Carolina 27605-0709.

The request must state the subject areas within the authority of the Banking Commission for which notice is requested.

(b) Persons desiring information in addition to that provided in a particular rule-making notice may contact:

The Commissioner of Banks  
 P.O. Box 10709  
 Raleigh, North Carolina 27605-0709.

*History Note: Authority G.S. 53-92; 150B-20;  
 Eff. February 1, 1976;  
 Amended Eff. April 1, 1999; August 1, 1988.*

**.0103 HEARINGS**

(a) Unless otherwise stated in a particular rule-making notice, hearings before the Banking Commission shall be held in Raleigh, North Carolina, at regular scheduled or special called meetings of the Banking Commission.

(b) Any person desiring to present oral data, views, or arguments on the proposed rule must, before the hearing, file a notice with:

The Commissioner of Banks  
P.O. Box 10709  
Raleigh, North Carolina 27605-0709.

Any person permitted to make an oral presentation shall submit a written copy of the presentation to the above-named person prior to or at the hearing.

(c) A request to make an oral presentation must contain a brief summary of the individual's views with respect thereto, and a statement of the length of time the individual wants to speak. Presentations may not exceed 15 minutes unless, upon request, either before or at the hearing, the Commissioner of Banks or the presiding officer should determine that fundamental fairness and procedural due process require an extension of time.

(d) Upon receipt of a request to make an oral presentation the Commissioner of Banks shall acknowledge receipt of the request, and inform the person requesting of the imposition of any limitations deemed necessary to the end of a full and effective public hearing on the proposed rule.

(e) Upon receipt of such written comments prompt acknowledgment shall be made including a statement that the comments therein shall be considered fully by the Banking Commission.

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

*History Note: Authority G.S. 53-92; 150B-21.2  
Eff. February 1, 1976;  
Amended Eff. April 1, 1999; August 1, 1988.*

### **SUBCHAPTER 3H - APPLICATIONS BY REGIONAL BANK HOLDING COMPANIES**

#### **SECTION .0100 - REGIONAL BANK HOLDING COMPANIES**

##### **.0102 REGIONAL BANK HOLDING COMPANY ACQUISITIONS**

(a) Regional bank holding companies may acquire North Carolina banks or bank holding companies upon written approval of the Commissioner of Banks.

(b) Application. An application to acquire a North Carolina bank or bank holding company must be submitted in writing on Form 60 which may be obtained from the Commissioner of Banks. The application, must be filed with:

The Commissioner of Banks  
P.O. Box 10709  
Raleigh, N.C. 27605-0709

(c) Application fees. The application fees required by statute

for acquisition by a regional bank holding company in North Carolina under the North Carolina Regional Reciprocal Banking Act shall be tendered upon application.

(d) Notice of filing/written comments. Within 30 days of acceptance of a completed application for filing, the Commissioner of Banks shall publish a notice of the filing of the application as set forth in G.S. 53-211(d). Within 14 days of the published notice, any interested person may submit written comments and information concerning the application to the Commissioner of Banks. All written comments received during the comment period shall become a part of the official record compiled with respect to the application. The Commissioner of Banks may extend the comment period if, on the basis of information already available, or upon the nature or volume of initial public comment, he determines that the public need or the intent of the statute is best served by an extension of such comment period.

(e) Examination by Commissioner. Upon receipt of a completed application, the Commissioner of Banks shall conduct an examination into all the facts connected with the proposed acquisition in accordance with Articles 17 and 18 of Chapter 53.

(f) Action by Commissioner. No final decision may be made by the Commissioner of Banks until the comment period has expired. The final decision of the Commissioner of Banks on an application shall be in writing and include findings of fact and conclusions of law.

(g) Notification of Commissioner's action. The applicant and all persons who have made written requests for such notice shall be given notice of the Commissioner of Banks' final decision on each application.

*History Note: Authority G.S. 53-211; 53-214(b);  
Eff. May 1, 1992;  
Amended Eff. April 1, 1999.*

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

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

##### **SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY**

#### **SECTION .0200 - SAFETY EQUIPMENT AND ACCIDENT REPORTS**

##### **.0201 SAFETY EQUIPMENT**

(a) Federal Regulations Adopted. As its regulations governing required equipment of vessels as defined in G.S. 75A-2(5), pursuant to G.S. 75A-6, the Wildlife Resources Commission adopts the following federal regulations, to be applicable to vessels operated on all waters of this state as defined by G.S. 75A-2(6): Code of Federal Regulations, Title 46, Part 25, and Title 33, Part 175, as supplemented by the



Federal Register. To the extent that the vessel equipment requirements of G.S. 75A-6 conflict with these federal regulations, they are hereby modified to conform to the federal regulations as authorized by G.S. 75A-6(m).

(b) Vessels of 10 Horsepower or Less. On waters of this State not subject to the jurisdiction of the United States, vessels propelled by machinery of 10 horsepower or less, in lieu of the foregoing requirements, may carry from one-half hour after sunset to one-half hour before sunrise a white light in the stern or have on board a hand flashlight in good working condition which shall be ready at hand and shall be temporarily displayed in sufficient time to prevent collision. On waters of this State that are subject to the jurisdiction of the United States, this exception, though permissible under state law, is not sanctioned by any federal law or regulation.

*History Note: Authority G.S. 75A-3; 75A-6; 113-307; Eff. February 1, 1976; Amended Eff. April 1, 1999; August 1, 1988; May 1, 1976.*

## **TITLE 19A - DEPARTMENT OF TRANSPORTATION**

### **CHAPTER 2 - DIVISION OF HIGHWAYS**

#### **SUBCHAPTER 2E - MISCELLANEOUS OPERATIONS**

#### **SECTION .0200 - OUTDOOR ADVERTISING**

##### **.0221 FEES**

(a) The fees for participation in the Logo program are as follows:

- (1) Mainline and Ramp Construction Payback Fee consists of three options as listed in Parts (A), (B) and (C) in this Subparagraph:
  - (A) Option A is a one-year contract fee of two hundred twenty five dollars (\$225.00) per each mainline and ramp sign. Contracts shall be renewed annually every November 1.
  - (B) Option B is a 10-year contract fee of two thousand two hundred fifty dollars (\$2,250.00) per each mainline and ramp sign. Contracts shall be renewed by decade every November 1.
  - (C) Option C is a lifetime contract fee of the design and complete installation cost for all required mainline, ramp, trailblazer and supplemental service panels. The participating business shall be subject to a credit to be determined by the Department at the time the Department receives any fee from a business which later qualifies and elects to participate in the program on the subject panel. Businesses participating in the program under Paragraph (c) of this Rule shall not have lifetime rights.
- (2) Trailblazer Fee is a one-time charge of two hundred

fifty dollars (\$250.00) per each trailblazer business sign.

- (3) Maintenance Fee is an annual fee of seventy five dollars (\$75.00) per each mainline, per each ramp, and per each trailblazer business sign.
- (4) Prorated Fee is a prorated portion of the construction payback fee. This fee shall be charged for that period of time between placement and acceptance of the business sign by the Department and the following November 1. This construction payback prorated fee shall be charged on the first November 1 of the contract. This applies for both one-year and 10-year contracts, but not for lifetime contracts as stated in Subparagraph (a)(1) Option C of this Rule.
- (5) Service Charge Fee of sixty dollars (\$60.00) per each business sign shall be charged when a business requests replacement of their business sign, or when the Department requires replacement due to damages to the business sign caused by acts of vandalism, accidents, or natural causes including natural deterioration. The business shall provide a new or renovated business sign with the service charge fee per each business sign to the Department. If the Department removes or masks a business sign because of seasonal operation, there shall be no additional charge to the business.
- (6) Supplemental Service Signs shall not be subject to fees except as stated in Subparagraph (a)(1) Option C of this Rule.

(b) Fees may be paid by check, cash or money order and are due in advance of the period of service covered by said fee. Failure to pay a charge when due is ground for removal of the business signs and termination of the contract. All participating businesses shall be allowed to change contract options only at the renewal date.

(c) Any business located more than three miles from a fully controlled access highway participating under Subparagraph (a)(1) Option C of this Rule shall be allowed a reimbursement if dislocated by another qualifying participating business. This reimbursement amount shall be determined by the Department, based on life-cycle costs of the logo signs and in-service time the business logo was displayed.

*History Note: Authority G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f); 23 C.F.R. 750, Subpart A; 23 U.S.C. 131(f); Eff. April 1, 1982; Amended Eff. July 1, 2000; August 1, 1998; April 1, 1994; October 1, 1993; December 1, 1992; September 1, 1990.*

## **TITLE 21 - OCCUPATIONAL LICENSING BOARDS**

### **CHAPTER 14 - BOARD OF COSMETIC**

**ART EXAMINERS**

**SUBCHAPTER 14G - REQUIREMENTS FOR THE  
ESTABLISHMENT OF COSMETIC  
ART SCHOOLS**

**SECTION .0100 - PERMANENT FILES**

**.0113 TEACHER/STUDENT RATIO**

- (a) All cosmetic art schools shall provide one teacher for every 20 students, or a fraction thereof, present.
- (b) This ratio shall be adhered to at all time schools are in operation. Refer to 21 NCAC 14G .0115.
- (c) Each teaching cosmetology faculty member shall not be responsible for more than 20 students in the same time period.

*History Note: Authority G.S. 88B-4;  
Eff. February 1, 1976;  
Amended Eff. April 1, 1999; August 1, 1998; April 1, 1991;  
January 1, 1989; May 1, 1988.*

**SUBCHAPTER 14L - COSMETIC ART  
TEACHERS**

**SECTION .0200 - TEACHER PROGRAM  
AND CURRICULUM**

**.0210 EFFECT ON STUDENT-TEACHER RATIO**

- (a) A student who is either a cosmetology or manicurist teacher trainee need not be counted as a student in computing the allowable student-teacher ratio set by 21 NCAC 14G .0113. However, a cosmetic art school must have at least:
  - (1) One cosmetology teacher for every five cosmetology teacher trainees, or cosmetologist and manicurist teacher trainees combined; or
  - (2) For manicurist teacher trainees only, one cosmetology or manicurist teacher for every five manicurist teacher

trainees.

- (b) A cosmetic art school may not count a teacher trainee as a cosmetic art teacher in computing the allowable student-teacher ratio set by 21 NCAC 14G .0113. Teachers included in the ratio determined under 21 NCAC 14G .0113 may be included in computing the ratio required by this Rule.

*History Note: Authority G.S. 88B-4;  
Eff. February 1, 1976;  
Amended Eff. April 1, 1999; June 1, 1991; August 1, 1989.*

**.0214 FEE**

An applicant for a cosmetic art teacher's license shall pay the fees as set by G.S. 88B-20(a) and (b) and (c) if applicable. The Board shall not issue a license until these fees are paid.

*History Note: Authority G.S. 88B-4; 88B-20;  
Eff. February 1, 1976;  
Amended Eff. April 1, 1999; August 1, 1998; April 1, 1991;  
August 1, 1989; May 1, 1988.*

**CHAPTER 57 - REAL ESTATE APPRAISAL  
BOARD**

**SUBCHAPTER 57A - LICENSING CERTIFICATION  
AND PRACTICE**

**SECTION .0300 - APPRAISER  
EXAMINATIONS**

**.0305 CONFIDENTIALITY OF EXAMINATIONS**

*History Note: Authority G.S. 93E-1-6(c); 93E-1-10;  
Eff. July 1, 1994;  
Repealed Eff. April 1, 1999.*



This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, July 15, 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, July 12, 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, 2<sup>nd</sup> Vice Chairman  
 Mark Garside  
 Steve Rader  
 George Robinson

**RULES REVIEW COMMISSION MEETING DATES**

July 15, 1999	October 21, 1999
August 19, 1999	November 18, 1999
September 16, 1999	December 16, 1999

**LOG OF FILINGS**

**RULES SUBMITTED: MAY 20, 1999 THROUGH JUNE 20, 1999**

AGENCY/DIVISION	RULE NAME	RULE	ACTION
<b>AGRICULTURE, DEPARTMENT OF</b>			
	Standards of Identity for Frozen Yogurt	2 NCAC 9K .0214	Amend
	Admission Regulations	2 NCAC 20B .0104	Amend
	Admission Regulations	2 NCAC 43L .0309	Amend
	Purpose	2 NCAC 54 .0101	Adopt
	Definitions	2 NCAC 54 .0102	Adopt
	Eligibility	2 NCAC 54 .0103	Adopt
	Use of Grants	2 NCAC 54 .0104	Adopt
	Availability and Amount of Grants	2 NCAC 54 .0105	Adopt
<b>DHHS</b>			
	Single Audits of Local Governments	10 NCAC 1B .0418	Amend
	Audits of Hospitals	10 NCAC 1B .0419	Amend
	Purchase of Service vs Financial Assist.	10 NCAC 1B .0420	Amend
<b>DHHS/COMMISSION FOR THE BLIND</b>			
	Civil Action	10 NCAC 19G .0823	Amend
<b>DHHS</b>			
	Benefit Levels	10 NCAC 29C .0103	Amend
<b>DENR/MARINE FISHERIES COMMISSION</b>			
	License/Permit Denial	15 NCAC 3P .0101	Amend
	Contested Case Hearing Procedures	15 NCAC 3P .0102	Amend
<b>DENR/COASTAL RESOURCES COMMISSION</b>			
	Use Standards	15 NCAC 7H .0309	Amend
	Specific Conditions	15 NCAC 7H .1805	Amend
	Purpose	15 NCAC 7H .2101	Amend

Approval Procedures	15 NCAC 7H .2102	Amend
Specific Conditions	15 NCAC 7H .2105	Amend

**EDUCATION, STATE BOARD OF**

Purchasing Flexibility Exemption	16 NCAC 6B .0108	Adopt
Nature of Licensure	16 NCAC 6C .0102	Amend
State Board of Education Action	16 NCAC 6C .0103	Amend
Application for Approval; Criteria	16 NCAC 6C .0202	Amend
State Board Review Stds/Appr. Actions	16 NCAC 6C .0205	Amend
Consortium-Based Prog/Innovative Prog	16 NCAC 6C .0206	Amend
Prospective Teacher Scholarship Loans	16 NCAC 6C .0207	Amend
General Information	16 NCAC 6C .0301	Amend
Credit	16 NCAC 6C .0302	Amend
Program Requirements for Licensure	16 NCAC 6C .0303	Amend
License Patterns	16 NCAC 6C .0304	Amend
Licenses for Non-Teacher Ed Graduates	16 NCAC 6C .0305	Amend
License Endorsement	16 NCAC 6C .0306	Amend
License Renewal	16 NCAC 6C .0307	Amend
Expired Licenses	16 NCAC 6C .0308	Amend
Reciprocity in Licensure	16 NCAC 6C .0309	Amend
Temporary Permit	16 NCAC 6C .0311	Amend
License Suspension and Revocation	16 NCAC 6C .0312	Amend
Criminal History Checks	16 NCAC 6C .0313	Amend
General Provisions	16 NCAC 6C .0501	Amend
Graduation Requirements	16 NCAC 6D .0103	Amend
Disposition of Old Textbooks	16 NCAC 6D .0210	Amend
Testing Requirements and Opportunities	16 NCAC 6D .0301	Amend
Test Administration	16 NCAC 6D .0302	Amend
Accountability Coordinator	16 NCAC 6D .0303	Amend
End-of-Course Tests	16 NCAC 6D .0305	Amend
Interscholastic Athletics	16 NCAC 6E .0202	Amend
Driver Training	16 NCAC 6E .0301	Amend
Accreditation Procedures	16 NCAC 6G .0202	Repeal
Due Process Protections	16 NCAC 6G .0308	Amend
Suspension/Powers/Duties/School Bds	16 NCAC 6G .0309	Amend
General Knowledge Test/Licensed Staff	16 NCAC 6G .0311	Adopt
Charter School Advisory Committee	16 NCAC 6G .0502	Adopt
Definitions	16 NCAC 6H .0101	Amend
Complaint Procedures/Federal Programs	16 NCAC 6H .0103	Amend
Admin. of Special Education Programs	16 NCAC 6H .0105	Amend
Non-Instructional Special Ed Services	16 NCAC 6H .0106	Amend
Special Ed Assessment/Placement Proc	16 NCAC 6H .0107	Amend
Surrogate Parents/Child/Special Needs	16 NCAC 6H .0108	Amend
Confidentiality: Access/Special Ed Record	16 NCAC 6H .0109	Amend
Special Education Due Process Procedures	16 NCAC 6H .0110	Amend

**TRANSPORTATION, DEPARTMENT OF/DIVISION OF MOTOR VEHICLES**

Branch Offices	19 NCAC 3I .0207	Amend
General Provisions	19 NCAC 3I .0301	Amend
Office	19 NCAC 3I .0302	Amend
Courses of Instruction	19 NCAC 3I .0307	Amend
Vehicle Equipment	19 NCAC 3I .0401	Amend
Registration: Insurance: Inspection	19 NCAC 3I .0402	Amend
Requirements	19 NCAC 3I .0501	Amend
Requirements	19 NCAC 3I .0601	Amend
Bonds	19 NCAC 3I .0701	Amend



Probationary Period

19 NCAC 31 .0804

Adopt

**STATE BOARDS/COSMETIC ART EXAMINERS, STATE BOARD OF**

Cleanliness of Clinic Area

21 NCAC 14H .0112

Amend

Systems of Grading Beauty Establishment

21 NCAC 14H .0118

Amend

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**RULES REVIEW COMMISSION****June 17, 1999****MINUTES**

The Rules Review Commission met on June 17, 1999, in the Assembly Room of the Methodist Building, 1307 Glenwood Avenue, Raleigh, North Carolina. Commissioners in attendance were Chairman Paul Powell, Teresa Smallwood, Steven P. Rader, Jim Funderburk, John Arrowood, David R. Twiddy, R. Palmer Sugg, 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:

Robin Pendergraft	Justice
Lisa Thompson	Justice/Criminal Justice Standards
Scott Perry	Justice/Criminal Justice Standards
Frank Crawley	Attorney General
Dedra Alston	DENR
Julie Lohman	Justice/Sheriffs' Standards
Ted Sauls	Justice/Sheriffs' Standards
Dee Williams	State Board of Cosmetic Art Examiners
Jessica Gill	DENR/Coastal Resources Commission
Doug Haggett	DENR
Cathy Brittingham	DENR

**APPROVAL OF MINUTES**

The meeting was called to order at 10:01 a.m. with Chairman Powell presiding. He asked for any discussion, comments, or corrections concerning the minutes of the May 20, 1999 meeting. There being none, the minutes were approved.

**FOLLOW-UP MATTERS**

15A NCAC 7H .2404: DENR/Coastal Resources Commission - The Commission approved the rewritten rule submitted by the agency.

**LOG OF FILINGS**

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

12 NCAC 9A .0103: JUSTICE/Criminal Justice Education & Training Standards Commission - This rule was not originally on the commission's log or agenda. However problems in other rules before the Commission led to a discussion on this rule, which covers definitions used by the agency of terms in its other rules. The Commission determined that the definition of "high school" is at variance with the Commission's certification practices. It appears that the agency actually issues certification to applicants who are not high school graduates within the definition, despite the restrictions in 9B .0107 and .0113. The Commission also objected to terms in other rules that were vague. If the agency chooses to add definitions for those terms in this rule, that would satisfy the Commission's objections to the other rules. If they choose to submit amendments or additions to 9A .0103, the Commission has indicated that it will restrict its review to the amendments or additions and will not review the entire rule.

12 NCAC 9B .0107 and .0113: JUSTICE/Criminal Justice Education & Training Standards Commission - The Commission extended the period of review on these rules in order to clarify the agency's actual standards before taking any further action on these rules.

12 NCAC 9B .0201: JUSTICE/Criminal Justice Education & Training Standards Commission – The Commission objected to this rule due to ambiguity. In (b) it is unclear who or what makes a "qualified assistant" (line 15).

12 NCAC 9B .0202: JUSTICE/Criminal Justice Education & Training Standards Commission – The Commission objected to this rule due to lack of statutory authority and ambiguity. In (b)(1) there is a provision for the division director to grant a waiver of the minimum hours requirement. The standard for granting the waiver is vague. There is no authority to allow a rule waiver unless there are "specific guidelines" set out for the agency to follow in making the waiver determination. G.S. 150B-19(6). In (a)(2), (b)(5), and (d)(1) it is unclear who or what constitutes "qualified" instructors. In (a)(8) it is unclear what the standards are for commission "approved" procedures. In (b)(6)(A) and (c)(3)(A) it is unclear what constitutes a "comprehensive" course schedule. In (b)(9) and (d)(3) it is unclear who are "authorized" representatives of the commission.

12 NCAC 9B .0203: JUSTICE/Criminal Justice Education & Training Standards Commission – The Commission objected to this rule due to lack of statutory authority and ambiguity. It is unclear what constitutes "exceptional or emergency circumstances" for obtaining the waiver in (e) (lines 32-34). There is no authority to allow a waiver unless there are specific guidelines set out for the agency to follow in making the waiver determination.

12 NCAC 9B .0204: JUSTICE/Criminal Justice Education & Training Standards Commission – The Commission objected to this rule due to lack of statutory authority and ambiguity. It is unclear what constitutes "exceptional or emergency circumstances" for obtaining the waiver in (b). There is no authority to allow a waiver unless there are specific guidelines set out for the agency to follow in making the waiver determination.

12 NCAC 9B .0205: JUSTICE/Criminal Justice Education & Training Standards Commission – The Commission objected to this rule due to ambiguity. In (c) and (d) it is unclear what rule the school must follow in the event that there is any discrepancy between the contents of the rule and the BLET manuals incorporated by reference. The agency is free to require use of the manuals without incorporating them by reference.

12 NCAC 9B .0206: JUSTICE/Criminal Justice Education & Training Standards Commission – The Commission objected to this rule due to ambiguity. The same analysis as used in the previous rule applies to (c) in this rule. The curriculum in this case is found in the "Basic Correction Officer Training Manual."

12 NCAC 9B .0226: JUSTICE/Criminal Justice Education & Training Standards Commission – The Commission objected to this rule due to ambiguity. The same analysis as applied in 9B .0205 and .0206 applies in this rule. The reference is in (e) to the "Specialized Firearms Instructor Training Manual."

12 NCAC 9B .0227: JUSTICE/Criminal Justice Education & Training Standards Commission – The Commission objected to this rule due to ambiguity. The same analysis as applied in 9B .0205, .0206, and .0226 applies in this rule. The reference is in (e).

12 NCAC 9B .0228: JUSTICE/Criminal Justice Education & Training Standards Commission – The Commission objected to this rule due to ambiguity. The same analysis as applied in 9B .0205, .0206, .0226, and .0227 applies in this rule. The reference is in (c) to the "Wildlife Basic Training Manual."

12 NCAC 9B .0232: JUSTICE/Criminal Justice Education & Training Standards Commission – The Commission objected to this rule due to ambiguity. The same analysis as applied in 9B .0205, .0206, .0226, .0227, and .0228 applies to this rule. The reference is in (e).

12 NCAC 9B .0233: JUSTICE/Criminal Justice Education & Training Standards Commission – The Commission objected to this rule due to ambiguity. As in the previous six rules there is an incorporation by reference problem, this time in (e).

12 NCAC 9B .0305: JUSTICE/Criminal Justice Education & Training Standards Commission – The Commission objected to this rule due to ambiguity. It is not clear when all types of specialized instructor certifications expire. Based on the Commission's reading of rule .0304 some specialized certifications may be granted to persons who do not hold general certification. [See 9B .0304(d), (e), (f), and (g).] If that is so, then it is not clear how it could be set to expire with the general certification as set out in (b) and (c).

12 NCAC 9C .0211: JUSTICE/Criminal Justice Education & Training Standards Commission – The Commission objected to this rule due to lack of necessity. It is no longer necessary to list forms and their content (unless the content has not been previously required in other rules).



12 NCAC 9C .0212: JUSTICE/Criminal Justice Education & Training Standards Commission – The Commission objected to this rule due to lack of necessity. It is no longer necessary to list forms and their content (unless the content has not been previously required in other rules).

12 NCAC 9C .0213: JUSTICE/Criminal Justice Education & Training Standards Commission – The Commission objected to this rule due to lack of necessity. It is no longer necessary to list an agency's forms.

12 NCAC 10B .0103: JUSTICE/Sheriffs' Education & Training Standards – The Commission objected to this rule due to lack of necessity. It does not appear that it would be within the intent of the General Assembly to deny certification to persons who completed high school in North Carolina but who would not be high school graduates within the meaning of .0103(6).

12 NCAC 10B .0502: JUSTICE/Sheriffs' Education & Training Standards – The Commission objected to this rule due to ambiguity. This rule has the same problem with incorporation by reference ambiguity as the previous set from the Criminal Justice Education & Training Standards Commission. In (c) the rule incorporates by reference the Justice Academy's BLET Manual including any subsequent changes. It is unclear what happens if and when the manual and this rule's course requirements are not in agreement.

12 NCAC 10B .0601: JUSTICE/Sheriffs' Education & Training Standards – The Commission objected to this rule due to ambiguity. Another incorporation by reference problem. The same analysis as used in the previous rule applies to (d) in this rule. The curriculum is the "Detention Officer Certification Training Manual."

16 NCAC Rules: The agency requested that consideration of these rules be postponed until the July meeting. The Commission agreed to do this. These rules will appear in the July log and notebook.

21 NCAC 14I .0104: State Board of Cosmetic Art Examiners – The Commission objected to this rule due to lack of statutory authority. There is no authority for the Board to require schools to make reports. This objection applies to existing language in the rule.

21 NCAC 14I .0107: State Board of Cosmetic Art Examiners – The Commission objected to this rule due to lack of statutory authority. There is no authority for the Board to refuse to allow a student to take an examination solely because a school has failed to make a report. In addition, there is no authority cited to require schools to make reports. This objection applies to existing language in the rule.

21 NCAC 14J .0208: State Board of Cosmetic Art Examiners – The Commission objected to this rule due to ambiguity. In (a), it is not clear what standards the Board will use in approving an internship program.

21 NCAC 14J .0501: State Board of Cosmetic Art Examiners – The Commission objected to this rule due to lack of statutory authority, ambiguity, and lack of necessity. In (a), it is not clear what standards the Board will use in approving credit for instruction taken in another state if the provisions in this rule are not met. This amounts to a waiver provision with no guidelines. Paragraph (d) is not consistent with G.S. 88B-13, and if it were, it would not be necessary. This objection applies to existing language in the rule.

21 NCAC 14L .0101: State Board of Cosmetic Art Examiners – The Commission objected to this rule due to lack of necessity. This rule merely repeats the information in G.S. 88B-11 and is therefore not necessary. This objection applies to existing language in the rule.

21 NCAC 14L .0303: State Board of Cosmetic Art Examiners – This rule was withdrawn by the agency.

21 NCAC 14N .0113: State Board of Cosmetic Art Examiners – The Commission objected to this rule due to lack of statutory authority. There is no authority for paragraphs (c) or (d) of this rule. G.S. 88B-18(d) only allows the Board to set additional requirements for the cosmetologist license. The statute clearly differentiates between the various types of licenses as necessary and only the one license may require additional training. Paragraph (d) is particularly bad by shortening the number of times of failure to two. This objection applies to existing language in the rule.

21 NCAC 14O .0101: State Board of Cosmetic Art Examiners – The Commission objected to this rule due to lack of statutory authority. G.S. 88B-4(a)(9) authorizes the Board to adopt rules for the sanitary management and physical requirements of cosmetic art schools, but this rule goes beyond that.

21 NCAC 14O .0104: State Board of Cosmetic Art Examiners – The Commission objected to this rule due to lack of statutory authority. As written, this rule is overly broad. There is no authority for the Board to prohibit someone from performing services for which they may be legally authorized to perform.

21 NCAC 14O .0105: State Board of Cosmetic Art Examiners – This rule was withdrawn by the agency.

21 NCAC 14P .0105: State Board of Cosmetic Art Examiners – The Commission objected to this rule due to lack of statutory authority. While G.S. 88B does establish procedures for licensing teachers, at no place does it prohibit teaching without a license or with an expired license. There is therefore no authority to penalize someone for doing it as this rule does in (3).

21 NCAC 14P .0111: State Board of Cosmetic Art Examiners – The Commission objected to this rule due to lack of statutory authority and ambiguity. In (2), it is not clear when a licensed teacher is required to be on duty in order to avoid this penalty. There is no authority to require schools to report a change in the teaching staff even though the Board has an existing rule requiring it adopted pursuant to previous authority now repealed. Pursuant to G.S. 88B-4(a), their authority related to schools is to approve new schools, adopt rules for the sanitary management and physical requirements, and establish a curriculum. Therefore there is no authority for the provision in (4) penalizing a school for failing to report a change in teaching staff.

21 NCAC 14P .0112: State Board of Cosmetic Art Examiners – The Commission objected to this rule due to lack of statutory authority. Because there is no authority to prescribe what students wear, there is no authority to penalize a school for failing to enforce a dress code as the rule does in (6).

21 NCAC 14P .0113: State Board of Cosmetic Art Examiners – The Commission objected to this rule due to lack of statutory authority. There is no authority for the penalties set in (2) and (3). There is no statutory requirement for the reports or authority for the Board to require them by rule.

21 NCAC 14P .0114: State Board of Cosmetic Art Examiners – The Commission objected to this rule due to ambiguity. In (2) and (3), it is not clear if these are penalties against students or schools.

21 NCAC 14P .0116: State Board of Cosmetic Art Examiners – The Commission objected to this rule due to lack of statutory authority and ambiguity. In (h), it is not clear what is meant by "good cause" for extending the period for a licensee to make a correction that led to a warning citation. This amounts to a waiver or modification provision without specific guidelines.

21 NCAC 16M .0101: State Board of Dental Examiners – The Commission objected to this rule due to lack of statutory authority and ambiguity. In (b), there is no authority to charge instructors the annual impaired dentist fee allowed to be charged dentists by G.S. 90-39(9). In (c), it is not clear what the amount of the instructor's license renewal fee is. There is no authority to set fees outside rulemaking.

21 NCAC 18B .0208: State Board of Examiners of Electrical Contractors – The Commission objected to this rule due to lack of statutory authority and ambiguity. The provision in (b) allowing minor irregularities of information in specially arranged examination applications to be waived at the discretion of the Board's application review committee is a waiver provision without specific guidelines prohibited by G.S. 150B-19(6). In (c), (d), and (e), it is not clear what is meant by "within reasonably limits" and "special provisions." In (c)(3), it is not clear when the Board will grant prior approval. This objection applies to existing language in the rule.

#### **COMMISSION PROCEDURES AND OTHER MATTERS**

Mr. DeLuca reported that Denise Stanford had informed him that she is completing the complaint against the Rules Review Commission. The commissioners should anticipate being served by certified mail in the near future. There is possibly money available from the contingency fund if this should occur.

The next meeting will be on July 15, 1999.

The meeting adjourned at 11:29 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.  
Beryl E. Wade

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<b>ALCOHOLIC BEVERAGE CONTROL COMMISSION</b>				
Alcoholic Beverage Control Commission v. Keyland, Inc., T/A Cloud 9	98 ABC 1099	Overby	01/17/99	
<b>CRIME CONTROL AND PUBLIC SAFETY</b>				
Anson D. Looney v. Crime Victims Compensation Commission	99 CPS 0096	Morrison	05/25/99	
<b>HEALTH AND HUMAN SERVICES</b>				
Andrew Garney v. Office of the Chief Medical Examiner	98 DHR 1761	Owens	05/12/99	14:01 NCR 69
J.P. Lynch v. Department of Health & Human Services	99 DHR 0111	Reilly	05/25/99	
New Hope Living Centers, Eric D. Lewis v. Health & Human Services	99 DHR 0170	Owens	05/25/99	
Lonnie Herring v. Department of Health & Human Services	99 DHR 0350	Reilly	06/03/99	
<i>Division of Social Services</i>				
<i>Child Support Enforcement Section</i>				
Robert M. Chandler Jr. v. Department of Health & Human Services	98 CSE 1789	Phipps	05/27/99	
Elizabeth F. West v. Department of Health & Human Services	99 CSE 0451	Morrison	05/25/99	
<b>JUSTICE</b>				
<i>Alarm Systems Licensing Board</i>				
Terry Allen Brickley v. Alarm Systems Licensing Board	99 DOJ 0097	Wade	05/21/99	
Brian Anthony Bartimac v. Alarm Systems Licensing Board	99 DOJ 0487	Morrison	05/25/99	
Melvin T. Lohr v. Alarm Systems Licensing Board	99 DOJ 0490	Morrison	05/24/99	
<i>Education and Training Standards Division</i>				
Rock Steven Edwards v. Criminal Justice Ed. & Training Stds. Comm.	98 DOJ 0906	Chess	05/13/99	
Anthony Scott Hughes v. Sheriffs' Ed. & Training Standards Comm.	98 DOJ 1530	Chess	05/12/99	
<i>Private Protective Services Board</i>				
Michael Lynn Arter v. Private Protective Services Board	99 DOJ 0262	Wade	05/25/99	
Jeffrey S. Moore v. Private Protective Services Board	99 DOJ 0488	Morrison	05/24/99	
Bonnie Marie Keller v. Private Protective Services Board	99 DOJ 0491	Morrison	05/24/99	
Ronald E. Sulloway v. Private Protective Services Board	99 DOJ 0493	Morrison	05/24/99	
Raymond Solomon v. Private Protective Services Board	99 DOJ 0494	Morrison	05/25/99	
Charles E. Evans, Jr. v. Private Protective Services Board	99 DOJ 0496	Morrison	05/25/99	



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**CONTESTED CASE DECISIONS**

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<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<b>PUBLIC INSTRUCTION</b>				
S.L.F. and S.F.F. v. Charlotte-Mecklenburg Board of Education	98 EDC 1649	Mann	06/04/99	
<b>STATE PERSONNEL</b>				
<i>Department of Correction</i>				
E. Wayne Irvin v. Department of Correction	94 OSP 1791	Morrison	05/18/99	14:01 NCR 60
Maydean L. Taylor v. Department of Correction	98 OSP 1272	Chess	05/14/99	
Ann McMillian v. Morrison Youth Institution, Department of Correction	98 OSP 1275	Chess	05/12/99	
Harry E. Kenan v. Capt. B.F. Lewis, Polk Youth Institution	99 OSP 0257	Phipps	06/07/99	
Richmond Fulmore v. Department of Correction, Wake Correctional	99 OSP 0416	Mann	06/04/99	
Jerry D. Crawford v. Department of Correction	99 OSP 0577	Reilly	06/02/99	
<i>Employment Security Commission</i>				
Russell J. Suga v. Employment Security Commission	96 OSP 1122	Reilly	05/26/99	
<i>Johnston County</i>				
Lili Romane Lee v. County of Johnston	99 OSP 0456	Morrison	06/02/99	

STATE OF NORTH CAROLINA

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
94 OSP 1791

COUNTY OF WAKE

E. WAYNE IRVIN,  
Petitioner,

v.

N.C. DEPARTMENT OF CORRECTION,  
Respondent.

**RECOMMENDED DECISION**

The petitioner filed 94 OSP 1791 contesting his suspension and discharge on December 20, 1994. The petitioner filed 93 OSP 1115 on October 15, 1993, contesting his failure to be promoted. The cases were consolidated on for hearing. The hearing was continued by the Administrative Law Judge pending the outcome of Petitioner's EEOC charge. Petitioner subsequently voluntarily dismissed 93 OSP 1115. This contested case was heard in Raleigh, N.C. on November 16, 18, 20, 1998, and December 7, 1998, in the Office of Administrative Hearings, Fred G. Morrison Jr., Senior Administrative Law Judge, Presiding.

**APPEARANCES**

For the Petitioner: Thomas Hilliard, III, Esquire  
Hilliard & Jones  
Post Office Box 25305  
Raleigh, North Carolina 27611

For the Respondent: Neil Dalton  
Assistant Attorney General  
State Bar #13357  
  
Joan Erwin  
Assistant Attorney General  
State Bar # 6064  
N.C. Department of Justice  
Post Office Box 629  
Raleigh, North Carolina 27602-0629

**FINDINGS OF FACT**

1. At the time of his discharge, effective July 29, 1994, the petitioner, Dr. E. Wayne Irvin, was a Dentist II at Respondent's North Carolina Department of Correction's [DOC] Central Prison located in Raleigh, N.C.
2. During his thirteen (13) year career with Respondent, Petitioner was never issued a formal written warning concerning job performance or personal conduct. His overall summary rating was "very good" following an April 5, 1994, performance review.
3. The Dental Clinic at Central Prison measures approximately 21 feet x 17 feet. It has three dental chairs and a small administrative area. Usually there are two full time dentists assigned to the clinic with the other chair for a dental hygienist. The partitions separating the sections of the dental clinic do not go all the way to the ceiling.
4. In April of 1994, the two full-time dentists were Dr. Jessie Morris, a Dentist III who supervised the clinic, and the petitioner, a Dentist II. At this time, 93 OSP 1115 had been filed by the petitioner alleging, in part, that he had not been promoted to the Dentist III position.
5. A dental assistant, who assisted chair side, was assigned to each dentist in the clinic. In 1994, there were two dental assistants in the clinic. While each assistant would work for each dentist when circumstances so dictated, normally the regular dental assistant for Dr. Morris was Carolyn Long, and the regular dental assistant for the petitioner was Karen Bailey

(now Karen Avila).

6. When Ms Bailey assisted the petitioner, he was her clinical supervisor.
7. The petitioner frequently told Ms Bailey that Dr. Morris was "blind as a bat" and "too old." After Ms Bailey would work with Dr. Morris, the petitioner would question her about specific procedures Dr. Morris had used with certain patients. The petitioner would make notes of the names of the inmates.
8. In April of 1994, the dental hygienist in the clinic was Kelly George. Frank Peele was a Processing Assistant III, whose work station was in the administrative area of the clinic. Mr. Peele scheduled the inmates to see the dentists and assisted in getting inmate medical records including dental records.
9. On or about April 22, 1994, Bobby Reardon, Administrative Services Manager of Central Prison received a memorandum and a telephone call from the Assistant Health Treatment Administrator at Central Prison, Ray Parker. The memorandum indicated that Dr. Morris had identified a serious disruption in the dental clinic. Each of the employees in the dental clinic had a litany of complaints concerning the petitioner, and the workplace stress he induced in them by his behaviors.
10. Mr. Parker had interviewed each of the dental clinic employees and obtained written statements. Initially he had spoken to Carolyn Long and Kelly George at Dr. Jesse Morris' request. Later, he called Karen Bailey and Frank Peele in to speak to him concerning the employee discord reported by Long and George. These statements were forwarded to Mr. Reardon. They were not shown to petitioner.
11. The dental clinic employees were upset about the fact that they felt that the petitioner created a hostile atmosphere in the dental clinic.
12. The complaints included the fact that the petitioner kept notes on things that went on in the clinic. He told other employees that Dr. Morris was "too old" and referred to him as "blind as a bat" and "senile" and that the State had not made good choices in filling vacant positions. He constantly made statements to the effect that Dr. Morris was incompetent, and made cutting remarks about Dr. Morris; he asserted to employees that Frank Peele was "lazy"; that Carolyn Long was "unqualified"; and that Kelly George was too friendly with the inmates and officers and that her work was "unsatisfactory." About Karen Bailey, his own regular assistant, he remarked to others that she "drank too much" and that "she had had an abortion." His negative remarks were so frequent that Carolyn Long observed in her statement that most of what the Petitioner had said to her concerned negative remarks about other staff members.
13. The statement of Karen Bailey revealed that the petitioner had instructed her to copy the entire dental record of one of Dr. Morris' inmate patients for him, and that he had put the inmate dental record in the folder that he used to take home notes on occurrences in the dental clinic. She also wrote that she had seen him copy the 4" x 6" cards that were used to document some other of Dr. Morris' patients.
14. On one occasion, a morning while no one else was present, and in a "hurried gesture," the petitioner handed Karen Bailey an inmate dental record and asked her to copy the entire chart for him. She did so and gave him the copy. The record copied by the petitioner was of a patient of Dr. Morris which the petitioner was not scheduled to treat and had not treated. Dr. Morris had treated the inmate earlier that day and the inmate had left. Dr. Morris had left the clinic. The petitioner did not see the inmate. Ms. Bailey thought the petitioner was acting suspiciously so she checked the name of the patient to see whose patient he was. The dental record contained the dentist's notes. The petitioner put the dental record into his portfolio that he took in and out of the institution.
15. The petitioner told Ms. Bailey that he was taking notes of what went on in the dental clinic and that he had it on his computer at home.
16. In her five years at the dental clinic at Central Prison, Ms. Bailey had never been asked to copy a dental record before.
17. On another occasion, the petitioner approached Ms. Bailey and asked her to make a copy of another inmate dental record, but she refused because she knew it was against policy to copy an inmate dental record. The petitioner made the copy himself.



18. The petitioner testified in his own behalf that he had Karen Bailey copy one dental chart for him, but that he had never asked her to copy another, nor had he ever copied a dental chart and taken it home. He further stated he studied the chart in question for professional reasons, and threw it away. In his deposition placed in evidence, he had stated under oath that Karen Bailey had copied one chart for him and that he personally had copied up to three 4' by 6' cards and taken them home for use and then destroyed them. The petitioner told Dr. Ray and Mr. Reardon that he had Karen Bailey copy the file cards only. The petitioner's story of what was copied and by whom has changed each time he has given an explanation of his conduct.
  
19. Carolyn Long became a dental assistant at the dental clinic on March 14, 1994. During the time Ms. Long worked at the clinic, she observed the petitioner take inmate dental records down to the nurses' station (where there was a copying machine) then come back and put the dental records back in their folder, and put a copy in his portfolio. Ms. Long on one occasion actually looked into the petitioner's portfolio while he was at lunch, and saw the dental records. The petitioner took his portfolio out of the institution that day. Ms. Long did not observe him taking the copies out of his portfolio.
  
20. On several occasions, Ms. Long observed the petitioner go through the dental records of Dr. Morris' patients while Dr. Morris was at lunch.
  
21. On one occasion, Ms. Long heard the petitioner ask Ms. Bailey to copy dental records for him.
  
22. Due to the nature and number of the allegations against the petitioner, Mr. Reardon contacted then Warden of Central Prison, Gary Dixon. Mr. Dixon and Mr. Reardon confronted the petitioner with the allegations on April 24, 1994.
  
23. During the meeting of April 24, 1994, Warden Dixon went over the allegations made against the Petitioner using the statements by staff members. The only allegation denied by Petitioner was telling others that Karen Bailey had an abortion.
  
24. Warden Dixon confronted the Petitioner with taking home the dental records of Dr. Morris' patients. The petitioner admitted having done so and that he had then disposed of the records. Contemporaneous notes of the interview taken by Mr. Reardon document that the petitioner "admits to copying records and taking same out of the institution for his personal use, but that he later destroyed them."
  
25. Warden Dixon then told the Petitioner that he was going to assign Bobby Reardon to conduct an official investigation of the allegations raised by the dental clinic employees. As is customary at Central Prison, the Petitioner was advised by both Warden Dixon and Bobby Reardon that he was not to discuss the investigation with other employees. Petitioner was not asked to sign a written investigation form since at that time there was no such standard form at that time and "Debnam" rights were only given when an investigation of potentially criminal matters was being undertaken. When this investigation started, in Warden Dixon's opinion, it was not likely to involve criminal matters against the petitioner.
  
26. The notes made by Bobby Reardon of the April 24, 1994, meeting with Warden Dixon and the petitioner reflect that the petitioner had been advised not to discuss the details of the investigation with other staff.
  
27. Petitioner denied both in his deposition and at the hearing that he was advised not to discuss the matter of the investigation with other employees. Both Warden Dixon and Bobby Reardon testified unequivocally that he had been so ordered. Their testimony is supported as well by the contemporaneous notes of Reardon of the April 24, 1994, meeting detailing the fact that this order had been given to the petitioner. The petitioner did state that he could not categorically state verbatim that Dixon had not so advised him. It is more likely than not that Dixon told petitioner not to discuss the matter with other staff members.
  
28. On or before May 25, 1994, Karen Bailey and the petitioner had a short conversation about the dental clinic investigation in the oral surgery clinic. Karen Bailey initiated the conversation, but the petitioner, Bailey's supervisor on clinical matters, first suggested they meet where they could not be overheard away from the office. The petitioner told Ms. Bailey that they needed more privacy and asked her to come to his home, and she agreed. The petitioner asked Ms. Bailey to meet him after work across from the Farmer's Market, which she did, and then followed him to his house.
  
29. After they arrived at the petitioner's home, Ms. Bailey and the petitioner sat on his front porch. The petitioner told Ms. Bailey that her statement had been the most detrimental because she had said she had copied the whole dental record for the petitioner, and that he had been advised by his lawyer that if he had taken a dental record out of Central Prison that would

be bad for to him. The petitioner told Ms. Bailey that he was going to say that he had copied only the 4" x 6" cards that the clinic keeps on each inmate and that Ms. Bailey had copied not dental records, but only the just mentioned file cards that contain only short treatment summaries of each inmate. He further informed Ms Bailey that their conversation had "never happened," implying that Ms. Bailey should not tell her supervisors that she had met with the petitioner and that they had discussed the case. On May 26, 1994, Ms. Bailey informed Mr. Reardon of the meeting with the petitioner and made a written statement concerning the meeting. Ms. Bailey's written statement concerning her meeting with the petitioner was made a day or two after the front porch conversation.

30. Ms. Bailey's clear impression was that by telling her that he was going to say that he had copied only the 4" x 6" cards, the petitioner was trying to get her to change her truthful statement to an untruthful one.
31. Dr. Larry Ray, in April of 1994, was the Chief of Dental Services for DOC, and, therefore, had an interest in the events in the Central Prison Dental Clinic. He assisted in the interviews of the dental clinic staff during Mr. Reardon's investigation.
32. As a part of the investigation, and after learning of the inappropriate meeting between Bailey and the petitioner, Mr. Reardon and Dr. Ray interviewed the petitioner on June 2, 1994. During this interview, the Petitioner's description of what he had done with the dental records changed. He told Mr. Reardon and Dr. Ray that he had not instructed Ms Bailey to copy whole dental charts, but instead, that he had her to copy the file cards short version of inmate dental records that are kept in the card file, outside of the inmate dental chart.
33. During the interview with Mr. Reardon and Dr. Ray, Mr. Reardon asked the petitioner if he recalled that he was not to discuss the investigation with anyone involved. The petitioner agreed and stated that he had not discussed the investigation with anyone involved. Mr. Reardon then informed the petitioner of his conversation with Karen Bailey concerning the petitioner's meeting with her at his house. The petitioner appeared shocked to learn that Mr. Reardon knew of his meeting with Ms Bailey. The petitioner did not deny having met with Ms. Bailey and stated that the two of them had mutually agreed to meet. He refused to answer questions on this issue further.
34. Contemporaneous notes taken by Dr. Ray at the June 2, 1994, meeting with the petitioner document that the meeting took place and were consistent with the testimony of Mr. Reardon and Dr. Ray. Petitioner testified that he did not recall this meeting.
35. Pending the result of the investigation, and after learning of petitioner's conversation with Karen Bailey, in late May, 1994, Warden Dixon initiated the reassignment of the Petitioner from Central Prison to Harnett Correctional Institution.
36. In late June, 1994, Warden Dixon was promoted to the position of Area Administrator and on about July 12, 1994, James French became Warden of Central Prison. On July 14, 1994, he wrote the petitioner scheduling a pre-disciplinary conference for July 22, 1994. The letter cited false and misleading statements about other staff members to harm or destroy their reputation, removal and betrayal of confidential inmate records, and hindering an internal investigation by intimidation of a fellow employee as reasons for the pre-disciplinary conference. The letter warned that "failure to attend this conference will cause a decision to be made concerning your future employment without your input."
37. The petitioner told the Central Prison authorities on the morning of July 22, 1994 that he could not be present for the July 22, 1994 pre-disciplinary meeting due to illness. The matter was rescheduled for July 29, 1994, at 9:00 a.m.
38. The pre-disciplinary conference was held on July 29, 1994. In attendance were the petitioner, Warden French, and Bobby Reardon. Warden French read the specific allegations regarding the copying of records, the intimidation of Karen Bailey and making negative comments about the other staff. The petitioner was then given a chance to respond to the allegations. He refused, stating he denied the allegations but he wanted to consult with his attorney before he responded. He also complained to Warden French that former Warden Dixon had stated he would receive the allegations in writing and could respond in writing.
39. During the meeting with Warden French on July 29, 1994, if not before, the plaintiff knew precisely that the allegations against him included having Ms. Bailey copy confidential records for him, taking confidential inmate dental records out of the prison, and hindering the internal investigation against him by having Ms. Bailey come to his home and stating to her that he was going to say he had her copy and that he had taken home only one of the dental cards and not the entire charts, thereby implying that she should also claim she had copied and given to him only one dental card.



40. The petitioner signed a form indicating he had been given his pre-dismissal conference. At the bottom, he wrote a note which stated, "Let it be known that I requested and was denied the opportunity to review each allegation and prepare a written response, after a reasonable period of time."
41. After the morning session, when he refused to cooperate with Warden French by discussing the issues with him, the petitioner was advised to come back to Central Prison at 2:00 p.m. When the petitioner returned, he was given his letter of investigatory suspension for which he acknowledged receipt. He declined to state anything after he had been given and had read the letter of suspension. He was also given a letter to which he acknowledged receipt, that explained in detail the allegations against him. The letter of suspension clarified that the suspension was for the purpose of formalizing the disciplinary decision made.
42. On August 16, 1994, Warden French sent the petitioner a letter which stated that as a result of the pre-disciplinary/dismissal conference in which the misconduct alleged was explained to the petitioner, and due to Petitioner's failure to offer any explanations, French recommended his dismissal up the chain of command. Petitioner did not respond to Warden French's letter, although the recommendation to dismiss letter contained a specific invitation to do so should he have any questions on the matter.
43. Warden French forwarded his recommendation to dismiss the petitioner up his chain of command which included Gary T. Dixon. Dixon concurred in the decision and sent it further up the chain of command.
44. Warden French gave the petitioner a letter dated September 13, 1994, dismissing him from his employment effective July 24, 1994. Since the letter was delivered on the 46th day of his suspension, and no extension of the 45 day limit on investigatory suspension had occurred, the Department of Correction paid the petitioner for one day's employment. No additional pre-dismissal conference was held on September 13, 1994.
45. The petitioner appealed his dismissal internally to DOC's Employee Relation's Committee. At the Employee Relation's Committee hearing, Warden French presented the case for DOC. The case was presented with the documents above, and also, Mr. Reardon, Mr. French, Karen Bailey and Carolyn Long gave live testimony similar to what was presented at the OAH hearing. In his defense, the petitioner testified before the Employee Relations Committee and stated only that he denied the allegations. He presented no other evidence or witnesses.
46. Theresa Barbour is a former dental hygienist at the Central Prison dental clinic. In 1992, the petitioner asked Ms Barbour on three separate occasions to make copies of dental records for him. The dental records he requested to be copied were not his patients; they were patients of Dr. Larry Ray, who was then the Dentist III in the clinic with whom the petitioner was embroiled in a personality conflict. Since it was an unusual request, Ms Barbour made a contemporaneous note of one of the times that the petitioner requested her to copy the records in a journal she was keeping.
47. The petitioner told Ms. Barbour that he wanted copies of the dental records because they showed that Dr. Ray was under stress and also to show inadequacies in treatment by Dr. Ray. Ms. Barbour refused to copy the records because she knew the records were confidential, and told the petitioner so.
48. The petitioner told Ms. Barbour that she should not have any contact with Dr. Ray. The petitioner further told Ms. Barbour that the lawsuits were going to start and that she was not to have any contact with the other "side," meaning Dr. Ray. Petitioner told Ms. Barbour that if she had contact with the "other side," he would have her job. Ms. Barbour believed the petitioner when he told her he could have her job since at that time he spent significant time with one of the senior medical administrators.
49. The petitioner had a vendetta against Dr. Ray stemming from when Dr. Ray (a younger man) was his supervisor in the dental clinic.
50. On another occasion, Ms. Barbour observed the petitioner late one afternoon making copies of inmate dental records. The records copied were for Dr. Ray's patients. After making the copies, the petitioner put the copies of dental records in his portfolio. The petitioner told Ms. Barbour that it would be easy to get the records out of the prison, because at the East Gate of the prison, the officer did not check his portfolio, even though he did check ladies' purses.
51. The petitioner's observations on how to take the dental records out of Central Prison without detection show that he knew he was not allowed to take dental records out of the prison.



52. The petitioner testified in rebuttal, but did not deny any of the allegations made by Theresa Barbour, including his having asked her to copy the records, his non-professional reasons for wanting the records, his vendetta against Dr. Ray, his ability to take dental records out of Central Prison past the guard at the East Gate without being detected, and the fact that he had told Ms. Barbour that he was putting data against Dr. Ray on his computer at home. This behavior in 1992 described by Ms. Barbour buttresses the testimony of Carolyn Long (by deposition) and Karen Bailey that Petitioner was engaged in copying and taking dental records out the prison in 1994 for personal reasons unrelated to any professional treatment or purpose in order to further his vendetta against his current supervisor, Dr. Jesse Morris.
53. At Central Prison, no one was allowed to take copies of medical records out of the prison without a court order or other official document authorizing it.
54. Dr. James Clare is the Assistant Dental Director for the Department of Correction. He has previously been the Dentist II in the dental clinic at Central Prison. He has also been a Dentist at the North Carolina Correctional Institution for Women and Harnett Correctional Institution. Dr. Clare testified that dental records are confidential. In sixteen years with the Department of Corrections, Dr. Clare has never had an occasion to take inmate dental records home. Dr. Clare testified that there is no conceivable reason to take home dental records by the non-treating dentist.
55. Petitioner identified no reason for former Warden Dixon, Warden French, Bobby Reardon, Carolyn Long, Theresa Barbour, Karen Bailey, or Dr. Ray to give false testimony against the petitioner, as he himself acknowledged. The Judge finds their testimony on the issue of Petitioner's statements and conduct credible.
56. Carolyn Long's statement and testimony that Petitioner frequently questioned her about Dr. Morris' patients and that she observed Petitioner taking dental records to the nurses' station and come back with copies was credible and not rebutted by Petitioner other than by a general denial by him as to the credibility of her statement.
57. Karen Bailey's testimony that Petitioner requested on two occasions that she copy dental records is credible as is her testimony that at some point in May, at his home, he told her that he intended to say that she only copied 4' by 6' dental cards for him.
58. Dentists learn in dental school and in their continuing education that dental records are confidential medical records. Their Code of Ethics for dentists, likewise, provides that dental records are confidential. Dental records must remain confidential unless the patient waives the confidentiality. Risk management personnel from insurance companies stress the confidentiality of dental records from a liability standpoint.
59. Petitioner as part of his employment obligation, as his WPPR reflects, was to know DOC medical health care policies and to teach them to endodontic graduate students who sometimes worked in the dental clinic. DOC medical health care policies indicate that dental records are part of the medical records. The inmate dental records at DOC are kept in the medical record file which has stamped on the outside in one half inch tall bold black letters the word "Confidential." The DOC Health Care Policy provides that "unauthorized release" of patient records is grounds for disciplinary action. The DOC Health Care Policy specifically limits access to confidential records to health care providers when they are involved in the treatment of the patients.
60. With all of his training in public and private practice, the petitioner was aware of the fact that dental records were confidential medical records.
61. Petitioner asserted at the hearing that he took one chart home only on one occasion for a treatment purpose. However, he articulated no treatment reason for taking home the inmate dental record that he admitted taking home.
62. Theresa Barbour's testimony that Petitioner took copies of many dental records from the dental clinic by sneaking them past a certain officer, and that Petitioner intended to further his vendetta against Dr. Ray with the records was credible and not rebutted by Petitioner.
63. Carol Hinnant, formerly the Employee Relations Manager for the Personnel Section of the Department of Correction explained that the DOC disciplinary regulations had an example of inappropriate personnel conduct added in January, 1995. This new example states that it is inappropriate personal behavior to take medical records from a prison facility. However, this new example was just that, an example, and did not purport to add a new type of conduct which could be disciplined.

In 1983 another employee of the Department of Correction was terminated for the same conduct for which the petitioner was terminated--taking medical records from the prison facility.

64. There is a substantial market in Raleigh for contractual dentists. Dr. Clare for example is in contact with agencies who market contractual dentists, and frequently, they have no dentists available. Dentists in Raleigh can get work under contract in a reasonable amount of time.
65. Petitioner, by his own admission, has made no effort to seek alternate employment since being terminated from his employment at Central Prison, including making application, consulting with fellow dentists, or seeking an employment agency.
66. Betty Jo Adams testified that she typed a statement for Karen Bailey and that she put in everything that Karen Bailey had written for her. Ms. Adams stated that she felt that Ms. Bailey was not always honest, but gave as an example only that she would ask Ms. Adams not to tell anyone what she had said about another employee.
67. Betty Jo Adams stated that she never observed the petitioner copying charts, but explained that her work load and placement of her desk was such that she would not have noticed such activity by him, even though the copy machine was in the large area in which she had a work space. She typed Karen Bailey's statement at Mrs. Carney's desk in another part of the building due to the public nature of her work space.

### **CONCLUSIONS OF LAW**

1. At the time of his dismissal, the petitioner was a career State employee, therefore he could be dismissed only for just cause.
2. By copying and/or having another employee copy dental patient records for inmates that were not his patients which he took home for non-treatment related purposes, the petitioner violated the confidentiality of dental patient records which is just cause for his dismissal. Petitioner was on notice that this type of conduct constitutes inappropriate personal conduct since he knew of the health care regulations of the Department of Correction requiring confidentiality of dental records, the ethical rules of his profession requiring confidentiality, and the strict adherence to record control within the Department. The covers of the medical records state that the material within is confidential. Petitioner, in his comment to his dental assistant in 1992 made clear he understood that he ought not take documents from the building. The Department, in the past, has fired at least one other person for removing such documents, so it cannot be suggested that this type of misconduct concerning the breach of an inmate's right to confidentiality of medical records was ignored or acquiesced in by the Department or was known to be a standard operating procedure by its medical staff.
3. The Petitioner invited Karen Bailey to his home to discuss the pending investigation in violation of the legitimate order not to discuss the investigation with other witnesses given to him by both the Warden Dixon of Central Prison and the Head of the Medical Department Reardon. By telling Ms. Bailey that he was going to admit to only copying the 4" x 6" index cards, the petitioner was trying to hinder an official investigation by influencing Ms. Bailey to state she had copied only 4" x 6" cards for him, when in fact both the petitioner and Ms. Bailey had copied entire dental charts. This attempt by Irvin to hinder the official investigation into his actions was just cause to discipline petitioner.
4. There were no federal due process issues raised by the manner in which Petitioner's predissmissal conference and investigatory suspension occurred. Paschal v. Myers, 129 N.C. App. 23, 30-31, 497 S.E.2d 311, 316 (1998); Leiphart v. School of the Arts, 80 N.C. App. 339, 349, 342 S.E.2d 914, 922, cert. denied, 318 N.C. 507, 349 S.E.2d 862 (1986).
5. The dismissal was handled in accordance with the requirements of the SPC regulations. 25 NCAC 1J.0613(b). On July 14, 1994, Irvin was sent, by certified mail, a letter telling him the time, place, and date of a pre-disciplinary conference. The letter stated, in numbered paragraphs, that during the conference he was to be questioned on three issues: (1) that he made false and malicious comments about other staff members to harm or destroy their reputation or standing; (2) that there had been betrayal of confidential information from official inmate records and removal of same from the institution; and (3) that there had been failure to cooperate with state officials or hindering an internal investigation by intimidation of a fellow employee. This statement of time and reasons adequately placed Petitioner on notice of the basis for the conference and when the conference was to occur. 25NCAC 1J.0613(c). When Petitioner requested a continuance of the hearing for apparent illness on the day of the hearing, the pre-disciplinary conference was rescheduled for a week later. The letter referred to the matter as a "disciplinary conference." However, the body of the letter indicated that the conference would be cause for a decision to be made "concerning your future employment." This made clear that the level of discipline

contemplated included the possibility of dismissal.

6. The Conference was held on July 29, 1994. When the conference began, Warden French and Bobby Reardon, the Petitioner's supervisors, orally read to him in detail from a memorandum which set out the charges against him. Petitioner, though given opportunity to do so, declined to answer the charges, stating only that he denied all allegations and that the prior warden had promised him that he would receive and could respond to all the allegations in writing after a reasonable period of time. At the end of the conference, Warden French presented Petitioner with a pre-disciplinary conference form, on which "pre-dismissal conference" was checked, explained the form to him, and had him sign the form. On the form Petitioner wrote "Let it be known I requested and was denied the opportunity to review each allegation and prepare a written response after a reasonable period of time." Petitioner also received a memorandum, which he signed, which set out in detail the allegations against him. These proceedings conformed to the requirements of 25NCAC 1J.0613(e) since he was given detailed notice of the basis for the proposed discipline, was given an opportunity to respond and explain, and told of the intended level of discipline. See, Nix v. Department of Administration, 106 N.C. App. 664, 417 S.E.2d 823 (1992).
7. After the conference, and on August 16, 1994, Warden French sent by certified mail, a letter to Petitioner setting out the specific bases for his recommendation to dismiss petitioner and that he would be notified of the final disposition in his case. Thereafter, on September 13, 1994, Petitioner received a letter dismissing him setting out in detail the allegations against him. The letter explained his appeal rights. The dismissal letter conforms with the requirements of 25NCAC 1J.0613(f). The dates alleged as to when copying occurred were incorrect since the best evidence was that it did not occur in June, 1994 but in January-April, 1994. This is a non-material variance and is not fatal to the sufficiency of the letter. Petitioner did not and has not defended against his dismissal on a claim that he had not copied these documents in June; he has asserted that he only copied once and that he did it for professional reasons. This information fully apprised him of the bases of the information, including specifically his accusers, for his dismissal. Owen v. UNC-G Physical Plant, 121 N.C. App. 682, 687, 468 S.E.2d 813 (1996); Leiphart v. N.C. School of the Arts, *supra*. See also, State v. Ramey, 318 N.C. 457, 349 S.E.2d 566 (1986); State v. Price, 310 N.C. 596, 313 S.E.2d 556 (1984) (A variance as to time becomes material and of the essence only when it deprives the defendant of an opportunity to present his defense adequately).
8. After Petitioner made clear he did not intend to cooperate or otherwise discuss the charges and issues brought up by Warden French, Mr. French determined that suspension until the disciplinary decision could be formalized was appropriate. He sent Petitioner from the room, called the Department of Correction's personnel department and obtained permission to place petitioner on investigatory suspension until the dismissal could occur. When petitioner returned that afternoon, he was given a memorandum, which suspended him without pay "so that this office might formalize our final position concerning the serious allegations which have been made against you." The memorandum set out in detail the charges and Petitioner, upon receiving this information, made no attempt to respond to these issues, although he had the opportunity to do so. This procedure fully comports with the regulations then in place for suspension without pay pending investigation.
9. Suspension without pay can only be in effect for 45 days. Petitioner was not informed of his discharge until the 46th day. However, he received payment for that 46th day. This procedural violation of the limitations on investigatory suspension was fully rectified by the payment for the additional day. No further compensation is appropriate and this does not impact on the propriety of the dismissal. 25 NCAC 1J.0432.

### RECOMMENDED DECISION

That Petitioner's discharge be upheld as being for just cause.

### ORDER

It is hereby Ordered that the agency serve a copy of the final decision on the Office of Administrative Hearings, Post Office Drawer 27447, Raleigh, North Carolina 27611-7447, in accordance with N.C. GEN. STAT. § 150B-36 (b).

### NOTICE

The agency making the final decision in this contested case is required to give each party an opportunity to file exceptions to this Recommended Decision and to present written arguments to those in the agency who will make the final decision. N.C. GEN. STAT. § 150B-36(a).



The agency is required by N.C. GEN. STAT. § 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 and to the Office of Administrative Hearings.

The final decision in this contested case will be made by the *North Carolina State Personnel Commission*.

This the 18<sup>th</sup> day of May, 1999.

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Fred G. Morrison Jr.  
Senior Administrative Law Judge

**STATE OF NORTH CAROLINA**

**IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
98 DHR 1761**

**COUNTY OF ROCKINGHAM**

**ANDREW GAINNEY**  
**Petitioner,**

**v.**

**OFFICE OF THE CHIEF MEDICAL EXAMINER**  
**Respondent.**

**RECOMMENDED DECISION**

On April 28, 1999, Administrative Law Judge Melissa C. Owens heard this contested case in High Point, North Carolina. After all the evidence was presented, Respondent's counsel moved for a directed verdict.

**APPEARANCES**

For Petitioner: *Pro se*

For Respondent: Elizabeth J. Weese  
Assistant Attorney General

**ISSUE**

Whether the Respondent exceeded its authority or jurisdiction, acted erroneously, acted arbitrarily or capriciously or otherwise substantially prejudiced Petitioner's rights by refusing to amend the death certificate of Arthur Ray Gainey to reflect accident, rather than suicide, as the manner of death?

**EXHIBITS**

The parties stipulate that documents contained in the Office of the Chief Medical Examiner's file concerning Andrew Gainey's death may be received into evidence without further identification or proof. Included in this file are four documents submitted by Petitioner to Respondent in 1998: (1) a statement from Petitioner - not dated; (2) a letter dated February 6, 1999 from James Stowall; (3) a letter dated February 1998 from Dale B. Furr, Sheriff of Richmond County; (4) a personal statement from Marshall L. Norris dated February 13, 1998.

**FINDINGS OF FACT**

1. The parties are properly before the Office of Administrative Hearings and the Office of Administrative Hearings has jurisdiction over this case.
2. Petitioner is the father of Arthur Ray Gainey.
3. Petitioner has the burden of proving by a preponderance of the evidence that Respondent exceeded its authority or jurisdiction, acted erroneously, arbitrarily or capriciously or substantially prejudiced Petitioner's rights by refusing to amend Arthur Gainey's death certificate.
4. The Chief Medical Examiner's office oversees the work of the medical examiners in all of the counties in North Carolina who must submit reports to the Office of the Chief Medical Examiner. This office serves as the final authority on medical examiner issues and opinions relating to cause and manner of death.
5. Dr. John R. Butts, Jr. has been the Chief Medical Examiner since 1987. Dr. Butts is board certified in three areas of pathology, is Head of Division of Forensic Pathology at UNC-CH School of Medicine, serves as Adjunct Professor of Pathology at Duke University School of Medicine, and has been qualified to testify as an expert in forensic pathology over 500 times. In

addition, Dr. Butts has reviewed numerous cases like that of Arthur Gainey.

6. In February 1998, Petitioner requested that Respondent amend the death certificate of Petitioner's son, Arthur Gainey.

7. Pursuant to Petitioner's February 1998 request, Dr. Butts reviewed his office's records on Arthur Gainey's death, which included the medical examiner's report, the official death certificate, the Sheriff's Department investigative report, and Respondent's Investigator Brinkhouse's investigative notes.

8. The medical examiner's report, the Sheriff's Department report, and the supplemental or official death certificate indicate the cause of death was suicide. The Sheriff's Department report also indicated that Arthur Gainey had been depressed recently because he was unable to work due to back pain.

9. Based upon his review of those records, Dr. Butts opined that Arthur Gainey died as a result of a gun shot wound to the left anterior chest. An entrance wound of approximately 4 centimeters was located directly over the heart. An exit wound was located opposite the entrance wound at the left scapula of Mr. Gainey's back. Dr. Butts opined that the exit wound on the back suggested the trajectory moved horizontally and perhaps in an upward path through the body. The wound itself was a single hole consistent with a "contact" wound, meaning the gun was in contact with the body at discharge. Thus, Dr. Butts concluded that the location and type of wound were consistent with a deliberate, self-inflicted, gunshot wound.

10. Respondent's records indicate that on July 30, 1991, Arthur Gainey's wife and son found him in a hayshed near his residence. Mr. Gainey was sitting and leaning on bails of hay with a 20 gauge shotgun at his left side, also leaning against the hay.

11. Based upon his experience as a forensic pathologist, the location and type of wound, location and type of gun used, the circumstances surrounding Arthur Gainey's death, including being depressed, and the medical examiner's and Sheriff's Department reports, Dr. Butts concluded that those findings were highly consistent with a deliberate, self-inflicted, wound.

12. Petitioner attempted to present three witnesses to testify as to what they saw on July 30, 1991. However, such evidence was excluded after a forecast of such evidence determined (1) that the evidence was not available to the Chief Medical Examiner when he refused to amend Arthur Gainey's death certificate in 1998, and (2) such evidence was not within the scope of the issue before this Court.

13. Petitioner presented no other evidence.

#### **CONCLUSIONS OF LAW**

1. Respondent is charged by N.C. Gen. Stat. § 130A-383 with investigating "the death of any person resulting from violence, poisoning, accident, suicide or homicide;.....or occurring under suspicious, unusual or unnatural circumstances...."

2. When a medical examiner takes charge of a body pursuant to N.C. Gen. Stat. § 130A-383, the medical examiner is required to make findings regarding the cause and manner of death, and report such findings to the Chief Medical Examiner. N.C. Gen. Stat. § 130A-385.

3. The medical examiner is required to complete a death certificate and, "(1)f the death was from external causes, the medical examiner shall state on the certificate of death the means of death, and whether, in the medical examiner's opinion, the manner of death was accident, suicide, homicide, execution by the State, or undetermined. N.C. Gen. Stat. § 130A-385(b).

4. The Chief Medical Examiner is authorized to amend a medical examiner death certificate. N.C. Gen. Stat. § 130A-385(c). The Chief Medical Examiner is also authorized to inspect all physical evidence and documents which may be relevant to determining the cause and manner of death of the person whose death is under investigation. N.C. Gen. Stat. § 130A-385(a).

5. As Petitioner is contesting Respondent's refusal to amend his son's death certificate, Petitioner has the burden of proof.

6. There is substantial evidence in the record to support Respondent's refusal to amend Arthur Gainey's death certificate by changing the manner of death from suicide to accident.



7. Petitioner failed to produce any credible evidence to prove Respondent exceeded its authority or jurisdiction, acted erroneously, acted arbitrarily or capriciously or otherwise substantially prejudiced Petitioner's rights in refusing to amend Arthur Gainey's death certificate.

**RECOMMENDED DECISION**

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned recommends the Respondent's actions be AFFIRMED by directed verdict and the Petition be DISMISSED.

**ORDER**

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

**NOTICE**

The agency making the final decision in this contested case is required to give each party an opportunity to file exceptions to this recommended decision and to present written arguments to those in the agency who will make the final decision. N.C. Gen. Stat. § 150B-36(a).

The agency is required by N.C. Gen. Stat. § 150B-36 to serve a copy of the final decision on all parties and to furnish a copy to the parties' attorney of record and to the Office of Administrative Hearings. The agency that will make the final decision in this case is the North Carolina State Health Director.

This the 12<sup>th</sup> day of May, 1999.

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Melissa C. Owens  
Administrative Law Judge



# CUMULATIVE INDEX

(Updated through June 25, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

This index provides information related to notices, rules and other documents published in the Register. It includes information about rules for which Notice of Rule-Making Proceedings or Notice of Text have been published, rules submitted to the Rules Review Commission and rules codified since the last session of the General Assembly. For assistance contact the Rules Division at 919/733-2678.

Fiscal Note: S = Rule affects the expenditure or distribution of state funds. L = Rule affects the expenditure or distribution of local government funds. SE = Rule has a substantial economic impact of at least \$5,000,000 in a 12-month period. \* = Rule-making agency has determined that the rule does not impact state or local funds and does not have a substantial economic impact. See G.S. 150B-21.4.

## ACUPUNCTURE, LICENSING BOARD

21 NCAC 01 0101 13:22 NCR 1820

## ADMINISTRATION

Council for Women, North Carolina

1 NCAC 17 13 19 NCR 1606

Indian Affairs, Commission of

1 NCAC 15 0201 13:02 NCR 175

1 NCAC 15 0205 13:02 NCR 175

1 NCAC 15 0206 13:02 NCR 175

1 NCAC 15 0212 13:02 NCR 175

1 NCAC 15 0213 13:02 NCR 175

## Non-Public Education

1 NCAC 40 0101 13:05 NCR 521

1 NCAC 40 0102 13:05 NCR 521

1 NCAC 40 0103 13:05 NCR 521

1 NCAC 40 0201 13:13 NCR 1057

1 NCAC 40 0202 13:05 NCR 521

1 NCAC 40 0203 13:13 NCR 1057

1 NCAC 40 0204 13:05 NCR 521

1 NCAC 40 0204 13:05 NCR 521

1 NCAC 40 0204 13:13 NCR 1057

## Purchase and Contract Division

1 NCAC 05B 0401 12:17 NCR 1611

13:08 NCR 627

\*



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1 NCAC 05B .0403 13.04 NCR 360 13.08 NCR 627 \*

1 NCAC 05C 13.04 NCR 360

1 NCAC 05D 13.04 NCR 360

## 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 \*

## AGRICULTURE

2 NCAC 20B .0104 13.13 NCR 1040 13.18 NCR 1503 \*

2 NCAC 43L .0309 13.14 NCR 1109 13.20 NCR 1718 \*

## Consumer Services

2 NCAC 54 .0101 13.14 NCR 1119 13.20 NCR 1718 \*

2 NCAC 54 .0102 13.14 NCR 1119 13.20 NCR 1718 \*

2 NCAC 54 .0103 13.14 NCR 1119 13.20 NCR 1718 \*

2 NCAC 54 .0104 13.14 NCR 1119 13.20 NCR 1718 \*

2 NCAC 54 .0105 13.14 NCR 1119 13.20 NCR 1718 \*

## Pesticide Board

2 NCAC 09K .0214 13.14 NCR 1109 13.20 NCR 1717 \*

2 NCAC 09L .0502 14.01 NCR 4

2 NCAC 09L 1201 14.01 NCR 4

## Veterinary Board

2 NCAC 52B .0207 13.23 NCR 1946 13.23 NCR 1946

2 NCAC 52B .0302 13.23 NCR 1901

2 NCAC 52E .0209 13.23 NCR 1901

## APPRAISAL BOARD

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21 NCAC 57A .0305	13.01 NCR 3		13.05 NCR 513	*	Object Approve	11/19/98 03/18/99	*		14.01 NCR 48	
<b>CHIROPRACTIC</b>										
21 NCAC 10 .0203		12.23 NCR 2098	13.14 NCR 1117	*	Approve	04/15/99	*			
<b>COMMERCE</b>										
4 NCAC 01E .0104	11.09 NCR 569		13.08 NCR 652	*	Object Approve	12/17/98 01/21/99	*		13.22 NCR 1868	
4 NCAC 01F	11.09 NCR 569									
4 NCAC 01H	11.09 NCR 569									
4 NCAC 01I .0101	11.09 NCR 569		13.08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0101		13.15 NCR 1224	13.20 NCR 1719	L/S						
4 NCAC 01I .0102	11.09 NCR 569		13.08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0102		13.15 NCR 1224	13.20 NCR 1719	*						
4 NCAC 01I .0201	11.09 NCR 569		13.08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0201		13.15 NCR 1224	13.20 NCR 1719	*						
4 NCAC 01I .0202	11.09 NCR 569		13.08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0202		13.15 NCR 1224	13.20 NCR 1719	L/S						
4 NCAC 01I .0301	11.09 NCR 569		13.08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0301		13.15 NCR 1224	13.20 NCR 1719	*						
4 NCAC 01I .0302	11.09 NCR 569		13.08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0302		13.15 NCR 1224	13.20 NCR 1719	L/S						
4 NCAC 01I .0303	11.09 NCR 569		13.08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0303		13.15 NCR 1224	13.20 NCR 1719	*						
4 NCAC 01I .0304	11.09 NCR 569		13.08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0304		13.15 NCR 1224	13.20 NCR 1719	*						
4 NCAC 01I .0401	11.09 NCR 569		13.08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0401		13.15 NCR 1224	13.20 NCR 1719	*						
4 NCAC 01I .0402	11.09 NCR 569		13.08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0402		13.15 NCR 1224	13.20 NCR 1719	L/S						
4 NCAC 01I .0403	11.09 NCR 569		13.08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0403		13.15 NCR 1224	13.20 NCR 1719	*						
4 NCAC 01I .0404	11.09 NCR 569		13.08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0404		13.15 NCR 1224	13.20 NCR 1719	*						
4 NCAC 01I .0405	11.09 NCR 569		13.08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0405		13.15 NCR 1224	13.20 NCR 1719	*						
4 NCAC 01I .0501	11.09 NCR 569		13.08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0501		13.15 NCR 1224	13.20 NCR 1719	L/S						
4 NCAC 01I .0502	11.09 NCR 569		13.08 NCR 652	*	Agcy withdrew	12/17/98				

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4 NCAC 011 .0502		13.15 NCR 1224	13.20 NCR 1719	L/S						
4 NCAC 011 .0503	11-09 NCR 569		13.08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0503		13.15 NCR 1224	13.20 NCR 1719	L/S						
4 NCAC 011 .0601	11-09 NCR 569		13.08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0601		13.15 NCR 1224	13.20 NCR 1719	*						
4 NCAC 011 .0701	11-09 NCR 569		13.08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0701		13.15 NCR 1224	13.20 NCR 1719	*						
4 NCAC 011 .0801		13.15 NCR 1224	13.20 NCR 1719	*						
4 NCAC 011 .0801	11-09 NCR 569									
4 NCAC 01K .0102	11-09 NCR 569		13.08 NCR 652	*	Object	12/17/98			13.22 NCR 1868	
4 NCAC 01K .0103	11-09 NCR 569		13.08 NCR 652	*	Approve	01/21/99	*			
4 NCAC 01K .0302	11-09 NCR 569		13.08 NCR 652	*	Object	12/17/98			13.22 NCR 1868	
4 NCAC 01K .0402	11-09 NCR 569		13.08 NCR 652	*	Approve	01/21/99	*			
4 NCAC 01K .0402					Object	12/17/98			13.22 NCR 1868	
4 NCAC 01K .0402					Approve	01/21/99	*			
<b>Banking Commission</b>										
4 NCAC 03B .0101	N/A		N/A	N/A	Object	10/22/98				
4 NCAC 03B .0102	N/A		N/A	N/A	Approve	03/18/99			14.01 NCR 48	
4 NCAC 03B .0103	N/A		N/A	N/A	Object	10/22/98			14.01 NCR 48	
4 NCAC 03B .0103	N/A		N/A	N/A	Approve	03/18/99			14.01 NCR 48	
4 NCAC 03H .0102	N/A		N/A	N/A	Object	10/22/98			14.01 NCR 48	
4 NCAC 03L	13.24 NCR 1997				Approve	03/18/99			14.01 NCR 48	
<b>Industrial Commission</b>										
Public Notice - Hospital Fees for Workers' Compensation Cases										
<b>COMMUNITY COLLEGES</b>										
23 NCAC 02B .0104	13.10 NCR 804		13.22 NCR 1849	*						14.01 NCR 2
23 NCAC 02C .0307	13.05 NCR 524									
23 NCAC 02C .0503	13.10 NCR 815		13.22 NCR 1849	*						
23 NCAC 02C .0504	13.10 NCR 815		13.22 NCR 1849	*						
23 NCAC 02C .0505	13.10 NCR 815		13.22 NCR 1849	*						
23 NCAC 02D .0323	13.19 NCR 1609									



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23 NCAC 02D .0324	13:19 NCR 1609									
<b>COSMETIC ART EXAMINERS</b>										
21 NCAC 14A .0101	13:14 NCR 1114	13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14A .0103	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14A .0104	13:14 NCR 1114									
21 NCAC 14A .0105		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99				
21 NCAC 14C .0202	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14F .0101	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14F .0105	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14G .0103		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14G .0113	N/A		N/A	N/A	Approve	03/18/99			14:01 NCR 48	
21 NCAC 14H .0112		13:16 NCR 1263	13:21 NCR 1794	*						
21 NCAC 14H .0118		13:16 NCR 1263	13:21 NCR 1794	*						
21 NCAC 14I .0104	13:14 NCR 1114		13:19 NCR 1652	*	Object	06/17/99				
21 NCAC 14I .0107	13:14 NCR 1114		13:19 NCR 1652	*	Object	06/17/99				
21 NCAC 14I .0109	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14J .0103		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99				
21 NCAC 14J .0208	13:14 NCR 1114		13:19 NCR 1652	*	Object	06/17/99				
21 NCAC 14J .0501	13:14 NCR 1114		13:19 NCR 1652	*	Object	06/17/99				
21 NCAC 14K .0102		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14K .0107		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14L .0101	13:14 NCR 1114		13:19 NCR 1652	*	Object	06/17/99				
21 NCAC 14L .0105	13:14 NCR 1114	13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99				
21 NCAC 14L .0109		13:14 NCR 1157								
21 NCAC 14L .0210	N/A		N/A	N/A	Approve	03/18/99			14:01 NCR 48	
21 NCAC 14L .0214	N/A		N/A	N/A	Approve	03/18/99			14:01 NCR 48	
21 NCAC 14L .0216		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*			

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21 NCAC 14L .0303	13.14 NCR 1114		13.19 NCR 1652	*						
21 NCAC 14N .0101	13.14 NCR 1114		13.19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14N .0102	13.14 NCR 1114		13.19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14N .0103	13.14 NCR 1114	13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14N .0104		13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14N .0105	13.14 NCR 1114		13.19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14N .0108	13.14 NCR 1114		13.19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14N .0110		13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14N .0112	13.14 NCR 1114		13.19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14N .0113	13.14 NCR 1114	13.14 NCR 1157	13.19 NCR 1652	*	<b>Object</b>	<b>06/17/99</b>				
21 NCAC 14N .0601		13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99				
21 NCAC 14N .0602		13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99				
21 NCAC 14N .0701		13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99				
21 NCAC 14N .0702		13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14O .0101		13.14 NCR 1157	13.19 NCR 1652	*	<b>Object</b>	<b>06/17/99</b>				
21 NCAC 14O .0102		13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14O .0103		13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14O .0104		13.14 NCR 1157	13.19 NCR 1652	*	<b>Object</b>	<b>06/17/99</b>				
21 NCAC 14O .0105		13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14O .0106		13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14O .0107		13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14P .0101		13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14P .0102		13.14 NCR 1157	13.19 NCR 1652	L	Approve	06/17/99	*			
21 NCAC 14P .0103		13.14 NCR 1157	13.19 NCR 1652	L	Approve	06/17/99	*			
21 NCAC 14P .0104		13.14 NCR 1157	13.19 NCR 1652	L	Approve	06/17/99	*			
21 NCAC 14P .0105		13.14 NCR 1157	13.19 NCR 1652	L	<b>Object</b>	<b>06/17/99</b>	*			
21 NCAC 14P .0106		13.14 NCR 1157	13.19 NCR 1652	L	Approve	06/17/99	*			

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21 NCAC 14P .0107		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99				
21 NCAC 14P .0108		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99				
21 NCAC 14P .0109		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99				
21 NCAC 14P .0110		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99	*			
21 NCAC 14P .0111		13:14 NCR 1157	13:19 NCR 1652	L	Object	06/17/99				
21 NCAC 14P .0112		13:14 NCR 1157	13:19 NCR 1652	L	Object	06/17/99				
21 NCAC 14P .0113		13:14 NCR 1157	13:19 NCR 1652	L	Object	06/17/99				
21 NCAC 14P .0114		13:14 NCR 1157	13:19 NCR 1652	L	Object	06/17/99				
21 NCAC 14P .0115		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99	*			
21 NCAC 14P .0116		13:14 NCR 1157	13:19 NCR 1652	L	Object	06/17/99				
<b>DENTAL EXAMINERS</b>										
21 NCAC 16G .0101	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16G .0102	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16G .0103	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16H .0101	12:24 NCR 2203									
21 NCAC 16H .0102	12:24 NCR 2203									
21 NCAC 16H .0103	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0104	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0201	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0202	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0203	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0204	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0205	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0206	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16I .0004	11:20 NCR 1538									
21 NCAC 16I .0005	11:20 NCR 1538									
21 NCAC 16M .0101		13:11 NCR 910	13:15 NCR 1218	*	Object	06/17/99				



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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		13-15 NCR 1218	*						
21 NCAC 16Q .0202	12-24 NCR 2203		13-15 NCR 1218	*						
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	*						
<b>ELECTRICAL CONTRACTORS, BOARD OF EXAMINERS</b>										
21 NCAC 18B .0208	N/A		N/A	N/A	Object	06/17/99				
<b>EMPLOYEE ASSISTANCE PROFESSIONALS, BOARD OF</b>										
21 NCAC 11 .0101	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L	Approve	01/21/99	*		13-22 NCR 1868	
21 NCAC 11 .0102	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L	Agcy. withdrew					
21 NCAC 11 .0103	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L	Agcy. withdrew					
21 NCAC 11 .0104	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L	Approve	01/21/99	*		13-22 NCR 1868	
21 NCAC 11 .0105	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L	Approve	01/21/99	*		13-22 NCR 1868	
21 NCAC 11 .0106	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L	Approve	01/21/99	*		13-22 NCR 1868	
21 NCAC 11 .0107	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L	Approve	01/21/99	*		13-22 NCR 1868	
21 NCAC 11 .0108	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L	Approve	01/21/99	*		13-22 NCR 1868	

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21 NCAC 11 .0109	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L	Object	01/21/99				
21 NCAC 11 .0110	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L	Approve	02/18/99	*		13.24 NCR 2037	
21 NCAC 11 .0111	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L	Approve	01/21/99	*		13.22 NCR 1868	
21 NCAC 11 .0112	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L	Approve	01/21/99			13.22 NCR 1868	
				S/L	Approve	01/21/99	*		13.22 NCR 1868	
<b>ENVIRONMENT AND NATURAL RESOURCES</b>										
15A NCAC 01J .0101		13.18 NCR 1528	13.22 NCR 1827	*						
15A NCAC 01J .0102		13.18 NCR 1528	13.22 NCR 1827	S/L						
15A NCAC 01J .0202		13.18 NCR 1528	13.22 NCR 1827	S/L						
15A NCAC 01J .0303		13.18 NCR 1528	13.22 NCR 1827	S/L						
15A NCAC 01J .0402		13.18 NCR 1528	13.22 NCR 1827	S/L						
15A NCAC 01J .0502		13.18 NCR 1528	13.22 NCR 1827	S/L						
15A NCAC 01J .0504		13.18 NCR 1528	13.22 NCR 1827	*						
15A NCAC 01J .0601		13.18 NCR 1528	13.22 NCR 1827	*						
15A NCAC 01J .0604		13.18 NCR 1528	13.22 NCR 1827	*						
15A NCAC 01J .0701		13.18 NCR 1528	13.22 NCR 1827	S/L						
15A NCAC 01J .0703		13.18 NCR 1528	13.22 NCR 1827	S/L						
15A NCAC 01J .0803		13.18 NCR 1528	13.22 NCR 1827	S/L						
15A NCAC 01J .0903		13.18 NCR 1528	13.22 NCR 1827	S/L						
15A NCAC 01J .0904		13.18 NCR 1528	13.22 NCR 1827	*						
15A NCAC 01K	10.19 NCR 2506									
15A NCAC 01L .0101		13.18 NCR 1528	13.22 NCR 1827	*						
15A NCAC 01L .0102		13.18 NCR 1528	13.22 NCR 1827	S/L						
15A NCAC 01L .0203		13.18 NCR 1528	13.22 NCR 1827	*						
15A NCAC 01L .0303		13.18 NCR 1528	13.22 NCR 1827	*						
15A NCAC 01L .0501		13.18 NCR 1528	13.22 NCR 1827	S/L						
15A NCAC 01L .0503		13.18 NCR 1528	13.22 NCR 1827	*						
15A NCAC 01L .0601		13.18 NCR 1528	13.22 NCR 1827	*						

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15A NCAC 01L 0604		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01L 0701		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01L 0801		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01L 0902		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01L 1003		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01L 1004		13:18 NCR 1528	13:22 NCR 1827	*						
<b>Coastal Resources Commission</b>										
15A NCAC 07 11:04 NCR 183										
15A NCAC 07H 0200	13:22 NCR 1818									
15A NCAC 07H 0201	12:21 NCR 1873		13:23 NCR 1937	*						
15A NCAC 07H 0203	12:21 NCR 1873		13:23 NCR 1937	*						
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		13:23 NCR 1937	S/L						
15A NCAC 07H 0210	12:02 NCR 52									
15A NCAC 07H 0300	13:05 NCR 436									
15A NCAC 07H 0306	11:04 NCR 183		11 11 NCR 907	*						
15A NCAC 07H 0306	12:19 NCR 1763									
15A NCAC 07M 0307	13:22 NCR 1818									
15A NCAC 07H 0309	13:05 NCR 436		13:13 NCR 1044	S						
15A NCAC 07H 1100	12:21 NCR 1873									
15A NCAC 07H 1200	12:21 NCR 1873									
15A NCAC 07H 1301	12:21 NCR 1873		13:23 NCR 1937	*						
15A NCAC 07H 1400	12:21 NCR 1873									
15A NCAC 07H 1500	12:21 NCR 1873									
15A NCAC 07H 1601	12:21 NCR 1873		13:23 NCR 1937	*						
15A NCAC 07H 1600	11 15 NCR 1200									



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15A NCAC 07H 1700	12-21 NCR 1873									
15A NCAC 07H 1805		13-07 NCR 593	13-16 NCR 1259	*						
15A NCAC 07H 1901	12-21 NCR 1873		13-23 NCR 1937	*						
15A NCAC 07H 2101	13-05 NCR 436		13-13 NCR 1044	S						
15A NCAC 07H 2102	13-05 NCR 436		13-13 NCR 1044	S						
15A NCAC 07H 2105	13-05 NCR 436		13-13 NCR 1044	S						
15A NCAC 07H 2301	12-21 NCR 1873		13-23 NCR 1937	*						
15A NCAC 07H 2401	13-05 NCR 436		13-13 NCR 1044	S	Approve	05/20/99	*			
15A NCAC 07H 2402	13-05 NCR 436		13-13 NCR 1044	S	Approve	05/20/99	*			
15A NCAC 07H 2403	13-05 NCR 436		13-13 NCR 1044	S	Approve	05/20/99				
15A NCAC 07H 2404	13-05 NCR 436		13-13 NCR 1044	S	Object	05/20/99	*			
15A NCAC 07H 2405	13-05 NCR 436		13-13 NCR 1044	S	Approve	06/17/99	*			
15A NCAC 07H 0200	12-24 NCR 2202									
15A NCAC 07H 0204		13-07 NCR 593								
15A NCAC 07H 0405	12-21 NCR 2202									
15A NCAC 07K 0203	12-21 NCR 1873		13-23 NCR 1937	*						
15A NCAC 07K 0208	12-21 NCR 1873									
15A NCAC 07K 0209	12-21 NCR 1873		13-23 NCR 1937	*						
15A NCAC 07L 0202	12-21 NCR 1874									
15A NCAC 07L 0203	12-21 NCR 1874									
15A NCAC 07L 0206	12-21 NCR 1874									
15A NCAC 07L 0302	12-21 NCR 1874									
15A NCAC 07L 0304	12-21 NCR 1874									
15A NCAC 07L 0401	12-21 NCR 1874									
15A NCAC 07L 0405	12-21 NCR 1874									
15A NCAC 07M 0300	12-24 NCR 2202									
15A NCAC 07M 0401	13-04 NCR 361	13-12 NCR 976	13-16 NCR 1259	*						

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15A NCAC 07M .0401	14-01 NCR 44	14-01 NCR 44								
15A NCAC 07M .0402	13-04 NCR 361	13-12 NCR 976	13-16 NCR 1259	*						
15A NCAC 07M .0402	14-01 NCR 44	14-01 NCR 44								
15A NCAC 07M .0403	13-04 NCR 361	13-12 NCR 976	13-16 NCR 1259	*						
15A NCAC 07M .0403	14-01 NCR 44	14-01 NCR 44								
<b>Environmental Management Commission</b>										
15A NCAC 02	10-24 NCR 3045									
15A NCAC 02	11-04 NCR 183									
15A NCAC 02	11-19 NCR 1408									
15A NCAC 02B .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 .0225	13-19 NCR 1606		13-23 NCR 1929	*						
15A NCAC 02B .0227	10-18 NCR 2400		11-12 NCR 973	*						
15A NCAC 02B .0230	11-24 NCR 1818		11-30 NCR 2303	*						
15A NCAC 02B .0231	11-02 NCR 75		11-10 NCR 824 11-14 NCR 1136	L/SE						
15A NCAC 02B .0233	11-02 NCR 75		11-10 NCR 824	L	Object Approve	01/15/98 02/19/98	*		12-22 NCR 2012	Disapproved (HB 1402)
		12-02 NCR 77 12-14 NCR 1348 12-20 NCR 1836 13-24 NCR 2017	11-14 NCR 1136	L						
15A NCAC 02B .0242		13-24 NCR 2017	12-06 NCR 462	S/L/SE						
15A NCAC 02B .0245	12-23 NCR 2088		13-04 NCR 368	*						

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15A NCAC 02B 0246	12.23 NCR 2088		13.04 NCR 368	*						
15A NCAC 02B 0247	12.23 NCR 2088		13.04 NCR 368	L/SE						
15A NCAC 02B 0255	13.23 NCR 1901									
15A NCAC 02B 0256	13.23 NCR 1901									
15A NCAC 02B 0257	13.23 NCR 1901									
15A NCAC 02B 0258	13.23 NCR 1901									
15A NCAC 02B 0259	13.23 NCR 1901									
15A NCAC 02B 0260	13.23 NCR 1901									
15A NCAC 02B 0261	13.23 NCR 1901									
15A NCAC 02B 0262	13.23 NCR 1901									
15A NCAC 02B 0303	13.14 NCR 1111		13.20 NCR 1727	*						
15A NCAC 02B 0304	13.14 NCR 1111		13.20 NCR 1727	*						
15A NCAC 02B 0306	13.14 NCR 1111		13.20 NCR 1727	*						
15A NCAC 02B 0306	13.19 NCR 1606		13.23 NCR 1929	*						
15A NCAC 02B 0308	12.16 NCR 1489									
15A NCAC 02B 0308	13.14 NCR 1111		13.20 NCR 1727	*						
15A NCAC 02B 0310	13.19 NCR 1606		13.23 NCR 1929	*						
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 02B 0317	13.19 NCR 1606		13.23 NCR 1929	*						
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 0501	11.15 NCR 1200									
15A NCAC 02D 0501	11.04 NCR 183									
15A NCAC 02D 0501	13.16 NCR 1252									



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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 .0542	13:24 NCR 1994									
15A NCAC 02D .0610	11:15 NCR 1200									
15A NCAC 02D .0611	11:15 NCR 1200									
15A NCAC 02D .0612	11:15 NCR 1200									
15A NCAC 02D .0613	11:15 NCR 1200									
15A NCAC 02D .0614	11:15 NCR 1200									
15A NCAC 02D .0615	11:15 NCR 1200									
15A NCAC 02D .0806	11:26 NCR 1976									
15A NCAC 02D .0902	11:19 NCR 1408									
15A NCAC 02D .0903	11:15 NCR 1200									
15A NCAC 02D .0909	11:19 NCR 1408									
15A NCAC 02D .0912	11:15 NCR 1200									
15A NCAC 02D .0917	11:19 NCR 1408									
15A NCAC 02D .0918	11:19 NCR 1408									
15A NCAC 02D .0919	11:19 NCR 1408									
15A NCAC 02D .0920	11:19 NCR 1408									
15A NCAC 02D .0921	11:19 NCR 1408									
15A NCAC 02D .0922	11:19 NCR 1408									

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15A NCAC 02D .0923	11:19 NCR 1408									
15A NCAC 02D .0924	11:19 NCR 1408									
15A NCAC 02D .0926	13:16 NCR 1252									
15A NCAC 02D .0927	13:16 NCR 1252									
15A NCAC 02D .0932	13:16 NCR 1252									
15A NCAC 02D .0934	11:19 NCR 1408									
15A NCAC 02D .0948	11:19 NCR 1408									
15A NCAC 02D .0949	11:19 NCR 1408									
15A NCAC 02D .0950	11:19 NCR 1408									
15A NCAC 02D .0951	11:19 NCR 1408									
15A NCAC 02D .0952	12:16 NCR 1482									
15A NCAC 02D .0954	11:15 NCR 1200									
15A NCAC 02D .1100	11:08 NCR 442									
15A NCAC 02D .1103	13:04 NCR 356									
15A NCAC 02D .1104	12:02 NCR 52	12:02 NCR 77								
15A NCAC 02D .1104	13:04 NCR 356									
15A NCAC 02D .1104	13:16 NCR 1252									
15A NCAC 02D .1105	11:15 NCR 1200									
15A NCAC 02D .1106	11:26 NCR 1976									
15A NCAC 02D .1200	13:12 NCR 943									
15A NCAC 02D .1200	13:16 NCR 1252									
15A NCAC 02D .1203	11:15 NCR 1200									
15A NCAC 02D .1400	13:24 NCR 1994									
15A NCAC 02D .1404	11:15 NCR 1200									
15A NCAC 02D .1700	12:02 NCR 52									
15A NCAC 02D .1703	13:16 NCR 1252									
15A NCAC 02D .1801		13:18 NCR 1545 13:22 NCR 1860								

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15A NCAC 02D .1802		13.18 NCR 1545								
		13.22 NCR 1860								
15A NCAC 02D .1803		13.18 NCR 1545								
		13.22 NCR 1860								
15A NCAC 02D .1804		13.18 NCR 1545								
15A NCAC 02D .1805		13.18 NCR 1545								
		13.24 NCR 2017								
15A NCAC 02D .1903	12.16 NCR 1482									
15A NCAC 02D .1903	13.12 NCR 943									
15A NCAC 02D .1904	12.16 NCR 1482									
15A NCAC 02D .2100	13.04 NCR 356									
15A NCAC 02D .2200	11.26 NCR 1976									
15A NCAC 02E .0102	13.20 NCR 1715		13.24 NCR 1998	*						14.01 NCR 3
15A NCAC 02E .0103	13.20 NCR 1715		13.24 NCR 1998	*						14.01 NCR 3
15A NCAC 02E .0106	13.20 NCR 1715		13.24 NCR 1998	*						14.01 NCR 3
15A NCAC 02E .0107	13.20 NCR 1715		13.24 NCR 1998	*						14.01 NCR 3
15A NCAC 02E .0201	13.20 NCR 1715		13.24 NCR 1998	*						14.01 NCR 3
15A NCAC 02E .0202	13.20 NCR 1715		13.24 NCR 1998	*						14.01 NCR 3
15A NCAC 02E .0205	13.20 NCR 1715		13.24 NCR 1998	*						14.01 NCR 3
15A NCAC 02E .0501	13.20 NCR 1715		13.24 NCR 1998	*						14.01 NCR 3
15A NCAC 02E .0502	13.20 NCR 1715		13.24 NCR 1998	*						14.01 NCR 3
15A NCAC 02E .0503	13.20 NCR 1715		13.24 NCR 1998	S/L/SE						14.01 NCR 3
15A NCAC 02E .0504	13.20 NCR 1715		13.24 NCR 1998	*						14.01 NCR 3
15A NCAC 02H .0226	12.20 NCR 1817	13.04 NCR 426	13.05 NCR 491	*						14.01 NCR 3
15A NCAC 02H .0610	12.02 NCR 52	12.02 NCR 77								
		Temp Expired 04/11/98								
15A NCAC 02H .0800	13.04 NCR 356									
15A NCAC 02H .0800	13.08 NCR 621									
15A NCAC 02H .1202	11.15 NCR 1200									
15A NCAC 02H .1203	11.15 NCR 1200									



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15A NCAC 02H 1204	11.15 NCR 1200									
15A NCAC 02H 1205	11.15 NCR 1200									
15A NCAC 02L	11.15 NCR 1200									
	11.15 NCR 1204									
15A NCAC 02L 0106		12.08 NCR 713								
15A NCAC 02L 0115	11.15 NCR 1204	12.08 NCR 713								
15A NCAC 02L 0202	10.20 NCR 2591									
15A NCAC 02L 0202	13.04 NCR 356									
15A NCAC 02N	11.15 NCR 1200									
15A NCAC 02N	11.15 NCR 1204									
15A NCAC 02P	11.15 NCR 1200									
15A NCAC 02P 0402	11.15 NCR 1204	12.08 NCR 713								
15A NCAC 02P 0402	13.24 NCR 1994									
15A NCAC 02Q 0102	11.19 NCR 1408									
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 0102	13.24 NCR 1994									
15A NCAC 02Q 0103	12.20 NCR 1817									
15A NCAC 02Q 0502	13.24 NCR 1994									
15A NCAC 02Q 0508	13.08 NCR 621									
15A NCAC 02Q 0700	11.08 NCR 442									
15A NCAC 02Q 0702	13.12 NCR 943		13.20 NCR 1727	*						
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 02R 0204	12.02 NCR 52		12.14 NCR 1267	S						

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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									
<b>Health Services, Commission for</b>										
15A NCAC 13B .1627	11-08 NCR 442		11-13 NCR 1055	*						
15A NCAC 13B .1800	11-08 NCR 442									
15A NCAC 13B .1800	11-26 NCR 1976									
15A NCAC 18A	11-04 NCR 183									
15A NCAC 18A .0425		12-14 NCR 1352								
15A NCAC 18A .0432		12-14 NCR 1352								
15A NCAC 18A .1000	13-16 NCR 1252									
15A NCAC 18A .1300	13-16 NCR 1252									
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	13-20 NCR 1738	*						
15A NCAC 18A .1720	12-16 NCR 1482									
15A NCAC 18A .1808	13-08 NCR 621	12-18 NCR 1713	13-13 NCR 1047	*	Approve	04/15/99	*			
15A NCAC 18A .1810		12-21 NCR 1882	13-13 NCR 1047	*	Approve	04/15/99				
15A NCAC 18A .1812	13-08 NCR 621	12-24 NCR 2228	13-13 NCR 1047	*	Approve	04/15/99	*			
15A NCAC 18A .1952		13-12 NCR 979								
15A NCAC 18A .1953		13-12 NCR 979								
15A NCAC 18A .1954		13-12 NCR 979								
15A NCAC 18A .1955		13-12 NCR 979								
15A NCAC 18A .2308	12-03 NCR 168		12-07 NCR 519	*	Ext. Review Object	12/18/97				

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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 .2600	12:04 NCR 240										
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 .2809	12:16 NCR 1482										
15A NCAC 18A .2811	12:16 NCR 1482										
15A NCAC 18A .2814	12:16 NCR 1482										
15A NCAC 18A .2816	12:16 NCR 1482										
15A NCAC 18A .2818	12:16 NCR 1482										
15A NCAC 18A .2821	12:16 NCR 1482										
15A NCAC 18A .2826	12:16 NCR 1482										
15A NCAC 18A .2835	12:16 NCR 1482										
15A NCAC 18A .2836	12:16 NCR 1482										
15A NCAC 18C	13:04 NCR 356										
15A NCAC 18D 0201	13:23 NCR 1928										
15A NCAC 18D 0203	13:23 NCR 1928										
15A NCAC 18D 0205	13:23 NCR 1928										
15A NCAC 18D 0206	13:23 NCR 1928										
15A NCAC 18D 0304	13:23 NCR 1928										
15A NCAC 18D 0307	13:23 NCR 1928										
15A NCAC 18D 0308	13:23 NCR 1928										
15A NCAC 18D 0309	13:23 NCR 1928										
15A NCAC 18D .0403	13:23 NCR 1928										
15A NCAC 18D 0701	13:23 NCR 1928										



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15A NCAC 19A .0101	12-02 NCR 88	12-02 NCR 88								
15A NCAC 26C .0001	11-19 NCR 1408									
15A NCAC 26C .0002	11-19 NCR 1408									
15A NCAC 26C .0003	11-19 NCR 1408									
15A NCAC 26C .0004	11-19 NCR 1408									
15A NCAC 26C .0005	11-19 NCR 1408									
15A NCAC 26C .0006	11-19 NCR 1408									
15A NCAC 26C .0007	11-19 NCR 1408									
<b>Land Resources/Land Quality/Sedimentation Control Commission</b>										
15A NCAC 04B .0106	12-20 NCAC 1817		13-09 NCR 760	*						
15A NCAC 04B .0107	12-20 NCAC 1817		13-09 NCR 760	*						
15A NCAC 04B .0127	12-20 NCAC 1817		13-09 NCR 760	*						
15A NCAC 04C .0107	13-12 NCR 943		13-19 NCR 1651	*						
<b>Marine Fisheries Commission</b>										
15A NCAC 03	11-11 NCR 881									
15A NCAC 03	11-20 NCR 1537									
15A NCAC 03	11-26 NCR 1985									
15A NCAC 03	13-14 NCR 1113									
15A NCAC 03	13-17 NCR 1377									
15A NCAC 03H .0101	13-14 NCR 1113	14-01 NCR 18								
15A NCAC 03H .0103	12-23 NCR 2089									
15A NCAC 03H .0104	13-14 NCR 1113	14-01 NCR 18								
15A NCAC 03H .0105	13-14 NCR 1113	14-01 NCR 18								
15A NCAC 03H .0106	13-14 NCR 1113	14-01 NCR 18								
15A NCAC 03H .0107	N/A		N/A	N/A	Approve	06/17/99				
15A NCAC 03H .0114	13-14 NCR 1113	14-01 NCR 18								
15A NCAC 03H .0120	13-14 NCR 1113	14-01 NCR 18								

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15A NCAC 03J .0103		13:08 NCR 739								
15A NCAC 03J .0103	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03J .0104	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03J .0110	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03J .0202	11:07 NCR 407		11:11 NCR 888	*						
	13:14 NCR 1113									
15A NCAC 03J .0301	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03J .0302	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03J .0305	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03K .0101	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03K .0105	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03K .0106	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03K .0202	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03K .0502	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03L .0102	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03L .0201	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03L .0206	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03M .0202	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03M .0301	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03M .0501		13:08 NCR 739								
	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03M .0503	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03M .0504	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03M .0506		13:22 NCR 1865								
15A NCAC 03M .0507	13:10 NCR 803									
15A NCAC 03M .0507	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03M .0511	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03M .0513	11:26 NCR 1976		12:05 NCR 418	*						
15A NCAC 03M .0513	13:14 NCR 1113	14:01 NCR 18								

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15A NCAC 03M .0513	13.19 NCR 1666	13.19 NCR 1666								
15A NCAC 03M .0515	12.23 NCR 2089		13.03 NCR 303	*						
15A NCAC 03M .0515	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03M .0516	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0101	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0102	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0103	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0104	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0105	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0106	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0107	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0108	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0109	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0110	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0111	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0201	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0301	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0302	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0303	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0304	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0305	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0306	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0307	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0308	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0309	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0310	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03O .0401	13.14 NCR 1113	13.18 NCR 1553								



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15A NCAC 030 .0402	13.14 NCR 1113	13.18 NCR 1553								
15A NCAC 030 .0403	13.14 NCR 1113	13.18 NCR 1553								
15A NCAC 030 .0404	13.14 NCR 1113	13.18 NCR 1553								
15A NCAC 030 .0405	13.14 NCR 1113	13.18 NCR 1553								
15A NCAC 030 .0406	13.14 NCR 1113	13.18 NCR 1553								
15A NCAC 03Q .0106	N/A		N/A	N/A	Approve	06/17/99				
15A NCAC 03Q .0107	11.26 NCR 1985		13.13 NCR 1043	*	Approve	05/20/99				
<b>Parks and Recreation Commission</b>										
15A NCAC 12A .0001	12.13 NCR 1097									
15A NCAC 12A .0004	12.13 NCR 1097									
15A NCAC 12A .0005	12.13 NCR 1097									
15A NCAC 12B .0101	12.13 NCR 1097									
15A NCAC 12B .0104	12.13 NCR 1097									
15A NCAC 12B .0106	12.13 NCR 1097									
15A NCAC 12B .0203	12.13 NCR 1097									
15A NCAC 12B .0401	12.13 NCR 1097									
15A NCAC 12B .0402	12.13 NCR 1097									
15A NCAC 12B .0501	12.13 NCR 1097									
15A NCAC 12B .0602	12.13 NCR 1097									
15A NCAC 12B .0701	12.13 NCR 1097									
15A NCAC 12B .0702	12.13 NCR 1097									
15A NCAC 12B .0802	12.13 NCR 1097									
15A NCAC 12B .1001	12.13 NCR 1097									
15A NCAC 12B .1004	12.13 NCR 1097									
15A NCAC 12B .1102	12.13 NCR 1097									
15A NCAC 12B .1201	12.13 NCR 1097									

Water Pollution Control System Operators Certification Commission

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					Action	Date				
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									
<b>Waste Management</b>										
Hazardous Waste Section										
<b>Well Contractors Certification Commission</b>										
15A NCAC 27 .0101	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0110	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0201	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0301	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0401	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0410	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0420	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0430	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0440	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0501	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0510	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0520	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0601	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0701	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0801	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0810	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0820	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0830	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0840	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0901	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						

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					Action	Date				
15A NCAC 27 .0910	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0920	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0930	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
<b>Wildlife Resources Commission</b>										
15A NCAC 10B .0105	13:07 NCR 595	13:07 NCR 595	13:12 NCR 948	*	Object	04/15/99	*			
15A NCAC 10B .0109	N/A		N/A	N/A	Approve	05/20/99				
15A NCAC 10B .0113	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	06/17/99				
15A NCAC 10B .0115	13:18 NCR 1502		13:22 NCR 1842	*	Approve	04/15/99	*			
15A NCAC 10B .0202	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*			
15A NCAC 10B .0203	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*			
15A NCAC 10B .0204	N/A		N/A	N/A	Approve	06/17/99				
15A NCAC 10B .0205	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*			
15A NCAC 10B .0209	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99				
15A NCAC 10B .0212	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Object	04/15/99	*			
15A NCAC 10B .0302	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	05/20/99				
15A NCAC 10B .0403	13:23 NCR 1928				Approve	04/15/99				
15A NCAC 10C .0107	13:08 NCR 625		13:12 NCR 948	*	Approve	04/15/99	*			
15A NCAC 10C .0205	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99				
15A NCAC 10C .0305	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*			
15A NCAC 10C .0401	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99				
15A NCAC 10C .0501	13:14 NCR 1113		13:20 NCR 1737	*						
15A NCAC 10C .0502	13:14 NCR 1113		13:20 NCR 1737	*						
15A NCAC 10C .0503	13:14 NCR 1113		13:20 NCR 1737	*						
15A NCAC 10D .0102	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99				
15A NCAC 10D .0102	13:19 NCR 1609									
15A NCAC 10D .0103	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*			
15A NCAC 10D .0103	13:19 NCR 1609		14:01 NCR 6	*						



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					Action	Date				
15A NCAC 10F .0201	NA		N/A	N/A	Approve	03/18/99			14:01 NCR 48	
15A NCAC 10F .0300	13.14 NCR 1113									
15A NCAC 10F .0300	14.01 NCR 5									
15A NCAC 10F .0303	12.19 NCR 1763									
15A NCAC 10F .0310	13.07 NCR 595	13.15 NCR 1231	13.11 NCR 905	L	Approve	02/18/99	*		13.24 NCR 2037	
15A NCAC 10F .0317	13.08 NCR 625		13.14 NCR 1116	*	Approve	04/15/99				
15A NCAC 10F .0321	13.13 NCR 1040	13.19 NCR 1666	13.19 NCR 1666	L						
15A NCAC 10F .0323	13.13 NCR 1040	13.19 NCR 1666	13.19 NCR 1666	L						
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	Approve	04/15/99				
15A NCAC 10F .0339	13.13 NCR 1040	13.19 NCR 1666	13.19 NCR 1666	L						
15A NCAC 10F .0339	13.23 NCR 1928									
15A NCAC 10F .0342	13.07 NCR 585	13.15 NCR 1231	13.11 NCR 905	L	Approve	02/18/99	*		13.24 NCR 2037	
15A NCAC 10F .0359	12.19 NCR 1763									
15A NCAC 10F .0367	13.14 NCR 1113	13.19 NCR 1666	13.19 NCR 1666	L						

## FINAL DECISION LETTERS

### FORESTERS, BOARD OF REGISTRATION FOR

21 NCAC 20 .0101	13.19 NCR 1695	13.23 NCR 1942	*
21 NCAC 20 .0103	13.19 NCR 1695	13.23 NCR 1942	*
21 NCAC 20 .0104	13.19 NCR 1695	13.23 NCR 1942	*
21 NCAC 20 .0105	13.19 NCR 1695	13.23 NCR 1942	*
21 NCAC 20 .0106	13.19 NCR 1695	13.23 NCR 1942	*
21 NCAC 20 .0117	13.19 NCR 1695	13.23 NCR 1942	*
21 NCAC 20 .0120	13.19 NCR 1695	13.23 NCR 1942	*
21 NCAC 20 .0122	13.19 NCR 1695	13.23 NCR 1942	*
21 NCAC 20 .0123	13.19 NCR 1695	13.23 NCR 1942	*

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21 NCAC 12 .0202	13.22 NCR 1821	13.06 NCR 568	13.13 NCR 1048	*	Approve	05/20/99				
21 NCAC 12 .0204										
21 NCAC 12 .0204	13.22 NCR 1821									
21 NCAC 12 .0205	13.22 NCR 1821									
21 NCAC 12 .0307	13.22 NCR 1821									
21 NCAC 12 .0402	13.22 NCR 1821									
21 NCAC 12 .0405	13.22 NCR 1821									
21 NCAC 12 .0410	13.22 NCR 1821									
21 NCAC 12 .0503	11.28 NCR 2117									
21 NCAC 12 .0504	11.28 NCR 2117									
21 NCAC 12 .0504	13.13 NCR 1040		13.18 NCR 1524 13.24 NCR 2015	*						
21 NCAC 12 .0901	13.22 NCR 1821			*						
21 NCAC 12 .0902	11.28 NCR 2117									
21 NCAC 12 .0905	11.28 NCR 2117									
21 NCAC 12 .0906	11.28 NCR 2117									
21 NCAC 12 .0907	11.28 NCR 2117									
21 NCAC 12 .0907	13.22 NCR 1821									
21 NCAC 12 .0908	11.28 NCR 2117									
21 NCAC 12 .0909	11.28 NCR 2117									
21 NCAC 12 .0910	11.28 NCR 2117									
21 NCAC 12 .0911	11.28 NCR 2117									
21 NCAC 12 .0912	11.28 NCR 2117									

## GOVERNOR'S EXECUTIVE ORDERS

Number 152 - Eff. 05/21/99

## HEALTH AND HUMAN SERVICES

### Aging

10 NCAC 22 10.23 NCR 2956

14.01 NCR 1

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Blind/State Rehabilitation Council, Commission for the										
10 NCAC 19G .0823		13:17 NCR 1378	13:21 NCR 1785	*						
10 NCAC 19G .0827		13:17 NCR 1378	13:21 NCR 1785	*						
Child Day Care Commission										
10 NCAC 03U .0602	11:24 NCR 1817	12:08 NCR 710								
10 NCAC 03U .0604	11:24 NCR 1817	12:08 NCR 710								
10 NCAC 03U .0605	11:24 NCR 1817	12:08 NCR 710								
10 NCAC 03U .0705	11:14 NCR 1108		11:27 NCR 2054	*						
10 NCAC 03U .0705	11:24 NCR 1817	12:08 NCR 710								
10 NCAC 03U .2000	12:21 NCR 1873									
10 NCAC 03U .2500	12:21 NCR 1873									
Controller, Office of										
10 NCAC 01B .0418	13:14 NCR 1109		13:22 NCR 1823	*						
10 NCAC 01B .0419	13:14 NCR 1109		13:22 NCR 1823	*						
10 NCAC 01B .0420	13:14 NCR 1109		13:22 NCR 1823	*						
Facility Services										
10 NCAC 03R .1613		13:14 NCR 1119								
10 NCAC 03R .1615		13:14 NCR 1119								
10 NCAC 03R .1713		13:14 NCR 1119								
10 NCAC 03R .1714		13:14 NCR 1119								
10 NCAC 03R .1715		13:14 NCR 1119								
10 NCAC 03R .1912		13:14 NCR 1119								
10 NCAC 03R .1913		13:14 NCR 1119								
10 NCAC 03R .1914		13:14 NCR 1119								
10 NCAC 03R .2113		13:14 NCR 1119								
10 NCAC 03R .2713		13:14 NCR 1119								
10 NCAC 03R .2715		13:14 NCR 1119								



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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 .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 .6112		12-15 NCR 1431	13-02 NCR 178	S/L/SE	Object Object Returned to Agency	10/22/98 12/17/98					
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									

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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								
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								

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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									
<b>Health Services</b>										
15A NCAC 16A .1104	13.14 NCR 1114		14.01 NCR 12	*						
15A NCAC 16A .1106	13.14 NCR 1114		14.01 NCR 12	*						
15A NCAC 19A .0401	13.11 NCR 855	13.24 NCR 2034	13.24 NCR 2004	*						
15A NCAC 19A .0401	13.22 NCR 1818	13.24 NCR 2034	13.24 NCR 2004	*						
15A NCAC 19A .0404	13.11 NCR 855		13.24 NCR 2004	*						
15A NCAC 19A .0404	13.22 NCR 1818		13.24 NCR 2004	*						
15A NCAC 19A .0406	13.11 NCR 855		13.24 NCR 2004	*						
15A NCAC 19A .0406	13.22 NCR 1818		13.24 NCR 2004	*						
15A NCAC 19A .0502	13.11 NCR 855	13.13 NCR 1059	13.24 NCR 2004	*						
15A NCAC 19A .0502	13.22 NCR 1818		13.24 NCR 2004	*						
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	Agency Withdraw	02/02/99			13.22 NCR 1868	
15A NCAC 21H .0113	12.20 NCR 1822		13.07 NCR 591	S	Approve	01/21/99	*			
15A NCAC 23 .0201	13.22 NCR 1820		13.07 NCR 591	*	Approve	01/21/99			13.22 NCR 1868	
15A NCAC 23 .0202		13.18 NCR 1555								
15A NCAC 23 .0202	13.22 NCR 1820									
15A NCAC 23 .0204	13.22 NCR 1820									
15A NCAC 23 .0501	13.22 NCR 1820									
15A NCAC 26C	13.22 NCR 1820									
15A NCAC 26C .0101	13.22 NCR 1820		14.01 NCR 12	*						
15A NCAC 26C .0102	13.22 NCR 1820		14.01 NCR 12	*						



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15A NCAC 26C .0103	13.22 NCR 1820		14.01 NCR 12	*						
15A NCAC 26C .0104	13.22 NCR 1820		14.01 NCR 12	*						
15A NCAC 26C .0105	13.22 NCR 1820		14.01 NCR 12	*						
15A NCAC 26C .0106	13.22 NCR 1820		14.01 NCR 12	*						
15A NCAC 26C .0107	13.22 NCR 1820		14.01 NCR 12	*						
<b>Medical Assistance</b>										
10 NCAC 26B .0113	14.01 NCR 4									
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 .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 .0401		13.03 NCR 316	13.08 NCR 668	S/L	Object Approve	12/17/98 01/21/99	*		13.22 NCR 1868 13.24 NCR 2037	
10 NCAC 26I .0101	13.02 NCR 175		13.07 NCR 588	*	Approve	02/18/99	*			
10 NCAC 26K .0106	12.05 NCR 337		12.21 NCR 1875	*						
10 NCAC 26K .0106	12.06 NCR 444			*						
10 NCAC 26M .0203	12.05 NCR 337			*						
10 NCAC 26M .0204	12.06 NCR 444		13.01 NCR 5	*						Extend. Com. Period 13.05 NCR 435
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			13.24 NCR 2037	

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					Action	Date				
10 NCAC 50B .0311	13.03 NCR 268									
10 NCAC 50B .0313	13.02 NCR 175		13.10 NCR 806	*	Approve	02/18/99	*		13.24 NCR 2037	
10 NCAC 50B .0313		13.18 NCR 1526								
<b>Medical Care Commission</b>										
10 NCAC 03D .1500	11.23 NCR 1779									
<b>Mental Health, Developmental Disabilities and Substance Abuse Services</b>										
10 NCAC 14V .0802	12.20 NCR 1820	13.22 NCR 1853	13.22 NCR 1853	*						
10 NCAC 14V .0803	12.20 NCR 1820	13.22 NCR 1853	13.22 NCR 1853	*						
10 NCAC 14V .0804	12.20 NCR 1820	13.22 NCR 1853	13.22 NCR 1853	*						
10 NCAC 14V .0805	12.20 NCR 1820	13.22 NCR 1853	13.22 NCR 1853	*						
10 NCAC 14V .3800	12.20 NCR 1820									
10 NCAC 14V .4000	12.20 NCR 1820									
10 NCAC 14V .4301	12.19 NCR 1762									
10 NCAC 14V .4302	12.19 NCR 1762		13.07 NCR 586	*	Approve	01/21/99	*		13.22 NCR 1868	
10 NCAC 14V .4303	12.19 NCR 1762		13.07 NCR 586	*	Object	01/21/99	*			
10 NCAC 14V .4304	12.19 NCR 1762		13.07 NCR 586	*	Approve	02/18/99	*		13.24 NCR 2037	
10 NCAC 14V .4305	12.19 NCR 1762		13.07 NCR 586	*	Approve	01/21/99	*		13.22 NCR 1868	
10 NCAC 14V .4306	12.19 NCR 1762		13.07 NCR 586	*	Approve	01/21/99	*		13.22 NCR 1868	
10 NCAC 14V .5000	12.20 NCR 1820			*	Approve	01/21/99			13.22 NCR 1868	
10 NCAC 45G .0410	13.23 NCR 1947	13.23 NCR 1947								
10 NCAC 45H .0205	11.19 NCR 1762	12.24 NCR 2223	13.05 NCR 487	*						
<b>Secretary of Health and Human Services</b>										
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	*						

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10 NCAC 14V .7205	13:05 NCR 436		13:13 NCR 1042	*						
<b>Social Services Commission</b>										
10 NCAC 29C .0103		13:06 NCR 566	13:19 NCR 1611	*						
10 NCAC 41E .0401	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0403	12:11 NCR 919		13:05 NCR 438	*					13:24 NCR 2037	
10 NCAC 41E .0404	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0405	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0406	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0501	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0502	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0503	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0504	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0505	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0506	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0507	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0508	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0509	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0510	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0511	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0512	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0513	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	



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10 NCAC 41E .0514	12-11 NCR 919		13-05 NCR 438	*	Approve	02/18/99			13-24 NCR 2037	
10 NCAC 41E .0515	12-11 NCR 919		13-11 NCR 857	*						
10 NCAC 41E .0516	12-11 NCR 919		13-05 NCR 438	*	Approve	02/18/99			13-24 NCR 2037	
10 NCAC 41E .0517	12-11 NCR 919		13-11 NCR 857	*	Approve	02/18/99			13-24 NCR 2037	
10 NCAC 41E .0518	12-11 NCR 919		13-05 NCR 438	*	Approve	02/18/99			13-24 NCR 2037	
10 NCAC 41E .0601	12-11 NCR 919		13-11 NCR 857	*	Approve	02/18/99			13-24 NCR 2037	
10 NCAC 41E .0602	12-11 NCR 919		13-05 NCR 438	*	Approve	02/18/99			13-24 NCR 2037	
10 NCAC 41E .0603	12-11 NCR 919		13-11 NCR 857	*	Approve	02/18/99			13-24 NCR 2037	
10 NCAC 41E .0604	12-11 NCR 919		13-05 NCR 438	*	Approve	02/18/99			13-24 NCR 2037	
10 NCAC 41E .0605	12-11 NCR 919		13-11 NCR 857	*	Approve	02/18/99			13-24 NCR 2037	
10 NCAC 41E .0606	12-11 NCR 919		13-05 NCR 438	*	Approve	02/18/99			13-24 NCR 2037	
10 NCAC 41E .0701	12-11 NCR 919		13-11 NCR 857	*	Approve	02/18/99			13-24 NCR 2037	
10 NCAC 41E .0702	12-11 NCR 919		13-05 NCR 438	*	Approve	02/18/99			13-24 NCR 2037	
10 NCAC 41E .0703	12-11 NCR 919		13-11 NCR 857	*	Approve	02/18/99			13-24 NCR 2037	
10 NCAC 41E .0704	12-11 NCR 919		13-05 NCR 438	*	Approve	02/18/99			13-24 NCR 2037	
10 NCAC 41G .0501	12-11 NCR 919		13-11 NCR 857	*	Approve	02/18/99			13-24 NCR 2037	
10 NCAC 41G .0502	12-11 NCR 919		13-05 NCR 438	*	Approve	02/18/99			13-24 NCR 2037	
10 NCAC 41G .0504	12-11 NCR 919		13-11 NCR 857	*	Approve	02/18/99			13-24 NCR 2037	
10 NCAC 41G .0505	12-11 NCR 919		13-05 NCR 438	*	Approve	02/18/99			13-24 NCR 2037	
10 NCAC 41G .0506	12-11 NCR 919		13-11 NCR 857	*	Approve	02/18/99			13-24 NCR 2037	
10 NCAC 41G .0507	12-11 NCR 919		13-05 NCR 438	*	Approve	02/18/99			13-24 NCR 2037	

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					Action	Date				
10 NCAC 41G .0508	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0509	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0510	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0511	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0512	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0513	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0601	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0602	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0603	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0604	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0605	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0606	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0701	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0702	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0703	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0704	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0705	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0706	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0707	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0708	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	

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10 NCAC 41G .0801	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0802	12.11 NCR 919		13:11 NCR 857	*						
10 NCAC 41G .0803	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0804	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0805	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0806	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0807	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0808	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0809	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0902	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1001	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1002	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1004	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1005	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1006	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1007	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1008	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1009	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1010	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1011	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1012	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	



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10 NCAC 41G 1013	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G 1101	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G 1102	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G 1103	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G 1104	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G 1105	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G 1106	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G 1201	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G 1202	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G 1203	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G 1204	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G 1205	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G 1206	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G 1207	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G 1208	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G 1301	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G 1302	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G 1303	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G 1304	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G 1305	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
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10 NCAC 41S .0302	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0303	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0304	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0305	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0306	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0307	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0401	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0402	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0403	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0404	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0405	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0406	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0407	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0501	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0502	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0503	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0504	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0505	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0506	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0601	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	



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10 NCAC 41S .0602	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0603	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0604	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0605	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0606	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0607	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0608	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0609	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0610	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0611	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0612	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0613	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0614	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0615	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0701	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0702	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0703	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0704	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Object	02/18/99	*		13:24 NCR 2037	
			13:11 NCR 857	*	Approve	02/18/99				
10 NCAC 41S .0705	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0706	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	

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10 NCAC 41S .0707	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
			13.05 NCR 438	*						
			13.11 NCR 857	*	Approve	02/18/99	*		13.24 NCR 2037	
10 NCAC 41S .0708	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41S .0709	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41S .0710	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41S .0711	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41S .0712	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41S .0713	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41T .0101	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41T .0102	12.11 NCR 919		13.11 NCR 857	*			*			
			13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41T .0103	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41T .0104	12.11 NCR 919		13.11 NCR 857	*			*			
			13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41T .0105	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41T .0106	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41T .0201	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41T .0202	12.11 NCR 919		13.11 NCR 857	*			*			
			13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41T .0203	12.11 NCR 919		13.11 NCR 857	*			*			
			13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41T .0204	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41T .0205	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41T .0206	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 42E	13.07 NCR 585		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	

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					Action	Date				
10 NCAC 42S	13:07 NCR 585									
10 NCAC 42Z	13:07 NCR 585									
<b>Vocational Rehabilitation Services</b>										
10 NCAC 20B 0224		13:17 NCR 1379								
10 NCAC 20B 0228		13:17 NCR 1379								
<b>HOUSING FINANCE AGENCY</b>										
24 NCAC 01H 0103	13:22 NCR 1822									
<b>INSURANCE</b>										
11 NCAC 06	12:09 NCR 744									
11 NCAC 12	12:09 NCR 744									
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									
<b>JUSTICE</b>										
<b>Criminal Justice Education and Training Standards Commission</b>										
12 NCAC 09B 0107	13:14 NCR 1110		13:19 NCR 1611	*	Ext. Review	06/17/99				
12 NCAC 09B 0109	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*			
12 NCAC 09B 0110	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*			
12 NCAC 09B 0112	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*			
12 NCAC 09B 0113	13:14 NCR 1110		13:19 NCR 1611	*	Ext. Review	06/17/99				
12 NCAC 09B 0115	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*			
12 NCAC 09B 0201	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				
12 NCAC 09B 0202	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				

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12 NCAC 09B .0203	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				
12 NCAC 09B .0204	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				
12 NCAC 09B .0205	13:14 NCR 1110		13:19 NCR 1611	S/L	Object	06/17/99				
12 NCAC 09B .0206	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				
12 NCAC 09B .0207	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99				
12 NCAC 09B .0208	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99				
12 NCAC 09B .0226	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				
12 NCAC 09B .0227	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				
12 NCAC 09B .0228	13:14 NCR 1110		13:19 NCR 1611	S	Object	06/17/99				
12 NCAC 09B .0232	13:14 NCR 1110		13:19 NCR 1611	S	Object	06/17/99				
12 NCAC 09B .0233	13:14 NCR 1110		13:19 NCR 1611	S	Object	06/17/99				
12 NCAC 09B .0302	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*			
12 NCAC 09B .0303	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*			
12 NCAC 09B .0304	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*			
12 NCAC 09B .0305	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				
12 NCAC 09B .0312	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99				
12 NCAC 09B .0403	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99				
12 NCAC 09B .0404	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99				
12 NCAC 09B .0405	13:14 NCR 1110		13:19 NCR 1611	S	Approve	06/17/99	*			
12 NCAC 09B .0406	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99				
12 NCAC 09B .0407	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99				
12 NCAC 09B .0414	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*			
12 NCAC 09B .0415	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*			
12 NCAC 09B .0603					Object	10/22/98				
12 NCAC 09C .0211	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				
12 NCAC 09C .0212	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				
12 NCAC 09C .0213	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				



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12 NCAC 09C .0403	13.14 NCR 1110		13.19 NCR 1611	*	Approve	06/17/99				
12 NCAC 09E .0107	13.14 NCR 1110		13.19 NCR 1611	*	Approve	06/17/99				
<b>Private Protective Services Board</b>										
12 NCAC 07D .0800	13.14 NCR 1110									
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				
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				
<b>Sheriffs' Education and Training Standards Commission</b>										
12 NCAC 10B .0103	13.14 NCR 1110		13.19 NCR 1637	S	Object	06/17/99				
12 NCAC 10B .0502	13.14 NCR 1110		13.19 NCR 1637	L	Object	06/17/99				
12 NCAC 10B .0505	13.14 NCR 1110		13.19 NCR 1637	*	Approve	06/17/99				
12 NCAC 10B .0506	13.14 NCR 1110		13.19 NCR 1637	*	Approve	06/17/99				
12 NCAC 10B .0507	13.14 NCR 1110		13.19 NCR 1637	*	Approve	06/17/99				
12 NCAC 10B .0508	13.14 NCR 1110		13.19 NCR 1637	*	Approve	06/17/99				
12 NCAC 10B .0509	13.14 NCR 1110		13.19 NCR 1637	*	Approve	06/17/99				
12 NCAC 10B .0601	13.14 NCR 1110		13.19 NCR 1637	S/L	Object	06/17/99				
12 NCAC 10B .0606	13.14 NCR 1110									
12 NCAC 10B .0607	13.14 NCR 1110									
12 NCAC 10B .0703	13.14 NCR 1110		13.19 NCR 1637	S/L	Approve	06/17/99	*			
12 NCAC 10B .0908	13.14 NCR 1110		13.19 NCR 1637	S/L	Approve	06/17/99				
12 NCAC 10B .1002	13.14 NCR 1110		13.19 NCR 1637	*	Approve	06/17/99				

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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 .1401	13-14 NCR 1110		13-19 NCR 1637	S	Approve	06/17/99				
12 NCAC 10B .1402	13-14 NCR 1110		13-19 NCR 1637	S	Approve	06/17/99	*			
12 NCAC 10B .1403	13-14 NCR 1110		13-19 NCR 1637	S	Approve	06/17/99	*			
12 NCAC 10B .1404	13-14 NCR 1110		13-19 NCR 1637	S	Approve	06/17/99	*			
12 NCAC 10B .1405	13-14 NCR 1110		13-19 NCR 1637	S	Approve	06/17/99	*			
12 NCAC 10B .1406	13-14 NCR 1110		13-19 NCR 1637	S	Approve	06/17/99				
<b>LABOR</b>										
<b>Boiler and Pressure Vessel Division</b>										
13 NCAC 13 .0406	13-03 NCR 269		13-08 NCR 685	*						
13 NCAC 13 .0409	13-03 NCR 269		13-08 NCR 685	*						
<b>Occupational Safety and Health</b>										
13 NCAC 07A .0900	11-11 NCR 881									
13 NCAC 07F	11-03 NCR 106									
13 NCAC 07F .0201	11-03 NCR 106									
13 NCAC 07F .0301	11-03 NCR 106									
13 NCAC 07F .0601	13-02 NCR 176		13-21 NCR 1786	S/L/SE						
13 NCAC 07F .0602	13-02 NCR 176		13-21 NCR 1786	S/L						
13 NCAC 07F .0603	13-02 NCR 176		13-21 NCR 1786	S/L/SE						
13 NCAC 07F .0604	13-02 NCR 176		13-21 NCR 1786	S/L/SE						
13 NCAC 07F .0605	13-02 NCR 176		13-21 NCR 1786	S/L/SE						
13 NCAC 07F .0606	13-02 NCR 176		13-21 NCR 1786	S/L						
<b>Wage and Hour Division</b>										
13 NCAC 12 .0501	13-03 NCR 268									
13 NCAC 12 .0801	13-03 NCR 268									
13 NCAC 12 .0802	13-03 NCR 268									

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## LANDSCAPE ARCHITECTS, BOARD OF

21 NCAC 26 .0104		12-08 NCR 730								
21 NCAC 26 .0105		12-08 NCR 730								
21 NCAC 26 .0302		12-08 NCR 730								
21 NCAC 26 .0506		12-08 NCR 730								
21 NCAC 26 .0507		12-08 NCR 730								
21 NCAC 26 .0508		12-08 NCR 730								
21 NCAC 26 .0509		12-08 NCR 730								

## MEDICAL BOARD

21 NCAC 32	13-06 NCR 538									
21 NCAC 32B	11-18 NCR 1369									
21 NCAC 32B	12-04 NCR 245									
21 NCAC 32H .0402		12-04 NCR 314								
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 .0124	11-18 NCR 1369		13-08 NCR 709	*						

## MORTUARY SCIENCE, BOARD OF

21 NCAC 34C	12-09 NCR 745									
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## MUNICIPAL INCORPORATIONS PETITION

### NURSING, BOARD OF

21 NCAC 36 .0213	13-22 NCR 1821									
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### OPTICIANS, BOARD OF

21 NCAC 40 .0108		12-07 NCR 557								
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### PHARMACY, BOARD OF

21 NCAC 46 .1317	13-22 NCR 1821									
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21 NCAC 46.1413	13.22 NCR 1821									
21 NCAC 46.1414	13.22 NCR 1821									
21 NCAC 46.1601	13.22 NCR 1821									
21 NCAC 46.1608	12.24 NCR 2203									
21 NCAC 46.1609	12.24 NCR 2203									
21 NCAC 46.1804	12.03 NCR 168		12:07 NCR 527	*	State Budget	03/20/98				
			12:09 NCR 797	*	Object	12/17/98				
			13:02 NCR 246	SE	Object	02/18/99				
					Object	04/15/99	*			
					Approve	05/20/99				
21 NCAC 46.1810	13.22 NCR 1821									
21 NCAC 46.1813	13.22 NCR 1821									
21 NCAC 46.1814	13.22 NCR 1821									
21 NCAC 46.1815		13:11 NCR 910	13:22 NCR 1848	*						
			13:24 NCR 2016	*						
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 46.2306	12.24 NCR 2203		13:04 NCR 419	*	Object	11/19/98				
21 NCAC 46.2506	12.24 NCR 2203		13:04 NCR 419	*	Object	12/17/98				
PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS, EXAMINERS OF										
21 NCAC 50.0106	12:07 NCR 509									
21 NCAC 50.0202	12:07 NCR 509									
21 NCAC 50.0506	12:07 NCR 509	12:07 NCR 557								
21 NCAC 50.1201	12:07 NCR 509									
21 NCAC 50.1205	12:07 NCR 509									
21 NCAC 50.1206	12:07 NCR 509									



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21 NCAC 50 .1212	12-07 NCR 509									
21 NCAC 50 .1302	12-07 NCR 509									
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21 NCAC 54 .1611	12-05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .1612	12-05 NCR 338									
21 NCAC 54 .1613	12-05 NCR 338									
21 NCAC 54 .1901	13.21 NCR 1784									
21 NCAC 54 .2006	12-05 NCR 338									
21 NCAC 54 .2010	12-05 NCR 338									
21 NCAC 54 .2104	12-05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2301	12-05 NCR 338									
21 NCAC 54 .2302	12-05 NCR 338									
21 NCAC 54 .2303	12-05 NCR 338									
21 NCAC 54 .2304	12-05 NCR 338									
21 NCAC 54 .2305	12-05 NCR 338									
21 NCAC 54 .2306	12-05 NCR 338									
21 NCAC 54 .2307	12-05 NCR 338									
21 NCAC 54 .2308	12-05 NCR 338									
21 NCAC 54 .2309	12-05 NCR 338									
21 NCAC 54 .2310	12-05 NCR 338									
21 NCAC 54 .2311	12-05 NCR 338									
21 NCAC 54 .2312	12-05 NCR 338									
21 NCAC 54 .2313	12-05 NCR 338									
21 NCAC 54 .2314	12-05 NCR 338									
21 NCAC 54 .2401	12-05 NCR 338									
21 NCAC 54 .2402	12-05 NCR 338									

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21 NCAC 54 .2501	12-05 NCR 338									
21 NCAC 54 .2502	12-05 NCR 338									
21 NCAC 54 .2503	12-05 NCR 338									
21 NCAC 54 .2504	12-05 NCR 338									
21 NCAC 54 .2505	12-05 NCR 338									
21 NCAC 54 .2601	12-05 NCR 338									
21 NCAC 54 .2602	12-05 NCR 338									
21 NCAC 54 .2704	12-05 NCR 338		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	*						
<b>PUBLIC EDUCATION</b>										
<b>Public Hearing - Date Change (See 13:18 NCR 1503)</b>										
16 NCAC 06B .0108		13-13 NCR 1061	13-18 NCR 1503	*						13:19 NCR 1605
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 .0205			13-24 NCR 2008	*						
16 NCAC 06C .0206			13-18 NCR 1503	*						
16 NCAC 06C .0207			13-18 NCR 1503	*						

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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	*						
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 06D .0103		12.22 NCR 2010								
16 NCAC 06D .0103			13.18 NCR 1503	*						
16 NCAC 06D .0103			13.24 NCR 2008	S						
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 .0304			13.24 NCR 2008	S						
16 NCAC 06D .0305			13.18 NCR 1503	*						
16 NCAC 06D .0501			13.24 NCR 2008	S						
16 NCAC 06D .0502			13.24 NCR 2008	S						
16 NCAC 06D .0503			13.24 NCR 2008	S						
16 NCAC 06D .0504			13.24 NCR 2008	S						

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16 NCAC 06D .0505			13.24 NCR 2008	S						
16 NCAC 06D .0506			13.24 NCR 2008	S						
16 NCAC 06D .0507			13.24 NCR 2008	S						
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 .0308			13.18 NCR 1503	*						
16 NCAC 06G .0309			13.18 NCR 1503	*						
16 NCAC 06G .0311		12.22 NCR 2010								
16 NCAC 06G .0311			13.18 NCR 1503	*						
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	*						
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										
REVENUE										
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						



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17 NCAC 04B .0301	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0302	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0306	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0308	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0309	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0310	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0311	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0312	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0403	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0405	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .2902	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .4301	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .4302	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0102	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0103	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0201	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0202	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0203	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0302	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0703	N/A		13:08 NCR 690	N/A						
17 NCAC 04F .0005	N/A		13:08 NCR 690	N/A						
17 NCAC 05C .0102			12:14 NCR 1285	*						
17 NCAC 05C .0703			12:14 NCR 1285	*						
17 NCAC 06B .0105	N/A		13:08 NCR 694	N/A						
17 NCAC 06B .0118	N/A		13:09 NCR 762	N/A	Object Approve	12/17/98 03/18/99 04/15/99				
17 NCAC 07B .0124	N/A		13:08 NCR 695	N/A						

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17 NCAC 07B .0125	N/A		13-08 NCR 695	N/A						
17 NCAC 07B .2101	N/A		13-09 NCR 767	N/A						
17 NCAC 09K .0601	N/A		13-08 NCR 695	N/A						

## SECRETARY OF STATE

18 NCAC 06 .1212		13-14 NCR 1151								
18 NCAC 06 .1304		13-14 NCR 1151								
18 NCAC 06 .1502		13-14 NCR 1151								
18 NCAC 06 .1802		12-07 NCR 534	12-14 NCR 1312	*						
18 NCAC 06 .1803		12-07 NCR 534	12-14 NCR 1312	*						

18 NCAC 10 .0101	13-09 NCR 759	13-14 NCR 1153								
18 NCAC 10 .0201	13-09 NCR 759	13-18 NCR 1556								
18 NCAC 10 .0301	13-09 NCR 759	13-14 NCR 1153								
18 NCAC 10 .0302	13-09 NCR 759	13-18 NCR 1556								
18 NCAC 10 .0303	13-09 NCR 759	13-14 NCR 1153								
18 NCAC 10 .0304	13-09 NCR 759	13-14 NCR 1153								
18 NCAC 10 .0305	13-09 NCR 759	13-14 NCR 1153								

18 NCAC 10 .0306		13-18 NCR 1556								
18 NCAC 10 .0307		13-18 NCR 1556								
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## SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGIST, BOARD OF EXAMINERS

21 NCAC 64 .0303	11-23 NCR 1780									
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## STATE PERSONNEL COMMISSION

25 NCAC 01B .0354	13-05 NCR 436		13-09 NCR 773	*						
25 NCAC 01B .0414		13-18 NCR 1560	13-22 NCR 1850	*						

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25 NCAC 01B .0434		13:18 NCR 1560	13:22 NCR 1850	*						
25 NCAC 01B .0437	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01C .0214		13:18 NCR 1560	13:22 NCR 1850	*						
25 NCAC 01D .2516		11:13 NCR 1062 Temp Expired 12:09 NCR 835	11:19 NCR 1429	*						
25 NCAC 01D .2517										
25 NCAC 01H .0602	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01H .0605	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01H .0606	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01J .0503	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01J .0506		13:18 NCR 1560	13:22 NCR 1850	*						
25 NCAC 01J .0512	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01J .0603	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01J .0603		13:18 NCR 1560	13:22 NCR 1850	*						
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19A NCAC 02D .0415	13:08 NCR 626		13:14 NCR 1116	*	Approve	04/15/99				
19A NCAC 02E .0221	13:04 NCR 361		13:10 NCR 811	*	Approve	03/18/99	*		14:01 NCR 48	
19A NCAC 02E .0222	13:04 NCR 361		13:10 NCR 811	*	Approve	03/18/99			14:01 NCR 48	
<b>Motor Vehicles, Division of</b>										
19A NCAC 03I .0100	11:19 NCR 1413									
19A NCAC 03I .0200	11:19 NCR 1413									
19A NCAC 03I .0207	13:16 NCR 1258		13:22 NCR 1843	*						
19A NCAC 03I .0300	11:19 NCR 1413									
19A NCAC 03I .0301	13:16 NCR 1258									
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19A NCAC 031 .0400	11:19 NCR 1413									
19A NCAC 031 .0401	13:16 NCR 1258		13:22 NCR 1843	*						
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19A NCAC 031 .0500	11:19 NCR 1413									
19A NCAC 031 .0501	13:16 NCR 1258		13:22 NCR 1843	*						
19A NCAC 031 .0600	11:19 NCR 1413									
19A NCAC 031 .0601	13:16 NCR 1258		13:22 NCR 1843	*						
19A NCAC 031 .0700	11:19 NCR 1413									
19A NCAC 031 .0701	13:16 NCR 1258		13:22 NCR 1843	*						
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19A NCAC 031 .0804	13:16 NCR 1258		13:22 NCR 1843	*						

## VETERINARY MEDICAL BOARD

21 NCAC 66 .0207	12:23 NCR 2089
21 NCAC 66 .0208	12:23 NCR 2089



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State \_\_\_\_\_

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