

EF. 15 FA 0232 .42 N27

# ***NORTH CAROLINA REGISTER***

RECEIVED

JUL 19 1999

KATHRINE R. EVERETT  
LAW LIBRARY

**VOLUME 14 • ISSUE 2 • Pages 72 - 122**

**July 15, 1999**

## **IN THIS ISSUE**

Executive Orders  
ENR - Coastal Management  
ENR - Environmental Management  
Voting Rights Letters  
Chiropractic Examiners, Board of  
Environment and Natural Resources  
Health and Human Services  
Housing Finance Agency  
Insurance  
Labor  
Nursing, Board of  
Revenue  
Transportation  
Rules Review Commission  
Contested Case Decisions

## **PUBLISHED BY**

*The Office of Administrative Hearings  
Rules Division  
PO Drawer 27447  
Raleigh, NC 27611-7447  
Telephone (919) 733-2678  
Fax (919) 733-3462*

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

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

Office of Administrative Hearings

Rules Division

Capehart-Crocker House

(919) 733-2678

424 North Blount Street

(919) 733-3462 FAX

Raleigh, North Carolina 27601-2817

contact: Molly Masich, Director APA Services

mmasich@oah.state.nc.us

Ruby Creech, Publications Coordinator

rercreech@oah.state.nc.us

### **Fiscal Notes & Economic Analysis**

Office of State Budget and Management

116 West Jones Street

(919) 733-7061

Raleigh, North Carolina 27603-8005

(919) 733-0640 FAX

contact: Warren Plonk, Economist III

wplonk@osbm.state.nc.us

### **Rule Review and Legal Issues**

Rules Review Commission

1307 Glenwood Ave., Suite 159

(919) 733-2721

Raleigh, North Carolina 27605

(919) 733-9415 FAX

contact: Joe DeLuca Jr., Staff Director Counsel

Bobby Bryan, Staff Attorney

### **Legislative Process Concerning Rule-making**

Joint Legislative Administrative Procedure Oversight Committee

545 Legislative Office Building

300 North Salisbury Street

(919) 733-2578

Raleigh, North Carolina 27611

(919) 715-5460 FAX

contact: Mary Shuping, Staff Liaison

marys@ms.nega.state.nc.us

### **County and Municipality Government Questions or Notification**

NC Association of County Commissioners

215 North Dawson Street

(919) 715-2893

Raleigh, North Carolina 27603

contact: Jim Blackburn or Rebecca Troutman

NC League of Municipalities

215 North Dawson Street

(919) 715-4000

Raleigh, North Carolina 27603

contact: Paula Thomas

# NORTH CAROLINA REGISTER

# IN THIS ISSUE



**Volume 14, Issue 2**  
**Pages 72 - 122**

**July 15, 1999**

This issue contains documents officially filed through June 23, 1999.

Office of Administrative Hearings  
Rules Division  
424 North Blount Street (27601)  
PO Drawer 27447  
Raleigh, NC 27611-7447  
(919) 733-2678  
FAX (919) 733-3462

Julian Mann III, Director  
Camille Winston, Deputy Director  
Molly Masich, Director of APA Services  
Ruby Creech, Publications Coordinator  
Jean Shirley, Editorial Assistant  
Linda Dupree, Editorial Assistant  
Jessica Flowers, Editorial Assistant

## I. EXECUTIVE ORDERS

Executive Order 153 ..... 72

## II. IN ADDITION

ENR - Coastal Management ..... 74  
ENR - Environmental Management ..... 73  
Voting Rights Letters ..... 75 - 76

## III. RULE-MAKING PROCEEDINGS

### Environment and Natural Resources

Wildlife Resources Commission ..... 79

### Insurance

Life and Health Division ..... 78  
Special Services Division ..... 78

### Labor

Occupational Safety & Health ..... 78 - 79

## IV. PROPOSED RULES

### Environment and Natural Resources

Environmental Management ..... 80

### Health and Human Services

Health Services ..... 80 - 82

### Independent Agencies

Housing Finance Agency ..... 82 - 83

### Licensing Boards

Nursing, Board of ..... 82

## V. APPROVED RULES ..... 84 - 100

### Environment and Natural Resources

Environmental Health  
Wildlife Resources

### Licensing Boards

Chiropractic Examiners, Board of

### Revenue

Individual Income Tax

### Transportation

Highways, Division of

## VI. RULES REVIEW COMMISSION ..... 101 - 107

## VII. CONTESTED CASE DECISIONS

Index to ALJ Decisions ..... 108 - 109

### Text of Selected Decisions

96 OSP 2044 (Correction) ..... 77  
98 EHR 1315 ..... 110 - 114  
99 DOA 0102 ..... 115 - 122

## VIII. CUMULATIVE INDEX ..... 1 - 56

# NORTH CAROLINA ADMINISTRATIVE CODE CLASSIFICATION SYSTEM

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

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

TITLE	DEPARTMENT	LICENSING BOARDS	CHAPTER
-------	------------	------------------	---------

1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Athletic Trainer Examiners	3
4	Commerce	Auctioneers	4
5	Correction	Barber Examiners	6
6	Council of State	Certified Public Accountant Examiners	8
7	Cultural Resources	Chiropractic Examiners	10
8	Elections	Employee Assistance Professionals	11
9	Governor	General Contractors	12
10	Health and Human Services	Cosmetic Art Examiners	14
11	Insurance	Dental Examiners	16
12	Justice	Dietetics/Nutrition	17
13	Labor	Electrical Contractors	18
14A	Crime Control & Public Safety	Electrolysis	19
15A	Environment and Natural Resources	Foresters	20
16	Public Education	Geologists	21
17	Revenue	Hearing Aid Dealers and Fitters	22
18	Secretary of State	Landscape Architects	26
19A	Transportation	Landscape Contractors	28
20	Treasurer	Marital and Family Therapy	31
*21	Occupational Licensing Boards	Medical Examiners	32
22	Administrative Procedures (Repealed)	Midwifery Joint Committee	33
23	Community Colleges	Mortuary Science	34
24	Independent Agencies	Nursing	36
25	State Personnel	Nursing Home Administrators	37
26	Administrative Hearings	Occupational Therapists	38
27	NC State Bar	Opticians	40
		Optometry	42
		Osteopathic Examination & Reg. (Repealed)	44
		Pastoral Counselors, Fee-Based Practicing	45
		Pharmacy	46
		Physical Therapy Examiners	48
		Plumbing, Heating & Fire Sprinkler Contractors	50
		Podiatry Examiners	52
		Professional Counselors	53
		Psychology Board	54
		Professional Engineers & Land Surveyors	56
		Real Estate Appraisal Board	57
		Real Estate Commission	58
		Refrigeration Examiners	60
		Sanitarian Examiners	62
		Social Work Certification	63
		Soil Scientists	69
		Speech & Language Pathologists & Audiologists	64
		Substance Abuse Professionals	68
		Therapeutic Recreation Certification	65
		Veterinary Medical Board	66

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



# NORTH CAROLINA REGISTER

## Publication Schedule

(April 1999 - January 2000)

FILING DEADLINES			NOTICE OF RULE-MAKING PROCEEDINGS		NOTICE OF TEXT (either column A or column B)						TEMPORARY RULE
volume and issue number	issue date	last day for filing	earliest register issue for publication of text	earliest date for public hearing	A. non-substantial economic impact			B. substantial economic impact			270 <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
13:20	04/15/99	03/24/99	06/15/99	04/30/99	05/17/99	05/20/99	05/09/00	06/14/99	06/21/99	05/09/00	01/10/00
13:21	05/03/99	04/12/99	07/15/99	05/18/99	06/02/99	06/21/99	05/09/00	07/02/99	07/20/99	05/09/00	01/28/00
13:22	05/14/99	04/23/99	07/15/99	06/01/99	06/14/99	06/21/99	05/09/00	07/13/99	07/20/99	05/09/00	02/08/00
13:23	06/01/99	05/10/99	08/02/99	06/16/99	07/01/99	07/20/99	05/09/00	08/02/99	08/20/99	05/09/00	02/26/00
13:24	06/15/99	05/24/99	08/16/99	06/30/99	07/15/99	07/20/99	05/09/00	08/16/99	08/20/99	05/09/00	03/11/00
14:01	07/01/99	06/10/99	09/01/99	07/16/99	08/02/99	08/20/99	05/09/00	08/30/99	09/20/99	05/09/00	03/27/00
14:02	07/15/99	06/23/99	09/15/99	07/30/99	08/16/99	08/20/99	05/09/00	09/13/99	09/20/99	05/09/00	04/10/00
14:03	08/02/99	07/12/99	10/01/99	08/17/99	09/01/99	09/20/99	05/09/00	10/01/99	10/20/99	05/09/00	04/28/00
14:04	08/16/99	07/26/99	10/15/99	08/31/99	09/15/99	09/20/99	05/09/00	10/15/99	10/20/99	05/09/00	05/12/00
14:05	09/01/99	08/11/99	11/01/99	09/16/99	10/01/99	10/20/99	05/09/00	11/01/99	11/22/99	05/09/00	05/28/00
14:06	09/15/99	08/24/99	11/15/99	09/30/99	10/15/99	10/20/99	05/09/00	11/15/99	11/22/99	05/09/00	06/11/00
14:07	10/01/99	09/10/99	12/01/99	10/18/99	11/01/99	11/22/99	05/09/00	11/30/99	12/20/99	05/09/00	06/27/00
14:08	10/15/99	09/24/99	12/15/99	11/01/99	11/15/99	11/22/99	05/09/00	12/14/99	12/20/99	05/09/00	07/11/00
14:09	11/01/99	10/11/99	01/04/00	11/16/99	12/01/99	12/20/99	05/09/00	12/31/99	01/20/00	05/09/00	07/28/00
14:10	11/15/99	10/22/99	01/14/00	11/30/99	12/15/99	12/20/99	05/09/00	01/14/00	01/20/00	05/09/00	08/11/00
14:11	12/01/99	11/05/99	02/01/00	12/16/99	12/31/99	01/20/00	05/09/00	01/31/00	02/21/00	05/09/00	08/27/00
14:12	12/15/99	11/22/99	02/15/00	12/30/99	01/14/00	01/20/00	05/09/00	02/14/00	02/21/00	05/09/00	09/10/00
14:13	01/04/00	12/09/99	03/15/00	01/19/00	02/03/00	02/21/00	05/09/00	03/06/00	03/20/00	05/09/00	09/30/00
14:14	01/14/00	12/21/99	03/15/00	01/31/00	02/14/00	02/21/00	05/09/00	03/14/00	03/20/00	05/09/00	10/10/00

## 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(b1) 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. 153**  
**PERSIAN GULF WAR MEMORIAL COMMISSION**

By the power vested in me as Governor by the Constitution and laws of North Carolina, IT IS ORDERED:

Section 1. Establishment and Membership

There is hereby established the Persian Gulf War Memorial Commission (the Commission) which shall be the successor entity to the Persian Gulf War Memorial Commission created by Executive Order Number 91. The Commission shall be composed of the following members:

- A. Two (2) individuals appointed by the Governor upon the recommendation of the Speaker of the North Carolina House of Representatives;
  - B. Two (2) individuals appointed by the Governor upon the recommendation of the President Pro Tempore of the North Carolina Senate; and,
  - C. Five (5) individuals appointed by the Governor, including one representative of the North Carolina Desert Storm Memorial Foundation.
- In addition to those identified above, the following shall serve as non-voting ex officio members of the Commission:
- D. Members of the Veterans' Affairs Commission Advisory Committee;
  - E. One (1) representative of the North Carolina Department of Cultural Resources, appointed by the Governor;
  - F. One (1) representative of the North Carolina Capital Planning Commission, appointed by the Governor; and,
  - G. One (1) representative of the Division of Veterans Affairs of the North Carolina Department of Administration, appointed by the Governor.

Those individuals who were the last serving members of the Persian Gulf War Memorial Commission under Executive Order Number 91 shall serve on the Commission created hereby, in the positions identified above. Members shall serve at the will of the Governor and until this Executive Order terminates. The Governor shall appoint a Chair from among the voting members. The Commission shall meet at the call of the Chair.

Section 2. Purpose

- A. The Commission shall cause to be created on the Halifax Street Mall, located and designed in a manner which meets the approval of the North Carolina Historical Commission and the North Carolina Capital Planning Commission, a monument to those who served in the Persian Gulf War.
- B. Subject to the availability of funds to the Commission, any contracts necessary to locate, design, construct and erect the monument may be entered into on behalf of the State by the Division of Veterans Affairs of the North Carolina Department of Administration in the same manner as State contracts generally. No such contract shall pledge the full faith and credit of the State. The Commission shall have final approval of the design of

the monument.

Section 3. Administration

Administrative support for the Commission shall be provided by the Division of Veterans Affairs of the North Carolina Department of Administration. The Division shall establish a Persian Gulf War Memorial Trust Fund for the design, construction and erection of the memorial. Commission members may be paid necessary travel and subsistence allowance, subject to the availability of funds, in accordance with State law and procedure.

Section 4. Effective Date of this Order and Rescission of Prior Orders

This order is effective immediately and shall remain in effect until a Persian Gulf War Memorial is erected and all purposes of this order are fully satisfied.

Executive Order Number 91 and all other executive orders primarily involving the Persian Gulf War Memorial Commission are hereby rescinded.

All files, records, and related documentation of the Persian Gulf War Memorial Commission under Executive Order Number 91 shall be transferred to the successor Commission created by this order.

Done in the Capital City of Raleigh, North Carolina, this the 28th 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.*

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

**CHAPTER 2 - ENVIRONMENTAL MANAGEMENT**

**SUBCHAPTER 2B - SURFACE WATER AND WETLAND STANDARDS**

**Informational Item**

The following statements pertain to the public hearing that was held on May 10, 1999, for the proposed reclassification of the Green River in Henderson County (Broad River Basin) 15A NCAC 2B .0306 to include the Class B (Primary Recreation) and HQW (High Quality Waters) classification. The rule text was published in the April 15, 1999, NC Register (Vol. 13:20) pp. 1731-1732. The Hearing Officer, Larry Coble, has agreed to extend the period of time allowed to receive comments for an additional 60-day period. The original hearing record was to remain open for 30 days until June 10, 1999. The extended hearing record will remain open until August 10, 1999. Comments may be submitted to Boyd DeVane, DWQ-Planning Branch, PO Box 29535, 512 Salisbury Street, Raleigh, NC 27626-0535, or telephone (919) 733-5083 ext. 559.

**Editor's Notice**

The Environmental Management Commission has extended the comment period for the rules cited within 15A NCAC 2E, published in the 13 NCR 24, Page 1998. The comment period has been extended because the Commission found that 15A NCAC 2E .0502 (proposed for adoption) will have a significant economic impact. Also, please note the change in the agency's mailing address.

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 31, 1999. Written comments, data, or other information relevant to this proposal may be submitted to: Nat Wilson, DENR/Division of Water Resources, 1611 Mail Service Center, Raleigh, NC 27699-1611. Tel. (919) 715-5445.



TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

CHAPTER 7 - COASTAL MANAGEMENT

CRC PUBLIC HEARINGS - MORNING SERIES

In addition to the public hearings previously published in the NC Register, these additional hearing dates have been added for the following rules: 15A NCAC 7H .0201, .0203, .0209, .1301, .1601, .1901, .2301; 7K .0203 and .0209. The proposed rules will provide additional protection to Estuarine and Public Trust resources by amending the existing Estuarine Shoreline Area of Environmental Concern rules and extending AEC shoreline protection rules to shorelines adjacent to public trust waters. The rules were published in the June 1, 1999, NC Register (13:23) pp. 1937-1942. The comment period has been extended until September 6, 1999. Comments may be submitted to Charles Jones, Assistant Director, Division of Coastal Management, 151-B Hwy 24, Morehead City, NC 28570, (252) 808-2808.

**Wednesday, July 21, 1999, 10:00 a.m.**

Pasquotank County: K.E. White Center, 1840 Weeksville Road, Elizabeth City State University, Elizabeth City, NC

**Monday, August 2, 1999, 10:00 a.m.**

Bertie County: Bertie County Superior Courthouse, Courtroom 2, 104 Dundee Street, Windsor, NC

Camden County: Camden County High School, 103 US 158 West, Camden, NC

Craven County: Craven County Chamber of Commerce, 316 S. Front Street, New Bern, NC

Pender County: Pender County Courthouse, Courtroom 2, 2<sup>nd</sup> floor, 100 Wright Street, Burgaw, NC

**Tuesday, August 3, 1999, 10:00 a.m.**

Gates County: Gates County Extension Auditorium, 112 Court Street, Gatesville, NC

Washington County: County Courthouse, County Commissioners Room, 120 Adams Street, Plymouth, NC

Pamlico County: Pamlico Courthouse Annex, 202 Main Street, Bayboro, NC

New Hanover County: DENR Regional Office, 127 Cardinal Drive Extension, Wilmington, NC

**Wednesday, August 4, 1999, 10:00 a.m.**

Perquimans County: Perquimans Courthouse Annex Building, 110 North Church Street, Hertford, NC

Tyrrell County: County Finance Building, Conference Room, 108 South Water Street, Columbia, NC

Carteret County: Carteret Community College Auditorium, 3505 Arendell, Morehead City, NC

Brunswick County: Brunswick County Government Center, Commissioners Chambers, Bolivia, NC

**Thursday, August 5, 1999, 10:00 a.m.**

Currituck County: Old Courthouse, 153 Courthouse Road, Barko, NC

Hyde County: Hyde County Courthouse, 20 Oyster Creek Road, Swan Quarter, NC

Beaufort County: Beaufort County District Courthouse, Room 218, 112 West 2<sup>nd</sup> Street, Washington, NC

Onslow County: Onslow County Library, Conference Room, 58 Doris Avenue East, Jacksonville, NC

**Friday, August 6, 1999, 10:00 a.m.**

Dare County: Nags Head Board Room, 5401 South Croatan Highway, Nags Head, NC

Hertford County: County Commissioners Room, Office Bldg. #1, 704 North King Street, Winton, NC 27986

Chowan County: Chowan County Courthouse, Commissioners Room, 2<sup>nd</sup> Floor, Edenton, NC

U.S. Department of Justice

Civil Rights Division

EJ:GS:KIF:cly  
DJ 166-012-3  
99-0183  
99-0452  
99-0568

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

March 19, 1999

Linda A. Miles, Esq.  
City Attorney  
P.O. Box 3136  
Greensboro, North Carolina 27402-3126

Dear Ms. Miles:

This refers to three annexations (Ordinance Nos. 99-2, 99-11, and 99-17) and their designation to districts of the City of Greensboro in Guilford County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on January 27, February 19, and March 2, 1999.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine these submissions if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41 and 51.43).

Sincerely,

Elizabeth Johnson  
Chief, Voting Section

U.S. Department of Justice

Civil Rights Division

EJ:GS:TGL:emr

DJ 166-012-3

99-1287

*Voting Section*

*P.O. Box 66128*

*Washington, D.C. 20035-6128*

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

June 14, 1999

Dear Ms. Nichols:

This refers to Session Law 1999-31, which changes the campaign finance law in such areas as definitions, campaign contributions and expenditures, and reporting, for the State of North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on May 7, 1999.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine these submissions if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41 and 51.43).

Sincerely,

Elizabeth Johnson  
Chief, Voting Section

## Editor's Note

An error was made in publishing *David W. Robertson v. North Carolina Department of Transportation*, 96 OSP 2044, appearing on page 2071 in Volume 13, Issue 24 of the North Carolina Register. The presiding administrative law judge issued a Final Decision in the aforementioned case. However, the published decision is captioned as a Recommended Decision, which is incorrect. Please be advised of this correction.



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 11 - DEPARTMENT OF INSURANCE**

**CHAPTER 12 - LIFE AND HEALTH DIVISION**

**CHAPTER 13 - SPECIAL SERVICES DIVISION**

**Notice of Rule-making Proceedings** is hereby given by the North Carolina Department of Insurance 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:** 11 NCAC 12 .1702; 13 .0514, .0518. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 58-2-40; 58-15-30; 58-58-42; 58-71-5; 58-71-71(f); 85-2(a)

**Statement of the Subject Matter:** Statute repealed that authorized Commissioner to require bond from viatical settlement providers (11 NCAC 12 .1702); statutes rewritten on collateral security accepted by bail bondsman and continuing education requirements for bail bondsmen (11 NCAC 13 .0514, .0518).

**Reason for Proposed Action:** These rules are being corrected to reflect changes made in statutes.

**Comment Procedures:** Written comments should be sent to Ellen K. Sprenkel, NC Department of Insurance, PO Box 26387, Raleigh, NC 27611.

& Health Division 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:** 13 NCAC 7A .0401; 7F .0101, .0201, .0410. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 95-4; 95-131; 95-133

**Statement of the Subject Matter:** The Division of Occupational Safety and Health (OSHNC) is preparing to: submit amendments which repeal the Carolina STAR program rules so that an expanded program can be implemented through operational procedures; amend general industry and construction rules on ladders to include fiberglass ladders; propose construction rules for overhand bricklaying; propose general industry rules on underhung hoists; and propose rules for safe erection of communications towers.

**Reason for Proposed Action:**

Carolina STAR: The Carolina STAR Program rules will be repealed and the program will be expanded as part of the OSHNC operational procedures.

Fiberglass Ladders: Fiberglass ladders are not covered in 29 CFR 1910.25 and 1910.26 or in 29 CFR 1926.1053 adopted verbatim by the N.C. Department of Labor's Occupational Safety & Health Division. Though not in wide use at the time the standards were adopted, fiberglass ladders are now used throughout general industry and construction. North Carolina's general industry and construction standards are being amended to include fiberglass ladders in order to help industries fully understand their responsibilities in regard to the safe use of ladders.

Underhung Hoists: Underhung hoists are not covered in the federal Occupational Safety and Health Standards for General Industry adopted verbatim by the N.C. Department of Labor's Occupational Safety & Health Division. Underhung hoists are however, addressed in the standards of the American National Standards Institute (ANSI). North Carolina's general industry standards are being amended in order to help industries better understand their responsibilities regarding the safe use of underhung hoists.

Overhand Bricklaying: Overhand bricklaying is not specifically addressed in the federal Occupational Safety and Health Standards for the Construction Industry adopted verbatim by the N.C. Department of Labor's Occupational Safety and Health

**TITLE 13 - DEPARTMENT OF LABOR**

**CHAPTER 7 - OFFICE OF OCCUPATIONAL SAFETY AND HEALTH**

**SUBCHAPTER 7A - GENERAL RULES AND OPERATIONAL PROCEDURES**

**SUBCHAPTER 7F - STANDARDS**

**Notice of Rule-making Proceedings** is hereby given by the North Carolina Department of Labor - Occupational Safety

*Division. North Carolina's construction industry standards are being amended to clarify the personal protective equipment (PPE) requirements (fall protection) for workers involved in overhand bricklaying who are not working from a scaffold.*

**Communications Towers:** *Communication tower erection is not specifically addressed in the federal Occupational Safety and Health Standards for the Construction Industry adopted verbatim by the N.C. Department of Labor's Occupational Safety and Health Division. Changes in technology and equipment in recent years have brought about a significant increase in the construction of communications towers. Injuries involving falls from these towers are serious if not fatal. North Carolina's construction industry standards are being amended to clarify employers' responsibilities in regard to matters such as, but not limited to, personal protective equipment (PPE) for workers during the construction of communications towers.*

**Comment Procedures:** *The purpose of this announcement is to encourage all interested and potentially affected persons or parties to make known their views regarding the proposed rulemakings. Written comments, data, or other information relevant to this proposal must be submitted to Ann Wall, Legal Specialist, Department of Labor, Legal Affairs Division, 4 West Edenton Street, Raleigh, NC 27601-1092. Fax transmittals may be directed to (919) 715-5629.*

## SUBCHAPTER 10F - MOTORBOATS 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 .0303, .0333, .0353, .0354. 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:** *No Wake Zones*

**Reason for Proposed Action:** *The local governmental unit with territorial jurisdiction 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 NC Register. Such written comments must be delivered or mailed to the North Carolina Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.*

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

### CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

*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

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to amend the rule cited as 15A NCAC 2H .0806. Notice of Rule-making Proceedings was published in the Register on August 14, 1998.*

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

**A Public Hearing** will be conducted at 7:00 p.m. on August 19, 1999 at the Archdale Building, Ground Floor Hearing Room, Raleigh, NC.

**Reason for Proposed Action:** *The present fee collection schedule is not adequate to support the program.*

**Comment Procedures:** *Comments will be accepted through August 19, 1999. Written comments should be delivered or mailed to James W. Meyer, DENR/DWQ Lab Section, 4405 Eedy Creek Road, Raleigh, NC 27607-6445.*

**Fiscal Note:** *This Rule does affect the expenditures of local government funds. This Rule affects the expenditure or distribution of State funds subject to the Executive Budget Act, Article 1 of Chapter 143 and does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.*

## CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

### SUBCHAPTER 2H - PROCEDURES FOR PERMITS: APPROVALS

#### SECTION .0800 - LABORATORY CERTIFICATION

#### .0806 FEES ASSOCIATED WITH CERTIFICATION PROGRAM

(a) Municipal and industrial laboratories must pay an annual fee of fifty dollars (\$50.00) for each inorganic parameter plus one hundred dollars (\$100.00) for each organic parameter; however, the minimum fee will be ~~one thousand dollars (\$1,000.00)~~ one thousand two hundred fifty dollars (\$1,250) per year.

(b) Commercial laboratories must pay an annual fee of fifty dollars (\$50.00) for each inorganic parameter plus one hundred dollars (\$100.00) for each organic parameter; however, the

minimum fee will be ~~two thousand dollars (\$2,000.00)~~ two thousand five hundred dollars (\$2,500) per year.

(c) Prior to receiving initial certification a laboratory must pay the appropriate fee as specified in Paragraph (a) or (b) of this Rule. Initial certification fee will be prorated on a semi-annual basis to make all certification renewals due on the first day of January.

(d) Once certified, a laboratory must pay the full annual parameter fee for each parameter added to their certificate.

(e) A laboratory decertified for all parameters must pay initial certification fees prior to recertification.

(f) A laboratory decertified for one or more parameters must pay a fee of one hundred dollars (\$100.00) for each parameter for which it was decertified prior to recertification.

(g) Out-of-state laboratories shall reimburse the state for actual travel and subsistence costs incurred in certification and maintenance of certification.

(h) Annual certification fees are due by December 31 of each year.

(i) A fifty dollar (\$50.00) late payment fee must be paid when annual certification fees are not paid by the date due.

(j) For laboratories seeking initial certification or recertification, the State Laboratory will provide two performance samples for each parameter at no charge; however, a fee of one hundred dollars (\$100.00) per sample will be charged for all samples after the first two have been supplied.

(k) Metals group I and metals group II will be considered as single parameters when calculating fees.

Authority G.S. 143-215.3(a)(1); 143-215.3(a)(10).

\*\*\*\*\*

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Health Services intends to amend the rules cited as 15A NCAC 23 .0201-.0202, .0204. 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, Raleigh, NC.

**Reason for Proposed Action:**

*15 NCAC 23 .0201 - The purpose for this proposed action is to amend this Rule to cite G.S. 130A-387, which establishes the fee*



amount for a medical examiner investigation, in lieu of stating the exact amount of the fee. In addition, the rule is amended to insert the phrase "or fatal injury" to make the rule consistent with the current statutory language.

**15 NCAC 23 .0202** - The purpose for this proposed action is to amend this Rule to cite G.S. 130A-389, which establishes the fee amount for a medical examiner ordered autopsy, in lieu of stating the exact amount of the fee. Also, at the same time the fee was increased (1997-98 Legislative Session), revision of the fee reduction schedule for late autopsy reports was taken into consideration. This rule amendment changes the time period for a fee reduction for late autopsy reports from 60/120 days to 180 days. The change to the fee reduction schedule allows a less burdensome time and monetary constraint for pathologists to submit reports.

**15A NCAC 23.0204** - The purpose for this proposed action is to amend rule 15A-23.0204 to change the fee the state pays to hospital for body storage in a medical examiner case from \$20 to \$40 dollars to make the rule consistent with internal practice since 1991.

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

**Fiscal Note:** 15 NCAC 23 .0201 and .0204 do not affect the expenditures or revenues of state or local government funds and do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period. 15 NCAC .0202 does 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 23 - DIVISION OF POSTMORTEM MEDICOLEGAL EXAMINATION

### SECTION .0200 - FEES

#### .0201 MEDICAL EXAMINER FEE

For each investigation including the making of the required reports, the medical examiner shall receive a fee of fifty dollars (\$50.00) as established in G.S. 130A-387 to be paid by the state unless the decedent is a legal resident of the county in which death or fatal injury occurred, in which event such county shall be responsible for the fee.

Authority G.S. 130A-381; 130A-387; 130A-393.

#### .0202 PATHOLOGY FEE

For each autopsy ordered by a county medical examiner or the chief medical examiner, the pathologist shall receive a fee of four hundred dollars (\$400.00) as established in G.S. 130A-387 when the autopsy report is received at the Office of the Chief Medical Examiner. Examiner within 60 days from the date of autopsy. The fee shall be three hundred fifty dollars (\$350.00) eight hundred seventy five dollars (\$875.00) for reports received after 60 days but within 120 days from the date of autopsy. There will be no fee for reports received after the 120 180 day period, unless the Chief Medical Examiner determines that the delay was beyond the control of the pathologist. The fee shall be paid by the state unless the decedent is a legal resident of the county in which death or fatal injury occurred, in which event the county of residence shall be responsible for the fee.

Authority G.S. 130A-389; 130A-393.

#### .0204 HOSPITAL FEE

A fee of ~~twenty dollars (\$20.00)~~ forty dollars (\$40.00) is paid by the state to a hospital when a county medical examiner orders a body taken to the hospital and later examines the body in that facility. No payment is due a hospital when an autopsy is performed in that facility. No payment is due when the county medical examiner utilizes a hospital emergency room or other hospital facility for examination of a body transported to the hospital for examination.

Authority G.S. 130A-381; 130A-393.

\*\*\*\*\*

**Notice** is hereby given in accordance with G.S. 150B-21.2 that the Department of Health & Human Services intends to amend the rules cited as 15A NCAC 23 .0501. 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, Raleigh, NC.

**Reason for Proposed Action:** The purpose for this proposed action is to amend rule 15A-23.0501 to change the fee paid by private individuals to medical examiners for investigations made on their behalf in order to obtain the required certification before conducting a cremation or burial at sea. The fee increase from \$35 to \$50 dollars has been in effect by practice for a number of years and is within the bounds set by the Secretary of the Department as stated in G.S. 130A-388, " For making this certification, the medical examiner shall be entitled to a fee in an amount determined reasonable and appropriate by the Secretary, not to exceed fifty dollars (\$50.00), to be paid by the applicant."



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

**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.

## SECTION .0500 - MEDICAL EXAMINER'S INVESTIGATION

### .0501 INVESTIGATION BEFORE CREMATION OR BURIAL AT SEA

When a medical examiner makes a certification pursuant to this Rule, the person requesting the certification shall pay a fee of ~~thirty-five dollars (\$35.00)~~ fifty dollars (\$50.00) to the medical examiner. However, no fee shall be charged for the investigation of a death that comes within the jurisdiction of the Chief Medical Examiner pursuant to G.S. 130A-383 or G.S. 130A-384. For the purposes of this Section, deaths in association with medically unattended deliveries, or delivery by midwife who is approved pursuant to G.S. 90-178.1 et seq., are considered to fall within the jurisdiction of the Chief Medical Examiner pursuant to G.S. 130A-383 and G.S. 130A-384.

Authority G.S. 130A-388; 130A-393.

## TITLE 21 - OCCUPATIONAL LICENSING BOARDS

### CHAPTER 36 - BOARD OF NURSING

**Notice** is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Board of Nursing intends to amend the rule cited as 21 NCAC 36 .0213. Notice of Rule-making Proceedings was published in the Register on April 15, 1999.

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

**A Public Hearing** will be conducted at 1:00 p.m. on September 23, 1999 at the Homewood Suites Hotel, 5700 Creedmoor Road, Raleigh, NC.

**Reason for Proposed Action:** The National Council State Boards of Nursing have changed their policy on the frequency of offering applicants the opportunity to re-take the examination which leads to licensure as a registered nurse or licensed practical nurse.

**Comment Procedures:** Comments regarding this action should be directed to Jean H. Stanley, APA Coordinator, NC Board of Nursing, PO Box 2129, Raleigh, NC 27602-2129. Comments must be received by the end of the public hearing on September 23, 1999.

**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.

## SECTION .0200 - LICENSURE

### .0213 REEXAMINATION

An applicant who fails an examination and is eligible to retake a subsequent examination must submit a completed Board of Nursing application, a completed testing service registration form, and related fees. The applicant is eligible to retake the examination ~~no more frequently than every 90 days; in accordance with the time frame specified by the National Council of State Boards of Nursing, Inc.~~

Authority G.S. 90-171.31; 90-171.33; 90-171.38.

## TITLE 24 - INDEPENDENT AGENCIES

### CHAPTER 1 - NORTH CAROLINA HOUSING FINANCE AGENCY

**Notice** is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Housing Finance Agency intends to amend the rule cited as 24 NCAC 1H .0103. Notice of Rule-making Proceedings was published in the Register on May 14, 1999.

**Proposed Effective Date:** August 3, 2000

**A Public Hearing** will be conducted at 10:00 a.m. on August 2, 1999 at the NCHFA, 3801 Lake Boone Trail, Raleigh, NC.

**Reason for Proposed Action:** Update section to reflect normal changes in the housing market and to aid in the ease of understanding the methodology used in determining eligibility for occupancy.

**Comment Procedures:** Comments should be sent to Steve Culnon at North Carolina Housing Agency, PO Box 28066, Raleigh, NC 27611-8066.

**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.

## SUBCHAPTER 1H - MULTIFAMILY SUBSIDIZED RENTAL PROGRAM

### SECTION .0100 - GENERAL INFORMATION

#### .0103 PERSONS AND FAMILIES OF MODERATE INCOME

(a) The agency hereby finds and declares that persons and families of moderate income, within the meaning of the Act, are deemed to be those persons and families who satisfy the following criteria: insufficient total income, when size of family is considered, to obtain on the normal housing market from available housing supply in a given geographical area of residence in North Carolina, housing found to be decent, safe and sanitary without undue financial hardship. The agency has carefully considered all the factors which the General Assembly has specified in the statutory definition of "persons and families of moderate income." A purpose of the Act is to foster the new construction and substantial rehabilitation of residential housing in the state of persons and families of moderate income by assisting in the permanent financing of such housing and that the income limits used by the agency in ascertaining who are "persons and families of moderate income" must reflect, among other things, the cost of such newly constructed and substantially rehabilitated housing. The General Assembly intended, by means of the Act, to assist not only those persons and families eligible for federal housing assistance, predicated on a lower income basis, and those persons and families whose incomes are too high to qualify them for such federal assistance but are too low to enable them to obtain, without governmental assistance, a mortgage loan to finance the purchase of a decent, safe and sanitary home, but also those who could not acquire such housing without undue financial hardship. The agency can best effectuate the purposes of the Act by establishing income limits for specific areas of the state which represent the agency's determination of the maximum income level which persons and families in such areas may have in order to qualify for assistance under this median income by area, construction costs, and mortgage loan underwriting criteria. Each factor is applied as follows to achieve an equitable result:

- (1) The agency will use 150 percent of median income as published periodically by the Department of Housing and Urban Development.
- (2) Housing construction costs were determined for a prototype of modest housing using the average area per person safe harbor limits for single family residences, in various area of the state. ~~The Marshall Swift Handbook was used to establish the base construction costs. Finally, minimum lot costs in rural and urban areas, and metropolitan cities were added to~~

~~the construction cost determinations to produce a finished housing cost for rural areas, for urban areas, and for metropolitan cities.~~

- (3) Mortgage lending industry underwriting standard which establish the amount of loan for which a sponsor may qualify, will be used by the agency. The agency assumes the sponsor would seek financing at ~~the FHA maximum rate on a 30 40 year amortization rate~~ and the tenant will be restricted to using 30 percent of his gross monthly income as rent to make the project feasible.
- (4) Composite figures for median income and for housing costs and mortgage loans underwriting are calculated upon the following premises:
  - (A) The median income factor relates to eligibility for other housing predicated upon a moderate income basis.
  - (B) The house cost/underwriting figure establishes minimum financial eligibility in the normal housing market.

The combination of the two figures at a 50:50 ration establishes the maximum moderate income limits for the agency.

(b) An applicant's income will be calculated by including all income in whatever form and from whatever source derived, including the following: compensation for services, including fees, commission and similar items; gross income derived from business; gains derived from dealings in property; interest; rents; royalties; dividends; alimony and separate maintenance payments; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive trust; payment made by or on behalf of an employer by reason of death of an employee to the widow or heirs of the employee; recovery of bad debts; amount received as reimbursement for losses; prizes and awards; amounts received or made available from individual retirement accounts, annuities, and retirement bonds. In addition, the calculation of an applicant's income for this purpose will be increased by an amount equal to ten percent of the value of all the applicant's non-income producing tangible assets, excepting personal property and including real property, securities and stocks.

(c) The agency deems that persons and families with annual incomes not in excess of the income limits established by application of the formula in this Rule are persons and families which require such assistance as is made available by the Act and such persons and families are hereby deemed, therefore, to be persons of moderate income eligible to occupy residential housing financed by means of such assistance.

*Authority G.S. 122A-3; 122A-5; 122A-5.4.*



*This Section includes the Register Notice citation to Rules approved by the Rules Review Commission (RRC) at its meeting of April 15, 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
15A	NCAC 10B	.0113*		13:12 NCR 949
15A	NCAC 10B	.0202 - .0203*		13:12 NCR 949
15A	NCAC 10B	.0205*		13:12 NCR 949
15A	NCAC 10B	.0209		13:12 NCR 949
15A	NCAC 10B	.0302		13:12 NCR 949
15A	NCAC 10C	.0107*		13:12 NCR 949
15A	NCAC 10C	.0205		13:12 NCR 949
15A	NCAC 10C	.0305*		13:12 NCR 949
15A	NCAC 10C	.0401		13:12 NCR 949
15A	NCAC 10D	.0102		13:12 NCR 949
15A	NCAC 10D	.0103*		13:12 NCR 949
15A	NCAC 10F	.0317		13:14 NCR 1116
15A	NCAC 10F	.0330		13:15 NCR 1217
15A	NCAC 18A	.1808*		13:13 NCR 1047
15A	NCAC 18A	.1810		13:13 NCR 1048
15A	NCAC 18A	.1812*		13:13 NCR 1048
17	NCAC 06B	.0118*		not required, G.S. 150B-21.4; 150B-1(d)(4)
19A	NCAC 02D	.0415		13:14 NCR 1116
21	NCAC 10	.0203*		13:14 NCR 1117

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

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

**SUBCHAPTER 10B - HUNTING AND TRAPPING**

**SECTION .0100 - GENERAL REGULATIONS**

**.0113 BIG GAME KILL REPORTS**

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

(b) Before any harvested bear, deer, wild boar, or wild turkey is skinned, dressed, or dismembered for consumption and within

24 hours of the kill, the animal must be transported to a Wildlife Cooperator Agent within the immediate area of open season to be registered or reported through the toll free Big Game Reporting System. The hunter may field dress the animal at the site of kill or before registering it at a Wildlife Cooperator Agent or by telephone by bleeding and removing the digestive, respiratory, and circulatory organs; but, the hunter may not mutilate the carcass in a manner that obscures its species identity, age, or sex. When the kill occurs in a remote area, which prevents the animal from being transported as an entire carcass, the animal may be skinned and quartered before being reported by telephone or transported to a Wildlife Cooperator Agent to be registered. When a hunter harvests a big game animal in a remote area and plans to remain in the remote area for longer than a day, the 24-hour time limit to register the kill is extended until the hunter leaves the area. Upon leaving the remote area, the hunter shall proceed directly to a telephone or to a Wildlife Cooperator Agent to register the kill.

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

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

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

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

*History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; Eff. February 1, 1976;*

*Amended Eff. July 1, 1998; July 1, 1997; July 1, 1995;*

*July 1, 1994; July 1, 1993; July 1, 1989;*

*Temporary Amendment Eff. July 1, 1999;*

*Amended Eff. July 1, 2000.*

## SECTION .0200 - HUNTING

### .0202 BEAR

(a) Open Seasons for bear shall be from the:

- (1) Monday on or nearest October 15 to the Saturday before Thanksgiving and the third Monday after Thanksgiving to January 1 in and west of the boundary formed by NC 113 from the Virginia State line to the intersection with NC 18 and NC 18 to the South Carolina State line.

- (2) Second Monday in November to the following Saturday and the third Monday after Thanksgiving to the following Wednesday in all of Hertford County; and in the following parts of counties:  
Halifax: that part east of US 301.  
Martin: that part east of US 17.  
Northampton: that part east of US 301.

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

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

Sampson: that part south of NC 24.

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

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

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

Currituck: except Knotts Island and the Outer Banks.

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

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

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

Beaufort and Pamlico counties--Gum Swamp bear sanctuary

Bladen County--Suggs Mill Pond bear sanctuary

Brunswick County--Green Swamp bear sanctuary

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

Carteret, Craven and Jones counties--Croatan bear sanctuary

Clay County--Fires Creek bear sanctuary

Columbus County--Columbus County bear sanctuary

Currituck County--North River bear sanctuary

Dare County--Bombing Range bear sanctuary

Haywood County--Harmon Den bear sanctuary

Haywood County--Sherwood bear sanctuary

Hyde County--Gull Rock bear sanctuary

Hyde County--Pungo River bear sanctuary

Jackson County--Panthertown-Bonas Defeat bear sanctuary

Jones and Onslow counties--Hofmann bear sanctuary

Macon County--Standing Indian bear sanctuary

Macon County--Wayah bear sanctuary

Madison County--Rich Mountain bear sanctuary

McDowell and Yancey counties--Mt. Mitchell bear sanctuary



Mitchell and Yancey counties--Flat Top bear sanctuary

Wilkes County--Thurmond Chatham bear sanctuary

(c) Bag limits shall be:

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

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

*History Note:* Authority G.S. 113-134; 113-291.2; 113-291.7; 113-305;

*Eff. February 1, 1976;*

*Amended Eff. July 1, 1998; September 1, 1995; July 1, 1995;*

*July 1, 1994; April 1, 1992;*

*Temporary Amendment Eff. July 1, 1999;*

*Amended Eff. July 1, 2000.*

### **.0203 DEER (WHITE-TAILED)**

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

(b) Open Seasons (All Lawful Weapons)

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

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

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

Harnett: That part west of NC 87;

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

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

\*\*See 15A NCAC 10D .0103(f)(53)(B) for seasons on Sandhills Game Land.

(B) Monday of Thanksgiving week through the third Saturday after Thanksgiving Day in all of Alexander, Alleghany, Ashe, Catawba, Davie, Forsyth, Iredell, Stokes, Surry, Watauga, Wilkes, and Yadkin counties.

(C) Monday of Thanksgiving week through the third Saturday after Thanksgiving Day in all of Avery, Buncombe, Burke, Caldwell, Cherokee,

Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Swain, Transylvania, and Yancey counties.

(D) Monday before Thanksgiving week through January 1 in all of Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg, Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union counties, and in the following parts of counties: Cumberland: That part east of US 401, north of NC 24 and west of I-95;

Harnett: That part east of NC 87;

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

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

(F) Monday of Thanksgiving week through the fifth Saturday after Thanksgiving Day in all of Cleveland, Gaston, Lincoln, and Rutherford counties.

(2) Deer of Either Sex. Except on Game Lands, deer of either sex may be taken during the open seasons and in the counties and portions of counties listed in this Subparagraph (See 10D .0103 for either sex seasons on Game Lands):

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

(B) The open either-sex deer hunting dates established by the appropriate military commands during the period from Monday on or nearest October 15 through January 1 in that part of Brunswick County known as the Sunny Point Military Ocean Terminal, in that part of Craven County known and marked as Cherry Point Marine Base, in that part of Onslow County known and marked as the Camp

- Lejeune Marine Base, on Fort Bragg Military Reservation, and on Camp Mackall Military Reservation.
- (C) First Saturday in October for youth either sex deer hunting by permit only on a portion of Belews Creek Steam Station in Stokes County designated by agents of the Commission.
- (D) The last open day of the Deer with Visible Antlers season described in Subparagraph (b)(1) of this Rule in all of Buncombe, Haywood, Henderson, Madison, Mitchell, Polk, Transylvania, and Yancey counties and the following parts of counties:  
 Avery: That part south of the Blue Ridge Parkway.  
 Robeson: That part west of I-95.  
 Scotland: That part south of US 74.
- (E) The last six open days of the Deer With Visible Antlers season described in Subparagraph (b)(1) of this Rule in all of Burke, Caldwell, Catawba, Gaston, Lincoln, McDowell, and Watauga and the following parts of counties:  
 Camden: That part south of US 158.  
 Dare: Except the Outer Banks north of Whalebone.
- (F) The first six open days and the last six open days of the Deer with Visible Antlers season described in Subparagraph (b)(1) of this Rule in all of Carteret, Cleveland, Harnett, Hoke, Pamlico, Richmond, Rutherford, counties and in the following parts of counties:  
 Columbus: That part west of US 74, SR 1005, and SR 1125.  
 Cumberland: That part west of I-95.  
 Moore: All of the county except that part north of NC 211 and west of US 1.  
 Robeson: That part east of I-95.  
 Scotland: That part north of US 74.
- (G) The first six open days, open days the week of Thanksgiving, and the last six open days of the Deer with Visible Antlers season described in Subparagraph (b)(1) of this Rule in all of Greene, Pasquotank, Tyrrell, Wayne and Wilson counties and in the following parts of counties:  
 Camden: That part north of US 158.  
 Chowan: That part north of US 17 and west of NC 32.  
 Currituck: All of the county except the Outer Banks.  
 Nash: That part south of NC 97.  
 Johnston: That part north of US 70 or west of I-95.  
 In addition, one antlerless deer may be taken anytime during the Deer With Visible Antlers season in the counties listed in this part.
- (H) All the open days of the Deer With Visible Antlers season described in Subparagraph (b)(1) of this Rule in all of Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Cabarrus, Caswell, Chatham, Craven, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gates, Granville, Guilford, Halifax, Hertford, Hyde, Iredell, Jones, Lee, Lenoir, Martin, Mecklenburg, Montgomery, New Hanover, Northampton, Onslow, Orange, Pender, Perquimans, Person, Pitt, Randolph, Rockingham, Rowan, Sampson, Stanly, Stokes, Surry, Union, Vance, Wake, Warren, Washington, Wilkes and Yadkin counties, and in the following parts of counties:  
 Buncombe: That part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC 280.  
 Chowan: That part south of US 17 or east of NC 32.  
 Columbus: That part east of a line formed by US 74, SR 1005, and SR 1125.  
 Cumberland: That part east of I-95.  
 Dare: That part of the Outer Banks north of Whalebone.  
 Henderson: That part east of NC 191 and north and west of NC 280.  
 Johnston: That part south of US 70 and east of I-95.  
 Moore: That part north of NC 211 and west of US 1.  
 Nash: That part north of NC 97.
- (c) Open Seasons (Bow and Arrow)
- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule, deer of either sex may be taken with bow and arrow during the following seasons:
- (A) Monday on or nearest September 10 to the fourth Saturday thereafter in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (A) of Subparagraph (b)(1) of this Rule, except on the Sandhills Game Land and the area known as the Outer Banks in Currituck County.
- (B) Monday on or nearest September 10 to the second Saturday before Thanksgiving in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (B) of Subparagraph (b)(1) of this Rule and in Gaston and Lincoln counties.
- (C) Monday on or nearest September 10 to the fourth Saturday thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving in the counties and parts of



counties having the open seasons for Deer With Visible Antlers specified by Part (C) of Subparagraph (b)(1) of this Rule and in Cleveland and Rutherford counties.

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

(2) Restrictions

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

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

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

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

(2) Restrictions

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

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

(f) Kill Reports. The kill shall be validated at the site of kill and the kill reported as provided by 15A NCAC 10B .0113.

*History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2;*

*Eff. February 1, 1976;*

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

*July 1, 1995; December 1, 1994; July 1, 1994; July 1, 1993;*

*Temporary Amendment Eff. July 1, 1999;*

*Amended Eff. July 1, 2000.*

## **.0205 RACCOON AND OPOSSUM**

(a) Open Season: The open season for taking raccoon and opossum shall be from sunrise Monday on or nearest October 15 through the last day of February, except as follows:

- (1) There is no open season for hunting raccoon or opossum in that part of Madison County lying north of the French Broad River, south of US 25-70 and west of SR 1319.
- (2) Raccoon and opossum may be hunted only from sunset Friday until sunrise Saturday and from sunset Saturday until 12:00 midnight Saturday in that part of Cherokee County north of US 64 and NC 294, east of Persimmon Creek and Hiwassee Lake, south of Hiwassee Lake, and west of Nottely River.
- (3) The training of raccoon and opossum dogs is prohibited from March 1 to the Monday on or nearest October 15 in the following parts of counties:
  - (A) Cherokee: That part north of US 64 and NC 294, east of Persimmon Creek and Hiwassee Lake, south of Hiwassee Lake, and west of Nottely River.
  - (B) Madison: That part north of the French Broad River, south of US 25-70, and west of SR 1319.
- (4) The training of raccoon and opossum dogs at night is prohibited from April 1 through August 15 in Caldwell and Rutherford Counties.

(b) Bag Limits

- (1) The daily bag limit for raccoon shall be one per individual up to a maximum of two per hunting party.

The possession limit shall be two and the season limit 20, except that in and east of Rockingham, Guilford, Randolph, Montgomery and Anson counties the limits are 3 daily with a possession limit of 6 and a season limit of 30. The field possession limit while hunting is the same as the applicable daily limit.

- (2) There is no restriction on bag limits for opossum.

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

*History Note:* Authority G.S. 113-134; 113-291.2;

*Eff. February 1, 1976;*

*Amended Eff. July 1, 1995; July 1, 1987; July 1, 1986;*

*July 1, 1985;*

*Temporary Amendment Eff. July 1, 1999;*

*Amended Eff. July 1, 2000.*

## SUBCHAPTER 10C - INLAND FISHING REGULATIONS

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

#### .0107 SPECIAL REGULATIONS: JOINT WATERS

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

- (1) Striped Bass

- (a) It shall be unlawful to possess any striped bass or striped bass hybrid taken by any means which is less than 18 inches long (total length).
- (b) It shall be unlawful to possess more than three striped bass or their hybrids taken by hook and line in any one day from joint waters.
- (c) It shall be unlawful to engage in net fishing for striped bass or their hybrids in joint waters except as authorized by duly adopted rules of the Marine Fisheries Commission.
- (d) It is unlawful to possess striped bass or striped bass hybrids in the joint waters of Albemarle, Currituck, Roanoke and Croatan Sounds and their tributaries, excluding the Roanoke River, except during seasons as authorized by duly adopted rules of the Marine Fisheries Commission.
- (e) In the joint waters of the Roanoke River and its tributaries, including Cashie, Middle and Eastmost Rivers, striped bass and hybrid striped bass fishing season, size limits and creel limits shall be the same as those established by

authorized by duly adopted rules of the Wildlife Resources Commission for adjacent inland fishing waters.

- (2) Lake Mattamuskeet

- (a) It shall be unlawful to set or attempt to set any gill net in Lake Mattamuskeet canals designated as joint waters.
- (b) It shall be unlawful to use or attempt to use any trawl net or seines in Lake Mattamuskeet canals designated as joint waters.

- (3) Cape Fear River. It shall be unlawful to use or attempt to use any net or net stakes within 800 feet of the dam at Lock No. 1 on Cape Fear River.

- (4) Shad: 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.

*History Note:* Authority G.S. 113-132; 113-134; 113-138; 113-292;

*Eff. January 1, 1977;*

*Amended Eff. August 1, 2000; July 1, 1993; November 1, 1991; January 1, 1991; August 1, 1985.*



## SECTION .0300 - GAME FISH

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

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

GAME FISHES	DAILY CREEL LIMITS	MINIMUM SIZE LIMITS	OPEN SEASON
Mountain Trout: Wild Trout Waters	4	7 in.	ALL YEAR (exc. 2)
Hatchery Supported Trout Waters and undesignated waters	7	None	All year, except March 1 to 6:00 a.m. on first Saturday in April (exc. 2)
Muskellunge and Tiger Musky	2	30 in.	ALL YEAR
Chain Pickerel (Jack)	None	None	ALL YEAR
Walleye	8 (excs. 8 & 9)	None	ALL YEAR (exc. 8)
Sauger	8	15 in.	ALL YEAR
Black Bass: Largemouth	5 (exc. 9)	14 in. (excs. 3, 7 & 10)	ALL YEAR (exc. 17)
Smallmouth and Spotted	5 (exc. 9)	12 in. (excs. 3, 7 & 10)	ALL YEAR
White Bass	25	None	ALL YEAR
Sea Trout (Spotted or Speckled)	10	12 in.	ALL YEAR
Flounder	None	13 in.	ALL YEAR
Red drum (channel bass, red fish, puppy drum)	5	18 in.	ALL YEAR
Striped Bass and their hybrids (Morone Hybrids)	8 aggregate (excs. 1 & 5)	16 in. (excs. 1, 5 & 11)	ALL YEAR (excs. 5, 13, & 15)
Shad: (American and hickory)	10 aggregate (exc. 18)	None	ALL YEAR (excs. 18 & 19)
Kokanee Salmon	7	None	ALL YEAR
Panfishes	None	None	ALL YEAR

	(excs. 4, 12, & 16)	(exc. 12)	(exc. 4)
<b>NONGAME FISHES</b>	None (exc. 14)	None (exc. 14)	ALL YEAR (exc. 6)

(b) Exceptions:

- (1) In the Dan River upstream from its confluence with Bannister River to the Brantly Steam Plant Dam, and in John H. Kerr, Gaston, and Roanoke Rapids Reservoirs, and Lake Norman, the creel limit on striped bass and Morone hybrids is four in the aggregate and the minimum size limit is 20 inches.
- (2) In designated public mountain trout waters the season for taking all species of fish is the same as the trout fishing season. There is no closed season on taking trout from Nantahala River and all tributaries (excluding impoundments) upstream from Nantahala Lake, and the impounded waters of power reservoirs and municipally-owned water supply reservoirs open to the public for fishing.
- (3) Bass taken from Calderwood Reservoir may be retained without restriction as to size limit.
- (4) On Mattamuskeet Lake, special federal regulations apply.
- (5) In the inland fishing waters of Cape Fear, Neuse, Pee-Dee, Pungo and Tar-Pamlico rivers and their tributaries and the Roanoke River and its tributaries, including the Cashie, Middle, and Eastmost rivers, extending upstream to the first impoundment, and Lake Mattamuskeet, the daily creel limit for striped bass and their hybrids is three fish and the minimum length limit is 18 inches. In the Roanoke River and its tributaries, including the Cashie, Middle, and Eastmost rivers, in the Tar-Pamlico River and its tributaries upstream of the Grimesland bridge and in the Neuse River and its tributaries upstream of the NC 55 bridge in Lenoir County no striped bass or striped bass hybrids between the lengths of 22 inches and 27 inches shall be retained during the period April 1 through May 31.
- (6) See 15A NCAC 10C .0407 for open seasons for taking nongame fishes by special devices.
- (7) The maximum combined number of black bass of all species that may be retained per day is five fish, no more than two of which may be smaller than the applicable minimum size limit. The minimum size limit for all species of black bass is 14 inches, with no exception in Lake Luke Marion in Moore County, in Reedy Creek Park lakes in Mecklenburg County, in Lake Rim in Cumberland County, in Currituck Sound and tributaries north of Wright Memorial Bridge, in North River and tributaries in Currituck and Camden Counties north of a line between Camden Point and the end of SR 1124, in High Rock Lake downstream of I-85, in Badin Lake, in Falls Lake, in Lake Tillery, in Blewett Falls Lake, and in the New River and its tributaries in Onslow County. In and west of Madison, Buncombe, Henderson and Polk Counties and in designated public mountain trout waters the minimum size limit is 12 inches. In B. Everett Jordan Reservoir and in Falls of the Neuse Reservoir, east of SR 1004, a minimum size limit of 16 inches, with no exception, applies to largemouth bass. In Tuckertown Lake no black bass between the lengths of 12 inches and 16 inches may be retained, and the minimum size limit for black bass is 16 inches, except that the daily creel may contain two black bass of less than 12 inches in length. In W. Kerr Scott Reservoir there is no minimum size limit for spotted bass.
- (8) A minimum size limit of 15 inches applies to walleye taken from Lake James and its tributaries, and the daily creel limit for walleye is four fish in Linville River upstream from the NC 126 bridge above Lake James.
- (9) The creel limit for black bass and walleye taken from Calderwood Reservoir is 10.
- (10) The minimum size limit for all black bass, with no exception, is 18 inches in the following trophy bass lakes:
  - (A) Cane Creek Lake in Union County;
  - (B) Lake Thom-A-Lex in Davidson County; and
  - (C) Sutton Lake in New Hanover County.
- (11) In all impounded inland waters and their tributaries, except those waters described in Exceptions (1) and (5), the daily creel limit of striped bass and their hybrids may include not more than two fish of smaller size than the minimum size limit.
- (12) In Lake Tillery, Falls Lake, High Rock Lake, Badin Lake, Tuckertown Lake, Lake Hyco, Lake Ramseur, Cane Creek Lake and the Roanoke River downstream of the US 17 bridge in Williamston and its tributaries (including the Cashie, Middle and Eastmost rivers and their tributaries) a daily creel limit of 20 fish and a minimum size limit of 8 inches apply to crappie. In Lake James, a daily creel limit of 20 fish applies to crappie.
- (13) In designated inland fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan River, Currituck Sound, Alligator River, Scuppernong River, and their tributaries (excluding the Roanoke River and Cashie River and their tributaries), striped bass fishing season, size limits and creel limits shall be the same as those established by duly adopted rules or proclamations of the Marine Fisheries Commission in adjacent joint or coastal fishing waters.
- (14) The daily creel and length limits for channel, white, and blue catfish in designated urban lakes are provided for in 15A NCAC 10C .0401(d).

- (15) The Executive Director may, by proclamation, suspend or extend the hook-and-line season for striped bass in the inland and joint waters of coastal rivers and their tributaries. It is unlawful to violate the provisions of any proclamation issued under this authority.
- (16) In the entire Lumber River from the Camp MacKall bridge (SR 1225, at the point where Richmond, Moore, Scotland, and Hoke counties join) to the South Carolina state line and in all public fishing waters east of I-95, except Tar River Reservoir in Nash County, the daily creel limit for sunfish is 30 in aggregate, no more than 12 of which shall be redbreast sunfish.
- (17) In Sutton Lake, no largemouth bass may be retained from December 1 through March 31.
- (18) In the Pee Dee River downstream from the Blewett Falls dam, shad may be taken with special fishing devices without restriction to creel limits as provided for in 15A NCAC 10C .0404 (b) during the permitted special fishing device seasons specified in 15A NCAC 10C .0407. American and hickory shad taken under this Subparagraph may be sold as authorized under subsection 10C .0401.
- (19) The season for taking American and hickory shad with dip nets and bow nets is March 1 through April 30, except in Pee Dee River downstream from Blewett Falls dam where the season prescribed in 15A NCAC 10C .0407 (4) and (75) is in effect.

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

Filed as a Temporary Amendment Eff. May 1, 1991, for a period of 180 days to expire on November 1, 1991;

Filed as a Temporary Amendment Eff. May 22, 1990, for a period of 168 days to expire on November 1, 1990;

Filed as a Temporary Amendment Eff. May 10, 1990, for a period of 180 days to expire on November 1, 1990;

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

Eff. February 1, 1976;

Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993; October 1, 1992;

Temporary Amendment Eff. November 1, 1998;

Amended Eff. April 1, 1999;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. July 1, 2000.

## 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) Bachelors 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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 during the Deer With Visible Antlers season.
- (44) Northwest River Marsh Game Land in Currituck County  
 (A) Six Days per Week Area  
 (B) Deer of either sex may be taken the first six open days, open days the week of Thanksgiving, and the last six open days of the applicable Deer With Visible Antlers Season. In addition, one antlerless deer may be taken during the Deer With Visible Antlers season.
- (45) Pee Dee River Game Land in Anson, Montgomery, Richmond and Stanly counties  
 (A) Six Days per Week Area  
 (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.  
 (C) Use of centerfire rifles prohibited in that portion in Anson and Richmond counties North of US-74.
- (46) Perkins Game Land in Davie County  
 (A) Three Days per Week Area  
 (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (47) Person Game Land in Person County  
 (A) Six Days per Week Area  
 (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.  
 (C) Waterfowl may be taken only on Tuesdays, Thursdays and Saturdays, Christmas and New Year's Days, and on the opening and closing days of the applicable waterfowl seasons.
- (48) Pisgah Game Land in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, Watauga and Yancey counties  
 (A) Six Days per Week Area  
 (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season except on that portion of Avery County north of the Blue Ridge Parkway and that portion in Haywood County encompassed by US 276 on the north, US 74 on the west, and the Blue Ridge Parkway on the south and east.  
 (C) Harmon Den and Sherwood Bear Sanctuaries in Haywood County are closed to hunting raccoon, opossum and wildcat. Training raccoon and opossum dogs is prohibited from March 1 to the Monday on or nearest October 15 in that part of Madison County north of the French Broad River, south of US 25-70 and west of SR 1319.
- (49) Pungo River Game Land in Hyde County  
 (A) Six Days per Week Area  
 (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (50) Roanoke River Wetlands in Bertie, Halifax and Martin counties  
 (A) Hunting is by Permit only. Vehicles are prohibited on roads or trails except those operated on official Commission business or by permit holders.
- (51) Robeson Game Land in Robeson County  
 (A) Three Days per Week Area



- (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (52) Sampson Game Land in Sampson County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (53) Sandhills Game Land in Moore, Richmond and Scotland counties
  - (A) Three Days per Week Area
  - (B) The Deer With Visible Antlers season for deer consists of the open hunting dates from the second Monday before Thanksgiving through the third Saturday after Thanksgiving except on the field trial grounds where the gun season is from the second Monday before Thanksgiving through the Saturday following Thanksgiving. Deer may be taken with bow and arrow on all open hunting dates during the bow and arrow season, as well as during the regular gun season. Deer may be taken with muzzle-loading firearms on Monday, Wednesday and Saturday of the second week before Thanksgiving week, and during the Deer With Visible Antlers season.
  - (C) Gun either-sex deer hunting is by permit only the Thursday and Friday before Thanksgiving Week. For participants in the Disabled Sportsman Program, either-sex deer hunting with any legal weapon is permitted on all areas the Thursday and Friday prior to the muzzle-loading season described in the preceding paragraph. Except for the deer seasons indicated in the preceding paragraph and the managed either-sex permit hunts, the field trial grounds are closed to all hunting during the period October 22 to March 31.
  - (D) In addition to the regular hunting days, waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons
  - (E) Wild turkey hunting is by permit only.
  - (F) Dove hunting on the field trial grounds will be prohibited from the second Sunday in September through the remainder of the hunting season.
  - (G) No all terrain vehicles shall be used on the J. Robert Gordon Field Trial Area except by licensed hunters during deer and dove open seasons pursuant to 15A NCAC 10D .0102(m).
- (54) Sauratown Plantation Game Land in Stokes County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (55) 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 during the Deer With Visible Antlers season.
- (56) Shearon Harris Game Land in Chatham and Wake counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) Waterfowl may be taken only on Tuesdays, Fridays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons.
  - (D) The use or construction of permanent hunting blinds is prohibited.
- (57) South Mountains Game Land in Burke, Cleveland, McDowell and Rutherford counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (58) Suggs Mill Pond Game Land in Bladen County  
Hunting is by Permit only.
- (59) Sutton Lake Game Land in New Hanover County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (60) Three Top Mountain Game Land in Ashe County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (61) Thurmond Chatham Game Land in Wilkes County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season. Participants of the Disabled Sportsman Program may also take either-sex deer with bow and arrow on the Saturday prior to Northwestern bow and arrow season.
  - (C) Horseback riding is only allowed during June, July, and August and on Sundays during the remainder of the year except during open turkey and deer seasons. Horseback riding is allowed only on roads opened to vehicular traffic. Participants must obtain a game lands license prior to horseback riding on this area.
- (62) Toxaway Game Land in Transylvania County

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season. Participants of the Disabled Sportsman Program 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) 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) 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 Nuthush Peninsula tract.
- (65) White Oak River Impoundment Game Land in Onslow County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) Waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons regardless of the day of the week on which they occur.
- (66) Yadkin Game Land in Caldwell County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

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

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

- Bertie, Halifax and Martin counties--Roanoke River Wetlands;
- Bertie County--Roanoke River National Wildlife Refuge.
- Burke County--John's River Waterfowl Refuge
- Dare County--Dare Game Lands (Those parts of bombing range posted against hunting)
- Davie--Hunting Creek Swamp Waterfowl Refuge

Gaston, Lincoln and Mecklenburg counties--Cowan's Ford Waterfowl Refuge.  
Henderson and Transylvania counties--Dupont State Forest Game Lands

*History Note: Temporary Amendment Eff. October 3, 1991;*  
*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-305;*  
*Eff. February 1, 1976;*  
*Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; September 1, 1995; July 1, 1995; September 1, 1994; July 1, 1994;*  
*Temporary Amendment Eff. July 1, 1999;*  
*Amended Eff. July 1, 2000.*

## **CHAPTER 18 - ENVIRONMENTAL HEALTH**

### **SUBCHAPTER 18A - SANITATION**

#### **SECTION .1800 - SANITATION OF LODGING PLACES**

##### **.1808 LOBBY: HALLS: STAIRS: AND VENDING AREAS**

- (a) Ice and vending machine locations shall have ventilation and at least 10 foot-candles of light at 30 inches above the floor.
- (b) Floors, walls, ceilings, windows and ventilation shall be kept clean and in good repair.
- (c) Furniture, fixtures, draperies, and other accessories shall be clean and in good repair.

*History Note: Authority G.S. 130A-248;*  
*Eff. February 1, 1976;*  
*Readopted Eff. December 5, 1977;*  
*Amended Eff. August 1, 2000; January 1, 1996; September 1, 1990.*

##### **.1812 GUESTROOMS**

- (a) Laboratories shall have lighting with a minimum of 30 foot-candles of light at 30 inches above the floor. Where natural ventilation only is provided, outside openings shall be screened. Windows and glass doors shall be kept clean and in good repair. In the absence of windows, air conditioning and artificial lighting constitutes satisfactory compliance.
- (b) Window coverings shall be kept clean and in good repair.
- (c) Two sheets shall be provided for each bed. The lower sheet shall be folded under both ends of the mattress. The upper sheet shall be folded under the mattress at the lower end and folded over the cover for at least six inches at the top end. Bed linens, including sheets, pillow cases, blankets and bedspreads, shall be kept clean and in good repair.
- (d) The floors, walls, and ceilings of bedrooms, closets, and storage areas shall be kept clean and in good repair. Furniture, fixtures, carpets and other accessories shall be kept clean and in good repair.
- (e) All lodging establishments shall be kept free of roaches, flies and other pests. Guestrooms having outside openings shall



have screens in good repair unless the guestroom is air conditioned.

*History Note: Authority G.S. 130A-248;*

*Eff. February 1, 1976;*

*Readopted Eff. December 5, 1977;*

*Amended Eff. August 1, 2000; August 6, 1997; January 1, 1996;*

*April 1, 1992; September 1, 1990; September 1, 1979.*

## **TITLE 17 - DEPARTMENT OF REVENUE**

### **CHAPTER 6 - INDIVIDUAL INCOME TAX**

#### **SUBCHAPTER 6B - INDIVIDUAL INCOME TAX**

#### **SECTION .0100 - FILING INDIVIDUAL INCOME TAX RETURNS**

#### **.0118 ELECTRONIC FILING OF INDIVIDUAL INCOME TAX RETURNS**

(a) Definitions. -- Participants in the Federal/State Electronic Filing Program are defined as follows:

- (1) Electronic Return Originator (ERO). -- A firm, an organization, or an individual who deals directly with the taxpayer, who either prepares a tax return for the purpose of having an electronic return produced or collects a prepared tax return for the purpose of having an electronic return produced, and who obtains the taxpayer's signature on Form NC 8453, Individual Income Tax Affirmation for Electronic Filing.
- (2) Transmitter. -- A firm, an organization, or an individual who transmits electronic returns directly to the Internal Revenue Service (IRS).
- (3) Software Developer. -- A person who designs software for the purpose of formatting returns according to electronic return specifications of the Internal Revenue Service and the North Carolina Department of Revenue or transmits electronic returns directly to the IRS.

A firm, an organization, or an individual may choose to perform one or all of the functions associated with electronic filing.

(b) Initial Participation. -- To participate in the Federal/State Electronic Filing Program applicants must complete Form NC 8633, Application to Participate in the Electronic Filing Program, and must be accepted into the Internal Revenue Service Federal Electronic Filing Program. An applicant that is not a software developer must also receive a letter of acceptance for the current filing season from the Department before the applicant can participate in the Program.

(c) Continued Participation. -- An applicant who participates in the Program one year is not required to submit an application for a subsequent year unless any information provided on the application has changed. An applicant, other than a software developer, who participates in the Program one year cannot participate in the Program in a subsequent year unless the

applicant has received a letter of acceptance from the Department for that year. Each year, the Department performs a suitability check on participants that are not software developers to determine if they are eligible to participate the next year. No action is required on the part of a participant for the Department to conduct a suitability check of that participant. The Department must send a letter of acceptance to each participant who passes the suitability check and a letter of rejection to those who do not. A letter of rejection explains the reason for the rejection and the procedure to follow to appeal the rejection.

(d) Suitability Determination. -- The following factors are considered in a suitability check. The existence of one or more of these factors will result in an applicant or previous participant being denied acceptance into the program:

- (1) Conviction of a criminal offense under the revenue laws of the State of North Carolina, or of any offense involving dishonesty or breach of trust.
- (2) Failure to file timely and accurate tax returns, both personal and business.
- (3) Failure to pay personal or business tax liabilities. If failure to pay taxes is the determining factor in not being allowed to participate in the program, a conditional acceptance is provided. The terms of the acceptance are as follows:
  - (A) Applicant must pay all outstanding liabilities within six months of the date the application is received by the Department of Revenue or by the first day allowable for transmission of returns, whichever is earlier.
  - (B) Failure to fully pay the liabilities within six months results in exclusion from the electronic filing program. After the liability is paid, a new application must be submitted for reconsideration.
- (4) Misrepresentation on an application.
- (5) Suspension or rejection from the program in a prior year if corrective action is not taken and approved by the North Carolina Department of Revenue.
- (6) Other facts or conduct of a disreputable nature that would reflect adversely on the program.
- (7) Unethical practices in return preparation.

(i) Status Levels. -- The status levels of a participant in the electronic filing program are as follows:

- (1) Accepted in good standing - electronic filing participant who has filed a North Carolina application for electronic filing, has met all the criteria for the electronic filing program, and has not received a warning letter from the Department.
- (2) Warning status - electronic filing participant who has been issued a warning letter due to noncompliance with this rule or the agreement signed by the participant.
- (3) Termination - electronic filing participant who has been issued a warning letter and has failed to correct the problem identified in the letter.



(j) Refusal to Process. -- Taxpayer returns transmitted by an applicant or former participant who has been rejected from the program shall not be processed by the Department. The taxpayers shall be notified to file paper returns.

(k) Reinstatement. -- Terminated participants may apply for reinstatement in the Federal/State Electronic Filing Program upon compliance with all requirements of the program.

*History Note: Authority G.S. 105-262; Rev. Proc. 93-8, Internal Revenue Bulletin 1993-2, January 11, 1993.*

*Eff. May 1, 1994;*

*Amended Eff. July 1, 2000; August 1, 1998; November 1, 1994.*

## **TITLE 21 - OCCUPATIONAL LICENSING BOARDS**

### **CHAPTER 10 - BOARD OF CHIROPRACTIC EXAMINERS**

#### **SECTION .0200 - PRACTICE OF CHIROPRACTIC**

##### **.0203 EXAMINATIONS**

(a) Eligibility. Only those applicants who meet the requirements of G.S. 90-143, or in the case of reciprocity applicants, G.S. 90-143.1, and who have submitted a timely and complete written application pursuant to 21 NCAC 10 Rule .0202 shall be allowed to take the examination.

(b) Date of Examination. The examination shall be given twice annually. The spring examination shall commence on the first Saturday after the first Tuesday in June. The fall examination shall commence on the first Saturday after the first Tuesday in November. Applicants eligible for examination shall be notified of the exact date, time and location of the examination as soon as possible after their written applications have been approved by the Board.

(c) National Boards. In order to take the North Carolina portion of the examination or otherwise demonstrate clinical proficiency, an applicant must first achieve a score of 375 or higher on each of the following examinations given by the National Board of Examiners: Part I, Part II, Part III (WCCE) and the elective examination (termed "Physiotherapy" by the National Board). An applicant must then demonstrate clinical proficiency, either by passing the North Carolina portion of the examination as described in Paragraphs (f) and (g) of this Rule or by achieving a score of 475 or higher on Part IV of the National Board examination.

(d) Date of Licensure. An applicant who otherwise meets all requirements for licensure and who submits proof of a Part IV score of 475 or higher shall be issued a license on the next examination date specified in Paragraph (b) of this Rule.

(e) Report of Scores. The applicant shall arrange for his test results from any National Board Examination to be reported to the North Carolina Board in a timely manner. Failure to comply with this provision shall be a basis for delaying the issuance of a license.

(f) Nature of Examination. The North Carolina portion of the examination is intended to test an applicant's proficiency in the practical aspects of chiropractic and to augment the information submitted in his written application. It is administered orally and may include questions on the following subjects: x-ray; general office practice; and chiropractic analysis, procedure, examination, diagnosis and treatment. No part of the North Carolina portion of the examination is open-book, and no reference material of any kind shall be allowed in examination area.

(g) Passing Grade. To pass the examination, an applicant must answer correctly a minimum of 65 percent of the questions on each subject and must also answer an average of 75 percent of all the questions on the examination. An applicant who fails because of a deficiency in only one subject may be re-examined in that subject the next time the examination is given and shall not be required to pay another application fee. An applicant who fails the examination for any other reason must re-take the entire examination and pay another application fee.

(h) Review of Examination Results. An applicant who has been denied licensure because of failing examination grades may request a review of his answers provided his request is made in writing and received by the the secretary not later than 20 days after issuance of the examination results. The review shall be limited to a re-tabulation of the applicant's test scores to make certain no clerical errors were made in grading. Applicants shall not discuss their examinations with Board members, graders or test administrators.

*History Note: Legislative Objection Lodged Eff. January 31, 1983;*

*Curative Amended Eff. February 18, 1983;*

*Authority G.S. 90-142; 90-143;*

*Eff. February 1, 1976;*

*Readopted Eff. January 27, 1978;*

*Amended Eff. August 1, 2000; August 1, 1995; December 1, 1988; January 1, 1983; October 17, 1980.*

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  
 August 19, 1999  
 September 16, 1999

October 21, 1999  
 November 18, 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

**DENR/COASTAL RESOURCES COMMISSION**

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 31 .0207	Amend
General Provisions	19 NCAC 31 .0301	Amend
Office	19 NCAC 31 .0302	Amend
Courses of Instruction	19 NCAC 31 .0307	Amend
Vehicle Equipment	19 NCAC 31 .0401	Amend
Registration: Insurance: Inspection	19 NCAC 31 .0402	Amend



---

**RULES REVIEW COMMISSION**

---

Requirements	19 NCAC 31 .0501	Amend
Requirements	19 NCAC 31 .0601	Amend
Bonds	19 NCAC 31 .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

---

**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 (b), 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 reasonable 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>ADMINISTRATION</b>				
Laidlaw Transit Svcs. Inc. v. Katie G. Dorsett, Sec'y/Dept/Administration	99 DOA 0102	Morrison	06/11/99	14:02 NCR 115
<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>				
William Samuel McCraw v. Crime Victims Compensation Commission	98 CPS 1626	Morrison	06/09/99	
Anson D. Looney v. Crime Victims Compensation Commission	99 CPS 0096	Morrison	05/25/99	
<b>ENVIRONMENT AND NATURAL RESOURCES</b>				
R.J. Reynolds Tobacco Co. v. Dept. of Environment & Natural Resources	98 EHR 1315	Wade	06/04/99	14:02 NCR 110
<i>Division of Land Resources</i>				
Buel B. Barker, Jr. and Hubbard Realty of Winston-Salem, a NC Corp., jointly and severally v. Dept. of Environment and Natural Resources, Div. of Land Resources	98 EHR 1457	Morrison	06/09/99	
<b>HEALTH AND HUMAN SERVICES</b>				
Andrew Gainey 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, Inc. D. Lewis v. Health & Human Services	99 DHR 0170	Owens	05/25/99	
Lonnie Herrng v. Department of Health & Human Services	99 DHR 0350	Reilly	06/03/99	
<i>Division of Facility Services</i>				
Della C. Jones v. Health & Human Services, Div. of Facility Services	98 DHR 1680	Gray	06/09/99	
Carolyn Grant v. Health & Human Services, Div. of Facility Services	99 DHR 0145	Mann	06/11/99	
Sarah Frances Alford v. Health & Human Svcs., Div. of Facility Svcs.	99 DHR 0220	Phipps	06/08/99	
<i>Division of Social Services</i>				
Joanna Price v. Caldwell County Social Services	99 DHR 0520	Morrison	06/10/99	
<i>Child Support Enforcement Section</i>				
Thomas Ashley Stewart II v. Department of Health & Human Services	99 CRA 0628	Reilly	06/14/99	
Robert M. Chandler Jr. v. Department of Health & Human Services	98 CSE 1789	Phipps	05/27/99	



<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Billy J. Young v. Department of Health & Human Services	99 CSE 0374	Reilly	06/14/99	
Beverly K. Thompson v. Department of Health & Human Services	99 CSE 0435	Reilly	06/14/99	
Michael L. Timmer v. Department of Health & Human Services	99 CSE 0437	Wade	06/08/99	
Elizabeth F. West v. Department of Health & Human Services	99 CSE 0451	Morrison	05/25/99	
Gerald Scott Saucier v. Department of Health & Human Services	99 CSE 0576	Mann	06/09/99	
Lawrence Gordon Soles v. Department of Health & Human Services	99 CSE 0581	Morrison	06/09/99	
<b>JUSTICE</b>				
<i>Alarm Systems Licensing Board</i>				
Terry Allen Brickey v. Alarm Systems Licensing Board	99 DOJ 0097	Wade	05/21/99	
Brian Anthony Bartmac 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	
Bradford D. Penny v. Alarm Systems Licensing Board	99 DOJ 0522	Morrison	06/08/99	
Benny L. Shaw v. Alarm Systems Licensing Board	99 DOJ 0523	Morrison	06/08/99	
<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	
Emma J. Kiser v. Sheriffs' Ed. & Training Standards Comm.	98 DOJ 1793	Gray	06/07/99	
Sherry Davis Kenney v. Criminal Justice Ed. & Training Stds. Comm.	99 DOJ 0067	Wade	06/08/99	
<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	
William E. Ellis, Sr. v. Private Protective Services Board	99 DOJ 0527	Morrison	06/08/99	
<b>PUBLIC INSTRUCTION</b>				
S.H. by and through her guardian and custodian, H.H. and H.H. v. Henderson County Board of Education	98 EDC 1124	Mann	06/11/99	
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>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>				
Lth Romaine Lee v. County of Johnston	99 OSP 0456	Morrison	06/02/99	
<i>Justice</i>				
Thomas Michael Chamberlin v. Justice, Justice Academy	99 OSP 0308	Phipps	06/11/99	
<i>Transportation</i>				
Larry R. Lane v. Department of Transportation 99 OSP 0105	Mann	06/11/99		
Ronald Roberson v. Dept. of Transportation, Right-of-Way Branch	99 OSP 0142	Morrison	06/08/99	
<b>UNIVERSITY OF NORTH CAROLINA</b>				
Stephanie A. Payne v. UNC Hospitals	99 UNC 0375	Morrison	06/21/99	

\* Consolidated Cases.

STATE OF NORTH CAROLINA

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
98 EHR 1315

COUNTY OF FORSYTH

R.J. REYNOLDS TOBACCO COMPANY )

Petitioner, )

v. )

**RECOMMENDED DECISION**

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT )

AND NATURAL RESOURCES )

Respondent. )

This contested case came on for hearing before the Honorable Beryl E. Wade, Administrative Law Judge on February 23-24, 1999 in Greensboro, North Carolina and March 8, 1999 in High Point, North Carolina.

**APPEARANCES**

The Petitioner, R.J. Reynolds Tobacco Company ("Reynolds"), was represented by William E. Latham II, Esquire, of Womble Carlyle Sandridge & Rice, and Peter H. Ramm, Senior Counsel for R.J. Reynolds Tobacco Company.

The Respondent, North Carolina Department of Environment and Natural Resources ("DENR" or "the Agency"), was represented by Nancy E. Scott, Esquire, Assistant Attorney General.

**ISSUES**

Whether Petitioner has met its burden of proof by establishing that the Respondent either: acted erroneously; acted arbitrarily or capriciously; exceeded its authority or jurisdiction; or failed to act as required by law or rule when Respondent denied Reynolds' 1998 Application for tax certification of equipment used in Reynolds' reconstituted tobacco process, which Petitioner had submitted to the Solid Waste section of the Department of Environment and Natural Resources pursuant to N.C. Gen. Stat. § 150B-2(8a).

**FINDINGS OF FACT**

1. Chapter 764 of the 1975 North Carolina Session Laws, effective January 1, 1976, provides certain tax benefits for capital investments in facilities and equipment used exclusively for resource recovery or recycling of or from solid waste, including exclusion of real and personal property from the local city and county ad valorem tax base, deduction of the value of the facilities and equipment from the value of property upon which the corporate franchise tax is levied, and rapid amortization of the construction, purchase and installation cost of the facilities, resulting in increased deductions from corporate taxable income.
2. Section One (1) of the Legislation amended the Solid Waste Management article of the Public Health Chapter of the North Carolina General Statutes by directing the Department of Human Resources to develop and promulgate standards for qualification as recycling or resource recovery facilities or equipment, and to certify as qualifying applications which meet the established standards.
3. The Division of Waste Management was subsequently transferred from the Department of Human Resources to the Department of Environment and Natural Resources; it is the same agency which has administered the tax certification statutes and rules promulgated thereunder since the inception of the program in 1976.
4. In the 1980s, DENR encouraged taxpayers to submit applications to qualify for its tax certification program.
5. In the early 1980s, Reynolds discussed with DENR representatives whether its reconstituted tobacco process ("the G-7 process") would qualify for tax certification.
6. On November 8, 1982, Petitioner R.J. Reynolds Tobacco Co. submitted a request to the Respondent Agency for tax certification for a resource recovery facility and equipment in Building 603 at its Whitaker Park manufacturing facility in Winston Salem, North Carolina. The application included the building itself, approximately two acres of land area covered by the building, and equipment located in the building which was used to produce "reconstituted sheet tobacco" from tobacco

stems, scraps and dust. Reynolds' application stated that the "operation reclaims tobacco materials which were previously discarded and processes it to a material which is used in the manufacture of tobacco products." The application included a short description of the "G-7" (stems and scraps) and the "G-9" (tobacco dust) tobacco reconstitution processes and a one-page process flow chart depicting the process.

7. Mr. Julian Foscue, now the Western Area Supervisor for the Solid Waste Section, testified that in 1982 he was the waste management specialist who inspected the facility for Respondent Agency. Mr. Foscue testified that at that time the Agency, in determining whether a facility met the standards for a solid waste resource recovery or recycling facility, relied upon the declaration of an applicant that it had formerly wasted the material which it claimed to be recovering or recycling. The Agency did not look beyond an applicant's declaration.
8. On December 2, 1982, Respondent Agency issued Reynolds a tax certification covering the building, the land and the equipment listed in the application.
9. Reynolds applied for and received tax certifications for new equipment purchased and installed in Building 603 on eight different occasions between 1986 and 1995. Each application included a cover letter stating that the company has manufacturing facilities which are tax certified as resource recovery facilities; attached to each letter was a list of items which had been installed or transferred to these facilities since the last tax certification. These applications did not include any reference to the materials from which resources were recovered, nor did they include any description of the process in which the equipment was used.
10. For each of the nine Reynolds' applications, the Solid Waste Section of DENR conducted inspections of the Reynolds' reconstituted tobacco processing operations.
11. From 1982 to 1995, the Solid Waste Section of DENR determined after inspection that the equipment exclusively used in the G-7 process qualified for tax certification as recycling or resource recovery equipment.
12. Mr. Foscue testified that applications for tax certification subsequent to the 1982 application were approved on the basis of the 1982 certification. He testified that he had had doubts in 1995 about whether the tobacco stems, scrap and dust reconstituted by Reynolds actually were solid waste, and that he had expressed such doubts to his supervisor Philip Prete.
13. Mr. Prete testified that Mr. Foscue had expressed reservations to him about Reynolds' application in 1995, but that he had issued the tax certification on the basis of past certifications, without doing further research into the nature of the tobacco materials or the process wherein the equipment claimed for certification was used.
14. Prior to its denial of Reynolds' 1998 tax certification, Respondent had denied a tax certification request from another company for equipment or facilities which recover tobacco stems, scrap and dust. Also prior to its denial of Reynolds' 1998 application, Respondent had received an inquiry from an accounting firm on behalf of a tobacco manufacturer, asking whether equipment or facilities for processing tobacco stems and dust into tobacco products would qualify under the tax certification program. The Agency's response to the inquiry was that facilities and equipment would not qualify because the stems and scrap were tobacco and not solid waste.
15. On April 20, 1998, Respondent Division of Waste Management received an application for tax certification of equipment installed by Reynolds in Building 603 during 1997, with a total installed cost of \$16,634,265. The application included only a list of equipment for which certification was sought; there was no information about the manufacturing process or the materials processed therein. The application cover letter from Mr. Robin Wilson stated that Building 603 had been certified as a resource recovery facility.
16. After indicating by telephone to Mr. Wilson that the application could not be approved because the tobacco materials processed in the G-7 process were not solid waste, Mr. Prete wrote Reynolds a formal letter of denial on September 4, 1998. The denial is the subject of this contested case. The letter stated that the equipment and facilities submitted for consideration do not qualify for special tax treatment under the tax certification program because the process described upon the Agency's inquiry involves the recovery of materials which are not solid waste. "In general, these materials are the raw materials of production or they are by-products that were not discarded or otherwise treated as waste."
17. The denial letter also referred to the process as involving the recovery of material that is reintroduced directly back into the process from which it originated ("home scrap"). During a later meeting with Mr. Wilson and Mr. George Lamb of Reynolds



to discuss the denial of tax certification, Mr. Prete learned that the tobacco stems, scrap and dust came from the tobacco stemming process performed at an off site stemmery. Not having been generated during the tobacco manufacturing processes at Reynolds Whitaker Park complex, the tobacco materials were not categorically "home scrap", but simply parts of the tobacco leaves which Reynolds purchased at auction for manufacture of tobacco products.

18. On September 30, 1998, Reynolds filed a petition for a contested case hearing asserting that DENR improperly denied Reynolds' request for tax certification of a tax exemption on recycling or resource recovery equipment used in the G-7 process.
19. Reynolds' appeal of DENR's September 4, 1998 denial was timely made within thirty (30) days.
20. Reynolds buys tobacco leaves at auction at a certain price per pound. The tobacco is sent to a stemmery, where the midribs (stems) are separated from the lamina portion of the leaf. The separation process also generates small scraps of lamina and very fine scraps of lamina which the company calls tobacco "dust".
21. Stems comprise approximately twenty to twenty-five percent of the weight of tobacco purchased at auction.
22. The stems, scraps and fines (dust) are separated, dried, and bundled or packed into containers labeled with the grade, type (flue-cured, burley, Maryland, etc.) and size of tobacco and are delivered to Reynolds to be aged and stored. Lamina strips are also dried and placed in containers labeled with the grade, type and size of tobacco and sent to Reynolds for aging and storage. Reynolds inventories all of the tobacco in its aging and storage facilities, including the tobacco stems, scrap and dust.
23. When tobacco is removed from storage to the manufacturing facilities, lamina strips are sent to one processing facility, where they are blended, sized, moisture adjusted, treated with flavorings, and some of them are expanded. Tobacco stems, scrap and dust are sent to another processing facility for reconstitution as sheet tobacco. Both the processed strips and the reconstituted sheet tobacco are shred for blending together as cigarette filler, which is then manufactured into cigarettes.
24. Stems, scrap and dust are blended for the desired blend of types of tobacco prior to processing in the G-7 tobacco reconstitution process. Tobacco extract is extracted during the pulping process, concentrated and mixed with tobacco extract produced in the G-9 process from tobacco dust and scrap cigarette filler material.
25. The G-7 tobacco pulp is ammoniated, rolled into sheets, and dried. Tobacco extract is applied to the sheet, as well as flavorings and humectants.
26. The tobacco blend and formula for Reynolds' reconstituted tobacco varies, depending upon the brand of cigarette in which it is designed for use.
27. Reconstituted tobacco filler is included in almost every brand made by Reynolds in proportions up to about twenty percent.
28. Reconstituted tobacco is a major tool for designing cigarettes with lower tar and nicotine content. Lower tar has been demanded by the smoking public for health reasons.
29. In addition to the stems separated from the leaf tobacco purchased by Reynolds at auction, Reynolds imports tobacco stems purchased overseas in order to keep up with the company's production requirements for reconstituted tobacco.
30. Reynolds uses approximately seventy million pounds of tobacco stems, scrap and dust per year to produce reconstituted sheet tobacco for use in its own tobacco products. Reynolds currently discards millions of pounds of tobacco waste materials every year in state landfills.
31. Reynolds has recently begun advertising and selling reconstituted tobacco to other manufacturers of tobacco products. Reynolds also performs "toll" manufacture of reconstituted tobacco for other tobacco product manufacturers, using tobacco "by-products" -- stems, scrap and dust -- provided by the customer.
32. There is no evidence that Reynolds has discarded the tobacco stems, scrap and dust that is carefully collected, separated, graded, labeled, bundled or packed into containers, aged, stored, inventoried and blended before it is reconstituted into sheet tobacco.

33. Reynolds purchases tobacco leaves as a commodity in the market for manufacture into tobacco products. All portions of the leaves, including midribs (stems) and the fine lamina particles broken off during the stemming process (scraps and dust) are processed for manufacture into tobacco products.
34. Prior to reconstitution, the tobacco stems, scrap and dust have not served the original intended use of tobacco leaves, which is the manufacture of tobacco products, and are not generally discarded.
35. The evidence shows no intent on the part of Reynolds to discard the tobacco stems, scrap and dust, which the company plainly wants to utilize for production of sheet tobacco.
36. Reynolds G-7 process includes equipment that is exclusively and integrally used to transform tobacco scrap, stems and dust into reconstituted tobacco sheet. The G-7 process is not "recycling" as defined by N.C. Gen. Stat. § 130A-290(35). The facilities and equipment exclusively used in the G-7 process do not constitute a "recycling facility" as defined by 15A NCAC 13B.1503.
37. Although Reynolds' employees testified that the company discards some five million tons of tobacco waste per year, that fact is not probative of whether the tobacco stems, scrap and dust which are processed into reconstituted sheet tobacco come within the statutory definition of solid waste. Tobacco materials are discarded because they are contaminated or spoiled. The sand content may be too high, for example, or some stems may mold before use. Dust from the air filtering system installed in the manufacturing facilities is disposed because, in addition to tobacco dust, the dust contains all of the other filtered from the air. Residual solids from the G-9 extraction process are also disposed by Reynolds.
38. Reynolds has denied that it is "waste material" in the commonly understood sense of the term, and has not informed its customers that Reynolds' brands of cigarettes contain waste materials.
39. Reconstitution of tobacco stems, scrap and dust for use in manufactured tobacco products has been a widespread practice throughout the American tobacco industry for many decades.
40. The typical American blend cigarette contains approximately twenty-two percent reconstituted tobacco.
41. Reynolds began commercially producing reconstituted tobacco from tobacco stems, scrap and dust in the early 1950's. It is economical for Reynolds to utilize as much of the tobacco it has purchased in its products as possible.
42. Reconstituted tobacco is integral and necessary to the production of Reynolds' tobacco products. Reconstitution provides an opportunity to modify the tobacco both physically and chemically, and to improve consistency and uniformity. The distinguishing characteristics of each brand of cigarettes designed and manufactured by Reynolds are achieved in large measure through the use of reconstituted tobacco.
43. Reynolds' witness George Lamb stated that the tax incentives for recycling and resource recovery of or from solid waste did not determine whether Reynolds operated the G-7 reconstituted tobacco process and acknowledged that the company would continue to operate the process without the tax certification program.

**CONCLUSIONS OF LAW**

1. The parties are properly before the Office of Administrative Hearings, and OAH has jurisdiction to hear this contested case challenging denial of an application for tax certification by Respondent Department of Environment and Natural Resources.
2. Chapter 764 of the 1975 Session Laws, effective January 1, 1976, providing exemption from local property tax and deductions from State corporate franchise and income taxes for facilities and equipment which recycle solid waste or recover resources from solid waste, was adopted upon the recommendation of the Commission for the Study of Solid Waste Recycling. The Commission Report recommended tax incentives for such capital investments because of the marginal economics of recycling and resource recovery.
3. A statute which provides exemption from taxation is strictly construed against the taxpayer. In re Clayton-Marcus Co., 286 N.C. 215, 210 S.E.2d 199 (1974); In re Certain Tobacco Owned by R.J. Reynolds Tobacco Co., 52 N.C. App. 299, 277 S.E.2d 575 (1981).

4. Solid Waste is defined at N.C.G.S. § 130A-290(35) as "any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility . . . and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded . . ." This definition is consistent with and virtually identical in every pertinent respect to the federal definition of solid waste at 42 USC §6903. Federal case law holds that "solid waste" is limited under the statute to materials that are "discarded" by virtue of being disposed of, abandoned, or thrown away. *Eg. American Mining Congress v. EPA*, 824 F.2d 1177, 26 ERC 1345 (D.C. Cir. 1987).
5. The burden of proof is upon the Petitioner to show that the Respondent either: acted erroneously; acted arbitrarily or capriciously; exceeded its authority or jurisdiction; or failed to act as required by law or rule when Respondent denied Reynolds' 1998 application for tax certification, which Petitioner had submitted to the Solid Waste section of the Division of Waste Management, DENR.
6. Respondent reevaluated the application of the definition of solid waste to the tobacco materials used in Reynolds' reconstituted tobacco operations. It is within the statutory authority of Respondent to determine whether the standards for tax certification have been met. In making this determination, Respondent must first determine whether it is actually solid waste which is being recovered or recycled in an applicant's facility.
7. Respondent reasonably concluded that the tobacco stems (midribs), scrap and dust (fine leaf particles) were part of the tobacco leaves purchased by Reynolds for the manufacture of tobacco products. Respondent reasonably concluded that said portions of the leaves had not served their original intended use and were neither discarded nor generally discarded by Reynolds.
8. Tobacco scrap, tobacco stems and tobacco dust used in the G-7 process are not "solid waste" within the meaning of N.C. Gen. Stat. § 130A-290(35).
9. Agency rules do not require inspection of a facility when the application or other information discloses that solid waste is not being recovered or recycled at the facility.
10. Petitioner has failed to establish that Respondent, in reevaluating the application of the law which Respondent implements to the facts of Reynolds' tobacco reconstitution process, exceeded its authority or jurisdiction, acted erroneously, failed to use proper procedure, acted arbitrarily or capriciously or failed to act as required by law or rule.

#### RECOMMENDED DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby recommended that Respondent's denial of Petitioner's 1998 application for tax certification be upheld, and that a final agency decision be made in the contested case affirming the denial.

#### NOTICE

The final decision in this contested case shall be made by the respondent. Each party has the right to file exceptions to the recommended decision and to present written arguments to the agency. The agency will serve a copy of the final decision on all the parties, the attorneys of record and the Office of Administrative Hearings.

This the 4<sup>th</sup> day of June, 1999.

---

Beryl E. Wade  
Administrative Law Judge



**STATE OF NORTH CAROLINA**

**COUNTY OF WAKE**

**IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
99 DOA 0102**

**LAIDLAW TRANSIT SERVICES, INC.**

**Petitioner,**

**v.**

**KATIE G. DORSETT, SECRETARY OF THE NORTH  
CAROLINA DEPARTMENT OF ADMINISTRATION**

**Respondent.**

**RECOMMENDED DECISION**

THIS CAUSE coming on to be heard before the undersigned Administrative Law Judge on April 29 and on May 5, 1999; and Petitioner, being represented by George G. Hearn and Reed J. Hollander, attorneys, Johnson, Mercer, Hearn & Vinegar, PLLC, Raleigh; and Respondent being represented by Terry White, Assistant Attorney General, N.C. Department of Justice, Raleigh; and based upon the stipulations, testimony and documentary evidence, the undersigned Senior Administrative Law Judge makes the following Findings of Fact, Conclusions of Law, and issues the following Recommended Decision.

**FINDINGS OF FACT**

1. North Carolina State University ("NCSU") maintains a fixed route transit service for the NCSU campus and adjoining area under the name of Woffline Transit Service.

2. Laidlaw Transit Services, Inc. ("Laidlaw") is the current provider of the Woffline Transit Service through a contract ending August 15, 1999.

3. On or about May 6, 1998, North Carolina State University ("NCSU"), through its Purchasing Department, issued Request for Proposal No. R00103 ("RFP") seeking service providers to perform the Woffline Transit Service for the NCSU campus to begin August 16, 1999.

4. David A. Jones is and was during 1998 the Assistant Purchasing Administrator of the Division of Purchase and Contract of the Department of Administration ("DOA").

5. NCSU's Purchasing Department amended the RFP by issuing Addendum No. 1 May 27, 1998 and Addendum No. 2 June 8, 1998. The purpose of the Addenda was to answer questions in order to clarify the RFP.

6. During 1998, David A. Jones became familiar with the RFP during the course of his regular work. Prior to May 6, 1998, NCSU informed the Division of Purchase and Contract that it was about to solicit proposals for the Woffline Transit Service.

7. Prior to May 6, 1998, NCSU asked the Department of Administration ("DOA") and its Division of Purchase and Contract to look at the proposed RFP, and later, to attend the pre-proposal conference, and to look at NCSU's evaluation and recommendation, and to give NCSU authorization for the award of the contract.

8. David Jones reviewed the draft of the RFP for completeness, clarity and preciseness and that areas in the RFP were not restrictive and to determine that its provisions would not cause some companies to be excluded.

9. A mandatory pre-proposal meeting was held on June 9, 1998. David Jones was present. At this June 9, 1998, meeting, David Jones stated, "If there is somebody not responding adequately, accurately, to how they're [going to] meet the requirement, you don't ever get to see their costs. Our job is to get the lowest one, meeting the specs. I'm not going to make that easy."

10. Addendum No. 3 to the RFP was issued by NCSU's Purchasing Department on June 11, 1998. Among other things, this Addendum amended the cost proposal instructions on page 28 of the RFP.

11. David Jones reviewed the Addenda to the RFP before they were issued by NCSU.

12. Seven contractors, including TCT Transit Services, Inc. ("TCT") and Laidlaw Transit Services, Inc. ("Laidlaw"), on or about July 1, 1998, submitted proposals to NCSU in response to RFP No. 00103.
13. The proposal submitted by each contractor was in two parts, containing, as required, a technical proposal and a sealed cost proposal.
14. NCSU's Transportation Department began evaluating the technical proposals sometime after July 1, 1998.
15. On September 4, 1998, employees of NCSU's Transportation and Purchasing Departments met with David Jones at the North Carolina Department of Administration to discuss the technical review process.
16. Through discussions with those employees of NCSU who were reviewing the proposals of contractors in response to the RFP, David Jones was aware that a number of the proposals to the RFP did not name a Road Supervisor.
17. David Jones responded to the concern of NCSU relative to the lack of identification of a road supervisor in certain proposals by informing the reviewing employees that NCSU could operate on the assumption that the particular proposer could provide the element of service.
18. During the September 4, 1998, meeting, David Jones told the NCSU employees, "The things that the vendors have not provided [in their proposals], that you have listed (bulleted) under each vendor, we take the assumption that they can provide and they have stood silent on those issues. The fact that they are in our RFP and each vendor has read the RFP and responded to the RFP, leads us to believe that they can meet those areas."
19. After its review, NCSU's Transportation Department determined that TCT's technical proposal and Laidlaw's technical proposal, along with three other proposals, were in "substantial compliance" with the RFP. NCSU requested permission of David Jones to open the cost proposals of five of the seven contractors who were in "substantial compliance."
20. David Jones disagreed with the request of NCSU to exclude from the cost proposals to be opened those from the remaining two contractors, Progressive Transit Services and Intelitran. David Jones told NCSU that it could only open cost proposals if all seven vendors' cost proposals were opened.
21. Subsequent to its review of the technical and cost proposals, NCSU made a recommendation that the Wolfline contract should be awarded to TCT. This recommendation was made to David Jones, for approval or other action.
22. David Jones received this recommendation for award from NCSU, along with copies of the RFP, of all seven RFP responses, and of the cost proposals and cost calculations made by NCSU.
23. Although the term "substantial compliance" is not defined in the General Statutes or in any DOA rule, "substantial compliance" was the term used by David Jones to measure whether TCT's technical proposal and cost proposal met the requirements of the RFP.
24. DOA Administrative Rule 1 NCAC 5B.0301(3)(b) is the administrative rule governing the authorization and award by the Secretary of DOA through the State Purchasing Officer ("SPO").
25. Pursuant to rule 1 NCAC 5B .0301(3)(b) David Jones, on behalf of DOA, conducted an independent review of the recommendation by NCSU to award the contract under the RFP to TCT.
26. David Jones conducted an independent review of TCT's technical proposal to determine whether it was in "substantial compliance" with the technical portion of the RFP.
27. David Jones determined, after his review of TCT's technical proposal, that the technical proposal was in substantial compliance with the RFP.
28. David Jones conducted an independent review of TCT's cost proposal and NCSU's calculations of total costs, to determine if TCT was the lowest cost bidder.

29. David Jones determined, after his review of TCT's cost proposal and NCSU's calculations of total cost, that TCT was the lowest cost bidder.

30. David Jones approved the recommendation of NCSU to award the Wolfline transit service contract to TCT.

31. The RFP provides in part: "if the technical proposal fails to meet the university's requirements as outlined in this RFP, the respective cost proposal will remain sealed and a contractor will not be considered further for award of this contract."

32. The RFP on page 10 requires the following with respect to the position of road supervisor:

"The contractor must identify a full time road supervisor who has performed well in previous jobs. This road supervisor must have at least three (3) years recent experience in supervising on-street, fixed-route transit operations that operate at minimum of 50,000 service miles annually. Road supervisor must have adequate managerial experience in public or private enterprises supervising a multi-culture workforce. This person's primary responsibility will be the assurance that the buses meet the requirements as outlined in this RFP."

33. The RFP on page 13, under the sub-heading "Bus Maintenance", requires that in its proposal "the contractor must provide evidence (i.e. street address, lease/ownership documentation, maps, and/or photographs) that they will procure the facilities necessary to accommodate operations of the service as outlined in this RFP. Facilities must include administrative offices, maintenance facilities, and bus storage areas, and be available in adequate time to start Wolfline service."

34. The RFP on Page 18 contains a checklist for a technical proposal response that informs a proposer that "to be considered, technical proposals must contain all of the following: . . . 'management and staffing plan with management resumes' . . . and 'operation facilities, including maintenance facility, documentation'." Page 18 of the RFP also provides this statement: "Note: a negative response to any of the above items will cause your proposal to be rejected."

35. The proposal submitted by TCT Transit Services, Inc. did not identify a full-time road supervisor as required by the RFP on page 10. Instead, TCT's proposal stated "we will recruit road supervisors locally, including from the incumbent work force."

36. TCT's proposal did not provide evidence, i.e. street address, lease/ownership documentation, maps and/or photographs, that it would procure the facilities necessary to accommodate operations of the transit service as required by the RFP, page 13. Instead, TCT provided in its response a drawing of a hypothetical facility and stated, "we have been unable to finalize a lease at this time. However, since the need is over a year away, we are confident that we will obtain a facility within a three mile radius of the University."

37. The RFP, in Section 27, page 25, required contractors to provide certain minimum levels of commercial insurance coverage, including:

- A. "The Contractor shall provide and maintain Worker's Compensation Insurance, as required by the laws of North Carolina, as well as employer's liability coverage with minimum limits of \$150,000.00 . . . ."
- b. "Automobile Liability Insurance, to include liability coverage, covering all owned, hired and non-owned vehicles, used in connection with the contract. NCSU must be named as an additional insured in the policy. The minimum combined single limit shall be \$5,000,000.00 bodily injury and property damage; \$5,000,000.00 uninsured/under-insured motorist; and \$1,000.00 medical payment."

38. TCT's proposal, at pages 14a and 14b, includes a "Certificate of Liability Insurance." The information in the Certificate of Liability Insurance differs from the RFP requirements in the following respects:

- A. It does not show any Workers Compensation coverage.
- B. It shows only \$100,000 employer's liability coverage.
- C. It does not show any uninsured/under-insured motorist coverage.



39. Page 21 of the RFP is an Execution of Proposal form, which includes a phrase stating, "The potential contractor agrees to the conditions set forth in this Request for Proposal with no exceptions." Contractors were required to mark an "x" next to this phrase and the other phrases and sign the page to indicate agreement with the terms.

40. This Execution of Proposal form is standard in RFPs, although certain provisions may be modified in different cases.

41. There are no other statements in the RFP that provide a basis for David Jones' position that a vendor can remain silent on a direct request for information in the RFP, and still be considered in substantial compliance, except for the Execution of Proposal page.

42. The position of DOA is that once a contractor checks the Execution of Proposal page and signs it, the reviewer of the proposal can rely on that Execution of Proposal page in the absence of specific responses to requests for information in the RFP.

43. David Jones, acting on behalf of DOA, determined that because TCT signed the Execution of Proposal page, TCT agreed to all the requirements of the RFP, including those regarding the identity of its road supervisor, the evidence of a maintenance facility, and the required insurance coverages, and therefore concluded TCT's proposal was nevertheless in "substantial compliance" with the RFP.

44. Vendors are required to respond adequately and accurately to an RFP.

45. David Jones stated that the RFP requires a person responding to the RFP to identify a person with required experience levels as a Road Supervisor.

46. TCT's response does not indicate a person with the qualifications called for to fulfill the road supervisor position.

47. David Jones testified that "if a statement [in the RFP] indicates that you will be rejected if you don't respond in a certain way, you know you have to specifically respond to that."

48. Subsequent to NCSU's technical review, and following David Jones' decision and directions to NCSU regarding the opening of all proposers' cost proposals, NCSU opened cost proposals of all seven contractors, including two whom NCSU did not consider to be in "substantial compliance."

49. The RFP instructions are set forth at pages 28 and 29 of the RFP. These instructions were amended by Addendum #3.

50. The RFP instructions regarding Cost Proposals, as amended by Addendum #3, state in relevant part:

(1) All contractors must complete and submit the attached Cost Proposal Worksheet to be considered . . . Contractors are asked to supply the following for each item on the Cost Proposal Worksheet:

A. "1999-2000 Cost": This represents the proposed unit cost of each item to be applied for the first year of the contract period, academic year 1999/2000.

B. "2000-2001 Cost": This represents the proposed unit cost of each item to be applied for the second year of the contract period, academic year 2000/2001.

C. "Multiplier for Ensuing Contract Years": This represents a formula which will be used to calculate ensuing price increases for each item for the remainder of the contract period . . . [remainder omitted]

(2) Explanation of items:

A. Fixed Costs

i. Per Calendar Month: This item represents all costs borne by the Contractor that remain fixed over the course of a calendar month.

ii. Per Operating Day: This item represents all costs borne by the Contractor that remain fixed over the course of a single day that Wolfline Service operates one or more hour of billable service.

B. Per Mile Costs: [This category was removed by Addendum #3]

C. Per Hour Costs: This item represents costs to be assessed on a per-bus-hour basis.

51. The three categories of cost, namely, per calendar month, per operating day, and per hour, respectively, are three different and distinct components of the total cost to operate the Wolfline Transit Service.

52. All vendors submitted a "Cost Proposal Worksheet" in the same form as found in Addendum #3 to the RFP.

53. The Cost Proposal Worksheet did not request or require that contractors state their total contract price over the three-year term of the proposed contract.

54. TCT's "Cost Proposal Worksheet" included costs in all three categories: per calendar month, per operating day, and per hour.

55. NCSU calculated for each contractor a total contract price over the three-year term of the proposed contract.

56. With respect to TCT's cost proposal, NCSU calculated two different total contract prices, one being \$5,473,215.15 and the other being \$5,559,072.87.

57. The \$5,473,215.15 total contract price for TCT was calculated by NCSU using the per operating day figure and the per hour figure from TCT's Cost Proposal Worksheet only.

58. The \$5,559,072.87 total contract price for TCT was calculated by NCSU using the per calendar month figure and the per hour figure from TCT's Cost Proposal Worksheet only.

59. Of these two different calculations, NCSU chose to adopt the value of \$5,559,072.87 as TCT's total contract price over the three-year contract period.

60. NCSU did not calculate a total contract price for TCT using all three components of cost (per calendar month, per operating day, and per hour) quoted on TCT's Cost Proposal Worksheet.

61. If NCSU had calculated a total contract price for TCT using all three components of cost (per calendar month, per operating day, and per hour) quoted on TCT's Cost Proposal Worksheet, TCT's total contract price would have been calculated at \$8,613,247.11.

62. The failure of NCSU to add together all three components of cost as quoted by TCT could have resulted in a total yearly price that did not include all of TCT's costs for operating Wolfline service.

63. David Jones received from NCSU copies of the cost proposal worksheets and the cost calculations for all seven contractors, along with the recommendation of award by NCSU.

64. David Jones reviewed the NCSU calculations of TCT's total contract price and he independently determined that the calculation of the contract price from TCT in the amount of \$5,473,215.50 was an accurate calculation of TCT's total contract price.

65. David Jones reviewed the cost proposals to see if he could understand what NCSU did and how they performed their analysis, what the analysis was based on, and whether he agreed with the math in their analysis.

66. David Jones did not instruct NCSU employees reviewing TCT's cost proposal to do one analysis on both monthly fixed costs and daily fixed costs, even though he understood that monthly fixed costs and per operating day fixed costs were different cost components.

67. David Jones acknowledged that a proper technique to be followed in analyzing the cost proposals submitted by the vendors is to add the costs together to arrive at a total cost to compare the vendors' proposals.

68. David Jones testified that, if fixed monthly costs, fixed daily costs and per hour costs are different costs, adding the three categories of costs together would be the proper method to arrive at a total cost of service.

69. During the pendency of this matter and by Order entered February 25, 1999, the undersigned Administrative Law Judge ordered that this action should not go forward without Petitioner being permitted to file a formal protest pursuant to 1 NCAC 5B.1519(d), of the action of DOA in authorizing the award of the contract upon which this action is based. This was entered in part in response to arguments of counsel for DOA at a hearing held February 23, 1999, before the undersigned at which a Motion to Dismiss by DOA was one of the matters considered.

70. By letter dated March 3, 1999, Laidlaw, through its counsel, submitted a written protest to John A. Leaston, State Purchasing Officer of DOA regarding RFP No. R00103.

71. On March 17, 1999, Mr. Leaston conducted a protest meeting with Petitioner and its counsel to discuss the letter of protest. Thereafter, by letter of March 30, 1999, Mr. Leaston issued his decision. In that letter, he stated, in pertinent part, that "after reviewing the procurement process, the authority granted North Carolina State University to award a contract TCT Transit Services, Inc. will not be rescinded."

72. The technical proposal of Laidlaw was in compliance with the requirements of the RFP, including, but not limited to, the requirements of identifying a road supervisor, identifying a maintenance facility, and providing evidence of the required insurance coverages.

73. The cost proposal of Laidlaw was in compliance with the terms and instructions of the RFP, and consisted of a single cost proposal for consideration by NCSU, and thereafter by DOA.

74. While the official record in this action contains evidence relating to the review by NCSU of five proposals other than those for Laidlaw and TCT, the undersigned Administrative Law Judge finds that it is not necessary for purposes of this Recommended Decision to make any affirmative Findings or Conclusions about that aspect of the review process.

Based upon the foregoing Findings of Fact, the undersigned Senior Administrative Law Judge makes the following

#### CONCLUSIONS OF LAW

1. All parties are properly before the Office of Administrative Hearings, and the Office of Administrative Hearings has jurisdiction over the parties and the subject matter.

2. Laidlaw is an "aggrieved person" under Chapter 150B of the General Statutes and is entitled to commence a contested case under the provisions of Article 3 of Chapter 150B.

3. Laidlaw was legally entitled to a contract proposal and review process that was conducted in accordance with law, rule and fair and proper procedure.

4. The DOA violations of N.C. Gen. Stat. § 150B-23(a) substantially prejudiced Laidlaw's rights.

5. Pursuant to Administrative Rule 1 NCAC 5B.0301(3)(h), DOA was vested with the authority to approve or take other action as deemed necessary by the SPO (for example, cancellation, negotiation, etc.) with respect to NCSU's recommendation to award the Woffline Transit Service contract to TCT.

6. When the DOA determined that TCT's failure to provide evidence of a road supervisor as expressly required by the terms of the RFP was still in substantial compliance with the RFP, the Department of Administration:



- A. Acted erroneously, in violation of N.C. Gen. Stat. § 150B-23(a)(2), and
- B. Failed to use proper procedure, in violation of N.C. Gen. Stat. § 150B-23(a)(3).

7. When the DOA determined that TCT's failure to provide evidence of an existing, actual maintenance facility as expressly required by the terms of the RFP was still in substantial compliance with the RFP, the DOA:

- A. Acted erroneously, in violation of N.C. Gen. Stat. § 150B-23(a)(2), and
- B. Failed to use proper procedure, in violation of N.C. Gen. Stat. § 150B-23(a)(3).

8. When the DOA determined that TCT's failure to provide evidence of required insurance coverage as expressly required by the terms of the RFP was still in substantial compliance with the RFP, the DOA:

- A. Acted erroneously, in violation of N.C. Gen. Stat. § 150B-23(a)(2), and
- B. Failed to use proper procedure, in violation of N.C. Gen. Stat. § 150B-23(a)(3).

9. In authorizing NCSU to award the Wolfline Transit Service contract to TCT Transit Services, Inc., the DOA:

- A. Acted erroneously, in violation of N.C. Gen. Stat. § 150B-23(a)(2), and
- B. Failed to use proper procedure, in violation of N.C. Gen. Stat. § 150B-23(a)(3).

10. In his independent review on behalf of DOA, David Jones should have determined that TCT's technical proposal was not in compliance with the RFP at least with respect to the omission of the identity of the road supervisor, the lack of identification of a maintenance facility and the absence of complete insurance coverages and therefore TCT's cost proposal should not have been opened and considered.

11. DOA's decision, through David Jones' review, not to reject TCT's technical and cost proposals substantially prejudiced Laidlaw's rights, was erroneous in violation of G.S. § 150B-23(a)(2), and was the result of a failure to use proper procedure violating G.S. § 150B-23(a)(3).

#### **RECOMMENDED DECISION**

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned Administrative Law Judge issues the following Recommended Decision to the Secretary of the North Carolina Department of Administration:

1. The DOA should rescind its erroneous authorization to NCSU to award the Wolfline Transit Service contract to TCT and advise NCSU to cancel this contract.

2. The DOA should advise NCSU that if it still seeks a new provider for the Wolfline Transit Service, then it should begin as soon as practical to prepare for issuance a new RFP to secure a provider for the service.

3. The DOA should advise NCSU that Laidlaw has stipulated to the Office of Administrative Hearings in this contested case that if it is retained as the provider of the Wolfline Transit Service during the preparation, issuance and review of a new RFP, that it will provide the Wolfline Transit Service at the rate of compensation that exists under its current contract.

4. The DOA should advise NCSU that Laidlaw should be kept in place as the provider of the Wolfline Transit Service beginning August 16, 1999, after the expiration of its current contract, under an extension of its current contract, the reimbursement terms for which shall remain constant for at least twelve months for the existing service, and that Laidlaw provide such transit services under the contract extension until a provider for the service is selected pursuant to a new Request For Proposal.

#### **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 North Carolina General Statute § 150B-36(b).

**NOTICE**

The agency making the final decision in this contested case is required to give each party an opportunity to file exceptions to this recommended decision and to present written arguments to those in the agency who will make the final decision. N.C.G.S. § 150B-36(a).

The agency is required by N.C.G.S. § 150B-36(b) to serve a copy of the final 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 contested case is the North Carolina Department of Administration.

This the 11<sup>th</sup> day of June, 1999.

---

Fred G. Morrison Jr.  
Senior Administrative Law Judge





# CUMULATIVE INDEX

(Updated through July 12, 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 13:13 NCR 1057

## Purchase and Contract Division

1 NCAC 05B .0401 12:17 NCR 1611

\*

13:08 NCR 627

# CUMULATIVE INDEX

(Updated through July 12, 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				
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									
<b>State Employees Combined Campaign</b>										
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	*						
<b>AGRICULTURE</b>										
2 NCAC 20B .0104	13:13 NCR 1040		13:18 NCR 1503	*						
2 NCAC 43L .0309	13:14 NCR 1109		13:20 NCR 1718	*						
<b>Consumer Services</b>										
2 NCAC 54 .0101	13:14 NCR 1119	13:14 NCR 1119	13:20 NCR 1718	*						
2 NCAC 54 .0102	13:14 NCR 1119	13:14 NCR 1119	13:20 NCR 1718	*						
2 NCAC 54 .0103	13:14 NCR 1119	13:14 NCR 1119	13:20 NCR 1718	*						
2 NCAC 54 .0104	13:14 NCR 1119	13:14 NCR 1119	13:20 NCR 1718	*						
2 NCAC 54 .0105	13:14 NCR 1119	13:14 NCR 1119	13:20 NCR 1718	*						
<b>Pesticide Board</b>										
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									
<b>Veterinary Board</b>										
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

# CUMULATIVE INDEX

(Updated through July 12, 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				
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										
<b>COMMERCE</b>										
4 NCAC 01E .0104	11.09 NCR 569		13.08 NCR 652	*	Object Approve	12/17/98 01/21/99	*		14.02 NCR 84	
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				



# CUMULATIVE INDEX

(Updated through July 12, 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				
4 NCAC 011 .0502		13:15 NCR 1224	13:20 NCR 1719	L/S	Agcy withdrew	12/17/98				
4 NCAC 011 .0503	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*						
4 NCAC 011 .0503	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	L/S	Agcy withdrew	12/17/98				
4 NCAC 011 .0601	11:09 NCR 569	13:15 NCR 1224	13:20 NCR 1719	*						
4 NCAC 011 .0701	11:09 NCR 569	13:15 NCR 1224	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	11:09 NCR 569	13:15 NCR 1224	13:20 NCR 1719	*						
4 NCAC 011	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	*		13:22 NCR 1868	
					Object	12/17/98	*		13:22 NCR 1868	
					Approve	01/21/99	*		13:22 NCR 1868	
<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				
4 NCAC 03H .0102	N/A		N/A	N/A	Approve	03/18/99			14:01 NCR 48	
4 NCAC 03L	13:24 NCR 1997			N/A	Object	10/22/98				
<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									

# **CUMULATIVE INDEX** (Updated through July 12, 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				
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		*	Approve	06/17/99				
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	*			

# CUMULATIVE INDEX

(Updated through July 12, 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				
21 NCAC 14L 0303	13:14 NCR 1114		13:19 NCR 1652	*	Agcy Withdraw	06/17/99				
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	*	Agcy Withdraw	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				



# CUMULATIVE INDEX

(Updated through July 12, 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				
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		13:15 NCR 1218	*						
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				

**CUMULATIVE INDEX**  
(Updated through July 12, 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				
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	

# CUMULATIVE INDEX

(Updated through July 12, 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				
21 NCAC 11 .0109	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Object	01/21/99			13:24 NCR 2037	
21 NCAC 11 .0110	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Approve	02/18/99	*		13:22 NCR 1868	
21 NCAC 11 .0111	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Approve	01/21/99	*			
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	*						



# CUMULATIVE INDEX

(Updated through July 12, 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				
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	*						14:02 NCR 74
15A NCAC 07H .0203	12:21 NCR 1873		13:23 NCR 1937	*						14:02 NCR 74
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						14:02 NCR 74
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									
15A NCAC 07H .1100	12:21 NCR 1873		13:13 NCR 1044	S						
15A NCAC 07H .1200	12:21 NCR 1873									
15A NCAC 07H .1301	12:21 NCR 1873		13:23 NCR 1937	*						14:02 NCR 74
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	*						14:02 NCR 74
15A NCAC 07H .1600	11:15 NCR 1200									

(Updated through July 12, 1999)

11

# CUMULATIVE INDEX

(Updated through July 12, 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				
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	*						



# CUMULATIVE INDEX

(Updated through July 12, 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				
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	*						14-02 NCR 73
15A NCAC 02B .0306	13:19 NCR 1606		13:23 NCR 1929	*						
15A NCAC 02B .0308	12:16 NCR 1489		13:20 NCR 1727	*						
15A NCAC 02B .0308	13:14 NCR 1111		13:23 NCR 1929	*						
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									

# CUMULATIVE INDEX

(Updated through July 12, 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				
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									

# CUMULATIVE INDEX

(Updated through July 12, 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				

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								

# CUMULATIVE INDEX

(Updated through July 12, 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				
15A NCAC 02D 1802		13:18 NCR 1545								
15A NCAC 02D 1803		13:22 NCR 1860								
15A NCAC 02D 1804		13:18 NCR 1545								
15A NCAC 02D 1805		13:22 NCR 1860								
15A NCAC 02D 1806		13:18 NCR 1545								
15A NCAC 02D 1807		13:18 NCR 1545								
15A NCAC 02D 1808		13:24 NCR 2017								
15A NCAC 02D 1903	12:16 NCR 1482									
15A NCAC 02D 1904	13:12 NCR 943									
15A NCAC 02D 1905	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	S/L/SE						14:01 NCR 3
15A NCAC 02E 0503	13:20 NCR 1715		13:24 NCR 1998	*						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							14:01 NCR 3
15A NCAC 02H 0806	13:04 NCR 356		14:02 NCR 80	L						14:01 NCR 3
15A NCAC 02H 0800	13:08 NCR 621									14:01 NCR 3
15A NCAC 02H 1202	11:15 NCR 1200									14:01 NCR 3
15A NCAC 02H 1203	11:15 NCR 1200									14:01 NCR 3



# CUMULATIVE INDEX

(Updated through July 12, 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				
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 0101	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									
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									
			13:20 NCR 1727	*						
			12:14 NCR 1267	S						

# CUMULATIVE INDEX

(Updated through July 12, 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				
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		13:13 NCR 1047	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 18A .1810			13:13 NCR 1047	*	Approve	04/15/99			14:02 NCR 84	
15A NCAC 18A .1812	13:08 NCR 621		13:13 NCR 1047	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 18A .1952		13:12 NCR 979								
15A NCAC 18A .1953		13:12 NCR 979								
15A NCAC 18A .1954		13:12 NCR 979								
15A NCAC 18A .1955		13:12 NCR 979								
15A NCAC 18A .2308	12:03 NCR 168		12:07 NCR 519	*	Ext. Review Object	12/18/97 01/15/98				

# CUMULATIVE INDEX

(Updated through July 12, 1999)

Agency/Rule Citation	Role-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 18A .2309	12:03 NCR 168		12:07 NCR 519	*		12/18/97				
15A NCAC 18A .2400	13:16 NCR 1252					01/15/98				
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									

# CUMULATIVE INDEX

(Updated through July 12, 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				
15A NCAC 19A .0101	12:02 NCR 52	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 and 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									
15A NCAC 03H .0114	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03H .0120	13:14 NCR 1113	14:01 NCR 18								
			N/A	N/A	Approve	06/17/99				



# CUMULATIVE INDEX

(Updated through July 12, 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				
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								

# CUMULATIVE INDEX

(Updated through July 12, 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				
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								

# CUMULATIVE INDEX

(Updated through July 12, 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				

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 030 .0106 N/A

Approve 06/17/99

15A NCAC 030 .0107 11:26 NCR 1985

N/A

Approve

05/20/99

## Parks and Recreation Commission

15A NCAC 12A .0001 12:13 NCR 1097

15A NCAC 12A .0004 12:13 NCR 1097

15A NCAC 12A .0005 12:13 NCR 1097

15A NCAC 12B .0101 12:13 NCR 1097

15A NCAC 12B .0104 12:13 NCR 1097

15A NCAC 12B .0106 12:13 NCR 1097

15A NCAC 12B .0203 12:13 NCR 1097

15A NCAC 12B .0401 12:13 NCR 1097

15A NCAC 12B .0402 12:13 NCR 1097

15A NCAC 12B .0501 12:13 NCR 1097

15A NCAC 12B .0602 12:13 NCR 1097

15A NCAC 12B .0701 12:13 NCR 1097

15A NCAC 12B .0702 12:13 NCR 1097

15A NCAC 12B .0802 12:13 NCR 1097

15A NCAC 12B .1001 12:13 NCR 1097

15A NCAC 12B .1004 12:13 NCR 1097

15A NCAC 12B .1102 12:13 NCR 1097

15A NCAC 12B .1201 12:13 NCR 1097

## Water Pollution Control System Operators Certification Commission

# **CUMULATIVE INDEX** (Updated through July 12, 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				
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	*						

14 01 NCR 3



# CUMULATIVE INDEX

(Updated through July 12, 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				
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	*		14:02 NCR 84	
15A NCAC 10B .0115	13:18 NCR 1502		13:22 NCR 1842	*						
15A NCAC 10B .0202	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10B .0203	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
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	*		14:02 NCR 84	
15A NCAC 10B .0209	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
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			14:02 NCR 84	
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	*		14:02 NCR 84	
15A NCAC 10C .0205	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10C .0305	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10C .0401	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
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			14:02 NCR 84	
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	*		14:02 NCR 84	
15A NCAC 10D .0103	13:19 NCR 1609		14:01 NCR 6	*						

# CUMULATIVE INDEX

(Updated through July 12, 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				
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 .0303	14.02 NCR 79									
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			14.02 NCR 84	
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			14.02 NCR 84	
15A NCAC 10F .0333	14.02 NCR 79									
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 .0353	14.02 NCR 79									
15A NCAC 10F .0354	14.02 NCR 79									
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

Voting Rights Act

## FORESTERS, BOARD OF REGISTRATION FOR

21 NCAC 20 .0101	13.19 NCR 1695	13.23 NCR 1942	*						14.02 NCR 75	
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	*							

# CUMULATIVE INDEX

(Updated through July 12, 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				
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	*						
<b>GENERAL CONTRACTORS LICENSING BOARD</b>										
21 NCAC 12 .0202	13.22 NCR 1821									
21 NCAC 12 .0204		13.06 NCR 568	13.13 NCR 1048	*	Approve	05/20/99				
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									

# CUMULATIVE INDEX

(Updated through July 12, 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				

## GOVERNOR'S EXECUTIVE ORDERS

Number 152 - Eff 05/21/99

Number 153 - Eff 05/28/99

14/01 NCR 1

14/02 NCR 72

## HEALTH AND HUMAN SERVICES

### Aging

10 NCAC 22 10:23 NCR 2956

### 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



# CUMULATIVE INDEX

(Updated through July 12, 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				
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								
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								

# **CUMULATIVE INDEX** (Updated through July 12, 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				
10 NCAC 03R .6205		13:14 NCR 1119								
10 NCAC 03R .6206		13:14 NCR 1119								
10 NCAC 03R .6207		13:14 NCR 1119								
10 NCAC 03R .6208		13:14 NCR 1119								
10 NCAC 03R .6209		13:14 NCR 1119								
10 NCAC 03R .6210		13:14 NCR 1119								
10 NCAC 03R .6211		13:14 NCR 1119								
10 NCAC 03R .6212		13:14 NCR 1119								
10 NCAC 03R .6213		13:14 NCR 1119								
10 NCAC 03R .6214		13:14 NCR 1119								
10 NCAC 03R .6215		13:14 NCR 1119								
10 NCAC 03R .6216		13:14 NCR 1119								
10 NCAC 03R .6217		13:14 NCR 1119								
10 NCAC 03R .6218		13:14 NCR 1119								
10 NCAC 03R .6219		13:14 NCR 1119								
10 NCAC 03R .6220		13:14 NCR 1119								
10 NCAC 03R .6221		13:14 NCR 1119								
10 NCAC 03R .6222		13:14 NCR 1119								
10 NCAC 03R .6223		13:14 NCR 1119								
10 NCAC 03R .6224		13:14 NCR 1119								
10 NCAC 03R .6225		13:14 NCR 1119								
10 NCAC 03R .6226		13:14 NCR 1119								
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								

# CUMULATIVE INDEX

(Updated through July 12, 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				
10 NCAC 03R .6232		13:14 NCR 1119								
10 NCAC 03R .6233		13:14 NCR 1119								
10 NCAC 03R .6234		13:14 NCR 1119								
10 NCAC 03R .6235		13:14 NCR 1119								
10 NCAC 03R .6236		13:14 NCR 1119								
10 NCAC 03R .6237		13:14 NCR 1119								
10 NCAC 03R .6238		13:14 NCR 1119								
10 NCAC 03R .6239		13:14 NCR 1119								
10 NCAC 03R .6240		13:14 NCR 1119								
10 NCAC 03R .6241		13:14 NCR 1119								
10 NCAC 03S	12:24 NCR 2194									
<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	Agcy Withdraw	02/02/99	*		13:22 NCR 1868	
15A NCAC 21H .0113	12:20 NCR 1822		13:07 NCR 591	*	Approve	01/21/99			13:22 NCR 1868	
15A NCAC 23 .0201	13:22 NCR 1820		14:02 NCR 80	*	Approve	01/21/99				
15A NCAC 23 .0202	13:22 NCR 1820	13:18 NCR 1555	14:02 NCR 80	S/L						

# CUMULATIVE INDEX

(Updated through July 12, 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				
15A NCAC 23 .0204	13:22 NCR 1820		14:02 NCR 80	*						
15A NCAC 23 .0501	13:22 NCR 1820		14:02 NCR 80	*						
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	*						
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	*						
Medical Assistance										
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								
		13:08 NCR 733								
10 NCAC 26H .0304		13:03 NCR 316	13:08 NCR 668	S/L	Object	12/17/98			13:22 NCR 1868 13:24 NCR 2037	
10 NCAC 26H .0401		13:02 NCR 248	13:12 NCR 947	*	Approve	01/21/99	*			
10 NCAC 26I .0101	13:02 NCR 175		13:07 NCR 588	*	Approve	02/18/99	*			
10 NCAC 26K .0106	12:05 NCR 337									
10 NCAC 26K .0106	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 26M .0203	12:05 NCR 337									
10 NCAC 26M .0204	12:06 NCR 444		13:01 NCR 5	*						Extend. Com. Period

Extend. Com. Period



# CUMULATIVE INDEX

(Updated through July 12, 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				
10 NCAC 50A .0604	12:06 NCR 444		12:21 NCR 1875	*						13:05 NCR 435
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	
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		13:07 NCR 586	*	Approve	01/21/99	*		13:22 NCR 1868	
10 NCAC 14V .4302	12:19 NCR 1762		13:07 NCR 586	*	Object	01/21/99	*			
10 NCAC 14V .4303	12:19 NCR 1762		13:07 NCR 586	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 14V .4304	12:19 NCR 1762		13:07 NCR 586	*	Approve	01/21/99	*		13:22 NCR 1868	
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									
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>										

# **CUMULATIVE INDEX** (Updated through July 12, 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				
10 NCAC 14V .7006		12.01 NCR 31	12.07 NCR 511	*						
10 NCAC 14V .7201	13.05 NCR 436		13.13 NCR 1042	*						
10 NCAC 14V .7202	13.05 NCR 436		13.13 NCR 1042	*						
10 NCAC 14V .7203	13.05 NCR 436		13.13 NCR 1042	*						
10 NCAC 14V .7204	13.05 NCR 436		13.13 NCR 1042	*						
10 NCAC 14V .7205	13.05 NCR 436		13.13 NCR 1042	*						
<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		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0404	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0405	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0406	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0501	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0502	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0503	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0504	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0505	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0506	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0507	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0508	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0509	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0510	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	

# CUMULATIVE INDEX

(Updated through July 12, 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				
10 NCAC 41E .0511	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0512	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0513	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
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	*	Approve	02/18/99			13:24 NCR 2037	
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	
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	

# CUMULATIVE INDEX

(Updated through July 12, 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				
10 NCAC 41G .0504	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0505	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0506	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0507	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0508	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0509	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0510	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0511	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0512	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0513	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0601	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0602	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0603	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0604	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0605	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0606	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0701	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0702	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0703	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0704	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0705	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	



# CUMULATIVE INDEX

(Updated through July 12, 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				
10 NCAC 41G .0706	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .0707	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .0708	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .0801	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .0802	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .0803	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .0804	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .0805	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .0806	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .0807	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .0808	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .0809	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .0902	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .1001	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .1002	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .1004	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .1005	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .1006	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .1007	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .1008	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	

# CUMULATIVE INDEX

(Updated through July 12, 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				
10 NCAC 41G .1009	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1010	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41G .1011	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1012	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1013	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1101	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1102	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1103	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1104	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1105	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1106	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1201	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1202	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1203	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1204	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1205	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1206	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1207	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1208	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1301	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1302	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	

# CUMULATIVE INDEX (Updated through July 12, 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				
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	
			13:05 NCR 438	*						
10 NCAC 41G .1306	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .1307	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .1308	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .1309	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .1402	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41I .0100	10:17 NCR 2228		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41I .0102	10:17 NCR 2228		10:21 NCR 2687	*						
10 NCAC 41R .0101	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
			13:11 NCR 857	*						
10 NCAC 41R .0102	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
			13:11 NCR 857	*						
10 NCAC 41R .0103	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
			13:11 NCR 857	*						
10 NCAC 41R .0104	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
			13:11 NCR 857	*						
10 NCAC 41R .0105	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
			13:11 NCR 857	*						
10 NCAC 41R .0106	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
			13:11 NCR 857	*						
10 NCAC 41R .0107	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
			13:11 NCR 857	*						
10 NCAC 41S .0101	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
			13:11 NCR 857	*	Object	02/18/99	*		13:24 NCR 2037	
				*	Approve	02/18/99				
10 NCAC 41S .0102	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
			13:11 NCR 857	*						
10 NCAC 41S .0201	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	

# **CUMULATIVE INDEX** (Updated through July 12, 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				
10 NCAC 41S .0202	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0203	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0204	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0301	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0302	12:11 NCR 919		13:05 NCR 438	*	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		13:05 NCR 438	*	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		13:05 NCR 438	*	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		13:05 NCR 438	*	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		13:05 NCR 438	*	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		13:05 NCR 438	*	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		13:05 NCR 438	*	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		13:05 NCR 438	*	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		13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	



# CUMULATIVE INDEX

(Updated through July 12, 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				
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		13:05 NCR 438	*	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	
10 NCAC 41S .0602	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0603	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0604	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0605	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0606	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0607	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0608	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0609	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0610	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0611	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0612	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0613	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		*	13:24 NCR 2037	
10 NCAC 41S .0614	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0615	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0701	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0702	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0703	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	

# CUMULATIVE INDEX

(Updated through July 12, 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				
10 NCAC 41S .0704	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
			13:11 NCR 857	*	Object	02/18/99	*		13:24 NCR 2037	
					Approve	02/18/99				
10 NCAC 41S .0705	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0706	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0707	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0708	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
			13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41S .0709	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0710	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0711	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0712	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0713	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41T .0101	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41T .0102	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
			13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41T .0103	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41T .0104	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41T .0105	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41T .0106	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*	Approve	02/18/99				
10 NCAC 41T .0201	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41T .0202	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41T .0203	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
			13:05 NCR 438	*	Approve	02/18/99				
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	

# CUMULATIVE INDEX

(Updated through July 12, 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				
10 NCAC 41T .0204	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41T .0205	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41T .0206	12:11 NCR 919		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	
10 NCAC 42S	13:07 NCR 585		13:05 NCR 438	*						
10 NCAC 42Z	13:07 NCR 585		13:11 NCR 857	*						
<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		14:02 NCR 82	*						
<b>INSURANCE</b>										
11 NCAC 06	12:09 NCR 744									
11 NCAC 12	12:09 NCR 744									
11 NCAC 12 .1702	14:02 NCR 78									
11 NCAC 13	12:09 NCR 744									
11 NCAC 13 .0514	14:02 NCR 78									
11 NCAC 13 .0518	14:02 NCR 78									
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									

## JUSTICE

Criminal Justice Education and Training Standards Commission

# CUMULATIVE INDEX

(Updated through July 12, 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				
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				
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	*	Approve	06/17/99				



# CUMULATIVE INDEX

(Updated through July 12, 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				
12 NCAC 09B .0406	13:14 NCR 1110		13:19 NCR 1611	S	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				
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				

# CUMULATIVE INDEX

(Updated through July 12, 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				
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				
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 .0401	14:02 NCR 78									
13 NCAC 07A .0900	11:11 NCR 881									
13 NCAC 07F	11:03 NCR 106									
13 NCAC 07F .0101	14:02 NCR 78									
13 NCAC 07F .0201	11:03 NCR 106									
13 NCAC 07F .0201	14:02 NCR 78									

# CUMULATIVE INDEX

(Updated through July 12, 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				
13 NCAC 07F .0301	11-03 NCR 106									
13 NCAC 07F .0410	14-02 NCR 78									
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									
<b>LANDSCAPE ARCHITECTS, BOARD OF</b>										
21 NCAC 26 .0104		12-08 NCR 730								
21 NCAC 26 .0105		12-08 NCR 730								
21 NCAC 26 .0302		12-08 NCR 730								
21 NCAC 26 .0506		12-08 NCR 730								
21 NCAC 26 .0507		12-08 NCR 730								
21 NCAC 26 .0508		12-08 NCR 730								
21 NCAC 26 .0509		12-08 NCR 730								
<b>MEDICAL BOARD</b>										
21 NCAC 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 32O .0118	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32O .0119	11-18 NCR 1369		13-08 NCR 709	*						

# CUMULATIVE INDEX

(Updated through July 12, 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				
21 NCAC 320 .0120	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 .0121	11:18 NCR 1369		13:08 NCR 709	*						
<b>MORTUARY SCIENCE, BOARD OF</b>										
21 NCAC 34C	12:09 NCR 745									
<b>MUNICIPAL INCORPORATIONS PETITION</b>										
<b>NURSING, BOARD OF</b>										
21 NCAC 36 .0213	13:22 NCR 1821		14:02 NCR 82	*						
21 NCAC 40 .0108		12:07 NCR 557								
<b>PHARMACY, BOARD OF</b>										
21 NCAC 46 .1317	13:22 NCR 1821									
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	*						
			12:09 NCR 797	*						
			13:02 NCR 246	SE						
					State Budget	03/20/98				
					Object	12/17/98				
					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	*						



# CUMULATIVE INDEX

(Updated through July 12, 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				
21 NCAC 46.2301	12:03 NCR 168		12:09 NCR 797	*						
			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				
<b>PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS, EXAMINERS OF</b>										
21 NCAC 50.0106	12:07 NCR 509									
21 NCAC 50.0202	12:07 NCR 509									
21 NCAC 50.0506	12:07 NCR 509	12:07 NCR 557								
21 NCAC 50.1201	12:07 NCR 509									
21 NCAC 50.1205	12:07 NCR 509									
21 NCAC 50.1206	12:07 NCR 509									
21 NCAC 50.1210	12:07 NCR 509									
21 NCAC 50.1212	12:07 NCR 509									
21 NCAC 50.1302	12:07 NCR 509									
<b>PSYCHOLOGY BOARD</b>										
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									

# CUMULATIVE INDEX

(Updated through July 12, 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				
21 NCAC 54.2305	12.05 NCR 338									
21 NCAC 54.2306	12.05 NCR 338									
21 NCAC 54.2307	12.05 NCR 338									
21 NCAC 54.2308	12.05 NCR 338									
21 NCAC 54.2309	12.05 NCR 338									
21 NCAC 54.2310	12.05 NCR 338									
21 NCAC 54.2311	12.05 NCR 338									
21 NCAC 54.2312	12.05 NCR 338									
21 NCAC 54.2313	12.05 NCR 338									
21 NCAC 54.2314	12.05 NCR 338									
21 NCAC 54.2401	12.05 NCR 338									
21 NCAC 54.2402	12.05 NCR 338									
21 NCAC 54.2501	12.05 NCR 338									
21 NCAC 54.2502	12.05 NCR 338									
21 NCAC 54.2503	12.05 NCR 338									
21 NCAC 54.2504	12.05 NCR 338									
21 NCAC 54.2505	12.05 NCR 338									
21 NCAC 54.2601	12.05 NCR 338									
21 NCAC 54.2602	12.05 NCR 338									
21 NCAC 54.2704	12.05 NCR 338									
21 NCAC 54.2705	12.05 NCR 338									
21 NCAC 54.2706	12.05 NCR 338									
21 NCAC 54.2801	12.05 NCR 338									
21 NCAC 54.2802	12.05 NCR 338									
21 NCAC 54.2803	12.05 NCR 338									
21 NCAC 54.2804	12.05 NCR 338									
21 NCAC 54.2805	12.05 NCR 338									
			13.13 NCR 1050	*						
			13.13 NCR 1050	*						
			13.13 NCR 1050	*						
			13.13 NCR 1050	*						
			13.13 NCR 1050	*						
			13.13 NCR 1050	*						
			13.13 NCR 1050	*						

# CUMULATIVE INDEX

(Updated through July 12, 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				
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	*						
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								

Temp Filed over obj

# CUMULATIVE INDEX

(Updated through July 12, 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				
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						
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	*						



# **CUMULATIVE INDEX** (Updated through July 12, 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	Status	Date				
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	*							
<b>REAL ESTATE COMMISSION</b>											
<b>REVENUE</b>											
17 NCAC 04B .0102	N/A		13.08 NCR 690	N/A							
17 NCAC 04B .0104	N/A		13.08 NCR 690	N/A							
17 NCAC 04B .0105	N/A		13.08 NCR 690	N/A							
17 NCAC 04B .0106	N/A		13.08 NCR 690	N/A							
17 NCAC 04B .0107	N/A		13.08 NCR 690	N/A							
17 NCAC 04B .0301	N/A		13.08 NCR 690	N/A							
17 NCAC 04B .0302	N/A		13.08 NCR 690	N/A							
17 NCAC 04B .0306	N/A		13.08 NCR 690	N/A							
17 NCAC 04B .0308	N/A		13.08 NCR 690	N/A							
17 NCAC 04B .0309	N/A		13.08 NCR 690	N/A							
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							

# CUMULATIVE INDEX

(Updated through July 12, 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				
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	12/17/98				
					Object	03/18/99				
					Approve	04/15/99	*		14-02 NCR 84	
17 NCAC 07B .0124	N/A		13-08 NCR 695	N/A						
17 NCAC 07B .0125	N/A		13-08 NCR 695	N/A						
17 NCAC 07B .2101	N/A		13-09 NCR 767	N/A						
17 NCAC 09K .0601	N/A		13-08 NCR 695	N/A						
<b>SECRETARY OF STATE</b>										
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								
		13-18 NCR 1556								
18 NCAC 10 .0201	13-09 NCR 759	13-14 NCR 1153								
		13-18 NCR 1556								
18 NCAC 10 .0301	13-09 NCR 759	13-14 NCR 1153								
		13-18 NCR 1556								
18 NCAC 10 .0302	13-09 NCR 759	13-14 NCR 1153								
18 NCAC 10 .0303	13-09 NCR 759	13-14 NCR 1153								
18 NCAC 10 .0304	13-09 NCR 759	13-14 NCR 1153								

# **CUMULATIVE INDEX** (Updated through July 12, 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				
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								
18 NCAC 10 .0401	13:09 NCR 759	13:14 NCR 1153								
		13:18 NCR 1556								
18 NCAC 10 .0402	13:09 NCR 759	13:14 NCR 1153								
		13:18 NCR 1556								
18 NCAC 10 .0501	13:09 NCR 759	13:14 NCR 1153								
		13:18 NCR 1556								
<b>SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGIST, BOARD OF EXAMINERS</b>										
21 NCAC 64 .0303	11:23 NCR 1780									
<b>STATE PERSONNEL COMMISSION</b>										
25 NCAC 01B .0354	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01B .0414		13:18 NCR 1560	13:22 NCR 1850	*						
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	11:19 NCR 1429	*						
		Temp Expired								
25 NCAC 01D .2517		12:09 NCR 835								
25 NCAC 01H .0602	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01H .0605	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01H .0606	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01J .0503	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01J .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	*						

## **TRANSPORTATION**

# **CUMULATIVE INDEX** (Updated through July 12, 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				
Highways, Division of										
19A NCAC 02D .0415	13:08 NCR 626		13:14 NCR 1116	*	Approve	04/15/99			14:02 NCR 84	
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	
Motor Vehicles, Division of										
19A NCAC 031 .0100	11:19 NCR 1413									
19A NCAC 031 .0200	11:19 NCR 1413									
19A NCAC 031 .0207	13:16 NCR 1258		13:22 NCR 1843	*						
19A NCAC 031 .0300	11:19 NCR 1413									
19A NCAC 031 .0301	13:16 NCR 1258									
19A NCAC 031 .0302	13:16 NCR 1258		13:22 NCR 1843	*						
19A NCAC 031 .0307	13:16 NCR 1258		13:22 NCR 1843	*						
19A NCAC 031 .0400	11:19 NCR 1413									
19A NCAC 031 .0401	13:16 NCR 1258		13:22 NCR 1843	*						
19A NCAC 031 .0402	13:16 NCR 1258		13:22 NCR 1843	*						
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	*						
19A NCAC 031 .0800	11:19 NCR 1413									
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									



\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

Place  
Stamp  
Here

**Office of Administrative Hearings**

P.O. Drawer 27447  
Raleigh, NC 27611-7447

---

**NORTH CAROLINA REGISTER  
ORDER FORM**

☐ Please enter my subscription for the *North Carolina Register* to start with the \_\_\_\_\_ issue.  
(\$195.00/year subscription. N.C. subscribers please add sales tax.)

☐ Renew *North Carolina Register*

☐ Check Enclosed

☐ Please bill me

Please make check payable to Office of Administrative Hearings

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

## CHANGE OF ADDRESS

### 1. Present Address

Name

Address

City

State

Zip

### 2. New Address

Name

Address

City

State

Zip

---

**Office of Administrative Hearings**  
P.O. Drawer 27447  
Raleigh, North Carolina 27611-7447

**Periodicals Postage  
Paid in Raleigh, NC  
USPS 016727**

\*\*\*\*\* 3-DIGIT 275

UNIV. OF NORTH CAROLINA  
LAW LIBRARY CB# 3385  
VAN HECKE-WETTACH 064-A  
CHAPEL HILL NC 27599-