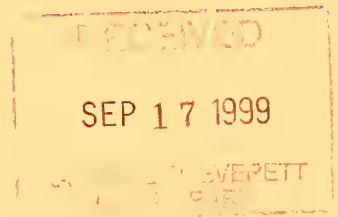


# ***NORTH CAROLINA REGISTER***

**VOLUME 14 • ISSUE 6 • Pages 426 - 509**

**September 15, 1999**



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Public Education  
Real Estate Commission  
Transportation  
Rules Review Commission  
Contested Case Decisions

## **PUBLISHED BY**

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

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

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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

**PUBLISHER'S NOTE:**

The following Rule, 15A NCAC 3M .0202, was omitted in error by OAH from the notice published on Page 443 of this Issue of the Register.

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

**CHAPTER 3 - MARINE FISHERIES**

**SUBCHAPTER 3M - FINFISH**

**SECTION .0200 - STRIPED BASS**

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

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

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

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

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

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

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



# NORTH CAROLINA REGISTER



**Volume 14, Issue 6**  
**Pages 426 - 509**

**September 15, 1999**

This issue contains documents officially filed through August 24, 1999.

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# NORTH CAROLINA ADMINISTRATIVE CODE CLASSIFICATION SYSTEM

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

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

TITLE	DEPARTMENT	LICENSING BOARDS	CHAPTER
1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Athletic Trainer Examiners	3
4	Commerce	Auctioneers	4
5	Correction	Barber Examiners	6
6	Council of State	Certified Public Accountant Examiners	8
7	Cultural Resources	Chiropractic Examiners	10
8	Elections	Employee Assistance Professionals	11
9	Governor	General Contractors	12
10	Health and Human Services	Cosmetic Art Examiners	14
11	Insurance	Dental Examiners	16
12	Justice	Dietetics/Nutrition	17
13	Labor	Electrical Contractors	18
14A	Crime Control & Public Safety	Electrolysis	19
15A	Environment and Natural Resources	Foresters	20
16	Public Education	Geologists	21
17	Revenue	Hearing Aid Dealers and Fitters	22
18	Secretary of State	Landscape Architects	26
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**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
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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></p> <ul style="list-style-type: none"> <li>(1) <b>RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT:</b> An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.</li> <li>(2) <b>RULE WITH SUBSTANTIAL ECONOMIC IMPACT:</b> An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.</li> </ul> <p><b>DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION:</b> The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.</p> <p><b>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. 154  
AMENDING EXECUTIVE ORDER NO. 48  
CONCERNING THE STATE  
COMMISSION ON NATIONAL AND  
COMMUNITY SERVICE**

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

Section 1. Amendment of Executive Order No. 48

Executive Order No. 48, which established the North Carolina Commission on National and Community Service, is amended as follows:

- a. The Commission's name is changed to "North Carolina Commission on Volunteerism and Community Service."
- b. All language regarding the Standing Committee on Youth Voice is hereby rescinded, as the Committee no longer exists.
- c. Section 2, Part B, Subpart (8) is amended to read as follows:  
"At least two Commission members shall be individuals between the ages of 16 and 25 who are service providers or recipients in a volunteer or service program."

- d. Section 2, Part B, is amended by adding a Subpart (10), as follows:

"(10) The Director of the Governor's Office of Citizen and Community Services [referred to as "Governor's Office of Citizen Affairs" in Executive Order No. 48] and the Director of the Department of Public Instruction's Learn and Serve School-Based Program shall serve as non-voting, ex-officio members."

- e. The last sentence of the first paragraph of Section 5 is amended to read as follows:

"Standing Committees of the Commission may include the following, but Committees may be added, abolished, or consolidated by the Commission as its needs dictate:"

Section 2. Effect on Executive Order No. 48

Except as amended herein, all provisions of Executive Order No. 48 shall remain in full force and effect. In addition to the foregoing, Executive Order No. 48, as amended, is hereby extended to December 31, 2000.

Section 3. Effective Date

This executive order is effective immediately.

Done in the Capital City of Raleigh, North Carolina, this the 14th day of July, 1999.

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

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

**CHAPTER 24 - SOCIAL SERVICES**

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

**Citation to Existing Rules Affected by this Rule-Making:** 10 NCAC 24

**Authority for the rule-making:** G.S. 143B-154

**Statement of the Subject Matter:** This chapter consists of general rules relevant to the Division of Social Services.

**Reason for Proposed Action:** The rules in this chapter will be updated, through amendment, to reflect the General Statutes, the Division's current practices and any technical changes (i.e. Department name, program title, mailing address).

**Comment Procedures:** Anyone wishing to comment should contact Sharnese Ransome, APA Coordinator, Social Services Commission, NC Division of Social Services, 2401 Mail Service Center, Raleigh, NC 27699-2401, phone (919) 733-3055.

\*\*\*\*\*

**CHAPTER 42 - INDIVIDUAL AND FAMILY SUPPORT**

**SUBCHAPTER 42A - ADULT PLACEMENT SERVICES,**

**SUBCHAPTER 42V - PROTECTIVE SERVICES FOR ADULTS**

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

**Citation to Existing Rules Affected by this Rule-Making:** 10 NCAC 42A, 10 NCAC 42V - Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 143B-153

**Statement of the Subject Matter:** The rules in 10 NCAC 42A establish a resident evaluation program for adult care homes to be administered by county departments of social services. The rules in 10 NCAC 42V govern the Adult Protective Services Program mandated by G.S. 108A, Article 6.

**Reason for Proposed Action:** Legislation enacted by the 1999 session of the General Assembly (S.L. 1999-237) requires county departments of social services to implement a resident evaluation program for adult care homes. Rules need to be adopted to implement this legislation effective January 1, 2000. Other legislation (S.L. 1999-334) enacted by the 1999 session of the General Assembly establishes time frames in G.S. 108A, Article 6 (Protection of the Abused, Neglected, or Exploited Disabled Adult Act). The current rules governing this program need to either be repealed or amended to reflect this new legislative provision, and a new rule needs to be adopted to implement the new legislation.

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

\*\*\*\*\*

**CHAPTER 42 - INDIVIDUAL AND FAMILY SUPPORT**

**SUBCHAPTER 42E - ADULT DAY CARE STANDARDS FOR CERTIFICATION**

**SUBCHAPTER 42Z - ADULT DAY HEALTH STANDARDS FOR CERTIFICATION**

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

**Citation to Existing Rules Affected by this Rule-Making:** 10 NCAC 42E, 10 NCAC 42Z - Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 143B-153

**Statement of the Subject Matter:** 10 NCAC 42E and 10 NCAC

42Z govern the provisions of Adult Day Care and Adult Day Health services as mandated by G.S. 131D-6.

**Reason for Proposed Action:** These rules address provisions in SB-10 (S.L.1999-334) and will provide for implementation for the new statutory requirements pertaining to disclosure requirements for adult day care /day health centers that advertises, markets, or promotes themselves as providing special care services for persons with Alzheimer's disease or other dementias.

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

exemptions of private bulkheads, riprap, piers and single family residences from \$0 to \$50. Permit fees have not been increased since 1991.

**Reason for Proposed Action:** The Coastal Resources Commission asked staff to present options for raising permit fees as allowed by statutory authority. The costs of issuing permits exceeds the amount collected. In addition, local governments have indicated that the reimbursement provided by the state for minor permits is not adequate.

**Comment Procedures:** Comments should be provided to Cathy Brittingham, Coastal Policy Analyst, DCM, PO Box 27687, Raleigh, NC 27611-7687.

\*\*\*\*\*

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

**CHAPTER 7 - COASTAL MANAGEMENT**

**SUBCHAPTER 7H - STATE GUIDELINES FOR AREAS  
OF ENVIRONMENTAL CONCERN**

**SUBCHAPTER 7J - PROCEDURES FOR HANDLING  
MAJOR DEVELOPMENT PERMITS:  
VARIANCE REQUESTS; APPEALS  
FROM MINOR DEVELOPMENT DECISIONS;  
AND DECLARATORY RULINGS**

**SUBCHAPTER 7K - ACTIVITIES IN AREAS OF  
ENVIRONMENTAL CONCERN WHICH  
DO NOT REQUIRE A COASTAL  
AREA MANAGEMENT ACT PERMIT**

**Notice of Rule-making Proceedings** is hereby given by the NC Coastal 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 7H .1100, .1200, .1300, .1400, .1500, .1600, .1800, .1900, .2000, .2100, .2200, .2300; 7J .0204, .0404, .0405, .0406; 7K .0203, .0208. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 113A-119.1

**Statement of the Subject Matter:** These rule amendments would raise major permit application fees for public or commercial projects from \$250 to \$400, raise the application fees for minor and general permits from \$50 to \$100, raise the fees for major development extension requests, minor permit modifications and permit transfers from \$50 to \$100 and raise the fees for

**CHAPTER 18 - ENVIRONMENTAL HEALTH**

**SUBCHAPTER 18A - SANITATION**

**Notice of Rule-making Proceedings** is hereby given by the Commission for Health Services 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 18A .2515 - Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 130A-280-282

**Statement of the Subject Matter:** Requirements for design depths and construction of public swimming pool shells.

**Reason for Proposed Action:** Correct a mistaken addition of language not approved by the Commission for Health Services in a previous rule amendment. The existing language was rejected by the Commission for Health Services based on negative public comments received during a previous hearing and comment phase. The language was to have been removed but mistakenly remained in the rule.

**Comment Procedures:** Please send all comments to Jim Hayes, Division of Environmental Health, Environmental Health Services Section, 1632 Mail Service Center, Raleigh, NC 27699-1632.

**TITLE 16 - DEPARTMENT OF PUBLIC EDUCATION**

**CHAPTER 6 - ELEMENTARY AND SECONDARY  
EDUCATION**

**SUBCHAPTER 6C - PERSONNEL**

**SUBCHAPTER 6E - STUDENTS**

**SUBCHAPTER 6G - EDUCATION AGENCY  
RELATIONS**

**SUBCHAPTER 6H - FEDERAL PROGRAMS**

**Notice of Rule-making Proceedings** is hereby given by the State Board of Education 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:** 16 NCAC 6C .0100 - .0400; 6E .0202; 6G .0502; 6H .0103, .0106, .0107. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 115-12(9); 115-284; 115-296; 115-315; 115-471; 115C-47(4); 115C-238.29G(b); 115C-113; 115-141

**Statement of the Subject Matter:** 16 NCAC 6C: change "certificate" to "license" and make clarifying amendments under Excellent Schools Act; 16 NCAC 6E .0202: amend provisions for middle school athletics academic requirements; 16 NCAC 6G: adopt rule for Charter Schools Advisory Committee; and 16 NCAC 6H: amend Rules .0103, .0106 and .0107 to reflect recent federal legislative changes.

**Reason for Proposed Action:** These rule-making proceedings were initiated by the State Board of Education (i) to rename the credential it issues for professional practice to reflect a more accurate title; (ii) to amend rules in accordance with SL 1997-221, the Excellent Schools Act; (iii) to clarify academic requirements for middle school interscholastic athletic participation; (iv) to define the functions of the Charter Schools Advisory Committee; and (v) to amend rules to reflect changes in the federal Individuals with Disabilities Education Act.

**Comment Procedures:** Written comments may be submitted to Harry E. Wilson, State Board of Education, 301 N. Wilmington St., Raleigh, NC 27601-2825.

proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:** 21 NCAC 50 .0301, .0304, .0306, .0310, .0402, .0404, .0406 - .0407, .0412, .0505 - .0506, .0508, .1101 - .1102, .1201 - .1214. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 87-18, 50B-21.2, et. seq.

**Statement of the Subject Matter:** Rules relative to creation of limited or specialty licenses, reciprocal licenses, fees, probation requirements, supervision and employment definitions, acceptance of credit cards and rule-making proceedings.

**Reason for Proposed Action:** To address Rule-making petitions received and to clarify rules relative to the obligations of licenses in the use of license and disciplinary options available to the Board.

**Comment Procedures:** Comment may be provided to the Board by mailing to the Board at 3801 Wake Forest Road, Suite 201, Raleigh, NC 27609, addressed to Rule-making Coordinator. It is anticipated that text will be published in the November 15, 1999 Register and Public Hearing conducted December 14, 1999.

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**CHAPTER 58 - REAL ESTATE COMMISSION**

**SUBCHAPTER 58A - REAL ESTATE BROKERS AND  
SALESMEN**

**SUBCHAPTER 58B - TIME SHARES**

**SUBCHAPTER 58C - REAL ESTATE PRELICENSING  
EDUCATION**

**SUBCHAPTER 58D - REAL ESTATE APPRAISERS**

**SUBCHAPTER 58E - REAL ESTATE CONTINUING  
EDUCATION**

**Notice of Rule-making Proceedings** is hereby given by the NC Real Estate 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:** 21 NCAC 58A-E; 21 NCAC 58A .0107, .0109-.0110, .0113-.0114, .0301-.0304, .0401-.0404, .0406, .0503, .0505, .0601, .1402, .1703, .1708; 58B .0101-.0102; 58C .0105-.0107, .0207, .0213, .0214, .0217-.0218, .0302, .0304-.0307, .0310, .0312; 58E .0102, .0202, .0204-.0205, .0304, .0310, .0412, .0515. Other rules may be proposed in the course of the rule-making process.

**TITLE 21 - OCCUPATIONAL LICENSING BOARDS**

**CHAPTER 50 - BOARD OF EXAMINERS OF  
PLUMBING, HEATING AND FIRE  
SPRINKLER CONTRACTORS**

**Notice of Rule-making Proceedings** is hereby given by the State Board of Examiners of Plumbing, Heating and Fire Sprinklers 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

**Authority for the rule-making:** G.S. 41A-3(1b); 47A; 47C; 47E-4(b); 93A-1; 93A-2(a1); 93A-2(b); 93A-3; 93A-3(c); 93A-4; 93A-4(a),(b), (c), (d); 93A-4A; 93A-6; 93A-6(a); 93A-6(a)(10); 93A-6(b)(2); 93A-16(d); 93A-17; 93A-20; 93A-33; 93A-34; 93A-34(b); 93A-35(b); 93A-41(c); 93A-44; 93A-45(a); 93A-54(d); 93A-51; 93A-52(a); 93A-58(c); 93A-75(a); 150B-3; 150B-11; 150B-38(h)

**Statement of the Subject Matter:** 21 NCAC 58A-E - REAL ESTATE BROKERS AND SALESMEN

21 NCAC 58A .0107 -HANDLING AND ACCOUNTING OF FUNDS

21 NCAC 58A .0109 -BROKERAGE FEES AND COMPENSATION

21 NCAC 58A .0110 -BROKER-IN-CHARGE

21 NCAC 58A .0113 -REPORTING CRIMINAL CONVICTIONS

21 NCAC 58A .0114 -RESIDENTIAL PROPERTY DISCLOSURE STATEMENT

21 NCAC 58A .0301 -FORM

21 NCAC 58A .0302 -FILING AND FEES

21 NCAC 58A .0303 -PAYMENT OF APPLICATION FEES

21 NCAC 58A .0304 -EXPERIENCE QUALIFICATIONS FOR APPLICANTS

21 NCAC 58A .0401 -TIME AND PLACE

21 NCAC 58A .0402 -SUBJECT MATTER AND PASSING SCORES

21 NCAC 58A .0403 -RE-EXAMINATION

21 NCAC 58A .0404 -CHEATING AND RELATED MISCONDUCT

21 NCAC 58A .0406 -EXAMINATION REVIEW

21 NCAC 58A .0503 -LICENSE RENEWAL; PENALTY FOR OPERATING WHILE LICENSE EXPIRED

21 NCAC 58A .0505 -REINSTATEMENT OF EXPIRED LICENSE, REVOKED, SURRENDERED OR SUSPENDED LICENSE

21 NCAC 58A .0601 -FORM/PREP/COMPLAINTS/OTHER PLEADINGS/CONTESTED CASES

21 NCAC 58A .1402 -MULTIPLE CLAIMS

21 NCAC 58A .1703 -CONTINUING EDUCATION FOR LICENSE ACTIVATION

21 NCAC 58A .1708 -EQUIVALENT CREDIT

21 NCAC 58B .0101 -APPLICATION FOR REGISTRATION

21 NCAC 58B .0102 -REGISTRATION FEE

21 NCAC 58C .0105 -WITHDRAWAL OR DENIAL OF APPROVAL

21 NCAC 58C .0106 -PROGRAM CHANGES

21 NCAC 58C .0107 -USE OF EXAMINATION PERFORMANCE DATA

21 NCAC 58C .0207 -FACILITIES AND EQUIPMENT

21 NCAC 58C .0213 -PERFORMANCE BOND

21 NCAC 58C .0214 -ADVERTISING AND RECRUITMENT ACTIVITIES

21 NCAC 58C .0217 -LICENSE RENEWAL AND FEES

21 NCAC 58C .0218 -LICENSING EXAM CONFIDENTIALITY; SCHOOL PERFORM./LICENSING

21 NCAC 58C .0302 -PROGRAM STRUCTURING

21 NCAC 58C .0304 -COURSE COMPLETION STANDARDS

21 NCAC 58C .0305 -COURSE SCHEDULING

21 NCAC 58C .0306-TEXTBOOKS

21 NCAC 58C .0307 -REAL ESTATE INSTRUCTORS

21 NCAC 58C .0310 -COURSE RECORDS

21 NCAC 58C .0312 -EXCEPTION FOR PERSONS WITH DISABILITIES

21 NCAC 58E .0102 -UPDATE COURSE COMPONENT

21 NCAC 58E .0202 -NATURE AND SCOPE OF APPROVAL

21 NCAC 58E .0204 -RENEWAL OF APPROVAL

21 NCAC 58E .0205 -DENIAL OR WITHDRAWAL OF APPROVAL

21 NCAC 58E .0304 -CRITERIA FOR ELECTIVE COURSE APPROVAL

21 NCAC 58E .0310-INSTRUCTIONAL DELIVERY METHODS

21 NCAC 58E .0412 -DENIAL OR WITHDRAWAL OF APPROVAL

21 NCAC 58E .0515 -ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

**Reason for Proposed Action:** 21 NCAC 58A - E to delete (1) all uses of the words "salesman" or "salesmen" and insert in lieu thereof the words "salesperson" or "salespersons", respectively; and (2) all uses of masculine pronouns and replace with both masculine and feminine pronouns.

21 NCAC 58A .0107 - to (1) change the term "broker" to "licensee;" (2) define and require the use and proper referencing of supplemental disbursement worksheets for trust account checks applicable to multiple properties; (3) require referencing of all canceled checks or supplemental disbursement worksheets to corresponding ledger sheets; (4) clarify the definition of "transaction"; (5) permit the use of property ledger sheets; (6) require journal or check stubs to identify in chronological sequence each bank deposit and disbursement transaction and identify the corresponding ledger sheet either on the journal or on the supplemental deposit/disbursement worksheet; and (7) require the appropriate use of a subsidiary owner or property ledger sheet.

21 NCAC 58A .0109 - to clarify that licensees providing certain ancillary goods and services for compensation need not make special disclosures to the customers who rent or purchase those same goods and services.

21 NCAC 58A .0110 - to require that brokers-in-charge complete a special course of instruction.

21 NCAC 58A .0113 - to require licensees to disclose to the Commission disciplinary actions against them in connection with any other professional license.

21 NCAC 58A .0114 - to provide on the Residential Property Disclosure Statement for the disclosure of newly subdivided parcels of land, straight pipe sewer systems, past or current use of temporary sandbag erosion control structures, and to clarify the definition of "property".

21 NCAC 58A .0301 - to provide a cross-reference to 21 NCAC 58A .0502, and to provide that the application form for an individual license applicant will require the applicant to provide proof of identity rather than photo identification.

21 NCAC 58A .0302 - to provide new procedures for filing license applications and to describe the separate fee to be paid by applicants choosing to take the license examination by computer and how such fee will be determined.

21 NCAC 58A .0303 - to provide procedures for payment of the fee to take the license examination by computer.

21 NCAC 58A .0304 - to delete paragraph (a), and to clarify the application of the provision now appearing as paragraph (b).

21 NCAC 58A .0401 - to establish new procedures and requirements for scheduling applicants for license examinations.

21 NCAC 58A .0402 - to amend the period of time during which the one-year examination recognition is tolled, to eliminate references to separate license examinations for brokers and salespersons, and to provide a more flexible definition of the examination passing score.

21 NCAC 58A .0403 - to establish new procedures for the re-examination of applicants who fail to pass the license examination or who fail to appear for a scheduled examination.

21 NCAC 58A .0404 - to provide that applicants must strictly comply with all instructions provided by examination supervisors regarding examination procedures and applicant conduct during examinations, and failure to do so may result in appropriate action by the Commission.

21 NCAC 58A .0406 - to establish new procedures for examination review by applicants failing the examination.

21 NCAC 58A .0503 - to state that salespersons who renew late will initially be placed on inactive license status, and to increase the renewal fee from thirty (\$30.00) dollars to thirty-five (\$35.00) dollars.

21 NCAC 58A .0505 - to require salespersons and their brokers-in-charge to submit activation forms in order for the salespersons to activate their licenses and to increase the renewal fee from thirty (\$30.00) dollars to thirty-five (\$35.00) dollars.

21 NCAC 58A .0601 - to conform with the requirements of changes in GS 93A-3(d) and 93A-6(a).

21 NCAC 58A .0615 - to adopt a new rule to require that settlement negotiations in contested cases be completed within a certain period of time prior to the hearing date.

21 NCAC 58A .1402 - to delete the reference to claims for which the Commission has received no notice under GS 93A-17(a)(2).

21 NCAC 58A .1703 - to clarify that any course taken by an inactive licensee within the current license period or the preceding two license periods will count toward the maximum 20 hours required to activate a license that has not been active since the preceding July 1.

21 NCAC 58A .1708 - to delete paragraph (e).

21 NCAC 58B .0101 - to clarify the type of financial information applicants for time share project registration must furnish the Commission.

21 NCAC 58B .0102 - to establish a graduated fee schedule for time share applicants and to allow the Commission to retain the application fee if a developer withdraws its application.

21 NCAC 58C .0105 - to raise the standard expected of approved schools, other than private real estate schools, with regard to the performance of their students on the real estate license examination.

21 NCAC 58C .0106 - to eliminate the requirement that approved schools other than private real estate schools obtain advance approval from the Commission for changes in program structuring, course content and course completion standards.

21 NCAC 58C .0107 - to delete the requirement that schools other than private real estate schools include in any advertisement citing examination performance data the type of examination and a statement that the data was provided by the Commission.

21 NCAC 58C .0108 - to require schools other than private real estate schools to submit, at the request of the Commission, student evaluations of a course and instructor on a form prescribed by the Commission.

21 NCAC 58C .0207 - to make it clear that the applicant for a private real estate school license is responsible for assuring that school facilities comply with applicable laws and regulations regarding safety, health and sanitation, and to require that school facilities have an overhead projector and a chalkboard, dry erase board, or similar writing surface.

21 NCAC 58C .0213 - to comply with a recent amendment to GS 93A-36 eliminating the requirement to have a separate performance bond for branch locations of a private real estate school.

21 NCAC 58C .0214 - to delete the requirement that private real estate schools include in any advertisement citing examination performance data the type of examination and a statement that the data was provided by the Commission.

21 NCAC 58C .0217 - to delete the reference to "appraisal pre-licensing and pre-certification course" in paragraph (b).

21 NCAC 58C .0218 - to raise the standard expected of approved schools, other than private real estate schools, with regard to the performance of their students on the real estate license examination.

21 NCAC 58C .0220 - to adopt a new rule to require private real estate schools to submit, at the request of the Commission, student evaluations of a course and instruction on a form prescribed by the Commission.

21 NCAC 58C .0302 - to establish the required program structure for real estate salesperson and broker pre-licensing education programs and to modify the prerequisite for enrollment in the broker education program.

21 NCAC 58C .0304 - to clarify that approved schools may require a higher course passing grade for the purpose of certifying course completion to the Commission than for the purpose of granting college credit or continuing education units and to require that when students are allowed to make up a missed course examination or to retake a failed course examination, the examination used must be substantially different from the initial examination administered to the class.

21 NCAC 58C .0305 - to increase the maximum classroom hours schools are permitted to conduct in any day and any seven-day period.

21 NCAC 58C .0306 - to prescribe specific standards and procedures for approving textbooks and other instructional materials.

21 NCAC 58C .0307 - to provide for the approval of prelicensing instructors separate from the licensing and approval of schools.

and to prescribe new criteria for the approval of such instructors.  
21 NCAC 58C .0310 - to provide that schools must retain on file copies of grade and attendance records for three (3) years rather than five (5) years.

21 NCAC 58C .0312 - to require that when schools make exceptions to Commission rules to accommodate persons with disabilities that the accommodation made must be reasonably appropriate for the particular disability, that deviation from the rules should be no greater than necessary to provide a reasonable accommodation, and that schools must notify the Commission in writing of the proposed accommodation prior to the start of the course in question.

21 NCAC 58C .0600 - to adopt a new rule to provide for the approval of preclicensing instructors separate from the licensing and approval of schools and to prescribe new criteria for the approval of such instructors.

21 NCAC 58E .0102 - to permit course sponsors and instructors to make modifications to the update course in certain situations.

21 NCAC 58E .0202 - to provide for a longer approval period for update course instructors.

21 NCAC 58E .0204 - to provide for a longer approval period for update course instructors.

21 NCAC 58E .0205 - to clarify that the Commission can deny or withdraw the approval of an update course instructor based on the fact that an instructor has been disciplined by the Commission or any other occupational licensing agency in North Carolina or another jurisdiction.

21 NCAC 58E .0304 - to change the minimum required number of classroom hours for approval of an elective course from two (2) to

four (4) and to provide more current and comprehensive criteria regarding applications for approval of "distance education" courses.

21 NCAC 58E .0310 - to provide more current and comprehensive guidelines regarding the acceptability of delivery methods for "distance education" courses.

21 NCAC 58E .0412 - to clarify that the Commission can deny or withdraw the approval of an elective course or sponsor based on the fact that an elective course instructor in the employ of a sponsor has been disciplined by the Commission or any other occupational licensing agency in North Carolina or another jurisdiction, and to clarify that the Commission can discipline a CE sponsor who collects money from licensees for a course but fails to provide the promised instruction.

21 NCAC 58E .0515 - to require that when schools make exceptions to Commission rules to accommodate persons with disabilities, that the accommodation made must be reasonably appropriate for the particular disability, that deviation from the rules should be no greater than necessary to provide a reasonable accommodation, and that schools must notify the Commission in writing of the proposed accommodation prior to the start of the course in question.

**Comment Procedures:** Written comments regarding the rules may be sent to or delivered to Janet B. Thoren, c/o N.C. Real Estate Commission, PO Box 17100, 1313 Navaho Drive, Raleigh, NC 27619-7100.

*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 11 - DEPARTMENT OF INSURANCE

**Notice** is hereby given in accordance with G.S. 150B-21.2 that the NC Department of Insurance intends to amend rule cited as 11 NCAC 12 .1702. Notice of Rule-making Proceedings was published in the Register on July 15, 1999.

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

**A Public Hearing** will be conducted at 10:00 a.m. on September 30, 1999 at the 3<sup>rd</sup> Floor Hearing Room, Dobbs Building, 430 N. Salisbury Street, Raleigh, NC.

**Reason for Proposed Action:** Section 32 of S.L. 1998-211 rewrote G.S. 58-71-73(3) which authorized the Commissioner of Insurance to require a bond from viatical settlement providers. This amendment eliminates the bond requirement of this rule.

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

### Fiscal Impact

State	Local	Sub. None
		✓

## CHAPTER 12 - LIFE AND HEALTH DIVISION

### SECTION .1700 - VIATICAL SETTLEMENTS

#### **.1702 VIATICAL SETTLEMENT PROVIDERS**

- (a) An application for provider registration shall be filed with the Division.
- (b) Only those individuals named in the application may act as providers.
- (c) A provider shall submit with the application a plan of operation, including full particulars on the manner in which the provider proposes to operate in North Carolina and the type or types of insurance policies or contracts it intends to viaticate.
- (d) The provider's plan of operation shall be a narrative overview of the provider's business and shall include the following information:
  - (1) A certified copy of the provider's charter and by-laws, if a corporation, and a copy of the partnership agreement, if a partnership.
  - (2) A chart showing the relationship of the provider to any parent, affiliated, or subsidiary corporation.
  - (3) A detailed description of the provider's marketing techniques, including a description of training programs for those individuals who will have direct contact with

viators.

- (4) A list of the names of provider's directors and management personnel, including job title and a brief description of the job duties.
- (5) A schedule listing the names of financial institutions with which the provider has escrow trust agreements, indicating the balance on each account and copies of all escrow and trust agreements.
- (6) A detailed description of what steps through which the viator will have access to funds, including the source that will make such funds available.

(c) A provider shall immediately notify the Division of any change in the address of the provider and of any change in the officers and directors of the provider.

(f) Each provider shall notify the Division of any change in the plan of operation or financial information filed with its application within 10 business days after the change.

(g) Each provider shall maintain net capital of at least one hundred thousand dollars (\$100,000), or net capital plus a surety bond totaling at least one hundred thousand dollars (\$100,000). As used in this Rule, "net capital" means the excess of total assets over total liabilities as determined by generally accepted accounting principles. If any of a provider's assets have been depreciated, the amount of depreciation relative to any particular asset may be added to the depreciated cost of the assets to compute the total assets; provided however, that the amount resulting after adding such depreciation shall not exceed the fair market value of the asset. For the purpose of calculating the appropriate amount of the surety bond that is required by this Rule, net capital shall be presumed to be zero (\$0.00) in situations in which a provider's liabilities exceed the provider's assets.

(h) (g) A power of attorney designating the Commissioner as the provider's agent for service of legal process shall be filed by every provider.

*Authority G.S. 58-2-40; 58-16-30; 58-58-42.*

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**Notice** is hereby given in accordance with G.S. 150B-21.2 that the NC Department of Insurance intends to repeal rules cited as 11 NCAC 13 .0514 and .0518. Notice of Rule-making Proceedings was published in the Register on July 15, 1999.

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

**A Public Hearing** will be conducted at 10:00 a.m. on September 30, 1999 at the 3<sup>rd</sup> Floor Hearing Room, Dobbs Building, 430 N. Salisbury Street, Raleigh, NC.

**Reason for Proposed Action:** *11 NCAC 13 .0514 - S.L. 1998-211 rewrote G.S. 58-71-95(5) which required the return of collateral security within a stated period of time. This rule repeats the content of the rewritten statute. 11 NCAC 13 .0518 - S.L. 1998-211 rewrote G.S. 58-71-73(3) which provided for the lapse of a bail bond license for failure to comply with continuing education requirements. This rule set out procedures for suspension of a license; the rewritten statute supersedes the rule.*

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

**Fiscal Impact**

State    Local    Sub.    None  
                                          ✓

**CHAPTER 13 - SPECIAL SERVICES DIVISION**

**SECTION .0500 - BAIL BONDSMEN AND RUNNERS**

**.0514    COLLATERAL SECURITY RETURNED ON TERMINATION OF LIABILITY**

*Any collateral security accepted by a bail bondsman from a principal or anyone on his behalf shall be returned immediately upon final termination of liability on the bond.*

*Authority G.S. 85-2(a).*

**.0518    CONTINUING EDUCATION**

(a) Except as provided in Paragraphs (b) and (c) of this Rule, the license of any bail bondsman who fails to meet the minimum continuing education requirements of G.S. 58-71-71(b) is subject to suspension under G.S. 58-71-80.

(b) The Commissioner shall notify a bail bondsman who appears to have failed to meet the requirements of G.S. 58-71-71(b) that the bail bondsman's license will be suspended unless the bail bondsman shows that he has complied with the requirements within a 90-day period after receiving the notice. Notice shall be forwarded to the bail bondsman's address, as shown in the records of the Special Services Division, by certified mail. Ninety-three days after mailing such notice, if no affidavit is filed with the Department by the bail bondsman showing that the bail bondsman has complied with the requirements of G.S. 58-71-71(b), the bail bondsman's license shall be suspended by order of the Commissioner.

(c) If the bail bondsman responds to the notice, the Department shall review all affidavits and other documents filed by the bail bondsman to determine whether the bail bondsman has complied with the requirements of G.S. 58-71-71(b) within the 90-day period. If the Commissioner determines that the bail bondsman is in compliance with G.S. 58-71-71(b), he shall enter an appropriate order. If the Commissioner determines that the bail bondsman has not shown compliance with G.S. 58-71-71(b) within the 90-day period, then the Commissioner shall enter an order suspending the

bail bondsman's license.

*Authority G.S. 58-2-40; 58-71-71(f).*

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

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the DENR - Environmental Management Commission intends to adopt rule cited as 15A NCAC 2B .0110; and amend rules cited as 15A NCAC 2B .0211, .0220, .0223, .0225. Notice of Rule-making Proceedings was published in the Register on October 15, 1998.

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

**A Public Hearing** will be conducted at 6:30 p.m. on the following dates and locations:

**September 30, 1999**

Catawba Valley Community College  
 Auditorium (Main Campus)  
 2550 HWY 70SE  
 Hickory, NC

**October 5, 1999**

Carteret Community College  
 Joslyn Hall  
 3505 Arendell Street  
 Morehead City, NC

**October 7, 1999**

Archdale Building  
 Ground Floor Hearing Room  
 512 N. Salisbury Street  
 Raleigh, NC

**Reason for Proposed Action:** *The Environmental Management Commission gave the Division of Water Quality staff permission to proceed to rule-making on the Triennial Review Advisory Committee's proposed changes to the surface water quality standards and classifications rules. The proposed changes include requiring management strategies (developed through rule-making) for threatened and endangered aquatic animal species, allowing the use of dissolved metals concentrations for copper, zinc, iron, silver, cadmium and nickel, updating the Nutrient Sensitive Waters rule and changes to the number of boat slips allowed in coastal Outstanding Resource Waters. In addition to these rule changes, the public will have an opportunity to provide comment on three variances from surface water quality standards as required by the Clean Water Act. These variances consist of two variances from the chloride standard for Mt. Olive and Dean Pickle Companies (NC0001074 & NC 0001970) and a variance from the color standard for Champion International Company (NC0000272). Copies of the variances are available from the contact named in the Comment Procedures and at*

<http://h2o.enr.state.nc.us/wqhome.html>.

Authority G.S. 143-214.1; 143-215.3(a)(1); 143-215.8A.

**Comment Procedures:** *The purpose of this announcement is to encourage those interested in this proposal to provide comments. You may either attend the public hearings and make relevant verbal comments or submit written comments, data or other relevant information by November 8, 1999. The Hearing Officer may limit the length of time that you may speak at the public hearing, if necessary, so that all those who wish to speak may have an opportunity to do so. We encourage you to submit written comments as well. The EMC is very interested in all comments pertaining to the proposed rules. It is very important that all interested and potentially affected persons or parties make their views known to the EMC whether in favor of or opposed to any and all provisions of the proposed rules. The EMC may not adopt a rule that differs substantially from the text of the proposed rule published in the North Carolina Register unless the EMC publishes the text of the proposed different rule and accepts comments on the new text (see 150B-21.2(g)). All interested and potentially affected persons are strongly encouraged to read the entire announcement and supporting information, and make appropriate comments on the proposal. Comments should be sent to: Ms. Dianne Reid, Division of Water Quality Planning, NCDENR, 1617 Mail Service Center, Raleigh, NC 27699-1617.*

**Fiscal Impact**

State      Local Sub. None

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**CHAPTER 2 - ENVIRONMENTAL MANAGEMENT**

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

**SECTION .0100 - PROCEDURES FOR ASSIGNMENT OF WATER QUALITY STANDARDS**

**.0110 CONSIDERATIONS FOR FEDERALLY-LISTED THREATENED OR ENDANGERED AQUATIC SPECIES**

Certain waters provide habitat for federally-listed aquatic animal species that are listed as threatened or endangered by the U.S. Fish and Wildlife Service or National Marine Fisheries Service under the provisions of the Endangered Species Act, 16 U.S.C. 1531-1544 and subsequent modifications. Maintenance and recovery of the water quality conditions required to sustain and recover federally-listed threatened and endangered aquatic animal species contributes to the support and maintenance of a balanced and indigenous community of aquatic organisms and thereby protects the biological integrity of the waters. The Division shall develop site-specific management strategies under the provisions of 15A NCAC 2B .0225 or .0227 for those waters. These plans shall be developed within the basinwide planning schedule with all plans completed at the end of each watershed's first complete five year cycle following adoption of this Rule. Nothing in this Rule shall prevent the Division from taking other actions within its authority to maintain and restore the quality of these waters.

**SECTION .0200 - CLASSIFICATIONS AND WATER QUALITY STANDARDS APPLICABLE TO SURFACE WATERS AND WETLANDS OF NORTH CAROLINA**

**.0211 FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS C WATERS**

General. The water quality standards for all fresh surface waters are the basic standards applicable to Class C waters. Additional and more stringent standards applicable to other specific freshwater classifications are specified in Rules .0212, .0214, .0215, .0216, .0217, .0218, .0219, .0223, .0224 and .0225 of this Section.

- (1) Best Usage of Waters. Aquatic life propagation and maintenance of biological integrity (including fishing, and fish), wildlife, secondary recreation, agriculture and any other usage except for primary recreation or as a source of water supply for drinking, culinary or food processing purposes;
- (2) Conditions Related to Best Usage. The waters will be suitable for aquatic life propagation and maintenance of biological integrity, wildlife, secondary recreation, and agriculture; sources of water pollution which preclude any of these uses on either a short-term or long-term basis will be considered to be violating a water quality standard;
- (3) Quality standards applicable to all fresh surface waters:
  - (a) Chlorophyll a (corrected); not greater than 40 ug/l for lakes, reservoirs, and other slow-moving waters not designated as trout waters, and not greater than 15 ug/l for lakes, reservoirs, and other slow-moving waters designated as trout waters (not applicable to lakes and reservoirs less than 10 acres in surface area); the Commission or its designee may prohibit or limit any discharge of waste into surface waters if, in the opinion of the Director, the surface waters experience or the discharge would result in growths of microscopic or macroscopic vegetation such that the standards established pursuant to this Rule would be violated or the intended best usage of the waters would be impaired;
  - (b) Dissolved oxygen; not less than 6.0 mg/l for trout waters; for non-trout waters, not less than a daily average of 5.0 mg/l with a minimum instantaneous value of not less than 4.0 mg/l swamp waters, lake coves or backwaters, and lake bottom waters may have lower values if caused by natural conditions;
  - (c) Floating solids; settleable solids; sludge deposits only such amounts attributable to sewage industrial wastes or other wastes as will not make the water unsafe or unsuitable for aquatic life and wildlife or impair the waters for any designated uses;
  - (d) Gases, total dissolved; not greater than 110

- percent of saturation;
- (e) Organisms of the coliform group: fecal coliforms shall not exceed a geometric mean of 200/100ml (MF count) based upon at least five consecutive samples examined during any 30 day period, nor exceed 400/100ml in more than 20 percent of the samples examined during such period; violations of the fecal coliform standard are expected during rainfall events and, in some cases, this violation is expected to be caused by uncontrollable nonpoint source pollution; all coliform concentrations are to be analyzed using the membrane filter technique unless high turbidity or other adverse conditions necessitate the tube dilution method; in case of controversy over results, the MPN 5-tube dilution technique will be used as the reference method;
  - (f) Oils; deleterious substances; colored or other wastes: only such amounts as will not render the waters injurious to public health, secondary recreation or to aquatic life and wildlife or adversely affect the palatability of fish, aesthetic quality or impair the waters for any designated uses; for the purpose of implementing this Rule, oils, deleterious substances, colored or other wastes will include but not be limited to substances that cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines pursuant to 40 CFR 110.4(a)-(b) which are hereby incorporated by reference including any subsequent amendments and additions. This material is available for inspection at the Department of Environment, Health, Environment and Natural Resources, Division of Environmental Management, Water Quality, 512 North Salisbury Street, Raleigh, North Carolina. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9325 at a cost of thirteen dollars (\$13.00).
  - (g) pH: shall be normal for the waters in the area, which generally shall range between 6.0 and 9.0 except that swamp waters may have a pH as low as 4.3 if it is the result of natural conditions;
  - (h) Phenolic compounds: only such levels as will not result in fish-flesh tainting or impairment of other best usage;
  - (i) Radioactive substances:
    - (i) Combined radium-226 and radium-228: the maximum average annual activity level (based on at least four samples collected quarterly) for combined radium-226 and radium-228 shall not exceed five picoCuries per liter;
    - (ii) Alpha Emitters: the average annual gross alpha particle activity (including radium-226, but excluding radon and uranium) shall not exceed 15 picoCuries per liter;
    - (iii) Beta Emitters: the maximum average annual activity level (based on at least four samples, collected quarterly) for strontium-90 shall not exceed eight picoCuries per liter; nor shall the average annual gross beta particle activity (excluding potassium-40 and other naturally occurring radio-nuclides) exceed 50 picoCuries per liter; nor shall the maximum average annual activity level for tritium exceed 20,000 picoCuries per liter;
  - (j) Temperature: not to exceed 2.8 degrees C (5.04 degrees F) above the natural water temperature, and in no case to exceed 29 degrees C (84.2 degrees F) for mountain and upper piedmont waters and 32 degrees C (89.6 degrees F) for lower piedmont and coastal plain waters. The temperature for trout waters shall not be increased by more than 0.5 degrees C (0.9 degrees F) due to the discharge of heated liquids, but in no case to exceed 20 degrees C (68 degrees F);
  - (k) Turbidity: the turbidity in the receiving water will not exceed 50 Nephelometric Turbidity Units (NTU) in streams not designated as trout waters and 10 NTU in streams, lakes or reservoirs designated as trout waters; for lakes and reservoirs not designated as trout waters, the turbidity will not exceed 25 NTU; if turbidity exceeds these levels due to natural background conditions, the existing turbidity level cannot be increased. Compliance with this turbidity standard can be met when land management activities employ Best Management Practices (BMPs) [as defined by Rule .0202(6) of this Section] recommended by the Designated Nonpoint Source Agency [as defined by Rule .0202 of this Section]. BMPs must be in full compliance with all specifications governing the proper design, installation, operation and maintenance of such BMPs;
  - (l) Toxic substances: numerical water quality standards (maximum permissible levels) to protect aquatic life applicable to all fresh surface waters:
    - (i) Arsenic: 50 ug/l;
    - (ii) Beryllium: 6.5 ug/l;
    - (iii) Cadmium: 0.4 ug/l for trout waters and 2.0 ug/l for non-trout waters; attainment of these water quality standards in surface waters will be based on measurement of total recoverable metals concentrations unless appropriate studies have been conducted to translate total recoverable metals to a toxic form. Studies used to determine the toxic form or translators must be designed according to the "Water

- Quality Standards Handbook Second Edition" published by the Environmental Protection Agency (EPA 823-B-94-005a) or "The Metals Translator: Guidance For Calculating a Total Recoverable Permit Limit From a Dissolved Criterion" published by the Environmental Protection Agency (EPA 823-B-96-007) which are hereby incorporated by reference including any subsequent amendments. The Director will consider conformance to EPA guidance as well as the presence of environmental conditions that limit the applicability of translators in approving the use of metal translators;
- (iv) Chlorine, total residual: 17 ug/l for trout waters (Tr); (Action Level of 17 ug/l for all waters not classified as trout waters (Tr); see Item (4) of this Rule);
  - (v) Chromium, total recoverable: 50 ug/l;
  - (vi) Cyanide: 5.0 ug/l;
  - (vii) Fluorides: 1.8 mg/l;
  - (viii) Lead, total recoverable: 25 ug/l; collection of data on sources, transport and fate of lead will be required as part of the toxicity reduction evaluation for dischargers that are out of compliance with whole effluent toxicity testing requirements and the concentration of lead in the effluent is concomitantly determined to exceed an instream level of 3.1 ug/l from the discharge;
  - (ix) MBAS (Methylene-Blue Active Substances): 0.5 mg/l;
  - (x) Mercury: 0.012 ug/l;
  - (xi) Nickel: 88 ug/l; attainment of this water quality standard in surface waters will be based on measurement of total recoverable metals concentrations unless appropriate studies have been conducted to translate total recoverable metals to a toxic form. Studies used to determine the toxic form or translators must be designed according to the "Water Quality Standards Handbook Second Edition" published by the Environmental Protection Agency (EPA 823-B-94-005a) or "The Metals Translator: Guidance For Calculating a Total Recoverable Permit Limit From a Dissolved Criterion" published by the Environmental Protection Agency (EPA 823-B-96-007) which are hereby incorporated by reference including any subsequent amendments. The Director will consider conformance to EPA guidance as well as the presence of environmental conditions that limit the applicability of translators in approving the use of metal translators;
- (xii) Pesticides:
    - (A) Aldrin: 0.002 ug/l;
    - (B) Chlordane: 0.004 ug/l;
    - (C) DDT: 0.001 ug/l;
    - (D) Demeton: 0.1 ug/l;
    - (E) Dieldrin: 0.002 ug/l;
    - (F) Endosulfan: 0.05 ug/l;
    - (G) Endrin: 0.002 ug/l;
    - (H) Guthion: 0.01 ug/l;
    - (I) Heptachlor: 0.004 ug/l;
    - (J) Lindane: 0.01 ug/l;
    - (K) Methoxychlor: 0.03 ug/l;
    - (L) Mirex: 0.001 ug/l;
    - (M) Parathion: 0.013 ug/l;
    - (N) Toxaphene: 0.0002 ug/l;
  - (xiii) Polychlorinated biphenyls: 0.001 ug/l;
  - (xiv) Selenium: 5 ug/l;
  - (xv) Toluene: 11 ug/l or 0.36 ug/l in trout waters;
  - (xvi) Trialkyltin compounds: 0.008 ug/l expressed as tributyltin;
- (4) Action Levels for Toxic Substances: if the Action Levels for any of the substances listed in this Subparagraph (which are generally not bioaccumulative and have variable toxicity to aquatic life because of chemical form, solubility, stream characteristics or associated waste characteristics) are determined by the waste load allocation to be exceeded in a receiving water by a discharge under the specified low flow criterion for toxic substances (Rule .0206 in this Section), the discharger will be required to monitor the chemical or biological effects of the discharge; efforts shall be made by all dischargers to reduce or eliminate these substances from their effluents. Those substances for which Action Levels are listed in this Subparagraph will be limited as appropriate in the NPDES permit based on the Action Levels listed in this Subparagraph if sufficient information (to be determined for metals by measurements of that portion of the dissolved instream concentration of the Action Level parameter attributable to a specific NPDES permitted discharge) exists to indicate that any of those substances may be a significant causative factor resulting in toxicity of the effluent; effluent, NPDES permit limits may be based on translation of the toxic form to total recoverable metals. Studies used to determine the toxic form or translators must be designed according to "Water Quality Standards Handbook Second Edition" published by the Environmental Protection Agency (EPA 823-B-94-005a) or "The Metals Translator: Guidance For Calculating a Total Recoverable Permit Limit From a Dissolved Criterion" published by the Environmental Protection Agency (EPA 823-B-96-007) which are hereby incorporated by reference including any subsequent amendments. The Director will consider

conformance to EPA guidance as well as the presence of environmental conditions that limit the applicability of translators in approving the use of metal translators.

- (a) Copper: 7 ug/l;
- (b) Iron: 1.0 mg/l;
- (c) Silver: 0.06 ug/l;
- (d) Zinc: 50 ug/l;
- (e) Chloride: 230 mg/l;
- (f) Chlorine, total residual: 17 ug/l in all waters except trout waters (Tr); [a standard of 17 ug/l exists for waters classified as trout waters and is applicable as such to all dischargers to trout waters; see Sub-Item (3)(1)(iv) of this Rule];

For purposes other than consideration of NPDES permitting of point source discharges as described in this Subparagraph, the Action Levels in this Rule, as measured by an appropriate analytical technique, will be considered as numerical ambient water quality standards.

Authority G.S. 143-214.1; 143-215.3(a)(1).

## **.0220 TIDAL SALT WATER QUALITY STANDARDS FOR CLASS SC WATERS**

General. The water quality standards for all tidal salt waters are the basic standards applicable to Class SC waters. Additional and more stringent standards applicable to other specific tidal salt water classifications are specified in Rules .0221 and .0222 of this Section.

- (1) Best Usage of Waters. Aquatic life propagation and maintenance of biological integrity (including fishing, fish and functioning PNAs), wildlife, secondary recreation, and any other usage except primary recreation or shellfishing for market purposes.
- (2) Conditions Related to Best Usage. The waters shall be suitable for aquatic life propagation and maintenance of biological integrity, wildlife, and secondary recreation; Any source of water pollution which precludes any of these uses, including their functioning as PNAs, on either a short-term or a long-term basis shall be considered to be violating a water quality standard.
- (3) Quality standards applicable to all tidal salt waters:
  - (a) Chlorophyll a (corrected): not greater than 40 ug/l in sounds, estuaries, and other slow-moving waters; the Commission or its designee may prohibit or limit any discharge of waste into surface waters if, in the opinion of the Director, the surface waters experience or the discharge would result in growths of microscopic or macroscopic vegetation such that the standards established pursuant to this Rule would be violated or the intended best usage of the waters would be impaired;
  - (b) Dissolved oxygen: not less than 5.0 mg/l, except that swamp waters, poorly flushed tidally influenced streams or embayments, or estuarine bottom waters may have lower values if caused by natural conditions;
  - (c) Floating solids; settleable solids; sludge deposits:

- only such amounts attributable to sewage, industrial wastes or other wastes, as shall not make the waters unsafe or unsuitable for aquatic life and wildlife, or impair the waters for any designated uses;
- (d) Gases, total dissolved: not greater than 110 percent of saturation;
- (e) Organisms of coliform group: fecal coliforms not to exceed geometric mean of 200/100 ml (MF count) based upon at least five consecutive samples examined during any 30 day period; not to exceed 400/100 ml in more than 20 percent of the samples examined during such period; violations of the fecal coliform standard are expected during rainfall events and, in some cases, this violation is expected to be caused by uncontrollable nonpoint source pollution; all coliform concentrations are to be analyzed using the MF technique unless high turbidity or other adverse conditions necessitate the tube dilution method; in case of controversy over results the MPN 5-tube dilution method shall be used as the reference method;
- (f) Oils; deleterious substances; colored or other wastes: only such amounts as shall not render the waters injurious to public health, secondary recreation or to aquatic life and wildlife or adversely affect the palatability of fish, aesthetic quality or impair the waters for any designated uses; for the purpose of implementing this Rule, oils, deleterious substances, colored or other wastes shall include but not be limited to substances that cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines pursuant to 40 CFR 110.4(a)-(b);
- (g) pH: shall be normal for the waters in the area, which generally shall range between 6.8 and 8.5 except that swamp waters may have a pH as low as 4.3 if it is the result of natural conditions;
- (h) Phenolic compounds: only such levels as shall not result in fish-flesh tainting or impairment of other best usage;
- (i) Radioactive substances:
  - (i) Combined radium-226 and radium-228: The maximum average annual activity level (based on at least four samples, collected quarterly) for combined radium-226, and radium-228 shall not exceed five picoCuries per liter;
  - (ii) Alpha Emitters. The average annual gross alpha particle activity (including radium-226, but excluding radon and uranium) shall not exceed 15 picoCuries per liter;
  - (iii) Beta Emitters. The maximum average annual activity level (based on at least four samples, collected quarterly) for

strontium-90 shall not exceed eight picoCuries per liter; nor shall the average annual gross beta particle activity (excluding potassium-40 and other naturally occurring radio-nuclides) exceed 50 picoCuries per liter; nor shall the maximum average annual activity level for tritium exceed 20,000 picoCuries per liter:

- (j) Salinity: will not be appreciably modified as a result of hydrological modifications in areas draining to PNAs; projects which are determined by the Director to result in the appreciable modification of salinity within a PNA will be required to employ appropriate water management practices;
- (k) Temperature: shall not be increased above the natural water temperature by more than 0.8 degrees C (1.44 degrees F) during the months of June, July, and August nor more than 2.2 degrees C (3.96 degrees F) during other months and in no cases to exceed 32 degrees C (89.6 degrees F) due to the discharge of heated liquids;
- (l) Turbidity: the turbidity in the receiving water shall not exceed 25 NTU; if turbidity exceeds this level due to natural background conditions, the existing turbidity level cannot be increased. Compliance with this turbidity standard can be met when land management activities employ Best Management Practices (BMPs) [as defined by Rule .0202(6) of this Section] recommended by the Designated Nonpoint Source Agency (as defined by Rule .0202 of this Section). BMPs must be in full compliance with all specifications governing the proper design, installation, operation and maintenance of such BMPs;
- (m) Toxic substances: numerical water quality standards (maximum permissible levels) to protect aquatic life applicable to all tidal saltwaters:
  - (i) Arsenic, total recoverable: 50 ug/l;
  - (ii) Cadmium: 5.0 ug/l; attainment of this water quality standard in surface waters will be based on measurement of total recoverable metals concentrations unless appropriate studies have been conducted to translate total recoverable metals to a toxic form. Studies used to determine the toxic form or translators must be designed according to the "Water Quality Standards Handbook Second Edition" published by the Environmental Protection Agency (EPA 823-B-94-005a) or "The Metals Translator: Guidance For Calculating a Total Recoverable Permit Limit From a Dissolved Criterion" published by the Environmental Protection Agency (EPA 823-B-96-007) which are hereby

incorporated by reference including any subsequent amendments. The Director will consider conformance to EPA guidance as well as the presence of environmental conditions that limit the applicability of translators in approving the use of metal translators;

- (iii) Chromium, total: 20 ug/l;
- (iv) Cyanide: 1.0 ug/l;
- (v) Mercury: 0.025 ug/l;
- (vi) Lead, total recoverable: 25 ug/l; collection of data on sources, transport and fate of lead shall be required as part of the toxicity reduction evaluation for dischargers that are out of compliance with whole effluent toxicity testing requirements and the concentration of lead in the effluent is concomitantly determined to exceed an instream level of 3.1 ug/l from the discharge;
- (vii) Nickel: 8.3 ug/l; attainment of this water quality standard in surface waters will be based on measurement of total recoverable metals concentrations unless appropriate studies have been conducted to translate total recoverable metals to a toxic form. Studies used to determine the toxic form or translators must be designed according to the "Water Quality Standards Handbook Second Edition" published by the Environmental Protection Agency (EPA 823-B-94-005a) or "The Metals Translator: Guidance For Calculating a Total Recoverable Permit Limit From a Dissolved Criterion" published by the Environmental Protection Agency (EPA 823-B-96-007) which are hereby incorporated by reference including any subsequent amendments. The Director will consider conformance to EPA guidance as well as the presence of environmental conditions that limit the applicability of translators in approving the use of metal translators;
- (viii) Pesticides:
  - (A) Aldrin: 0.003 ug/l;
  - (B) Chlordane: 0.004 ug/l;
  - (C) DDT: 0.001 ug/l;
  - (D) Demeton: 0.1 ug/l;
  - (E) Dieldrin: 0.002 ug/l;
  - (F) Endosulfan: 0.009 ug/l;
  - (G) Endrin: 0.002 ug/l;
  - (H) Guthion: 0.01 ug/l;
  - (I) Heptachlor: 0.004 ug/l;
  - (J) Lindane: 0.004 ug/l;
  - (K) Methoxychlor: 0.03 ug/l;
  - (L) Mirex: 0.001 ug/l;

(M) Parathion: 0.178 ug/l;

(N) Toxaphene: 0.0002 ug/l.

(ix) Polychlorinated biphenyls: 0.001 ug/l;

(x) Selenium: 71 ug/l;

(xi) Trialkyltin compounds: 0.002 ug/l expressed as tributyltin.

- (4) Action Levels for Toxic Substances: if the Action Levels for any of the substances listed in this Subparagraph (which are generally not bioaccumulative and have variable toxicity to aquatic life because of chemical form, solubility, stream characteristics or associated waste characteristics) are determined by the waste load allocation to be exceeded in a receiving water by a discharge under the specified low flow criterion for toxic substances (Rule .0206 in this Section), the discharger shall be required to monitor the chemical or biological effects of the discharge; efforts shall be made by all dischargers to reduce or eliminate these substances from their effluents. Those substances for which Action Levels are listed in this Subparagraph may be limited as appropriate in the NPDES permit if sufficient information exists to indicate that any of those substances may be a significant causative factor resulting in toxicity of the effluent; effluent. NPDES permit limits may be based on translation of the toxic form to total recoverable metals. Studies used to determine the toxic form or translators must be designed according to "Water Quality Standards Handbook Second Edition" published by the Environmental Protection Agency (EPA 823-B-94-005a) or "The Metals Translator: Guidance For Calculating a Total Recoverable Permit Limit From a Dissolved Criterion" published by the Environmental Protection Agency (EPA 823-B-96-007) which are hereby incorporated by reference including any subsequent amendments. The Director will consider conformance to EPA guidance as well as the presence of environmental conditions that limit the applicability of translators in approving the use of metal translators.

(a) Copper: 3 ug/l;

(b) Silver: 0.1 ug/l;

(c) Zinc: 86 ug/l.

Authority G.S. 143-214.1; 143-215.3(a)(1).

## .0225 NUTRIENT SENSITIVE WATERS

(a) In addition to existing classifications, the Commission may classify any surface waters of the state as nutrient sensitive waters (NSW) upon a finding that such waters are experiencing or are subject to excessive growths of microscopic or macroscopic vegetation. Excessive growths are growths which the Commission in its discretion finds to substantially impair the use of the water for its best usage as determined by the classification applied to such waters.

(b) NSW may include any or all waters within a particular river basin as the Commission deems necessary to effectively control excessive growths of microscopic or macroscopic vegetation.

(c) For the purpose of this Rule, the term "nutrients" shall mean

phosphorous or nitrogen: nitrogen When considering the assignment of this classification, the Commission may specify as a "nutrient" any other chemical parameter or combination of parameters which it determines to be essential for the growth of microscopic and macroscopic vegetation: or any other chemical parameter or combination of parameters which the commission determines to be contributing to excessive growths of microscopic or macroscopic vegetation.

(d) Those waters additionally classified as nutrient sensitive shall be identified in the appropriate schedule of classifications as referenced in Section .0300 of this Subchapter.

(e) For the purpose of this Rule, the term "background levels" shall mean the concentration(s), taking into account seasonal variations, of the specific nutrient or nutrients upstream of a nutrient source: Nutrient strategies applicable to NSW shall be developed by the Commission to control the magnitude, duration, or frequencies of excessive growths of microscopic or macroscopic vegetation so that the existing and designated uses of the waterbody are protected or restored.

(f) Quality standards applicable to NSW: no increase in nutrients over background levels unless it is shown to the satisfaction of the Director that the increase:

(1) is the result of natural variations; or

(2) will not endanger human health, safety or welfare and that preventing the increase would cause a serious economic hardship without equal or greater benefit to the public.

Authority G.S. 143-214.1; 143-215.8B.

## .0225 OUTSTANDING RESOURCE WATERS

(a) General. In addition to the existing classifications, the Commission may classify certain unique and special surface waters of the state as outstanding resource waters (ORW) upon finding that such waters are of exceptional state or national recreational or ecological significance and that the waters have exceptional water quality while meeting the following conditions:

(1) there are no significant impacts from pollution with the water quality rated as excellent based on physical, chemical or biological information;

(2) the characteristics which make these waters unique and special may not be protected by the assigned narrative and numerical water quality standards.

(b) Outstanding Resource Values. In order to be classified as ORW, a water body must exhibit one or more of the following values or uses to demonstrate it is of exceptional state or national recreational or ecological significance:

(1) there are outstanding fish (or commercially important aquatic species) habitat and fisheries;

(2) there is an unusually high level of water-based recreation or the potential for such recreation;

(3) the waters have already received some special designation such as a North Carolina or National Wild and Scenic River, Native or Special Native Trout Waters, National Wildlife Refuge, etc, which do not provide any water quality protection;

(4) the waters represent an important component of a state or national park or forest; or

- (5) the waters are of special ecological or scientific significance such as habitat for rare or endangered species or as areas for research and education.

(c) Quality Standards for ORW.

- (1) Freshwater: Water quality conditions shall clearly maintain and protect the outstanding resource values of waters classified ORW. Management strategies to protect resource values shall be developed on a site specific basis during the proceedings to classify waters as ORW. At a minimum, no new discharges or expansions of existing discharges shall be permitted, and stormwater controls for all new development activities requiring an Erosion and Sedimentation Control Plan in accordance with rules established by the NC Sedimentation Control Commission or an appropriate local erosion and sedimentation control program shall be required to follow the stormwater provisions as specified in 15A NCAC 2H .1000. Specific stormwater requirements for ORW areas are described in 15A NCAC 2H .1007.
- (2) Saltwater: Water quality conditions shall clearly maintain and protect the outstanding resource values of waters classified ORW. Management strategies to protect resource values shall be developed on a site-specific basis during the proceedings to classify waters as ORW. At a minimum, new development shall comply with the stormwater provisions as specified in 15A NCAC 2H .1000. Specific stormwater management requirements for saltwater ORWs are described in 15A NCAC 2H .1007. New non-discharge permits shall meet reduced loading rates and increased buffer zones, to be determined on a case-by-case basis. No dredge or fill activities shall be allowed where significant shellfish or submerged aquatic vegetation bed resources occur, except for maintenance dredging, such as that required to maintain access to existing channels and facilities located within the designated areas or maintenance dredging for activities such as agriculture. A public hearing is mandatory for any proposed permits to discharge to waters classified as ORW.

Additional actions to protect resource values shall be considered on a site specific basis during the proceedings to classify waters as ORW and shall be specified in Paragraph (e) of this Rule. These actions may include anything within the powers of the commission. The commission shall also consider local actions which have been taken to protect a water body in determining the appropriate state protection options. Descriptions of boundaries of waters classified as ORW are included in Paragraph (e) of this Rule and in the Schedule of Classifications (15A NCAC 2B .0302 through .0317) as specified for the appropriate river basin and shall also be described on maps maintained by the Division of Environmental Management.

(d) Petition Process. Any person may petition the Commission to classify a surface water of the state as an ORW. The petition shall identify the exceptional resource value to be protected, address how the water body meets the general criteria in Paragraph

(a) of this Rule, and the suggested actions to protect the resource values. The Commission may request additional supporting information from the petitioner. The Commission or its designee shall initiate public proceedings to classify waters as ORW or shall inform the petitioner that the waters do not meet the criteria for ORW with an explanation of the basis for this decision. The petition shall be sent to:

Director  
DEHNR/ DENR/Division of Environmental Management Water  
Quality  
P.O. Box 29535  
Raleigh, North Carolina 27626-0535

The envelope containing the petition shall clearly bear the notation **RULE-MAKING PETITION FOR ORW CLASSIFICATION.**

(e) Listing of Waters Classified ORW with Specific Actions. Waters classified as ORW with specific actions to protect exceptional resource values are listed as follows:

- (1) Roosevelt Natural Area [White Oak River Basin, Index Nos. 20-36-9.5-(1) and 20-36-9.5-(2)] including all fresh and saline waters within the property boundaries of the natural area shall have only new development which complies with the low density option in the stormwater rules as specified in 15A NCAC 2H .1005(2)(a) within 575 feet of the Roosevelt Natural Area (if the development site naturally drains to the Roosevelt Natural Area).
- (2) Chattooga River ORW Area (Little Tennessee River Basin and Savannah River Drainage Area): the following undesignated waterbodies that are tributary to ORW designated segments shall comply with Paragraph (c) of this Rule in order to protect the designated water as per Rule .0203 of this Section. However, expansion of existing discharges to these segments shall be allowed if there is no increase in pollutant loading:
  - (A) North and South Fowler Creeks,
  - (B) Green and Norton Mill Creeks,
  - (C) Cane Creek,
  - (D) Ammons Branch,
  - (E) Glade Creek, and
  - (F) Associated tributaries.
- (3) Henry Fork ORW Area (Catawba River Basin): the following undesignated waterbodies that are tributary to ORW designated segments shall comply with Paragraph (c) of this Rule in order to protect the designated water as per Rule .0203 of this Section:
  - (A) Ivy Creek,
  - (B) Rock Creek, and
  - (C) Associated tributaries.
- (4) South Fork New and New Rivers ORW Area [New River Basin (Index Nos. 10-1-33.5 and 10)]: the following management strategies, in addition to the discharge requirements specified in Subparagraph (c)(1) of this Rule, shall be applied to protect the designated ORW areas:
  - (A) Stormwater controls described in Subparagraph (c)(1) of this Rule shall apply within one mile and draining to the designated ORW areas;

- (B) New or expanded NPDES permitted wastewater discharges located upstream of the designated ORW shall be permitted such that the following water quality standards are maintained in the ORW segment:
- (i) the total volume of treated wastewater for all upstream discharges combined shall not exceed 50 percent of the total instream flow in the designated ORW under 7Q10 conditions;
  - (ii) a safety factor shall be applied to any chemical allocation such that the effluent limitation for a specific chemical constituent shall be the more stringent of either the limitation allocated under design conditions (pursuant to 15A NCAC 2B .0206) for the normal standard at the point of discharge, or the limitation allocated under design conditions for one-half the normal standard at the upstream border of the ORW segment;
  - (iii) a safety factor shall be applied to any discharge of complex wastewater (those containing or potentially containing toxicants) to protect for chronic toxicity in the ORW segment by setting the whole effluent toxicity limitation at the higher (more stringent) percentage effluent determined under design conditions (pursuant to 15A NCAC 2B .0206) for either the instream effluent concentration at the point of discharge or twice the effluent concentration calculated as if the discharge were at the upstream border of the ORW segment;
- (C) New or expanded NPDES permitted wastewater discharges located upstream of the designated ORW shall comply with the following:
- (i) Oxygen Consuming Wastes: Effluent limitations shall be as follows: BOD = 5 mg/l, and NH<sub>3</sub>-N = 2 mg/l;
  - (ii) Total Suspended Solids: Discharges of total suspended solids (TSS) shall be limited to effluent concentrations of 10 mg/l for trout waters and to 20 mg/l for all other waters;
  - (iii) Emergency Requirements: Failsafe treatment designs shall be employed, including stand-by power capability for entire treatment works, dual train design for all treatment components, or equivalent failsafe treatment designs;
  - (iv) Nutrients: Where nutrient overenrichment is projected to be a concern, appropriate effluent limitations shall be set for phosphorus or nitrogen, or both.
- (5) Old Field Creek (New River Basin): the undesignated portion of Old Field Creek (from its source to Call Creek) shall comply with Paragraph (c) of this Rule in order to protect the designated waters as per Rule .0203 of this Section.
- (6) In the following designated waterbodies, no additional restrictions shall be placed on new or expanded marinas. The only new or expanded NPDES permitted discharges that shall be allowed shall be non-domestic, non-process industrial discharges. The Alligator River Area (Pasquotank River Basin) extending from the source of the Alligator River to the U.S. Highway 64 bridge including New Lake Fork, North West Fork Alligator River, Juniper Creek, Southwest Fork Alligator River, Scouts Bay, Gum Neck Creek, Georgia Bay, Winn Bay, Stumpy Creek Bay, Stumpy Creek, Swann Creek (Swann Creek Lake), Whipping Creek (Whipping Creek Lake), Grapevine Bay, Rattlesnake Bay, The Straits, The Frying Pan, Coopers Creek, Babbitt Bay, Goose Creek, Milltail Creek, Boat Bay, Sandy Ridge Gut (Sawyer Lake) and Second Creek, but excluding the Intracoastal Waterway (Pungo River-Alligator River Canal) and all other tributary streams and canals.
- (7) In the following designated waterbodies, the only type of new or expanded marina that shall be allowed shall be those marinas located in upland basin areas, or those with less than 30 10 slips, having no boats over 21 feet in length and no boats with heads. The only new or expanded NPDES permitted discharges that shall be allowed shall be non-domestic, non-process industrial discharges.
- (A) The Northeast Swanquarter Bay Area including all waters northeast of a line from a point at Lat. 35° 23' 51" and Long. 76° 21' 02" thence southeast along the Swanquarter National Wildlife Refuge hunting closure boundary (as defined by the 1935 Presidential Proclamation) to Drum Point.
  - (B) The Neuse-Southeast Pamlico Sound Area (Southeast Pamlico Sound Section of the Southeast Pamlico, Core and Back Sound Area); (Neuse River Basin) including all waters within an area defined by a line extending from the southern shore of Ocracoke Inlet northwest to the Tar-Pamlico River and Neuse River basin boundary, then southwest to Ship Point.
  - (C) The Core Sound Section of the Southeast Pamlico, Core and Back Sound Area (White Oak River Basin), including all waters of Core Sound and its tributaries, but excluding Nelson Bay, Little Port Branch and Atlantic Harbor at its mouth, and those tributaries of Jarrett Bay that are closed to shellfishing.
  - (D) The Western Bogue Sound Section of the Western Bogue Sound and Bear Island Area (White Oak River Basin) including all waters within an area defined by a line from Bogue Inlet to the mainland at SR 1117 to a line across Bogue Sound from the southwest side of Gales Creek to Rock Point, including Taylor Bay and the

- Intracoastal Waterway.
- (E) The Stump Sound Area (Cape Fear River Basin) including all waters of Stump Sound and Alligator Bay from marker Number 17 to the western end of Permuda Island, but excluding Rogers Bay, the Kings Creek Restricted Area and Mill Creek.
- (F) The Topsail Sound and Middle Sound Area (Cape Fear River Basin) including all estuarine waters from New Topsail Inlet to Mason Inlet, including the Intracoastal Waterway and Howe Creek, but excluding Pages Creek and Futch Creek.
- (8) In the following designated waterbodies, no new or expanded NPDES permitted discharges and only new or expanded marinas with less than 30 10 slips, having no boats over 21 feet in length and no boats with heads shall be allowed.
- (A) The Swanquarter Bay and Juniper Bay Area (Tar-Pamlico River Basin) including all waters within a line beginning at Juniper Bay Point and running south and then west below Great Island, then northwest to Shell Point and including Shell Bay, Swanquarter and Juniper Bays and their tributaries, but excluding all waters northeast of a line from a point at Lat. 35° 23' 51" and Long. 76° 21' 02" thence southeast along the Swanquarter National Wildlife Refuge hunting closure boundary (as defined by the 1935 Presidential Proclamation) to Drum Point and also excluding the Blowout Canal, Hydeland Canal, Juniper Canal and Quarter Canal.
- (B) The Back Sound Section of the Southeast Pamlico, Core and Back Sound Area (White Oak River Basin) including that area of Back Sound extending from Core Sound west along Shackleford Banks, then north to the western most point of Middle Marshes and along the northwest shore of Middle Marshes (to include all of Middle Marshes), then west to Rush Point on Harker's Island, and along the southern shore of Harker's Island back to Core Sound.
- (C) The Bear Island Section of the Western Bogue Sound and Bear Island Area (White Oak River Basin) including all waters within an area defined by a line from the western most point on Bear Island to the northeast mouth of Goose Creek on the mainland, east to the southwest mouth of Queen Creek, then south to green marker No. 49, then northeast to the northern most point on Huggins Island, then southeast along the shoreline of Huggins Island to the southeastern most point of Huggins Island, then south to the northeastern most point on Dudley Island, then southwest along the shoreline of Dudley Island to the eastern tip of Bear Island.
- (D) The Masonboro Sound Area (Cape Fear River Basin) including all waters between the Barrier Islands and the mainland from Carolina Beach Inlet to Masonboro Inlet.
- (9) Black and South Rivers ORW Area (Cape Fear River Basin) [Index Nos. 18-68-(0.5), 18-68-(3.5), 18-68-(11.5), 18-68-12-(0.5), 18-68-12-(11.5), and 18-68-2]; the following management strategies, in addition to the discharge requirements specified in Subparagraph (c)(1) of this Rule, shall be applied to protect the designated ORW areas:
- (A) Stormwater controls described in Subparagraph (c)(1) of this Rule shall apply within one mile and draining to the designated ORW areas;
- (B) New or expanded NPDES permitted wastewater discharges located one mile upstream of the stream segments designated ORW (upstream of the designated mainstem and upstream into direct tributaries to the designated mainstem) shall comply with the following discharge restrictions:
- (i) Oxygen Consuming Wastes: Effluent limitations shall be as follows: BOD = 5 mg/l and NH<sub>3</sub>-N = 2 mg/l;
- (ii) Total Suspended Solids: Discharges of total suspended solids (TSS) shall be limited to effluent concentrations of 20 mg/l;
- (iii) Emergency Requirements: Failsafe treatment designs shall be employed including stand-by power capability for entire treatment works, dual train design for all treatment components, or equivalent failsafe treatment designs;
- (iv) Nutrients: Where nutrient overenrichment is projected to be a concern, appropriate effluent limitations shall be set for phosphorus or nitrogen, or both.
- (v) Toxic substances: In cases where complex discharges (those containing or potentially containing toxicants) may be currently present in the discharge, a safety factor shall be applied to any chemical or whole effluent toxicity allocation. The limit for a specific chemical constituent shall be allocated at one-half of the normal standard at design conditions. Whole effluent toxicity shall be allocated to protect for chronic toxicity at an effluent concentration equal to twice that which is acceptable under flow design criteria (pursuant to 15A NCAC 2B .0206).

Authority G.S. 143-214.1.

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**N**otice is hereby given in accordance with G.S. 150B-21.2 that the NC Marine Fisheries intends to adopt the rules cited above.

5A NCAC 3I .0120; 3J .0110, .0305; 3L .0206; 3M .0515-.0516; O .0111, .0401-.0406, amend the rules cited as 15A NCAC 3H .0103; 3I .0101, .0105-.0106, .0114; 3J .0103-.0104, .0301-.0302; K .0101, .0105-.0106, .0202, .0502; 3L .0201; 3M .0202, .0301, .0501, .0503-.0504, .0507, .0511, .0513; 3O .0101-.0110, .0201, .0301-.0303; and repeal the rules cited as 15A NCAC 3H .0101; O .0304-.0310. Notice of Rule-making Proceedings was published in the Register on January 15, 1999.

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

**Public Hearings** will be conducted at 7:00 p.m. October 4, 1999 at the Beaufort Community College, Washington, NC; October 12, 1999 at the UNCW Science Building, Wilmington, NC; October 19, 1999 at the College of Albemarle, Elizabeth City, NC.

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

**Comment Procedures:** Comments, both written and oral, may be submitted at the three scheduled public hearings. Written comments are encouraged and may be submitted to the MFC, Tamara Gaskill, PO Box 769, Morehead City, NC 28557. These written and oral comments must be received no later than November 1, 1999. Oral presentation lengths may be limited, depending on the number of people that wish to speak at the public hearings.

**Fiscal Impact**

State	Local	Sub. None
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**CHAPTER 3 - MARINE FISHERIES**

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

**SECTION .0100 - GENERAL**

**.0101 IDENTIFICATION INFORMATION**

Authority G.S. 113-134.

**.0103 PROCLAMATION AUTHORITY OF FISHERIES DIRECTOR**

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

- (1) The authority to return confiscated property when satisfied that the owner of such property had no knowledge of the use of the property for illegal purposes pursuant to G.S. 113-137;
- (2) The authority to select license agents pursuant to G.S. 113-151.1;
- (3) The authority to suspend or revoke all licenses pursuant

to G.S. 113-166;

- (4) The authority to grant, renew or terminate shellfish leases pursuant to G.S. 113-202, 113-202.1 and 113-202.2;
- (5) The authority to settle claims of ownership of estuarine bottoms pursuant to G.S. 113-206; and
- (6) The authority to issue Scientific Collecting Permits pursuant to G.S. 113-261;

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

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

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

**SUBCHAPTER 3I - GENERAL RULES**

**SECTION .0100 - GENERAL RULES**

**.0101 DEFINITIONS**

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

(b) The following additional terms are hereby defined:

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

- (A) Seines less than 30 ±2 feet in length;
- (B) Collapsible crab traps, a trap used for taking crabs with the largest open dimension no larger than 18 inches and that by design is collapsed at all times when in the water, except when it is being retrieved from or lowered to the bottom;
- (C) Spears; Spears, Hawaiian slings or similar devices which propel pointed implements by mechanical means, including elastic tubing or bands, pressurized gas or similar means;

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

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

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

- (G) (F) Cast Nets; and Nets:
- (H) Gigs or other pointed implements which are propelled by hand, whether or not the implement remains in the hand.
- (2) Fixed or stationary net. A net anchored or staked to the bottom, or some structure attached to the bottom, at both ends of the net.
  - (3) Mesh Length. The diagonal distance from the inside of one knot to the outside of the other knot, when the net is stretched hand-tight.
  - (4) Possess. Any actual or constructive holding whether under claim of ownership or not.
  - (5) Transport. Ship, carry, or cause to be carried or moved by public or private carrier by land, sea, or air.
  - (6) Use. Employ, set, operate, or permit to be operated or employed.
  - (7) Purse Gill Nets. Any gill net used to encircle fish when the net is closed by the use of a purse line through rings located along the top or bottom line or elsewhere on such net.
  - (8) Gill Net. A net set vertically in the water to capture fish by entanglement by the gills in its mesh as a result of net design, construction, mesh size, webbing diameter or method in which it is used.
  - (9) Seine. A net set vertically in the water and pulled by hand or power to capture fish by encirclement and confining fish within itself or against another net, the shore or bank as a result of net design, construction, mesh size, webbing diameter, or method in which it is used.
  - (10) Internal Coastal Waters or Internal Waters. All coastal fishing waters except the Atlantic Ocean.
  - (11) Channel Net. A net used to take shrimp which is anchored or attached to the bottom at both ends or with one end anchored or attached to the bottom and the other end attached to a boat.
  - (12) Dredge. A device towed by engine power consisting of a frame, tooth bar or smooth bar, and catchbag used in the harvest of oysters, clams, crabs, scallops, or conchs.
  - (13) Mechanical methods for clamming. Includes, but not limited to, dredges, hydraulic clam dredges, stick rakes and other rakes when towed by engine power, patent tongs, kicking with propellers or deflector plates with or without trawls, and any other method that utilizes mechanical means to harvest clams.
  - (14) Mechanical methods for oystering. Includes, but not limited to, dredges, patent tongs, stick rakes and other rakes when towed by engine power and any other method that utilizes mechanical means to harvest oysters.
  - (15) Depuration. Purification or the removal of adulteration from live oysters, clams, and mussels by any natural or artificially controlled means.
  - (16) Peeler Crab. A blue crab that has a soft shell developing under a hard shell and having a definite pink, white, or red line or rim on the outer edge of the back fin or flipper.
  - (17) Length of finfish.
    - (A) Total length is determined by measuring along a straight line the distance from the tip of the snout with the mouth closed to the tip of the compressed caudal (tail) fin.
    - (B) Fork length is determined by measuring along a straight line the distance from the tip of the snout with the mouth closed to the middle of the fork in the caudal (tail) fin.
    - (C) Fork length for billfish is measured from the tip of the lower jaw to the middle of the fork of the caudal (tail) fin.
  - (18) Licensee. Any person holding a valid license from the Department to take or deal in marine fisheries resources.
  - (19) Aquaculture operation. An operation that produces artificially propagated stocks of marine or estuarine resources or obtains such stocks from authorized sources for the purpose of rearing in a controlled environment. A controlled environment provides and maintains throughout the rearing process one or more of the following: predator protection, food, water circulation, salinity, or temperature controls utilizing proven technology not found in the natural environment.
  - (20) Critical habitat areas. The fragile estuarine and marine areas that support juvenile and adult populations of economically important seafood species, as well as forage species important in the food chain. Critical habitats include nursery areas, beds of submerged aquatic vegetation, shellfish producing areas, anadromous fish spawning and anadromous fish nursery areas, in all coastal fishing waters as determined through marine and estuarine survey sampling. Critical habitats are vital for portions, or the entire life cycle, including the early growth and development of important seafood species.
    - (A) Beds of submerged aquatic vegetation are those habitats in public trust and estuarine waters vegetated with one or more species of submerged vegetation such as eelgrass (*Zostera marina*), shoalgrass (*Halodule wrightii*) and widgeongrass (*Ruppia maritima*). These vegetation beds occur in both subtidal and intertidal zones and may occur in isolated patches or cover extensive areas. In either case, the bed is defined by the presence of above-ground leaves or the below-ground rhizomes and propagules together with the sediment on which the plants grow. In defining beds of submerged aquatic vegetation, the Marine Fisheries Commission recognizes the Aquatic Weed Control Act of 1991 (G.S. 113A-220 et. seq.) and does not intend the submerged aquatic vegetation definition and its implementing rules to apply to or conflict with the non-development control activities authorized by that Act.

- (B) Shellfish producing habitats are those areas in which economically important shellfish, such as, but not limited to clams, oysters, scallops, mussels, and whelks, whether historically or currently, reproduce and survive because of such favorable conditions as bottom type, salinity, currents, cover, and cultch. Included are those shellfish producing areas closed to shellfish harvest due to pollution.
- (C) Anadromous fish spawning areas are defined as those areas where evidence of spawning of anadromous fish has been documented by direct observation of spawning, capture of running ripe females, or capture of eggs or early larvae.
- (D) Anadromous fish nursery areas are defined as those areas in the riverine and estuarine systems utilized by post-larval and later juvenile anadromous fish.
- (21) Intertidal Oyster Bed. A formation, regardless of size or shape, formed of shell and live oysters of varying density.
- (22) North Carolina Trip Ticket. Multiple-part form provided by the Department to fish dealers who are required to record and report transactions on such forms.
- (23) Transaction. Act of doing business such that fish are sold, offered for sale, exchanged, bartered, distributed or landed. The point of landing shall be considered a transaction when the fisherman is the fish dealer.
- (24) Live rock. Living marine organisms or an assemblage thereof attached to a hard substrate including dead coral or rock (excluding mollusk shells). For example, such living marine organisms associated with hard bottoms, banks, reefs, and live rock may include, but are not limited to:
- (A) Animals:
- (i) Sponges (Phylum Porifera);
  - (ii) Hard and Soft Corals, Sea Anemones (Phylum Cnidaria):
    - (I) Fire corals (Class Hydrozoa);
    - (II) Gorgonians, whip corals, sea pansies, anemones, Solenastrea (Class Anthozoa);
  - (iii) Bryozoans (Phylum Bryozoa);
  - (iv) Tube Worms (Phylum Annelida):
    - (I) Fan worms (Sabellidae);
    - (II) Feather duster and Christmas tree worms (Serpulidae);
    - (III) Sand castle worms (Sabellaridae).
  - (v) Mussel banks (Phylum Mollusca:Gastropoda);
  - (vi) Colonial barnacles (Arthropoda: Crustacea: Megabalanus sp.).
- (B) Plants:
- (i) Coralline algae (Division Rhodophyta);
  - (ii) Acetabularia sp., Udotea sp., Halimeda sp., Caulerpa sp. (Division Chlorophyta);
  - (iii) Sargassum sp., Dictyopteris sp., Zonaria sp. (Division Phaeophyta).
- (25) Coral:
- (A) Fire corals and hydrocorals (Class Hydrozoa);
  - (B) Stony corals and black corals (Class Anthozoa, Subclass Scleractinia);
  - (C) Octocorals: Gorgonian corals (Class Anthozoa, Subclass Octocorallia):
    - (i) Sea fans (Gorgonia sp.);
    - (ii) Sea whips (Leptogorgia sp. and Lophogorgia sp.);
    - (iii) Sea pansies (Renilla sp.).
- (26) Shellfish production on leases and franchises:
- (A) The culture of oysters, clams, scallops, and mussels, on shellfish leases and franchises from a sublegal harvest size to a marketable size.
  - (B) The transplanting (relay) of oysters, clams, scallops and mussels from designated areas closed due to pollution to shellfish leases and franchises in open waters and the natural cleansing of those shellfish.
- (27) Shellfish marketing from leases and franchises. The harvest of oysters, clams, scallops, mussels, from privately held shellfish bottoms and lawful sale of those shellfish to the public at large or to a licensed shellfish dealer.
- (28) Shellfish planting effort on leases and franchises. The process of obtaining authorized cultch materials, seed shellfish, and polluted shellfish stocks and the placement of those materials on privately held shellfish bottoms for increased shellfish production.
- (29) Pound Net. A fish trap consisting of a holding pen, one or more enclosures, and a lead or leaders. The lead(s), enclosures, and holding pen are not conical, nor are they supported by hoops or frames.
- (30) Educational Institution. A college, university or community college accredited by a regional accrediting institution.
- (31) Long Haul Operations. A seine towed between two boats.
- (32) Swipe Net Operations. A seine towed by one boat.
- (33) Bunt Net. The last encircling net of a long haul or swipe net operation constructed of small mesh webbing. The bunt net is used to form a pen or pound from which the catch is dipped or bailed.
- (34) Responsible party. Person who coordinates, supervises or otherwise directs operations of a business entity, such as a corporate officer or executive level supervisor of business operations and the person responsible for use of the issued license in compliance with applicable laws and regulations.
- (35) New fish dealer. Any fish dealer making application for a fish dealer license who did not possess a valid dealer license for the previous license year in that name or ocean pier license in that name on June 30, 1999. For purposes of license issuance, adding new categories to an existing fish dealers license does not constitute a new dealer.

- (36) Tournament Organizer. The person who coordinates, supervises or otherwise directs a recreational fishing tournament and is the holder of the Recreational Fishing Tournament License.
- (37) Holder. A person who has been lawfully issued in their name a license, permit, franchise, lease, or assignment.
- (38) Recreational Purpose. A fishing activity has a recreational purpose if it is not a commercial fishing operation as defined in G.S. 113-168.
- (39) Recreational Possession Limit. Includes, but is not limited to, restrictions on size, quantity, season, time period, area, means, and methods where take or possession is for a recreational purpose.
- (40) Attended. Being in a vessel, in the water or on the shore immediately adjacent to the gear and immediately available to work the gear and within 100 yards of any gear in use by that person at all times. Attended does not include being in a building or structure.
- (41) Commercial Quota. Total quantity of fish allocated for harvest taken by commercial fishing operations.
- (42) Recreational Quota. Total quantity of fish allocated for harvest taken for a recreational purpose.
- (43) Office of the Division. Physical locations of the Division conducting license transactions in the cities of Wilmington, Washington, Morehead City, Columbia, Wanchese and Elizabeth City, North Carolina. Other businesses or entities designated by the Secretary to issue Recreational Commercial Gear Licenses are not considered Offices of the Division.
- (44) Land:
  - (A) For purposes of trip tickets, when fish reach a licensed seafood dealer, or where the fisherman is the dealer, when the fish reaches the shore or a structure connected to the shore.
  - (B) For commercial fishing operations, when fish reach the shore or a structure connected to the shore.
  - (C) For recreational fishing operations, when fish are retained in possession by the fisherman.
- (45) Master. Captain of a vessel or one who commands and has control, authority, or power over a vessel.
- (46) Regular Closed Oyster Season. The regular closed oyster season occurs from May 15 through October 15, unless amended by the Fisheries Director through proclamation authority.
- (47) Assignment. Temporary transferral to another person of privileges under a license for which assignment is permitted. The person assigning the license delegates the privileges permitted under the license to be exercised by the assignee, but retains the power to revoke the assignment at any time, is still the responsible party for the license.
- (48) Transfer. Permanent transferral to another person of privileges under a license for which transfer is permitted. The person transferring the license retains no rights or interest under the license transferred.

Authority G.S. 113-134; 143B-289.52.

#### **.0105 LEAVING DEVICES UNATTENDED**

- (a) It is unlawful to leave stakes, anchors, nets, buoys, or floating devices in any coastal fishing waters when such devices are not being employed in fishing operations except as otherwise provided by rule or General Statute.
- (b) It is unlawful to leave pots in any coastal fishing waters for more than seven +0 consecutive days, when such pots are not being employed in fishing operations, except upon a timely and sufficient showing of hardship as defined in Subparagraph (b)(2) of this Rule or as otherwise provided by General Statute.
  - (1) Agents of the Fisheries Director may tag pots with a device approved by the Fisheries Director to aid and assist in the investigation and identification of unattended pots. Any such device attached to a pot by agents of the Fisheries Director must be removed by the individual utilizing the pot within seven +0 days of attachment in order to demonstrate that the pot is being employed in fishing operations.
  - (2) For the purposes of Paragraph (b) of this Rule only, a timely and sufficient showing of hardship in a commercial fishing operation shall be written notice given to the Fisheries Director that a mechanical breakdown of the owner's vessel(s) currently registered with the Division of Marine Fisheries licensed under G.S. 113-168.6, H3-152; or the death, illness or incapacity of the owner of the pot or his immediate family prevented or will prevent employing such pots in fishing operations more than seven +0 consecutive days. The notice, specifying the time needed because of hardship, shall be received by the Fisheries Director before any pot is left in coastal fishing waters for seven +0 consecutive days without being employed in fishing operations, and shall state, in addition to the following, the number and specific location of the pots, and the date on which the pots will be employed in fishing operations or removed from coastal fishing waters:
    - (A) in case of mechanical breakdown, the notice shall state the commercial fishing vessel registration number, owner's N.C. motor boat registration number of the disabled vessel, date disabled, arrangements being made to repair the vessel or a copy of the work order showing the name, address and phone number of the repair facility; or
    - (B) in case of the death, illness or incapacity of the owner of the pot or his immediate family, the notice shall state the name of the owner or immediate family member, the date of death, the date and nature of the illness or incapacity. The Fisheries Director may require a doctor's verification of the illness or incapacity.
  - (3) The Fisheries Director may, by proclamation, modify the seven day requirement, if necessary due to hurricanes, severe weather or other variable conditions.

Failure to employ in fishing operations or remove from coastal fishing waters all pots for which notice of hardship is received under this Rule within 14 days of the expiration of the hardship shall be violation of this Rule.

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

Authority G.S. 113-134; 113-137; 113-182; 143B-289.52.

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

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

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

Authority G.S. 113-134; 113-169.3; 113-182; 113-261; 143B-289.52.

#### **.0114 RECORDKEEPING REQUIREMENTS**

(a) It is unlawful for a fish dealer:

- (1) To fail to accurately and legibly complete all mandatory items on the North Carolina trip ticket for each transaction; transaction and submit the trip ticket in accordance with G.S. 113-168.2;
- (2) To fail to provide to the Division a completed no transaction form by the tenth day of the following month when no transactions occurred for a month;
- (3) To fail to keep all trip tickets and all supporting documentation for each transaction including receipts, checks, bills of lading, records and accounts for a period of not less than three years.

(b) It is unlawful for a seller licensed under G.S. 113, Article 14A G.S. 113-153 or G.S. 113-154.1 or donor to fail to provide to the fish dealer, at the time of transaction, the following:

- (1) A current and valid license or permit to sell the type of fish being offered and if a vessel is used, the commercial fishing vessel registration; and A valid endorsement to sell for the fishing operation used to take the fish;
- (2) Complete and accurate information on on, but not limited to, harvest method and area of catch and other information required by the Division, catch;

(c) It is unlawful to transport fish without having ready at hand for inspection a bill of consignment, bill of lading, or other shipping documentation provided by the shipping dealer showing

thereon the name of the consignee, name of the shipper, the date of the shipment, and the quantity of each species of fish shipped. In the event the fisherman taking the fish is also a dealer and ships from the point of landing, all shipping records shall be recorded at the point of landing. Fishermen who transport their fish directly to dealers are exempt from this Paragraph of this Rule.

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

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

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

Authority G.S. 113-134; 113-168.2; 113-168.3; 113-169.3; 113-170; 113-170.3; 113-170.4; 143B-289.52.

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

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

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

Authority G.S. 113-134; 113-170; 113-170.4; 113-170.5; 113-182; 143B-289.52.

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

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

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

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

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

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

(c) It is unlawful to use fixed or stationary gill nets in the

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

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

(d) It is unlawful to use gill nets:

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

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

- (1) No more than two gill nets per boat may be used at any one time;
- (2) Any net used must be attended by the fisherman from a boat who shall at no time be more than 100 yards from either net; and
- (3) Any individual setting such nets shall remove them, when necessary, in sufficient time to permit unrestricted boat navigation.

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

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

Authority G.S. 113-134; 113-173; 113-182; 113-221; 143B-289.52.

#### .0104 TRAWL NETS

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

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

(b) It is unlawful to use trawl nets:

- (1) In internal coastal waters, between one hour after sunset Friday and one hour before sunset on Sunday;
- (2) For the taking of oysters;
- (3) In Albemarle Sound and its tributaries;
- (4) In the areas described in 15A NCAC 3R .0106;
- (5) From December 1 through February 28 from one hour after sunset to one hour before sunrise in the following areas:

(A) In Pungo River north of a line beginning at a point on Wades Point 35° 23' 17" N - 76° 34' 30" W; running 060° (M) to a point on Currituck Point 35° 24' 35" N - 76° 32' 19" W.

(B) In Pamlico River west of a line beginning at a point on the south shore near Fulford Point 35° 19' 52" N - 76° 35' 56" W; running 026° (M) through Flashing Red Marker "1" to a point on Wades Point 35° 23' 17" N - 76° 34' 30" W.

(C) In Bay River west of a line beginning at a point on Maw Point 35° 09' 02" N - 76° 32' 10" W; running 021° (M) through Flashing Green Marker "1" to a point on Bay Point 35° 11' 01" N - 76° 31' 35" W.

(D) In Neuse River west of a line beginning at a point off Cherry Point 34° 56' 17" N - 76° 48' 37" W; running 020° (M) through Flashing Red Marker "9" to a point off Wilkinson Point 34° 57' 58" N - 76° 48' 22" W.

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

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

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

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

identification shall include owner's last name and initials and if a vessel is used, one of the following:

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

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

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

Authority G.S. 113-134; 113-173; 113-182; 113-221; 143B-289.52.

#### .0110 SEINES

It is unlawful to use seines greater than 30 feet in length for recreational purposes unless the net is marked by attaching to the workline one floating buoy, any shade of hot pink in color, which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The owner shall always be identified on the buoy using engraved buoys or by attaching engraved metal or plastic tags to the buoy. Such identification shall include owner's last name and initials and if a vessel is used, one of the following:

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

Authority G.S. 113-134; 113-173; 113-182; 143B-289.52.

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

##### .0301 POTS

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

- (1) From November 1 through April 30, except that all pots, except fish pots upstream of U.S. 17 Bridge across Chowan River and upstream of a line across the mouth of Roanoke, Cashie, Middle and Eastmost Rivers to the Highway 258 Bridge, shall be removed from internal waters from January 24 through February 7. The Fisheries Director may, by proclamation, reopen various waters to the use of pots after January 28 if it is determined that such waters are free of pots.
- (2) From May 1 through October 31, north and east of the Highway 58 Bridge at Emerald Isle:

- (A) In areas described in 15A NCAC 3R .0107(a);
- (B) To allow for the variable spatial distribution of crustacea and finfish, the Fisheries Director may, by proclamation, specify time periods for or designate the areas described in 15A NCAC 3R .0107(b); or any part thereof, for the use of pots.

- (3) From May 1 through October 31 in the Atlantic Ocean and west and south of the Highway 58 Bridge at Emerald Isle in areas and during time periods designated by the Fisheries Director by proclamation.

- (4) Pots attached to the shore or pier may be used year round except during the closed period specified in Subparagraph (a)(1) of this Rule.

(b) It is unlawful to use pots:

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

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

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

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

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

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

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

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

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

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

(j) User Conflicts:

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

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

**.0302 RECREATIONAL USE OF POTS**

- (a) It is unlawful to use pots for recreational purposes unless each pot is marked by attaching one floating buoy, any shade of hot pink in color, which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The owner shall always be identified on the buoy using engraved buoys or by attaching engraved metal or plastic tags to the buoy. Such identification shall include the owner's last name and initials and if a vessel is used, one of the following:
  - (1) Owner's N.C. motor boat registration number, or
  - (2) Owner's U.S. vessel documentation name.
- (b) It is unlawful for a person to use more than one crab pot attached to the shore along privately owned land or to a privately owned pier without possessing a valid Recreational Commercial Gear License.
- (a) Pots may be attached to shore or a pier any time of year with the exception of the closed clean-up period specified in 15A NCAC 3J .0301(a)(1).
- (b) Pots attached to shore or a pier are not required to meet the buoy and identification requirements specified in 15A NCAC 3J .0301(c), but must meet the minimum mesh length and escape ring requirements specified in 15A NCAC 3J .0301(e), (f) and (g).
- (c) The license requirements of GS-113-152 apply if a vessel is used in connection with the use of pots.

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

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

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

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

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

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

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

**SECTION .0100 - SHELLFISH, GENERAL**

**.0101 PROHIBITED SHELLFISH AREAS/ACTIVITIES**

- (a) It is unlawful to possess, sell, or take oysters, clams or mussels from areas which have been designated as prohibited (polluted) by proclamation by the Fisheries Director except as provided in 15A NCAC 3K .0103, .0104, and .0401. The Fisheries Director shall issue such proclamations upon notice by the Division of Environmental Health that duly adopted criteria for approved shellfish harvest areas have not been met. The Fisheries Director may reopen any such closed area upon notification from the Division of Environmental Health that duly adopted criteria for approved shellfish harvest areas have been met. Copies of these proclamations and maps of these areas are available upon request at the Division of Marine Fisheries, 3441 Arendell St., Morehead City, NC 28557; (919) 726-7021.
- (b) The Fisheries Director may, by proclamation, close areas to the taking of oysters, clams, scallops and mussels in order to protect the shellfish populations for management purposes or for public health purposes not specified in Paragraph (a) of this Rule.
- (c) It is unlawful to possess or sell oysters, clams, or mussels taken from polluted waters outside North Carolina.
- (d) It is unlawful to possess or sell oysters, clams, or mussels taken from the waters of North Carolina except as provided in G.S. 113-169.2(i) 3K .0105 (a) (1) and (a) (2) without a harvest tag affixed to each container of oysters, clams or mussels. Harvest tags shall be affixed by the harvester and shall meet the following criteria:
  - (1) Tags shall be identified as harvest tags. They shall be durable for at least 90 days, water resistant, and a minimum of two and five-eighths inches by five and one-fourth inches in size.

- (2) Tags shall be securely fastened to the outside of each container in which shellstock is transported. Bulk shipments in one container and from the same source may have one tag with all required information attached. Harvesters who are also certified shellfish dealers may use only their dealers tag if it contains the required information. The required information shall be included on all lots of shellfish subdivided or combined into market grades or market quantities by a harvester or a certified shellfish dealer.
- (3) Tags shall contain legible information arranged in the specific order as follows:
  - (A) The harvester's name, address and shellfish license or standard commercial fishing license oyster, clam and scallop license shellfish endorsement number.
  - (B) The date of harvest.
  - (C) The most precise description of the harvest location as is practicable (e.g., Long Bay, Rose Bay) that can be easily located by maps and charts.
  - (D) Type and quantity of shellfish.
  - (E) The following statement will appear in bold, capitalized type: "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS".

Authority G.S. 113-134; 113-168.5; 113-169.2; 113-182; 113-221; 143B-289.52.

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

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

- (1) One bushel of oysters per person per day, not to exceed two bushels per vessel per day;
- (2) One hundred clams per person per day, not to exceed two hundred clams per vessel per day;
- (3) One-half bushel of scallops per person per day, not to exceed one bushel per vessel per day;
- (4) (a) It is unlawful for individuals who harvest blue crabs for a recreational purpose to possess more than Fifty (50) blue crabs per person per day not to exceed 100 blue crabs per vessel per day; day.
- (5) Ten conchs per person per day not to exceed twenty conchs per vessel per day;
- (6) One hundred mussels per person per day not to exceed two hundred mussels per vessel per day;

(b) It is unlawful to take crabs or shellfish by mechanical means without having first procured an individual crab license or shellfish license and a vessel license. A vessel license, as required by GS 113-152 for the use of other commercial fishing equipment as defined in 15A NCAC 31-0001(b)(1) is not required for the non-commercial harvest of shellfish in accordance with limits in Paragraph (a) of this Rule:

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

(c) It is unlawful to take oysters or clams on Sundays and scallops on Saturdays and Sundays except:

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

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

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

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

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

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

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

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

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

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

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

(c) This Rule shall not apply to oysters imported from out-of-state solely for shucking by dealers holding a valid license for dealing in oysters and are currently permitted at shucking houses which are currently certified for shucking and packing by the Division of Environmental Health Health, Shellfish Sanitation Section, and which hold a valid dealer-shucker-packer license.

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

### **SECTION .0500 - SCALLOPS**

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

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

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

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

**SECTION .0200 - CRABS**

**.0201 SIZE LIMIT AND CULLING TOLERANCE**

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

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

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

**.0206 PEELER CRABS**

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

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

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

**SUBCHAPTER 3M - FINFISH**

**SECTION .0200 - STRIPED BASS**

**.0301 SPANISH AND KING MACKEREL**

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

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

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

- (1) It is unlawful to possess king mackerel less than 20

inches fork length.

- (2) It is unlawful to possess more than three king mackerel per person per day.

- (3) It is unlawful to possess Spanish mackerel less than 12 inches fork length.

- (4) It is unlawful to possess more than 10 Spanish mackerel per person per day.

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

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

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

(a) King mackerel:

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

- (2) It is unlawful to possess more than three king mackerel per person per day taken by hook-and-line.

(b) (d) Spanish mackerel:

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

- (2) It is unlawful to possess more than 10 Spanish mackerel per person per day taken by hook-and-line.

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

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

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

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

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

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

**SECTION .0500 - OTHER FINFISH**

**.0501 RED DRUM**

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

- (1) Specify areas.
- (2) Specify seasons.
- (3) Specify quantity for fish taken by commercial gear.
- (4) Specify means/methods.
- (5) Specify size for fish taken by commercial gear.
- (b) It is unlawful to possess red drum greater than 27 inches total length.
- (c) It is unlawful to remove red drum from any type of net with the aid of any boat hook, gaff, spear, gig, or similar device.
- (d) It is unlawful to possess red drum less than 18 inches total length: length or greater than 27 inches total length.
- (e) It is unlawful to possess more than one red drum per person per day taken by hook-and-line or for recreational purposes. of which no more than one may be larger than 27 inches total length.
- (f) It is unlawful to possess more than 100 pounds of red drum per vessel per day taken in a commercial fishing operation. by commercial fishing equipment.
- (g) The annual commercial quota (January through December) for red drum is 250,000 pounds. If the quota is projected to be taken, the Fisheries Director shall, by proclamation, prohibit possession of red drum taken in a by commercial fishing operation. equipment:

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

### 503 FLOUNDER

- (a) It is unlawful to possess flounder:
  - (1) Less than 13 inches total length taken from internal waters;
  - (2) Less than 14 inches total length taken from the Atlantic Ocean in a with commercial fishing operation; equipment or by hook-and-line or gig if claiming the exemption specified in Paragraph (f) of this Rule;
  - (3) Less than 15 inches total length taken from the Atlantic Ocean for recreational purposes. by hook-and-line or gig;
- (b) From October 1 through April 30, it shall be unlawful to use a trawl in the Atlantic Ocean within three miles of the ocean beach from the North Carolina/Virginia state line (35° 33' N) to Cape Lookout (34° 36' N) unless each trawl has a mesh length of 5 1/2 inches or larger diamond mesh (stretched) or 6 inches or larger square mesh (stretched) applied throughout the body, extension(s) and the cod end (tailbag) of the net except as provided in Paragraphs (h) and (i) of this Rule.
- (c) License to Land Flounder from the Atlantic Ocean:
  - (1) It is unlawful to land more than 100 pounds per trip of flounder taken from the Atlantic Ocean unless the owner of the vessel or in the case of Land or Sell Licenses, the responsible party, vessel has been issued a License to Land Flounder from the Atlantic Ocean and the vessel in use is the vessel specified on the License to Land Flounder from the Atlantic Ocean.
  - (2) It is unlawful for a fish dealer to purchase or offload more than 100 pounds of flounder taken from the

Atlantic Ocean by a vessel whose owner, or in the case of Land or Sell Licenses, the responsible party, that has not first procured a valid North Carolina License to Land Flounder from the Atlantic Ocean and the vessel in use is the vessel specified on the License to Land Flounder from the Atlantic Ocean. Ocean.

- (3) It is unlawful for any person to land flounder from the Atlantic Ocean under a License to Land Flounder from the Atlantic Ocean unless that person is the holder of the license or the master designated on the license.
- (3) To qualify for a North Carolina License to Land Flounder from the Atlantic Ocean, a vessel shall have:
  - (A) been G. S. 113-152 or 113-153 during any two of the 1992-93, 1993-94, or 1994-95-1994-95, 1995-96, or 1996-97 license years; and
  - (B) landed in North Carolina at least 1,000 pounds of flounder each year from the Atlantic Ocean during any two of the 1992-93, 1993-94, or 1994-95-1994-95, 1995-96, or 1996-97 license years for which the vessel was licensed to land in North Carolina.
- (4) At least 10 days prior to issuance, applicants for the license shall complete an application form provided by the Division of Marine Fisheries and submit it to the North Carolina Division of Marine Fisheries, Post Office Box 769, 3441 Arendell Street, Morehead City, North Carolina 28557. The following information is required:
  - (A) Valid documentation papers or current motor boat registration or copy thereof;
  - (B) Proof of required licenses and flounder landings data for that vessel during the years the vessel was licensed.
- Licenses shall be issued to qualifying vessels at no fee and only from the Morehead City Office of the Division of Marine Fisheries.
- (5) Licenses may only be transferred:
  - (A) with the transfer of the ownership of a vessel holding a License to Land Flounder from the Atlantic Ocean to the new owner of that vessel; or
  - (B) by the owner of a vessel to another vessel under the same ownership. The vessel owner is only eligible for the same number of Licenses to Land Flounder from the Atlantic Ocean for which his boats qualify;
- (6) Any transfer of license under this Paragraph must be facilitated through the Division of Marine Fisheries Morehead City Office only.
- (4)(7) It is unlawful for any individual to land flounder from the Atlantic Ocean without having ready at hand for inspection a valid License to Land Flounder from the Atlantic Ocean, except as specified in Subparagraph (c)(1) of this Rule.
- (8) Suspension or Revocation:
  - (A) A License to Land Flounder from the Atlantic Ocean issued under this Rule shall be subject to

suspension or revocation pursuant to the provisions of 15A NCAC 3P, except that this license shall be subject to revocation pursuant to the provisions of G.S. 113-171-113-166 when the licensee is convicted of a criminal offense within the jurisdiction of the Department under the provisions of Subchapter IV of G.S. 113, or of the rules of the Marine Fisheries Commission adopted under the authority of that Subchapter.

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

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

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

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

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

(g) Tailbag liners of any mesh size, the multiple use of two or more cod ends, or other netting material that in any way could restrict the legal size mesh required by this Rule, shall not be used or possessed on the deck of a vessel in the Atlantic Ocean from October 1 through April 30 from the North Carolina/Virginia state line (36° 33' N) to Cape Lookout (34° 36' N).

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

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

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

(j) Commercial Season.

(1) The North Carolina season for landing ocean-caught flounder shall open January 1 each year. If 70 percent of the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder is projected to be taken, the Fisheries Director shall, by proclamation, close North Carolina ports to landing of flounder taken from the ocean.

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

(3) During any closed season prior to November 1, vessels may land up to 100 pounds of flounder per trip taken from the Atlantic Ocean.

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

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

#### .0504 TROUT

(a) Spotted seatrout (speckled trout).

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

(b) Weakfish (gray trout).

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

Commission Weakfish Management Plan, impose any or all of the following restrictions on the taking of weakfish by ~~hook-and-line~~: hook-and-line or for recreational purposes:

- (A) Specify quantity.
- (B) Specify size.

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

#### .0507 BILLFISH

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

- (1) It is unlawful to possess blue marlin less than 96 99 inches in length from the lower jaw to the fork in the tail.
- (2) ~~It is unlawful to possess white marlin less than 66 inches in length from the lower jaw to the fork in the tail.~~
- (3) ~~It is unlawful to possess more than one blue or white marlin in the aggregate per vessel per trip.~~
- (4) ~~It is unlawful to sell or offer for sale blue or white marlin.~~
- (2) It is unlawful to possess more than one blue marlin per person per day.

(b) White marlin:

- (1) ~~It is unlawful to possess white marlin less than 66 inches in length from the lower jaw to the fork in the tail.~~
- (2) It is unlawful to possess more than one white marlin per person per day.

(c) Sailfish:

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

- (1) It is unlawful to possess sailfish less than 63 57 inches in length from the lower jaw to the fork in the tail.
- (2) It is unlawful to possess more than one sailfish per person per day.
- (3) ~~It is unlawful to sell or offer for sale sailfish.~~

(d) Cobia:

- (1) It is unlawful to possess cobia less than 33 inches fork length taken by ~~hook-and-line~~.
- (2) It is unlawful to possess more than two cobia per person per day taken by ~~hook-and-line~~.

(e) Dolphin:

- (1) It is unlawful to possess more than 10 dolphin per person per day.
- (2) Exemptions:
  - (A) ~~Charter vessels with a valid National Marine Fisheries Service Charter Vessel Coastal Migratory Pelagic Permit and licensed by the U.S. Coast Guard to carry six or less passengers for hire, may possess a maximum of 60 dolphin per day regardless of the number of people on board.~~
  - (B) Vessels with a valid commercial National Marine Fisheries Service Federal Coastal Migratory Pelagic Permit including charterboats when

~~fishing with three or less persons (including captain and mate) on board are exempt from the creel limits set out in Subparagraph (c)(1) of this Rule.~~

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

#### .0511 BLUEFISH

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

(1) Taken by a commercial fishing operation:

- (1) (a) Specify size;
- (2) (b) Specify seasons;
- (3) (c) Specify areas;
- (4) (d) Specify quantity;
- (5) (e) Specify means/methods; and
- (6) (f) Require submission of statistical and biological data.

(2) Taken for recreational purposes:

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

- (1) (a) Specify size;
- (2) (b) Specify quantity.

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

#### .0513 RIVER HERRING AND SHAD

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

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

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

(6) Require submission of statistical and biological data.

(b) The annual commercial quota (calendar year) for river herring in the Albemarle Sound Herring Management Area shall be 450,000 pounds to be allocated as follows:

- (1) 300,000 pounds to the pound net fishery for the Chowan River Herring Management Area;
- (2) 100,000 pounds to the Albemarle Sound Herring Management Area gill net fishery; and
- (3) 50,000 pounds to be allocated at the discretion of the Fisheries Director.

(c) For the purpose of this Rule, the Albemarle Sound Herring Management Area is defined as Albemarle Sound and all its joint water tributaries; Currituck Sound; Roanoke and Croatan sounds and all their joint water tributaries, including Oregon Inlet, north of a line from Roanoke Marshes Point 35° 48' 12" N - 75° 43' 06" W, running 122° (M) across to the north point of Eagles Nest Bay 35° 44' 12" N - 75° 31' 09" W.

(d) For the purpose of this Rule, the Chowan River Herring Management Area is defined as that area northwest of a line from Black Walnut Point 36° 00' 00" N - 76° 41' 00" W; running 040° (M) to Reedy Point 36° 02' 12" N - 76° 39' 20" W, to the North Carolina/Virginia state line; including the Meherrin River.

(e) It is unlawful to take American shad and hickory shad by any method except hook-and-line from April 15 through December 31.

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

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

#### **.0515 DOLPHIN**

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

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

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

#### **.0516 COBIA**

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

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

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

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

## **FRANCHISES**

### **SECTION .0100 - LICENSES**

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

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

- (1) Full name, physical address, mailing address, date of birth, and signature of the licensee on the application. If the licensee is not appearing before a license agent or a representative of the Division, the licensee's signature on the application must be notarized;
  - (2) Picture identification of licensee or responsible party; acceptable forms of picture identification are driver's license, state identification card, military identification card, resident alien card (green card) or passport or if purchased by mail, a copy thereof;
  - (3) Certification that the applicant does not have four or more marine or estuarine resource violations during the previous three years;
  - (4) Valid documentation papers or current motor boat registration or copy thereof when purchasing a commercial fishing vessel registration. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted;
  - (5) Current articles of incorporation and a current list of corporate officers when purchasing a license or commercial fishing vessel registration in a corporate name;
  - (6) If a partnership is established by a written partnership agreement, a current copy of such agreement shall be provided when purchasing a license, endorsement or commercial fishing vessel registration in a partnership name;
  - (7) For nonresidents, certification of the state of residency;
  - (8) In addition to the information required in G.S. 113-169.4, linear length of pier when purchasing an Ocean Fishing Pier License;
  - (9) In addition to the information required in G.S. 113-171.1, current aircraft registration and list of operator(s) when purchasing a Spotter Plane License;
  - (10) In addition, for fish dealers licenses, the physical address of the established location where business is conducted and, if different, the address where records are kept.
- (b) To obtain a License to Land Flounder from the Atlantic Ocean:
- (1) To qualify for a License to Land Flounder from the

Atlantic Ocean, the applicant shall:

- (A) have landed in North Carolina at least 1,000 pounds of flounder from a single vessel each year from the Atlantic Ocean during any two of the 1992-93, 1993-94, 1994-95 license years for which the person had a vessel that was licensed to land in North Carolina; and
- (B) have been licensed under G.S. 113-152 or G.S. 113-153 during any two of the 1992-93, 1993-94, or 1994-95 license years; and
- (C) hold a valid Standard or Retired Commercial Fishing License or valid Land or Sell License.
- (2) It is lawful for a person to hold Licenses to Land Flounder from the Atlantic Ocean equal to the number of vessels that he owns that individually met the eligibility requirements of Parts (b)(1)(A) and (b)(1)(B) of this Rule.
- (3) The License to Land Flounder from the Atlantic Ocean is only valid when used on the vessel specified at the time of license issuance.
- (4) At the time of issuance, the applicant for the License to Land Flounder from the Atlantic Ocean shall specify the name of the master of the vessel for each License to Land Flounder from the Atlantic Ocean issued.
- (5) Applicants for a License to Land Flounder from the Atlantic Ocean shall complete an application form provided by the Division of Marine Fisheries and submit it to the Morehead City Office of the Division of Marine Fisheries for processing.
- (6) It is unlawful for the holder of the License to Land Flounder from the Atlantic Ocean to fail to notify the Morehead Office of the Division of Marine Fisheries within five days of change as to the master identified on the license.
- (7) Licenses to Land Flounder from the Atlantic Ocean are issued for the current license year and expire on June 30.

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

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

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

- (1) Full name, physical address, mailing address, date of

birth, and signature of the responsible party or master for the vessel on the license application. If the licensee is not appearing before a representative of the Division, the licensee's signature on the application must be notarized on the application:

- (2) Pictured identification of responsible party or master; acceptable forms of picture identification are driver's license, state identification card, military identification card, or passport or if applying by mail, a copy thereof:
- (3) Valid documentation papers or current motor boat registration or copy thereof when purchasing a commercial fishing vessel registration. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted.

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

(e) Proof of residency in North Carolina for:

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

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

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

(h) Licenses are available at Offices of the Division or by mail from the Morehead City Office, unless otherwise specified. In addition, Recreational Commercial Gear Licenses are available at

Wildlife Service Agents who have been designated as agents of the Department.

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

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

- (1) Willingness to attend annual training seminars conducted at the Division field offices;
- (2) Demonstrated ability, either through past performance or through present capabilities, to maintain an accurate accounting of licenses and funds received from the sale of licenses; and
- (3) That no two license agents be located within a 10 mile radius.

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

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

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

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

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

**.0102 RECREATIONAL FISHING TOURNAMENT**

**LICENSE TO SELL FISH**

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

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

(c) It is unlawful for a licensed recreational fishing tournament organizer to fail to accurately and legibly complete and file within 30 days after the last day of the tournament a North Carolina Recreational Fishing Tournament Disposition of Proceeds from the Sale of Fish Form provided by the Division.

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

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

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

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

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

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

(f) Vessel owners from states which have reciprocal land or sell agreements with North Carolina may land fish taken outside North

Carolina waters without purchasing a land or sell license as required by G.S. 113-153. A vessel endorsement to sell fish with an endorsement card at the established fee based on vessel length is required to sell fish in North Carolina.

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

Authority G.S. 113-134; 113-168.4; 143B-289.52.

#### .0103 AUXILIARY VESSELS

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

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

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

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

(b) Persons in possession of a shucker-packer (oyster, scallop or clam), crab processor, shrimp processor, or finfish processor license may also operate a dehydrating plant for the species group for which the processor license has been secured. Dehydration of

any species for which a processor license has not been issued will require an unprocessed finfish dealer license.

(c) Any person dealing in fish not included in the categories of Paragraph (a) and (b) of this Rule must secure the appropriate finfish (unprocessed or processor) dealer's license.

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

#### .0104 COMMERCIAL UNLOADING OF FISH

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

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

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

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

Authority G.S. 113-168.1; 113-168.2; 113-168.4; 113-169; 113-169.5; 143B-289.52.

#### .0105 BAIT DEALERS

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

Authority G.S. 113-134; 113-169.3; 143B-289.52.

#### .0106 DISPLAY OF LICENSES

(a) It is unlawful:

- (1) For any person to use a vessel required to be registered under the provisions of G.S. 113-168.6 in a commercial fishing operation without a current commercial fishing vessel registration decal mounted on an exterior surface so as to be plainly visible when viewed from the port side;
- (2) To display any commercial fishing vessel registration decal not issued for the vessel displaying it.

(b) It is unlawful to fail to display any fish dealer's licenses required by G.S. 113-169.3 and ocean fishing pier license required

by G.S. 113-169.4 in prominent public view in each location subject to licensing.

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

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

Authority G.S. 113-168.6; 113-169.3; 113-169.4; 143B-289.52.

#### .0107 LOST LICENSE REPLACEMENT

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

(a) It is unlawful:

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

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

Authority G.S. 113-134; 113-168.1; 113-168.6; 113-169.4; 113-173; 143B-289.52.

#### .0108 LICENSE TRANSFERS

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

- (1) with the transfer of the ownership of a vessel that the licensee owns that individually met the eligibility requirements of 15A NCAC 30 .0101 (b) (1) (A) and (b) (1) (B) to the new owner of that vessel. Transfer of the License to Land Flounder from the Atlantic Ocean transfers all flounder landings from the Atlantic Ocean associated with that vessel; or
- (2) by the owner of a vessel to another vessel under the same ownership.

Any transfer of license under this Paragraph may only be processed through the Division of Marine Fisheries Morehead City Office and no transfer is effective until approved and processed by the Division.

(b) Commercial Fishing Vessel Registration Transfer. When transferring ownership of a vessel bearing a current commercial fishing vessel registration, the new owner will follow the requirements in 15A NCAC 30 .0101 and pay a replacement fee of ten dollars (\$10.00) for a replacement commercial fishing vessel registration. The new owner must submit a form provided by the

Division with the signatures of the former licensee and the signature of the new licensee notarized.

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

- (1) A Standard or Retired Standard Commercial Fishing License may only be transferred if both the transferor and the transferee have no current suspensions or revocations of any Marine Fisheries license privileges.
- (2) License eligibility privileges accruing to any individual, such as historic landings or participation in a fishery, shall be assigned by the Division to a specific Standard or Retired Standard Commercial Fishing License held by that individual. At the time of the transfer of a Standard or Retired Standard Commercial Fishing License, the transferor must indicate the extent of the retainment or transfer of the landings history associated with that Standard or Retired Standard Commercial Fishing License. transferor's license eligibility privileges in a particular fishery, if any. The transferor may retain a landings history residual license eligibility privileges only if the transferor holds an additional Standard or Retired Standard Commercial Fishing License. Transfer of a landings history is all or none.
- (3) To transfer a Standard or Retired Standard Commercial Fishing License, the following information is required:
  - (A) information on the transferee as set out in 15A NCAC 30 .0101;
  - (B) notarization of the current license holder's and the transferee's signatures on a transfer form provided by the Division; and
  - (C) when the transferee is a non-resident, a written certified statement from the applicant listing any violations involving marine and estuarine resources during the previous three years.
  - (D) when the transferor is retiring from commercial fishing, the transferor must submit evidence showing that such retirement has in fact occurred, for example, evidence of the transfer of all licensee's Standard Commercial Fishing Licenses, sale of all the licensee's registered vessels, or discontinuation of any active involvement in commercial fishing.

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

- (4) The Standard or Retired Standard Commercial Fishing License which is being transferred must be surrendered to the Division at the time of the transfer application.
- (5) Fees:
  - (A) Transferee must pay a replacement fee of ten dollars (\$10.00).
  - (B) Transferee must pay the differences in fees as specified in G.S. 113-168.2 (c) or G.S. 113-168.3 (b) when the transferee who is a non-resident is being transferred a resident Standard or Retired Standard Commercial Fishing License.
  - (C) Transferee must pay the differences in fees as

specified in G.S. 113-168.2 (e) when the license to be transferred is a Retired Standard Commercial Fishing License and the transferee is less than 65 years old.

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

(A) Only when the deceased licensee's immediate surviving family member(s) is eligible to hold the deceased's Standard Commercial Fishing License or Retired Standard Commercial Fishing License, the Administrator/Executor must give written notification within six months after the Administrator/Executor qualifies under G. S. 28A to the Morehead City Office of the Division of Marine Fisheries of the request to transfer the deceased's license to the estate Administrator/Executor.

(B) A transfer to the Administrator/Executor will be made according to the provisions of Subparagraphs (c) (2) - (c) (4) of this Rule. The Administrator/Executor must provide a copy of the deceased licensee's death certificate, a copy of the certificate of administration and a list of eligible immediate family members to the Morehead City Office of the Division of Marine Fisheries.

(C) The Administrator/Executor may only transfer a license in the Administrator/Executor name on behalf of the estate to a eligible surviving family member. The surviving family member transferee may only transfer the license to a third party purchaser of the deceased licensee's fishing vessel. Transfers will be made according to the provisions of Subparagraphs (c) 2 - (c) (4) of this Rule.

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

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

Authority G.S. 113-134; 113-168.1; 113-168.2; 113-168.3; 113-168.6; 143B-289.52.

**.0109 ASSIGNMENT OF SCFL**

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

- (1) assignment form is properly completed;
  - (2) signatures of the current license holder and the assignee are notarized; and
  - (3) assignee has in their possession the original actual Standard Commercial Fishing License with endorsements of the current license holder.
- (h) Assignments terminate when:
- (1) date specified on the assignment form is reached; or
  - (2) licensee or assignee are determined ineligible for a license or assignment; or
  - (3) Division receives a notarized statement from the current license holder stating a revised date for an earlier assignment termination; or
  - (4) upon the licensee or assignee's death; or
  - (5) the Standard Commercial Fishing License expires.

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

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

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

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

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

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

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

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

Authority G.S. 113-134; 113-168.1; 113-168.2; 113-168.5; 143B-289.52.

#### .0110 LICENSE REFUNDS

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

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

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

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

#### .0111 SURRENDER OF LICENSES

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

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

Authority G.S. 113-134; 113-171; 143B-289.52.

### SECTION .0200 - LEASES AND FRANCHISES

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

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

(1) Meet the following standards in addition to the standards in G.S. 113-202 in order to be deemed suitable for leasing for shellfish purposes:

- (A) The lease area must not contain a natural shellfish bed which is defined as 10 bushels or more of shellfish per acre.
- (B) The lease area must not be closer than 100 feet to a developed shoreline. In an area bordered by undeveloped shoreline, no minimum setback is required. When the area to be leased borders the applicant's property or borders the property of riparian owners who have consented in a

notarized statement, the Secretary may reduce the distance from shore required by this Rule.

- (C) Unless the applicant can affirmatively establish a necessity for greater acreage through the management plan that is attached to the application and other evidence submitted to the Secretary, the lease area shall not be less than one-half acre and shall not exceed:
  - (i) 10 acres for oyster culture;
  - (ii) 5 acres for clam culture; or
  - (iii) 5 acres for any other species.

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

- (2) Produce and market 25 bushels of shellfish per acre per year to meet the minimum commercial production requirement or plant 25 bushels of cultch or seed shellfish per acre per year to meet commercial production by planting effort. Planting effort shall be considered in lieu of commercial production for five consecutive years beginning March 1, 1994, or for the first five consecutive years for any lease granted after March 1, 1994.

(A) Only shellfish planted, produced or marketed according to the definitions in 15A NCAC 31 .0101 (26), (27) and (28) shall be submitted on production/utilization forms for shellfish leases and franchises.

(B) If more than one shellfish lease or franchise is used in the production of shellfish, one of the leases or franchises used in the production of the shellfish must be designated as the producing lease or franchise for those shellfish. Each bushel of shellfish may be produced by only one shellfish lease or franchise. Shellfish transplanted between leases or franchises may be credited as planting effort on only one lease or franchise.

(C) Production and marketing information and planting effort information are compiled and averaged separately to assess compliance with the standards. The lease or franchise must meet either the production requirement or the planting effort requirement within the dates set forth to be judged in compliance with these standards.

(D) In determining production and marketing averages and planting effort averages for information not reported in bushel measurements, the following conversion factors shall be used:

- (i) 300 oysters, 400 clams, or 400 scallops equal one bushel;
- (ii) 40 pounds of scallop shell, 60 pounds of oyster shell, 75 pounds of clam shell and 90 pounds of fossil stone equal one bushel.

(E) In the event that a portion of an existing lease or franchise is obtained by a new owner, the

production history for the portion obtained shall be a percentage of the originating lease or franchise production equal to the percentage of the area of lease or franchise site obtained to the area of the originating lease or franchise.

(F) All bushel measurements shall be in U.S. Standard Bushels.

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

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

(d) Water column leases must produce and market 100 bushels of shellfish per acre per year to meet the minimum commercial production requirement or plant 100 bushels of cultch or seed shellfish per acre per year as determined by Division biologists to meet commercial production by planting effort. Planting effort shall be considered in lieu of commercial production for five consecutive years beginning March 1, 1994, or for the first five consecutive years for any lease granted after March 1, 1994. The rules for determining production and marketing averages and planting effort averages shall be the same for water column leases as for bottom leases and franchises set forth in Paragraph (a) of this Rule.

Authority G.S. 113-134; 113-201; 113-202; 113-202.1; 113-202.2; 143B-289.4.

## SECTION .0300 - LICENSE APPEAL PROCEDURES

### .0301 ELIGIBILITY FOR RECREATIONAL COMMERCIAL GEAR LICENSES

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

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

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

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

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

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

Authority G.S. 113-134; 113-170.4; 113-173; 113-221; 143B-89.52.

### .0302 AUTHORIZED GEAR

(a) The following are the only commercial fishing gear

authorized (including restrictions) for use under a valid Recreational Commercial Gear License:

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

(2) With or without a vessel, gigs or other pointed implements which are propelled by hand, whether or not the implement remains in the hand;

(1) (3) One seine 30 feet or over in length with a mesh length less than 2 1/2 inches, pulled by hand. Mechanical methods for using the seine are not authorized for recreational purposes;

(2) (4) One shrimp trawl with a headrope not exceeding 26 feet in length per vessel. Mechanical methods for retrieving the trawl are not authorized for recreational purposes;

(3) (5) With or without a vessel, five eel, fish, shrimp, or crab pots in any combination, except only two pots of the five may be eel pots. Peeler pots are not authorized for recreational purposes;

(4) (6) One multiple hook or multiple bait trotline up to 100 feet in length; and

(5) (7) Gill Nets:

(A) Not more than 100 yards of gill nets with a mesh length equal to or greater than 2 1/2 inches. Attendance is required at all times;

(B) Not more than 100 yards of gill nets with a mesh length equal to or greater than 5 1/2 inches. Attendance is required when used from one hour after sunrise through one hour before sunset; and

(C) Not more than 100 yards of gill net may be used at any one time.

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

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

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

The Appeals Panel will hold regular meetings and quarterly meetings:

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

(2) The Appeals Panel may conduct its quarterly meetings

in conjunction with the quarterly meetings of the Marine Fisheries Commission.

- (3) Oral presentations of arguments and evidence may be considered by the Appeals Panel in rendering its decision in accordance with the following provisions:
  - (a) Answers, by persons other than legal counsel, to questions asked by Appeals Panel members during regular meetings and quarterly meetings shall be evidence;
  - (b) Oral arguments will only be heard at the quarterly Appeals Panel Meetings. Oral arguments shall not exceed 15 minutes per party. The time provided for argument may be shortened if the Chair determines a shorter time is necessary to dispose of all other matters on the Panel's agenda;
  - (c) Information presented in an oral argument is not evidence and shall not be included in the official record; and
  - (d) The Division of Marine Fisheries shall make tape recordings of all oral arguments and presentations.

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

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

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

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

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

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

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

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

- (1) Petitions that do not contain the following items shall be returned to the petitioner without being processed:
  - (A) A completed Appeals License Application;

- (B) A statement of the license(s) being requested;
- (C) Where a vessel license is requested, a copy of the registration/documentation information which identifies the vessel;
- (D) The petitioner's notarized signature; and
- (E) Where petitioners are not residents of North Carolina, certification from the fisheries agency of their resident state or jurisdiction showing, for the time period beginning July 1, 1991 to the present, all licenses held and any violations or convictions entered against them, or the lack thereof.

(2) In addition, a petition shall include:

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

(3) A petition may be accompanied by:

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

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

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

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

(f) Any reply to the Division of Marine Fisheries recommendation must be filed with the Division of Marine

Fisheries within 10 days after the recommendation is served. The petition shall not be processed until the petitioner provides an original and four copies of the reply and supporting information.

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

**.0304 CONSIDERATION OF APPEAL PETITIONS**

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

**.0305 EMERGENCY LICENSES**

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

**.0306 HARDSHIP LICENSES**

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

**.0307 APPEALS PANEL FINAL DECISION**

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

**.0308 OFFICIAL RECORD**

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

**.0309 REASONS FOR REVOCATION**

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

**.0310 TEMPORARY EMERGENCY VESSEL CRAB LICENSES**

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

**SECTION .0400 - STANDARD COMMERCIAL LICENSE ELIGIBILITY**

**.0401 ELIGIBILITY BOARD**

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

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

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

**.0402 APPLICATION PROCESS**

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

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

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

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

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

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

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

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

**.0403 ELIGIBILITY BOARD REVIEW**

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

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

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

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

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

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

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

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

#### **.0404 ELIGIBILITY CRITERIA**

In determining eligibility of an application for the Standard Commercial Fishing License Eligibility Pool, the Eligibility Board shall apply the following criteria:

(1) Involvement in Commercial Fishing:

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

spouse, children, grandparents or legal guardian.

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

(2) Compliance with Applicable Laws and Regulations:

- (a) The applicant shall not have any licenses, endorsements or commercial fishing vessel registrations issued by the Division of Marine Fisheries or the right to hold such under suspension or revocation at the time of application or during the eligibility review; or
- (b) If selected for the Standard Commercial Fishing License Eligibility Pool, the applicant shall become ineligible for the Standard Commercial Fishing License Eligibility Pool if any licenses, endorsements or registrations or the right to hold such issued by the Division of Marine Fisheries are suspended or revoked; or
- (c) Four convictions within the last three years or the number of convictions which would cause suspension or revocation of license, endorsement, or registration within the last three years shall result in the application being denied; or
- (d) A record of habitual violations evidenced by eight or more convictions in the last 10 years shall result in the application being denied;
- (e) For purposes of eligibility for the Standard Commercial Fishing License Eligibility Pool, the term convictions shall include but not be limited to any conviction for violation of any provision of G.S. 113 and any rule implementing or authorized by such statutes; any conviction for violation of G.S. 76-40 and any rule implementing or authorized by such statute; any conviction of G.S. 75A and any rule implementing or authorized by such statutes; any conviction for violation of any provision of Article 7 of G.S. 143B and any rule implementing or authorized by such statutes; any conviction of resist, obstruct, or delay involving a Marine Patrol Officer or Wildlife Officer under G.S. 14-223; and any conviction involving assaultive behavior toward a Marine Patrol Officer or other governmental official of the Department of Environment and Natural Resources or the Wildlife Commission;
- (f) Applicants for the Standard Commercial Fishing License Eligibility Pool must provide certification that the applicant does not have four

or more marine or estuarine resource violations during the previous three years.

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

Authority G.S. 113-134; 113-168.1; 113-168.2; 143B-289.52; S.L. 1998-225, s. 5.2.

#### .0405 APPLICATION DOCUMENTATION

##### Documentation for applications:

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

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

#### .0406 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY POOL CERTIFICATION

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

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

receive a notice from the Division.

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

\*\*\*\*\*

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Water Treatment Facility Operators Certification Board intends to amend rules cited as 15A NCAC 18D .0201, .0203, .0205 - .0206, .0304, .0307 - .0309, .0403, .0701; and repeal rule cited as 15A NCAC 18D .0305. Notice of Rule-making Proceedings was published in the Register on June 1, 1999.

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

**A Public Hearing** will be conducted at 10:00 a.m. until 12:00 noon on September 30, 1999 at the Archdale Building, Ground Floor Hearing Room, 512 N. Salisbury Street, Raleigh, NC.

**Reason for Proposed Action:** The 1997 Reauthorization of the Safe Drinking Act. This reauthorization will require all community and non-community water systems to be staffed with certified operators. It will also require that all certified operators undergo training during their renewal cycle. Failure to comply with the guidelines established by the EPA to assist states in compliance with the reauthorization will result in states having to revert 20% of their state revolving fund grants. In North Carolina's case, this will amount to approximately 2.5 million dollars per year. The proposed changes will keep North Carolina in compliance with the guidelines mentioned above.

**Comment Procedures:** Comments will be accepted through October 15, 1999 by John McFadyen, Chairman of the North Carolina Water Treatment Facility Operators Certification Board, PO Box 29595, Raleigh, NC 27626-0595; Phone (919) 715-3225.

##### Fiscal Impact

State	Local Sub.	None
✓	✓	

#### CHAPTER 18 - ENVIRONMENTAL HEALTH

##### SUBCHAPTER 18D - WATER TREATMENT FACILITY OPERATORS

##### SECTION .0200 - QUALIFICATION OF APPLICANTS AND CLASSIFICATION OF FACILITIES

##### .0201 GRADES OF CERTIFICATION

Applicants for the various grades of certification shall meet the following educational and experience requirements:

- (1) GRADE A-SURFACE shall have one year acceptable experience at a surface water facility while holding a Grade B-Surface certificate and have satisfactorily completed an A-Surface school conducted by the Board.
- (2) GRADE B-SURFACE shall:
  - (a) Be a college graduate with a bachelor's degree in

the physical or natural sciences or be a graduate of a two year technical program with a diploma in water and wastewater technology, and have six months of acceptable experience at a surface water facility, or

- (b) Have one year of acceptable experience at a surface water facility while holding a Grade C-Surface certificate and have satisfactorily completed a B-Surface school conducted by the Board.

(3) GRADE C-SURFACE shall:

- (a) Be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two year technical program with a diploma in water and wastewater technology, and have six months of acceptable experience at a surface water facility, or
- (b) Be a high school graduate or equivalent, have six months acceptable experience at a surface water facility and have satisfactorily completed a C-Surface school conducted by the Board.

(4) GRADE A-WELL shall have one year of acceptable experience at a well water facility while holding a Grade B-Well certificate and have satisfactorily completed an A-Well school conducted by the Board.

(5) GRADE B-WELL shall:

- (a) Be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two year technical program with a diploma in water and wastewater technology, and have six months of acceptable experience at a well water facility, or
- (b) Have one year of acceptable experience at a well water facility while holding a Grade C-Well certificate and have satisfactorily completed a B-Well school conducted by the Board.

(6) GRADE C-WELL shall:

- (a) Be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two year technical program with a diploma in water and wastewater technology, and have six months of acceptable experience at a well water facility, or
- (b) ~~Have six months of acceptable experience at a well water facility and have satisfactorily completed a C-Well school conducted by the Board, or~~ Be a high school graduate or equivalent, have six months of acceptable experience at a well water facility, and have satisfactorily completed an approved C-Well school conducted by the Board, or
- (c) Have one year of acceptable experience at a well water facility and have satisfactorily completed an approved C-Well school conducted by the Board, or

- (c)(d) Hold a Grade A-SURFACE A-Surface

certification and have satisfactorily completed an approved C-Well school conducted by the Board.

(7) GRADE D-WELL shall:

- (a) Be a high school graduate or equivalent, and have six months of acceptable experience at a well water facility, or
- (b) Be a high school graduate or equivalent, have three months of acceptable experience at a well water facility, and have satisfactorily completed an approved D-Well school conducted by the Board, or
- (c) Have six months of acceptable experience at a well water facility and have satisfactorily completed an approved D-Well school conducted by the Board.

(7)(8) GRADE A-DISTRIBUTION shall have one year of acceptable experience at Class B or higher distribution system while holding a Grade B-Distribution certificate and have satisfactorily completed an A-Distribution school conducted by the Board, and hold current cardiopulmonary resuscitation certificate.

(8)(9) GRADE B-DISTRIBUTION shall:

- (a) Be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two year technical program with a diploma in water and wastewater technology, and have six months of acceptable experience at a Class B or higher distribution system, or
- (b) Have one year of acceptable experience at a Class C or higher distribution system while holding a Grade C-Distribution certificate and have satisfactorily completed a B-Distribution school conducted by the Board.

(9)(10) GRADE C-DISTRIBUTION shall hold a certificate of completion of trench shoring training conducted by the Board and shall:

- (a) Be a college graduate with a bachelor's degree in the physical or natural sciences, or be a graduate of a two year technical program with a diploma in water and wastewater technology, and have six months of acceptable experience at a Class C or higher distribution system, or
- (b) Be a high school graduate or equivalent, have six months of acceptable experience at a ~~Class C~~ Class D or higher distribution system and have satisfactorily completed a C-Distribution school conducted by the Board, or
- (c) Have one year of acceptable experience at a ~~Class C~~ Class D or higher distribution system and have satisfactorily completed a C-Distribution school conducted by the Board.

(11) GRADE D-DISTRIBUTION shall:

- (a) Be a high school graduate or equivalent, and have six months of acceptable experience at a distribution system, or
- (b) Be a high school graduate or equivalent, have

# PROPOSED RULES

three months of acceptable experience at a distribution system, and have satisfactorily completed an approved D-Distribution school conducted by the Board, or

(c) Have six months of acceptable experience at a distribution system and have satisfactorily completed an approved D-Distribution school conducted by the Board.

(10)(12) GRADE CROSS-CONNECTION-CONTROL shall:

- (a) Be a college graduate with a bachelor's degree in the physical or natural sciences, or be a graduate of a two-year technical program with a degree in water and wastewater or civil engineering technology, and have satisfactorily completed a cross connection control school conducted by the Board, or
- (b) Be a high school graduate or equivalent, have six months of acceptable experience at Class C-Distribution or higher system and have satisfactorily completed a cross connection control school conducted by the Board, or
- (c) Have one year of acceptable experience at a Class C-Distribution or higher system while holding a Grade C-Distribution or higher certificate and have satisfactorily completed a cross connection school conducted by the Board, or
- (d) Be a plumbing contractor licensed by the State of North Carolina and have satisfactorily completed a cross connection control school conducted by the Board.

Authority G.S. 90A-21(c); 90A-22; 90A-23; 90A-24.

## .0203 DETERMINATION OF VARIOUS CLASSES OF CERTIFICATION

(a) Determination of various classes of certification shall be based on the classification of water treatment facilities to be operated.

(b) The designation of plant classification shall be based on the following point system:

PARAMETER	RATING VALUE
(1) Surface Water Source	
(A) flowing stream	5
(B) flowing stream with impoundment	7
(C) raw water treatment (CuSO <sub>4</sub> , etc.)	3
(2) Ground Water Source	
(A) first five wells	5
(B) add 1 point per 5 wells or fraction thereof over 5	1
(3) Coagulation	
(A) aluminum sulfate, ferric chloride, etc.	10
(B) polymer	5
(4) Mixing	
(A) baffle	2
(B) mechanical	4
(C) air	3
(5) Oxidation (pre-treatment)	

(A) Cl <sub>2</sub> O <sub>2</sub> ;	5
(B) ozone	5
(C) KMnO <sub>4</sub> ;	3
(D) Cl <sub>2</sub> ;	3
(6) Carbon Treatment	2
(7) Aeration	
(A) mechanical draft	3
(B) coke tray/splash tray	2
(C) diffused	3
(D) packed tower (VOC reduction)	10
(8) pH Adjustment (primary)	
(A) <u>NaOH caustic NaOH</u>	5(10)
(B) lime/soda ash	3
(C) acid (H <sub>2</sub> SO <sub>4</sub> , HCl, etc.)	5(10)
(9) Sedimentation	
(A) standard rate	5
(B) tube settlers	3
(C) upflow	8
(D) pulsators and plates, etc.	5
(10) Contact Tank	1
(11) Filtration	
(A) pressure	
(i) sand/anthracite	8
(ii) synthetic media (birm)	8
(iii) granular activated carbon (GAC)	10
(B) gravity	
(i) sand	10
(ii) anthracite (mixed)/GAC	12
(iii) with surface wash or air scour	2
(C) <u>membrane</u>	10
(12) Ion Exchange	
(A) softener, Na cycle	5
(B) softener, H cycle	7
(C) Fe and Mn (greensand)	10
(D) mixed bed or split stream	12
(13) Lime Softening	
(A) spiractors	10
(B) clarifier with coagulation	12
(C) fuel burner (recarbonation)	5
(14) Phosphate (sequestering agent)	5
(15) Stabilization	
(A) acid feed	5(10)
(B) phosphate	2
(C) caustic (NaOH)	5(10)
(D) lime/soda ash	3
(E) contact units (calcifier, etc.)	5
(16) Reverse Osmosis, Electrodialysis	15
(17) Disinfection	
(A) gas Cl <sub>2</sub> ;	10
(B) hypochlorite solution	7
(C) Cl <sub>2</sub> O <sub>2</sub> (sodium chlorite and Cl <sub>2</sub> )	13
(D) ozone	13
(E) ammonia and Cl <sub>2</sub> ;	12
(F) <u>ultraviolet light (uv)</u>	5
(18) Fluoridation	
(A) saturator	8
(B) dry feed	8

- |       |                                                    |         |
|-------|----------------------------------------------------|---------|
| (C)   | solution (acid)                                    | 10      |
| (19)  | Pumping                                            |         |
| (A)   | raw                                                | 3       |
| (B)   | intermediate                                       | 1       |
| (C)   | finished                                           | 3       |
| (D)   | system booster                                     | 2       |
| (20)  | Storage                                            |         |
| (A)   | raw                                                | 1       |
| (B)   | treated ground level tank                          |         |
| (C)   | elevated in system (each extra tank 1 pt)          | 2       |
| (D)   | hydropneumatic                                     | 2       |
| (21)  | Population Served 1 point per 1,000 persons served | 50 max. |
| (22)  | Plant Capacity 1 point per 1 MGD capacity          | 25 max. |
| (23)  | On-Site Quality Control                            |         |
| (A)   | bacteriological                                    |         |
| (i)   | MPN/MF                                             | 5       |
| (ii)  | HPC                                                | 2       |
| (iii) | MMO-MUG (Colilert)                                 | 2       |
| (B)   | pH                                                 |         |
| (i)   | meter                                              | 2       |
| (ii)  | test kit                                           | 1       |
| (C)   | fluoride                                           |         |
| (i)   | meter                                              | 3       |
| (ii)  | colorimetric                                       | 3       |
| (D)   | chlorine                                           |         |
| (i)   | titrator                                           | 3       |
| (ii)  | colorimeter/spec.                                  | 2       |
| (iii) | test kit                                           | 1       |
| (E)   | iron                                               | 1       |
| (F)   | hardness                                           | 1       |
| (G)   | alkalinity                                         | 1       |
| (H)   | turbidity                                          | 1       |
| (I)   | manganese                                          | 1       |
| (J)   | others (1 pt. each)                                | 1       |
| (K)   | A.A. Spec. or G.C. Unit                            | 5 each  |

(c) The designation of distribution system classifications shall be based on system characteristics as outlined in Rule .0205 of this Section.

*Authority G.S. 90A-21(c); 90A-22.*

**.0205 CLASSIFICATION OF WATER TREATMENT FACILITIES**

(a) Treatment plant classification shall be based on the source of water and the number of points assigned to each facility as taken from the table in Rule.0203(b) of this Section. Classifications are as follows:

Class E	0-50 points
Class B	51-110 points
Class A	over 110 points
<u>Class D</u>	<u>0-24 points</u>
<u>Class C</u>	<u>25-40 points</u>
<u>Class B</u>	<u>41-110 points</u>
<u>Class A</u>	<u>over 110 points</u>

(b) The classification of distribution systems shall apply only to

systems with more than 100 service connections and shall be the same as the current plant classification for systems directly associated with a classified surface water plant or well system as determined by Paragraph (b) of Rule .0203 of this Section.

(1) For systems not directly associated with a classified surface water plant or well system the designation of distribution systems shall be based on the following system characteristics:

(A) Class C-DISTRIBUTION shall be any system with greater than 100 service connections but less than 1,001 service connections, with no fire protection system;

(B) Class B-DISTRIBUTION shall be any system with greater than 1,000 service connections but less than 3,301 service connections or any system less than 1001 service connections, with a fire protection system; and

(C) Class A-DISTRIBUTION shall be any system with greater than 3,300 service connections.

(b) The classification of distribution systems shall apply to all community and non-transient non-community public water systems. The distribution system class level shall be the greater of the treatment plant class level from Paragraph (a) of this Rule or the following class level based on the number of service connections and fire protection:

(1) Class D-DISTRIBUTION shall be any system with 100 or fewer service connections with no fire protection system;

(2) Class C-DISTRIBUTION shall be any system with more than 100 service connections but not exceeding 1,000 service connections, with no fire protection system;

(3) Class B-DISTRIBUTION shall be shall be any system with more than 1,000 service connections but not exceeding 3,300 service connections or any system not exceeding 1,000 service connections, with a fire protection system; and

(4) Class A-DISTRIBUTION shall be any system with more than 3,300 service connections.

(2)(c) Class CROSS-CONNECTION-CONTROL shall be any distribution system with requirement for five or more backflow prevention devices to be installed within the water distribution system.

*Authority G.S. 90A-21(c); 90A-22.*

**.0206 CERTIFIED OPERATOR REQUIRED**

(a) There shall be an operator in responsible charge for each water treatment facility that adds chemicals to the water, has approved plans for adding chemicals to the water, or has equipment installed for adding chemicals to the water. The operator in responsible charge shall possess a valid certificate issued by the Board equivalent to or exceeding the classification of the facility for which he or she is designated except for purchase water systems which add only a disinfectant to the water in which case the operator in responsible charge shall hold a surface water.

well water or distribution system certification equivalent to or exceeding the classification of the facility without respect to the original source of the water: All public water systems shall have a certified operator in responsible charge for each water treatment facility that alters the physical, chemical, or microbiological characteristics of the water; has approved plans for such alterations; or has equipment installed for such alterations.

(b) There shall be an operator holding at least a Grade C surface C-Surface certification or above assigned to be on duty on the premises when a Class A, Class B, or Class C surface water treatment facility is treating water. In no case shall there be a substitute non-certified operator for more than seven days. Implementation of this requirement is subject to the following provisions:

- (1) ~~Upon the effective date of this rule, each affected facility shall have two years to come into compliance;~~
- (1)(2) Upon vacancy of a position resulting in noncompliance with this requirement each facility shall notify the Board Office within 24 hours or at the start of the next regular business day of such vacancy;
- (2)(3) Upon such vacancy the facility shall have 90 days to fill the position with a certified Grade C or above operator or shall have pending approval for a temporary certification for the operator;
- (3)(4) Within 18 months of vacancy the facility shall have a certified Grade C or above operator assigned to fill the vacancy.

(c) There shall be an operator in responsible charge for the distribution portion of the community and non-transient non-community public water systems designated in Subparagraphs (c)(1), (2) and (3) of this Rule. This operator shall possess a valid certificate issued by the Board equivalent to or exceeding the distribution classification of the facility for which he or she is designated.

- (1) ~~No later than July 1, 1997 all community public water systems serving greater than 3,300 service connections shall have a certified distribution operator in responsible charge of the distribution portion of the system.~~
- (3)(1) No later than July 1, 1999 all community public water systems serving greater than 100 service connections shall have a certified distribution operator in responsible charge of the distribution portion of the system.
- (2) ~~No later than July 1, 1998 all community public water systems serving greater than 1,000 service connections shall have a certified distribution operator in responsible charge of the distribution portion of the system.~~
- (2) No later than July 1, 2001 all community and non-transient non-community public water systems shall have a certified distribution operator in responsible charge of the distribution portion of the system. A system serving 100 or fewer service connections is exempt from this requirement if it has an operator in responsible charge as required in Paragraph (a) of this Rule.

(d) By July 1, 2003 there shall be an operator in responsible charge for the cross-connection-control facilities of the distribution system for all public water systems required by 15A NCAC 18C

to have five or more backflow prevention devices. This operator shall possess a valid Grade Cross-Connection-Control certificate issued by the Board.

(e) All operators of community and non-transient non-community public water systems shall follow the standard operating procedures established by the operator in responsible charge. Any decisions about water quality or quantity that affect public health which have not been defined in the standard operating procedures shall be referred to the operator in responsible charge or to the certified operator on duty.

Authority G.S. 90A-20; 90A-28; 90A-29; 90A-32.

## SECTION .0300 - APPLICATIONS AND FEES

### .0304 FEE SCHEDULE

- (a) The cost of examination and certification shall be twenty dollars ~~(\$20.00); thirty dollars (\$30.00).~~
- (b) The cost of a temporary certificate shall be eighteen dollars ~~(\$18.00) twenty-five dollars (\$25.00)~~ for a new certificate.
- (c) The examination and certification fee must be paid to the Board when the application is submitted.
- (d) The cost of the annual certification renewal shall be eighteen dollars ~~(\$18.00); twenty-five dollars (\$25.00).~~ Renewal fees shall be payable the first of each calendar year and shall be delinquent on the first day of February if not paid prior to that date. Delinquent certifications shall be charged an additional fee of thirty dollars (\$30.00) on the first day of February of each year.
- (e) The operator shall keep the Board informed of his/her current mailing address.

Authority G.S. 90A-27.

### .0305 WAITING PERIOD

~~Candidates for re-examination are not to be considered in intervals of less than six months.~~

Authority G.S. 90A-24.

### .0307 REVOCATION OF CERTIFICATE

- (a) If an operator fails to renew his/her certificate and allows it to lapse five two years, his/her certificate shall be revoked.
- (b) If an operator fails to meet the continuing education requirements of Rule .0308(a) of this Section, his/her certificate shall be revoked.
- (c) If an operator in responsible charge fails to meet the requirements of 15A NCAC 18D .0701, his/her certificate may be revoked.

Authority G.S. 90A-25.1; 90A-26.

### .0308 PROFESSIONAL GROWTH HOURS

(a) An operator holding an A-Well, B-Well, C-Well, A-Surface, B-Surface, or C-Surface certification All certified operators shall complete six contact hours of instruction during the year immediately preceding annual certification renewal for each

certification renewed. The same contact hours may be credited to both well and surface certifications for an individual operator holding both types of certifications if the instruction is relevant to both surface water and well water technology: to all certifications for which the training is relevant. The instruction shall be related to system operation or professional development as needed and determined by the individual operator. With the annual certification renewal application, the operator shall report on the Board's form the contact hours completed during the year.

(b) The organization providing the instruction shall give each participant certificate or other proof of successful completion which includes the name of the provider, the provider's address, and contact person with telephone number. The proof of completion shall identify the name of the participant, the number of contact hours completed, the course name, the instructor's name, and the date of the instruction received. For in-house training, an instructor from outside of the organization shall provide the instruction. If an operator fails to provide proof of the required six contact hours of instruction at the time of annual certification renewal, the certification shall be revoked.

Authority G.S. 90A-25.1; 90A-26.

#### **.0309 CERTIFICATION REINSTATEMENT**

(a) An operator whose certification has been revoked for failure to renew for five two years may have the certification reinstated by passing another certification examination for that grade.

(b) An operator whose certification has been revoked for failure to obtain six hours of annual continuing education credit may have the certification reinstated by passing another certification examination for that grade.

Authority G.S. 90A-25.1; 90A-26.

### **SECTION .0400 - ISSUANCE OF CERTIFICATE**

#### **.0403 ISSUANCE OF GRADE CERTIFICATE**

(a) When the names of the operators and the grade of their current voluntary certificate are known, the Board shall notify the operator involved and upon payment of the license fee issue a grade certificate corresponding to the grade of certification now held by the operator. The Board shall not issue conversion certificates for voluntary certificates after July 1, 2003.

(b) ~~To obtain a certificate the applicant shall satisfactorily complete an examination except in the case of a temporary certificate or when certification is by reciprocity, or when the certificate is being issued to the holder of a current voluntary certificate pursuant to Paragraph (a) of this Rule. The existing operator in responsible charge for systems which have no treatment and have fewer than 100 service connections may be granted a grandparented certification valid only for the system or systems that the operator managed on the effective date of this Rule. The operator shall not be responsible for more than 10 systems without written permission from the Board. All grandparented certifications are site specific, non-transferrable, and shall expire on July 1, 2003. If the classification of the plant or~~

distribution system managed changes to a higher level, the grandparented certification will no longer be valid for the oversight of the system. Grandparented certifications may be issued after July 1, 2001.

(c) Any operator holding a valid surface certification may petition the Board, and the Board may reinstate a revoked, lapsed, or suspended well certification if the grade of the surface certification is equal to or higher than the grade of the well certification. To obtain a certificate the applicant shall satisfactorily complete an examination except in the case of a grandparented certificate, temporary certificate or when certification is by reciprocity, or when the certificate is being issued to the holder of a current voluntary certificate pursuant to Paragraph (a) of this Rule.

(d) Any operator holding a valid surface certification issued prior to July 1, 1992 may petition the Board, and the Board may issue an equivalent well certification without examination if the operator has the well facility acceptable experience required for certification and satisfactorily completes an approved equivalent well school. The Board shall not issue equivalent well certification after January 1, 1996.

Authority G.S. 90A-21(c); 90A-23; 90A-25.

### **SECTION .0700 - OPERATIONS AND MANAGEMENT**

#### **.0701 OPERATOR IN RESPONSIBLE CHARGE**

(a) The operator in responsible charge must possess a valid certificate issued by the Board equivalent to or exceeding the classification of the facility for which he or she is designated.

(b) The operator in responsible charge is actually in charge of the daily operation and maintenance of the facility and shall reside within 50 miles of the facility and shall be readily available for consultation on the premises of the facility in case of an emergency, malfunction or breakdown of equipment or other needs. The operator in responsible charge of a non-community public water system shall not reside more than 50 miles from the facility without written permission from the Board. No person shall be in responsible charge of more than:

- (1) One surface water treatment facility without written permission from the Board, or
- (2) Five community public water systems with well water facilities without written permission from the Board and not to exceed 15 well water facilities for community public water systems in any event, or
- (3) Ten non-community public water systems with well water facilities without written permission from the Board and not to exceed 30 well water facilities for non-community public water systems in any event; event, or
- (4) One distribution system serving over 3,300 service connections without written permission from the Board, or
- (5) Five distribution systems serving over 500 service connections without written permission from the Board, or
- (6) Ten total distribution systems without written

permission from the Board, or

(7) Ten total cross-connection-control systems without written permission from the Board.

(c) When permission from the Board is required, the request shall include sufficient documentation to satisfy the Board that the facilities in question can be managed in compliance with the requirements of 15A NCAC 18.

(d) An owner may designate a different person to be the operator in responsible charge for surface water treatment facilities, well water facilities, cross-connection-control facilities, and distribution facilities.

(e) The operator in responsible charge shall report with annual certification renewal the name(s) and public water system identification number(s) for all systems for which the operator is the operator in responsible charge.

(f) If an operator in responsible charge takes responsibility for an additional system or relinquishes responsibility for any system, the operator shall notify the Board in writing within 30 days of this change.

(g) The operator in responsible charge shall establish standard operating procedures for each facility for which he/she is responsible. These procedures shall provide sufficient instruction to ensure that his/her decisions about water quality or quantity that affect public health are carried out properly. The procedures shall instruct persons lacking proper certification to refer all such decisions affecting public health to the certified operator on duty or to the operator in responsible charge.

authority G.S. 90A-21(c).

## TITLE 21 - OCCUPATIONAL LICENSING BOARDS

### CHAPTER 12 - LICENSING BOARD FOR GENERAL CONTRACTORS

**Notice** is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Licensing Board for General Contractors intends to adopt the rule cited as 21 NCAC 12 .0209, amend the rules cited as 21 NCAC 12 .0202, .0204-.0205, .0402, .0405, .0410, .0901, .0907 and repeal the rule cited as 21 NCAC 12 .0307. 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 10:00 a.m. on October 13, 1999 at the Cumberland Building, 3739 National Drive, Suite 225, Glenwood Place, Raleigh, NC 27612.

**Reason for Proposed Action:** 1. To amend the S (metal erection) classification; 2. To increase the working capital requirements for a limited license from \$12,500 to \$25,000, to allow applicants to show financial responsibility by working capital or by obtaining a bond, and to amend the bond requirements. The text shown in italics has been adopted as a temporary rule effective August 24, 1998. The permanent version

has been approved by the Rules Review Commission and is pending the 2000 session. 3. To clarify requirements when the qualifying party ceases to be connected to the licensee; 4. To require applications to be accompanied by a certificate of assumed name and other appropriate documents; 5. To repeal rule requiring the Board to notify the applicant about his application within two weeks of the examination; 6. To amend the rule regarding the subject matter of the examination; 7. To amend the rule regarding examination schedules; 8. To amend the rule regarding when a person who has failed an examination may be reexamined; 9. To amend the definition of "owner or former owner" under the Homeowners Recovery Fund; 10. To amend the service requirements for a notice of Homeowners Recovery Fund hearing.

**Comment Procedures:** Written comments may be submitted to Mark D. Selph at the Board's office. The Board's address is PO Box 17187, Raleigh, NC 27619. Any person may file written submission of comments or arguments at any time up to and including October 15, 1999.

#### Fiscal Impact

State      Local Sub. None



## SECTION .0200 - LICENSING REQUIREMENTS

### .0202 CLASSIFICATION

(a) A general contractor must be certified in one of five classifications. These classifications are:

- (1) Building Contractor. This classification covers all types of building construction activity including but not limited to: commercial, industrial, institutional, and all types of residential building construction; covers parking decks; all site work, grading and paving of parking lots, driveways, sidewalks, curbs and gutters which are ancillary to the aforementioned types of construction; and covers the work done under the specialty classifications of S(Concrete Construction), S(Insulation), S(Interior Construction), S(Masonry Construction), S(Roofing), S(Metal Erection), and S(Swimming Pools).
- (2) Residential Contractor. This classification covers all types of construction activity pertaining to the construction of residential units which are required to conform to the residential building code adopted by the Building Code Council pursuant to G.S. 143-138; covers all site work, driveways and sidewalks ancillary to the aforementioned construction; and covers the work done as part of such residential units under the specialty classifications of S(Insulation), S(Masonry Construction), S(Roofing), and S(Swimming Pools).
- (3) Highway Contractor. This classification covers all types of highway construction activity including but not limited to: grading, paving of all types, installation of exterior artificial athletic surfaces, relocation of public and private utility lines ancillary to the principal project.

bridge construction and repair, parking decks, sidewalks, curbs, gutters and storm drainage. Includes installation and erection of guard rails, fencing, signage and ancillary highway hardware; covers paving and grading of airport and airfield runways, taxiways, and aprons, including the installation of signage, runway lighting and marking; and covers work done under the specialty classifications of S(Boring and Tunneling), S(Concrete Construction), S(Marine Construction) and S(Railroad Construction). If the contractor limits his activity to grading and does no other work described herein, upon proper qualification the classification of H(Grading and Excavating) may be granted.

- (4) Public Utilities Contractor. This classification includes those whose operations are the performance of construction work on the subclassifications of facilities set forth in G.S. 87-10(3). The Board may issue a license to a public utilities contractor that is limited to any of the subclassifications set forth in G.S. 87-10(3) for which the contractor qualifies. Within appropriate subclassification, a public utilities contractor license covers work done under the specialty classifications of S(Boring and Tunneling), PU(Communications), PU(Fuel Distribution), PU(Electrical-Ahead of Point of Delivery), and S(Swimming Pools).

- (5) Specialty Contractor. This classification shall embrace that type of construction operation and performance of contract work outlined as follows:

- (A) H(Grading and Excavating). Covers the digging, moving and placing of materials forming the surface of the earth, excluding air and water, in such a manner that the cut, fill, excavation, grade, trench, backfill, or any similar operation can be executed with the use of hand and power tools and machines commonly used for these types of digging, moving and material placing. Covers work on earthen dams and the use of explosives used in connection with all or any part of the activities described in this Subparagraph. Also includes clearing and grubbing, and erosion control activities.
- (B) S(Boring and Tunneling). Covers the construction of underground or underwater passageways by digging or boring through and under the earth's surface including the bracing and compacting of such passageways to make them safe for the purpose intended. Includes preparation of the ground surfaces at points of ingress and egress.
- (C) PU(Communications). Covers the installation of the following:
- (i) All types of pole lines, and aerial and underground distribution cable for telephone systems;
  - (ii) Aerial and underground distribution cable for Cable TV and Master Antenna TV

Systems capable of transmitting R.F. signals;

- (iii) Underground conduit and communication cable including fiber optic cable; and
  - (iv) Microwave systems and towers, including foundations and excavations where required, when the microwave systems are being used for the purpose of transmitting R.F. signals; and installation of PCS or cellular telephone towers and sites.
- (D) S(Concrete Construction). Covers the construction and installation of foundations, pre-cast silos and other concrete tanks or receptacles, prestressed components, and gunite applications, but excludes bridges, streets, sidewalks, curbs, gutters, driveways, parking lots and highways.
- (E) PU(Electrical-Ahead of Point of Delivery). Covers the construction, installation, alteration, maintenance or repair of an electrical wiring system, including sub-stations or components thereof, which is or is intended to be owned, operated and maintained by an electric power supplier, such as a public or private utility, a utility cooperative, or any other properly franchised electric power supplier, for the purpose of furnishing electrical services to one or more customers.
- (F) PU(Fuel Distribution). Covers the construction, installation, alteration, maintenance or repair of systems for distribution of petroleum fuels, petroleum distillates, natural gas, chemicals and slurries through pipeline from one station to another. Includes all excavating, trenching and backfilling in connection therewith. Covers the installation, replacement and removal of above ground and below ground fuel storage tanks.
- (G) PU(Water Lines and Sewer Lines). Covers construction work on water and sewer mains, water service lines, and house and building sewer lines as defined in the North Carolina State Building Code, and covers water storage tanks, lift stations, pumping stations, and appurtenances to water storage tanks, lift stations and pumping stations. Includes pavement patching, backfill and erosion control as part of such construction.
- (H) PU(Water Purification and Sewage Disposal). Covers the performance of construction work on water and wastewater treatment facilities and covers all site work, grading, and paving of parking lots, driveways, sidewalks, and curbs and gutters which are ancillary to such construction of water and wastewater treatment facilities. Covers the work done under the specialty classifications of S(Concrete Construction), S(Insulation), S(Interior Construction), S(Masonry Construction), S(Roofing), and

S(Metal Erection) as part of such work on water and wastewater treatment facilities.

- (I) S(Insulation). Covers the installation, alteration or repair of materials classified as insulating media used for the non-mechanical control of temperatures in the construction of residential and commercial buildings. Does not include the insulation of mechanical equipment and ancillary lines and piping.
- (J) S(Interior Construction). Covers the installation of acoustical ceiling systems and panels; drywall partitions (load bearing and non-load bearing), lathing and plastering, flooring and finishing, interior recreational surfaces, window and door installation, and installation of fixtures, cabinets and millwork. Includes the removal of asbestos and replacement with non-toxic substances.
- (K) S(Marine Construction). Covers all marine construction and repair activities and all types of marine construction in deep-water installations and in harbors, inlets, sounds, bays, and channels; covers dredging, construction and installation of pilings, piers, decks, slips, docks, and bulkheads. Does not include structures required on docks, slips and piers.
- (L) S(Masonry Construction). Covers the installation, with or without the use of mortar or adhesives, of the following:
  - (i) Brick, concrete block, gypsum partition tile, pumice block or other lightweight and facsimile units and products common to the masonry industry;
  - (ii) Installation of fire clay products and refractory construction;
  - (iii) Installation of rough cut and dressed stone, marble panels and slate units, and installation of structural glazed tile or block, glass brick or block, and solar screen tile or block.
- (M) S(Railroad Construction). Covers the building, construction and repair of railroad lines including:
  - (i) The clearing and filling of rights-of-way;
  - (ii) Shaping, compacting, setting and stabilizing of road beds;
  - (iii) Setting ties, tie plates, rails, rail connectors, frogs, switch plates, switches, signal markers, retaining walls, dikes, fences and gates; and
  - (iv) Construction and repair of tool sheds and platforms.
- (N) S(Roofing). Covers the installation and repair of roofs and decks on residential, commercial, industrial, and institutional structures requiring materials that form a water-tight and weather-resistant surface. The term "materials" shall be defined for purposes of this Subparagraph to

include, among other things, cedar, cement, asbestos, clay tile and composition shingles, all types of metal coverings, wood shakes, single ply and built-up roofing, protective and reflective roof and deck coatings, sheet metal valleys, flashings, gravel stops, gutters and downspouts, and bituminous waterproofing.

- (O) S(Metal Erection). Covers:
  - (i) The field fabrication, erection, repair and alteration of architectural and structural shapes, plates, tubing, pipe and bars, not limited to steel or aluminum, that are or may be used as structural members for buildings, equipment and structure; and
  - (ii) The layout, assembly and erection by welding, bolting or riveting such metal products as, but not limited to, curtain walls, tanks of all types, hoppers, structural members for buildings, towers, stairs, conveyor frames, cranes and crane runways, canopies, carports, guard rails, signs, steel scaffolding as a permanent structure, rigging, flagpoles, fences, steel and aluminum siding, stadium and arena seating, bleachers, and fire escapes: escapes, and seating for stadiums, arenas, and auditoriums.
- (P) S(Swimming Pools). Covers the construction, service and repair of all swimming pools. Includes:
  - (i) Excavation and grading;
  - (ii) Construction of concrete, gunite, and plastic-type pools, pool decks, and walkways, and tiling and coping; and
  - (iii) Installation of all equipment including pumps, filters and chemical feeders. Does not include direct connections to a sanitary sewer system or to portable water lines, nor the grounding and bonding of any metal surfaces or the making of any electrical connections.
- (Q) S(Asbestos). This classification covers renovation or demolition activities involving the repair, maintenance, removal, isolation, encapsulation, or enclosure of Regulated Asbestos Containing Materials (RACM) for any commercial, industrial, or institutional building, whether public or private. It also covers all types of residential building construction involving RACM during renovation and/or demolition activities.

(b) An applicant may be licensed in more than one classification of general contracting provided the applicant meets the qualifications for the classifications, which includes passing the examination for the classifications in question. The license granted to an applicant who meets the qualifications for all classifications will carry with it a designation of "unclassified."

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

**.0204 ELIGIBILITY**

(a) Limited License. The applicant for such a license must:

- (1) Be entitled to be admitted to the examination given by the Board in light of the requirements set out in G.S. 87-10 and Section .0400 of this Chapter;
- (2) Be financially stable to the extent that the total current assets of the applicant or the firm or corporation he represents exceed the total current liabilities by at least ~~twenty-five thousand five hundred dollars (\$25,500.00);~~ twenty-five thousand dollars (\$25,000) as reflected in an audited financial statement prepared by a certified public accountant or an independent accountant who is engaged in the public practice of accountancy;
- (3) Successfully complete 70 percent of each part of the examination given the applicant by the Board dealing with the specified contracting classification chosen by the applicant.

(b) Intermediate License. The applicant for such a license must:

- (1) Be entitled to be admitted to the examination given by the Board in light of the requirements set out in G.S. 87-10 and Section .0400 of this Chapter;
- (2) Be financially stable to the extent that the total current assets of the applicant or the firm or corporation he represents exceed the total current liabilities by at least fifty thousand dollars (\$50,000) as reflected in an audited financial statement prepared by a certified public accountant or an independent accountant who is engaged in the public practice of accountancy;
- (3) Successfully complete 70 percent of each part of the examination given the applicant by the Board dealing with the specified contracting classification chosen by the applicant.

(c) Unlimited License. The applicant for such a license must:

- (1) Be entitled to be admitted to the examination given by the Board in light of the requirements set out in G.S. 87-10 and Section .0400 of this Chapter;
- (2) Be financially stable to the extent that the total current assets of the applicant or the firm or corporation he represents exceed the total current liabilities by at least one hundred thousand dollars (\$100,000) as reflected in an audited financial statement prepared by a certified public accountant or an independent accountant who is engaged in the public practice of accountancy;
- (3) Successfully complete 70 percent of each part of the examination given the applicant by the Board dealing with the specified contracting classification chosen by the applicant.

(d) Should the financial statement submitted by the applicant fail to demonstrate In lieu of demonstrating the required level of working capital, ~~the~~ an applicant shall may obtain a surety bond from a surety authorized to transact surety business in North Carolina pursuant to G.S. 58 Article 7, 16, 21, or 22. The surety shall provide proof that it maintains a rating from A.M. Best, or its successor rating organization, of either Superior (A++ or A+) or

Excellent (A or A-). The bond shall be continuous in form and shall be maintained in effect for as long as the applicant maintains a license to practice general contracting in North Carolina or until the applicant demonstrates the required level of working capital. The application form and subsequent annual license renewal forms shall require proof of a surety bond meeting the requirements of this Rule. The applicant shall maintain the bond in the amount of ~~twenty-five thousand five hundred dollars (\$25,500.00)~~ two hundred fifty thousand dollars (\$250,000) for a limited license, two hundred fifty thousand dollars (\$250,000.00) five hundred thousand dollars (\$500,000) for an intermediate license, and five hundred thousand dollars (\$500,000.00) one million dollars (\$1,000,000) for an unlimited license. The bond shall be for the benefit of any person who is damaged by an act or omission of the applicant constituting breach of a construction contract or breach of a contract for the furnishing of labor, materials, or professional services to construction undertaken by the applicant, or by an unlawful act or omission of the applicant in the performance of a construction contract. The bond required by this Rule shall be in addition to and not in lieu of any other bond required of the applicant by law, regulation, or any party to a contract with the applicant. Should the surety cancel the bond, the surety and the applicant both shall notify the Board immediately in writing. If the applicant fails to provide written proof of financial responsibility in compliance with this Rule within 30 days of the bond's cancellation, then the applicant's license shall be suspended until written proof of compliance is provided. After a suspension of two years, the applicant shall fulfill all requirements of a new applicant for licensure. The practice of general contracting by an applicant whose license has been suspended pursuant to this Rule will subject the applicant to additional disciplinary action by the Board.

(e) Reciprocity. If an applicant is licensed as a general contractor in another state, the Board, in its discretion, need not require the applicant to successfully complete the written examination as provided by G.S. 87-15.1. However, the applicant must comply with all other requirements of these rules to be eligible to be licensed in North Carolina as a general contractor.

(f) Accounting and reporting standards. Working capital, balance sheet with current and fixed assets, current and long term liabilities, and other financial terminologies used herein shall be construed in accordance with those standards referred to as "generally accepted accounting principles" as promulgated by the Financial Accounting Standards Board, the American Institute of Certified Public Accountants, and, if applicable, through pronouncements of the Governmental Accounting Standards Board, or their predecessor organizations. An audited financial statement, an unqualified opinion, and other financial reporting terminologies used herein shall be construed in accordance with those standards referred to as "generally accepted auditing standards" as promulgated by the American Institute of Certified Public Accountants through pronouncements of the Auditing Standards Board.

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

**.0205 FILING DEADLINE/APP SEEKING**

**QUAL/EMP/ANOTHER**

(a) Any application made pursuant to G.S. 87-10 for a new applicant seeking qualifications by employment of a person who has already passed an examination shall be completed and filed at least 30 days before any regular or special meeting of the Board. At such meeting, the Board will consider the application. The regular meetings of the Board are in January, April, July and October of each year.

(b) The qualifier for the applicant shall be a responsible managing employee, officer or member of the personnel of the applicant, as described in G.S. 87-10 and Rule .0408(a) of this Chapter. A person may serve as a qualifier for the person's own individual license and for only one additional license. A person may not serve as a qualifier under this Rule if such person has not served as a qualifier for a license of the appropriate classification for more than two years prior to the filing of the application: application found to be in complete order. Subject to the provisions of G.S. 150B and Section .0800 of these Rules, the Board may reject the application of an applicant seeking qualification by employment of a person who has already passed an examination if such person has previously served as qualifier for a licensee which has been disciplined by the Board.

(c) It is the responsibility of the holder of a general contractors license to notify the Board immediately in writing as to the termination date in the event the qualifying individual or individuals cease to be connected with the licensee. After such notice is filed with the Board, or the Board determines that the qualifying individual or individuals are no longer connected with the licensee, the license shall remain in full force and effect for a period of 30 days thereafter, from the termination date, and then be cancelled, as provided by G.S. 87-10. Holders of a general contractors license are entitled to reexamination or replacement of the qualifying individual's credentials in accordance with G.S. 87-10, but may not engage in the practice of general contracting for any project whose cost exceeds the monetary threshold set forth in G.S. 87-1 after the license has been cancelled, until another qualifying individual has passed a required examination.

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

**.0209 APPLICATION**

(a) Any application made pursuant to G.S. 87-10, when appropriate must be accompanied by a Certificate of Assumed Name as filed with the Register of Deeds office in the county in which the applicant is to conduct its business, pursuant to G.S. 66-68. A copy of such certification must be provided with the application to the Board. Applications submitted to the Board on behalf of corporations, limited liability companies and partnerships must be accompanied by a copy of the appropriate documents (Articles of Incorporation, Certificate of Authority, etc.) as filed with the North Carolina Secretary of State's office.

(b) All licensees must comply with the requirements of G.S. 66-68 and must notify the Board within 30 days of any change in the name in which the licensee is conducting business in the State of North Carolina.

*Authority G.S. 87-1; 87-4; 87-10.*

**SECTION .0300 - APPLICATION PROCEDURE**

**.0307 NOTICE OF APPROVAL**

~~Within two weeks of the examination, an applicant will be notified of the determination by the Board of his application. If the Board approves the application, the applicant will be notified also of the exact date and location of the examination.~~

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

**SECTION .0400 - EXAMINATION**

**.0402 SUBJECT MATTER**

(a) In light of the requirements of G.S. 87-10, the examinations given by the Board are designed to ascertain:

- (1) the applicant's general knowledge of the practice of contracting in areas such as plan and specification reading, cost estimation, safety requirements, construction theory and other similar matters of general contracting knowledge;
- (2) the applicant's knowledge of the practice of contracting within the classification or classifications of general contracting as indicated by the applicant to the Board in his application;
- (3) the applicant's knowledge of the laws of the State of North Carolina relating to contractors, construction and liens, and the aspects and fundamentals of business management and operations.

(b) The content of the examination will depend on the classification or classifications of general contracting for which the applicant seeks licensure, as indicated by his application. Also, within the specialty contractor classification, examinations given by the Board are designed to test the applicant's knowledge of the particular trade, category or categories of specialty contracting indicated in his application. The Examination Information Procedures publication and other available materials describes the suggested examination resources and reference materials for each examination: examinations.

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

**.0405 EXAMINATION SCHEDULE**

~~Examinations are approximately one day in duration and are given in March, June, September and December of each year. Although the exact date and location of each examination cannot be specifically determined in advance, the examinations are usually given during the second Tuesday, Wednesday, or Thursday of the month in question. However, in any event, an applicant will be notified of the exact date and location of an examination upon the approval of the application by the Board no later than two weeks prior to the date of the examination. Upon approval of the application by the Board, applicants will be notified as to the instructions for scheduling the required examination or examinations. Applicants may receive details from the appropriate examinations provider concerning the actual date, time and location to report for the examination or examinations requested.~~

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

#### **.0410 FAILING EXAMINATION; REEXAMINATION**

Persons taking the examination must receive a score of at least 70 for each part of an examination in order to pass the examination. Persons who do not receive a passing score of 70 or higher on each required part of an examination shall have one calendar year (12 consecutive months) to retake and pass the required part of an examination, for the same classification: may not be reexamined for a period of at least 30 days following the date of any failed examination. The calendar year begins with the first examination date of the part of the examination resulting in a score of less than 70. If a person does not receive a score of 70 or higher on all parts of an examination within one calendar year, the person is required to take all parts of the examination as provided by G.S. 87-10(d).

Authority G.S. 87-10.

### **SECTION .0900 - HOMEOWNERS RECOVERY FUND**

#### **.0901 DEFINITIONS**

The following definitions shall apply to the Board's administration of the Homeowners Recovery Fund established pursuant to Article 1A, Chapter 87 of the General Statutes:

- (1) "Constructing or altering" includes contracting for the construction or alteration of a single-family residential dwelling unit.
- (2) "Dishonest conduct" shall not include a mere breach of a contract.
- (3) "Incompetent conduct" is conduct which demonstrates a lack of ability or fitness to discharge a duty associated with undertaking to construct or alter a single family residential dwelling or the supervision of such construction or alteration.
- (4) "Owner or former owner" includes the owner or former owner of real property who contracted with a general contractor for the construction of a single-family residential dwelling unit. "Owner or former owner" shall not include a person who is a spouse, child, parent, grandparent, sibling, partner, associate, or employee of a general contractor whose conduct caused a reimbursable loss. In addition, the term shall not include general contractors or any financial or lending institution: institution, or any owner or former owner of a single-family residential dwelling unit which has been the subject of an award from the Homeowners Recovery Fund resulting from the same dishonest or incompetent conduct. "Owner or former owner" shall not include the owner of real property who constructed or contracted for construction of a single-family residential dwelling unit without intending to occupy the single-family residential dwelling unit.
- (5) "Substantial completion" means that degree of completion of a project, improvement or specified area or portion thereof whereupon the owner can use the

same for its intended use.

- (6) "Separately owned residence" means a building whose construction is governed by Volume VII of the North Carolina State Building Code.

Authority G.S. 87-15.6.

#### **.0907 HOMEOWNERS RECOVERY FUND HEARING**

(a) If it is determined by the Recovery Fund Review Committee that the Board should conduct a hearing on an application, the Board shall give the applicant and general contractor notice of hearing not less than 15 days before the hearing. Notice of hearing to the general contractor shall be sufficient if mailed to the last known address of the general contractor at least 15 days prior to the date of the hearing. This notice shall contain the following information:

- (1) The name, position, address and telephone number of a person at the offices of the Board to contact for further information or discussion;
- (2) The date, time, and place for a pre-hearing conference, if any; and
- (3) Any other information being relevant to informing the parties as to the procedure of the hearing.

(b) All homeowners recovery fund hearings will be conducted by the Board or a panel consisting of a majority of the members of the Board.

(c) The provisions of 21 NCAC 12 .0825 governing disqualification of Board members shall also govern hearings conducted pursuant to this Section.

(d) Should a party fail to appear at a hearing, the Board may proceed with the hearing and make its decision in the absence of the party, provided that the party has given proper notice. The Board may, in its discretion, order a continuance in order to give the party another opportunity to appear.

(e) Any party may be a witness and may present witnesses on the party's behalf at the hearing. The Board staff may also present evidence and participate at the hearing. All oral testimony at the hearing shall be under oath or affirmation. At the request of a party, the presiding officer may exclude witnesses from the hearing room so that they cannot hear the testimony of other witnesses.

(f) At the hearing, the applicant shall be required to show:

- (1) He has suffered a reimbursable loss as defined in G.S. 87-15.5(6) and Rule .0901(c) of this Chapter in the construction or alteration of a single-family dwelling unit owned or previously owned by that person, provided, that if there have been findings entered in a contested civil action relevant to the issue of whether the applicant has suffered a reimbursable loss, then such findings shall be presumed as established for purposes of this Section subject to rebuttal by the general contractor;
- (2) He did not, directly or indirectly, obtain the building permit in his own name or did use a general contractor;
- (3) He has made application within one year after the termination of all judicial proceedings, including

appeals, in connection with the unsatisfied judgment or within the period prescribed in Rule .0904(a) of this Chapter for claims based upon the automatic stay provisions of Section 362 of the U.S. Bankruptcy Code;

- (4) He has diligently pursued his remedies against the general contractor and on any applicable bond, surety agreement or insurance contract, and attempted execution on the judgments against all judgment debtors without success.

(g) The general contractor shall be permitted to participate in the hearing as a party and shall have recourse to all appropriate means of defense, including the examination of witnesses.

Authority G.S. 87-15.5; 87-15.6; 87-15.7; 87-15.8.

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## CHAPTER 46 - BOARD OF PHARMACY

**Notice** is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Board of Pharmacy intends to adopt the rules cited as 21 NCAC 46 .1508, .1816 and amend the rules cited as 21 NCAC 46 .1413, .1810, .1814. Notice of Rule-making Proceedings was published in the Register on May 14, 1999.

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

**The Public Hearings will be conducted at:**

- (1) 9:00 a.m. on October 5, 1999 at the Monroe Conference Center, East Carolina School of Medicine, Greenville, NC;
- (2) 11:30 a.m. on October 7, 1999 at the Holiday Inn Four Seasons, Forsyth Ballroom, Greensboro, NC;
- (3) 10:00 a.m. on October 8, 1999 at the Mountain AHEC, 501 Biltmore Avenue, Asheville, NC.

**Reason for Proposed Action:** (1) To revise requirements for drug distribution and control in a health care facility pharmacy when the pharmacist is absent; (2) To revise requirements for automated dispensing or drug supply devices in a health care facility pharmacy and other permitted pharmacy; (3) To set out procedures for centralized processing of prescription orders; (4) To set out prerequisites for application for the disease state management examination; (5) To revise requirements for compounding.

**Comment Procedures:** Persons wishing to present oral data, views or arguments on a proposed rule or rule change, may file a notice with the Board at least 10 days prior to the public hearing at which the person wishes to speak. Comments should be limited to 10 minutes. The Board's address is Board of Pharmacy, PO Box 459, Carrboro, NC 27510-0459. Written submission of comments or argument will be accepted at any time up to and including October 15, 1999.

### Fiscal Impact

State      Local Sub. None

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## SECTION .1400 - HOSPITALS; OTHER HEALTH FACILITIES

### .1413 ABSENCE OF PHARMACIST

(a) When a health care facility pharmacy is not open 24 hours a day, seven days a week, arrangements shall be made in advance by the pharmacist-manager for provision of drugs and pharmaceutical care to the medical staff, other authorized personnel, and patients of the health care facility after normal working hours by use of an "on call" pharmacist accessible to the facility during all absences, and an ancillary drug cabinet as described in Rule .1414(g) of this section. In addition, one or both of the options in Subparagraphs (a)(1) and (2) may be authorized by the pharmacist-manager to assure access to drugs and pharmaceutical care in the absence of a pharmacist:

- (1) a contractual arrangement with another health care facility, pharmacy, or pharmacist;
- (2) a nurse trained and authorized by the pharmacist-manager to remove drugs or devices from the pharmacy after hours. The pharmacist-manager shall maintain a current list of authorized persons. Entry into the pharmacy after hours shall occur only if the drug needed is not in the ancillary drug cabinet. The on-call pharmacist shall be contacted by the nurse to verify the appropriateness and accuracy of the medication order and medication removed from the pharmacy at the time of removal. The pharmacist-manager shall maintain a current list of authorized persons and document the initial orientation, continuing education, and quality control processes on an ongoing basis. The pharmacist-manager shall maintain a list of restricted medications that cannot be taken from the pharmacy and can only be dispensed by the "on call" pharmacist. For medications not on the restricted list, an "on call" pharmacist must be accessible for questions by the authorized nurse. Within 24 hours, the pharmacist-manager a pharmacist shall verify the accuracy and appropriateness of the medication order and the medication removed from the pharmacy.

(b) A suitable record of drugs or devices removed from ancillary drug cabinets or from pharmacy inventory shall be maintained for three years in the health care facility. The pharmacist-manager shall at least quarterly verify the accuracy of the records.

(c) Supportive personnel approved by the pharmacist-manager may be present in the pharmacy at other than regular service hours to perform certain clerical, repackaging and distributive functions according to written policies and procedures if the drugs so handled are not permitted to leave the pharmacy until all work performed has been checked and certified as being correct by the pharmacist.

(d) Only drugs in unit-of-use packaging shall be removed from the ancillary drug supply or from the pharmacy; they shall be used for administration to a specific patient only, in amounts sufficient to meet the needs for immediate therapeutic requirements. Controlled substances may be stocked and removed from an ancillary drug cabinet; controlled substances may not be removed

from the pharmacy in the absence of a pharmacist. Drugs shall be pre-labeled by the pharmacist with drug name, strength, lot number and expiration date. A copy of written orders for new medications shall be provided to the pharmacy.

Authority G.S. 90-85.6; 90-85.21; 90-85.32; 90-85.33.

## SECTION .1500 - ADMISSION REQUIREMENTS: EXAMINATIONS

### .1508 PREREQUISITES FOR DISEASE STATE MANAGEMENT EXAMINATION

In order to apply for the disease state management examination administered by the Board, a pharmacist must:

- (1) be a North Carolina licensed pharmacist;
- (2) have 2000 hours following licensure of clinical hands-on Board approved pharmacy related experience; and
- (3) successfully complete the North Carolina Center for Pharmaceutical Care (NCCPC) recognized certification program, or successfully complete any national certification course or examination.

Authority G.S. 90-85.6; 90-85.34.

## SECTION .1800 - PRESCRIPTIONS

### .1810 COMPOUNDING

In accordance with G.S. 90-85.3(c) and (r), and 90-85.6(a), the Board has primary jurisdiction over compounding occurring in locations holding a pharmacy permit, and such All compounding shall comply with the following:

- (1) ~~based on the existence of a practitioner-pharmacist-patient relationship and the presentation of a valid prescription, or in anticipation of prescription orders based on established prescribing patterns, a pharmacist may compound a drug product for an individual patient. A pharmacist also may compound a drug product prior to receiving a valid prescription based on a history of receiving valid prescriptions generated within an established practitioner-pharmacist-patient relationship. Compounded drug products shall not be offered to other entities for resale; however, practitioners may obtain compounded drug products to administer to patients within the scope of their professional practice;~~
- (2) ~~the pharmacist is responsible for all aspects of compounding; however, unlicensed personnel working under the supervision of the pharmacist may assist in compounding;~~
- (3) ~~drug substances used for compounding shall be USP or NF grade, or if unavailable, AR, CP, ACS, or FCC grade substances may be used. If none of the foregoing grades are available, then the pharmacist must establish the purity and safety of the ingredient prior to its use. Manufactured drug products used for ingredients must be labeled with a batch control number and a future expiration date;~~

- (4) ~~equipment and utensils used for compounding shall not be reactive, additive or absorptive so that the safety, identity, strength, quality, and purity of the compounded drug product will not be adversely affected. All compounding equipment and utensils shall be cleaned and sanitized prior to use. A compounding pharmacy shall have written procedures and formulas for the compounding of drug products;~~
- (5) (1) ~~any excess compounded drug product retained by the pharmacy shall be labeled with a complete list of ingredients or reference to such information, the preparation date, and an expiration date based upon the pharmacist's professional judgment. The excess compounded drug product shall be stored under conditions to preserve its strength, quality and purity;~~
- (6) (2) ~~with the exception of the simple reconstitution of drug products, the pharmacy shall maintain a log referencing instructions for compounding and showing the name or initials of the person who compounded a drug product and the name or initials of the pharmacist who checked the compounded drug product; product, if applicable;~~
- (7) (3) ~~with the exception of the simple reconstitution of drug products, the pharmacy shall maintain a recordkeeping system to ensure public safety in the event that a recall occurs, from which the date of purchase, supplier, manufacturer, and lot number or other identifier of each ingredient can be determined for each compounded drug product dispensed; provided however, that health care facility pharmacies may comply with this requirement by maintaining records of lot numbers only. All pharmacy records resulting from compounding, including the compounding log, shall be readily retrievable and maintained in the pharmacy for a period of three years;~~
- (8) ~~in addition to the requirements of this Section, the compounding of radiopharmaceutical drug products shall comply with Section .2700 of this Chapter;~~
- (9) ~~in addition to the requirements of this Section, the compounding of sterile parenteral drug products shall comply with Section .2800 of this Chapter.~~

Authority G.S. 90-85.6; 90-85.32.

### .1814 AUTOMATED DISPENSING OR DRUG SUPPLY DEVICES

(a) Automated dispensing or drug supply devices may be used in health care facility pharmacies and where a pharmacy permit exists, for maintaining patient care unit medication inventories or for a patient profile dispensing system, provided the utilization of such devices is under the supervision of a pharmacist. The pharmacist-manager shall develop and implement procedures to assure safe and effective use of medications, and, at a minimum, shall assure that:

- (1) only authorized personnel, as indicated by written policies and procedures, may obtain access to the drug inventories;

- (2) all drugs therein are reviewed no less than monthly;
- (3) a system of accountability must exist for all drugs contained therein; the purity, potency, and integrity of the drugs shall be preserved;
- (4) the device provides records required by this Section and other applicable laws and rules;
- (5) requirements for controlled substances security are met; and
- (6) prior to the drug being released for access by the nurse, the pharmacist enters the medication order into a computerized pharmacy profile that is interfaced to the automated dispensing unit, so that drug allergy screening, therapeutic duplication, and appropriate dose verification is done prior to the drug being administered.

(b) Medications may be overridable, without an order being entered into an interfaced pharmacy information system, only in those situations where the automated dispensing device is being used for the purpose of providing floor stock controlled substances; and/or limited starter doses or PRN doses. This does not preclude the medication order for such drugs being entered into the pharmacy profile for therapeutic checks. Such units may also be used to provide ancillary drug inventories, as defined in Paragraph (g) in Rule .1414 of this Chapter without having a pharmacy profile interface.

(b)(c) Pharmacist supervision shall include:

- (1) The packaging and labeling of drugs to be placed in the dispensing devices. Such packaging and labeling shall conform to all requirements pertaining to containers and label contents;
- (2) The placing of previously packaged and labeled drug units into the dispensing device;
- (3) The removal of the drug from the dispensing device and the final labeling of the drug after removal from the dispensing device; and
- (4) In the absence of a pharmacist, a person legally qualified to administer drugs may remove drugs from the dispensing devices only in the quantity of doses needed to satisfy immediate patient needs.

(c)(d) Bar code scanning of drug packaging and storage units may be utilized as a quality control mechanism if this technology is available in the automated dispensing system.

(d)(e) Restocking of automated dispensing devices may be done by pharmacy technicians under the supervision of the pharmacist.

Authority G.S. 90-85.6; 90-85.32; 90-85.33.

## .1816 PROCEDURES FOR CENTRALIZED PROCESSING OF PRESCRIPTION ORDERS

(a) A pharmacy permitted by the Board may process a request for the filling or refilling of a prescription order received by a pharmacy within this State, provided:

- (1) The pharmacy that is to fill or refill the prescription either has a contract with the pharmacy which received the prescription or has the same owner as the other pharmacy.
- (2) The prescription container:
  - (A) is clearly labeled with all information required by Federal and State laws and regulations; and
  - (B) clearly shows the name and address of the pharmacy refilling the prescription and/or the name and address of the pharmacy which receives the refilled prescription for dispensing to the patient.
- (3) The patient is provided with written information, either on the prescription label or with the prescription container, written information that describes which pharmacy to contact if the patient has any questions about the prescription or medication.
- (4) Both pharmacies maintain complete and accurate records of the prescription, including:
  - (A) the name of the pharmacist who fill or refills the prescription;
  - (B) the name of the pharmacy filling or refilling the prescription; and
  - (C) the name of the pharmacy that received the fill or refill request.
- (5) The pharmacy that fills or refills the prescription and the pharmacy that receives the prescription for dispensing to the patient share a common electronic file.
- (6) The originating pharmacy is responsible for compliance with the requirements of Federal and State laws and regulations regarding recordkeeping and patient counseling.

(b) Nothing in this Section shall be construed as barring a pharmacy from also filling new prescriptions presented by a patient or a patient's agent or transmitted to it by a prescriber.

Authority G.S. 90-85.6; 90-85.32.

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

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

**Rule-making Agency:** *Commission for Health Services*

**Rule Citation:** *15A NCAC 19A .0401*

**Effective Date:** *August 20, 1999*

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

**Authority for the rule-making:** *G.S. 130A-152*

**Reason for Proposed Action:** *Hepatitis B vaccine (and many other vaccines) currently contain thimerosal which is a preservative that kills bacteria in vaccines. Thimerosal contains mercury. Due to the potential risk of a cumulative level of mercury over the first six months of life, the US Public Health Service and the American Academy of Pediatrics (AAP) jointly recommend that the first dose of hepatitis B be delayed until two to six months of life. Subsequently, the AAP has issued a statement recommending delay dose until six months of age until licensure of a thimerosal free hepatitis B vaccine. The AAP's statement is in conflict with the current North Carolina Rule, which states that the first dose must be administer by three months.*

**Comment Procedures:** *Copies of the proposed rules and information packages may be obtained by contacting the Immunization Branch at 919-715-6764. Written comments may be submitted to Barbara Laymon, Immunization Branch, DPH, PO Box 29597, Raleigh, NC 27626.*

**CHAPTER 19 - HEALTH: EPIDEMIOLOGY**

**SUBCHAPTER 19A - COMMUNICABLE DISEASE  
CONTROL**

**SECTION .0400 - IMMUNIZATION**

**.0401 DOSAGE AND AGE REQUIREMENTS  
FOR IMMUNIZATION**

Every individual in North Carolina required to be immunized pursuant to G.S. 130A-152 through 130A-157 shall be immunized against the following diseases by receiving the specified minimum doses of vaccines by the specified ages:

- (1) Diphtheria, tetanus, and whooping cough vaccine -- five doses: three doses by age seven months and two booster doses, one by age 19 months and the second on or after the fourth birthday and before enrolling in school (K-1) for the first time. However:
  - (a) An individual who has attained his or her seventh

birthday without having been immunized against whooping cough shall not be required to be immunized with a vaccine preparation containing whooping cough antigen;

- (b) Individuals who receive the first booster dose of diphtheria, tetanus, and whooping cough vaccine on or after the fourth birthday shall not be required to have a second booster dose;
  - (c) Individuals attending school, college or university or who began their tetanus/diphtheria toxoid series on or after the age of seven years shall be required to have three doses of tetanus/diphtheria toxoid of which one must have been within the last 10 years;
- (2) Poliomyelitis vaccine--four doses: two doses of trivalent type by age five months; a third dose trivalent type before age 19 months, and a booster dose of trivalent type on or after the fourth birthday and before enrolling in school (K-1) for the first time. However:
    - (a) An individual attending school who has attained his or her 18th birthday shall not be required to receive polio vaccine;
    - (b) Individuals who receive the third dose of poliomyelitis vaccine on or after the fourth birthday shall not be required to receive a fourth dose;
    - (c) The requirements for booster doses of poliomyelitis vaccine shall not apply to individuals who enrolled for the first time in the first grade before July 1, 1987.
  - (3) Measles (rubeola) vaccine--two doses of live, attenuated vaccine administered at least 30 days apart: one dose on or after age 12 months and before age 16 months and a second dose before enrolling in school (K-1) for the first time. However:
    - (a) An individual who has been documented by serological testing to have a protective antibody titer against measles shall not be required to receive measles vaccine;
    - (b) An individual who has been diagnosed prior to January 1, 1994, by a physician licensed to practice medicine as having measles (rubeola) disease shall not be required to receive measles vaccine;
    - (c) An individual born prior to 1957 shall not be required to receive measles vaccine;
    - (d) The requirement for a second dose of measles vaccine shall not apply to individuals who enroll in school (K-1) or in college or university for the first time before July 1, 1994;
  - (4) Rubella vaccine--one dose of live, attenuated vaccine on or after age 12 months and before age 16 months.

However:

- (a) An individual who has been documented by serologic testing to have a protective antibody titer against rubella shall not be required to receive rubella vaccine;
  - (b) An individual who has attained his or her fiftieth birthday shall not be required to receive rubella vaccine;
  - (c) An individual who entered a college or university after his or her thirtieth birthday and before February 1, 1989 shall not be required to meet the requirement for rubella vaccine;
- (5) Mumps vaccine--one dose of live, attenuated vaccine administered on or after age 12 months and before age 16 months. However:
- (a) An individual born prior to 1957 shall not be required to receive mumps vaccine;
  - (b) The requirements for mumps vaccine shall not apply to individuals who enrolled for the first time in the first grade before July 1, 1987 or in college or university before July 1, 1994. An individual who has been documented by serological testing to have a protective antibody titer against mumps shall not be required to receive mumps vaccine.
- (6) *Haemophilus influenzae, b*, conjugate vaccine--three doses of HbOC or two doses of PRP-OMP before age seven months and a booster dose of any type on or after age 12 months and by age 16 months. Individuals born before October 1, 1988 shall not be required to be vaccinated against *Haemophilus influenzae, b*. Individuals who receive the first dose of *Haemophilus influenzae, b*, vaccine on or after 12 months of age and before 15 months of age shall be required to have only two doses of HbOC or PRP-OMP. Individuals who receive the first dose of *Haemophilus influenzae, b*, vaccine on or after 15 months of age shall be required to have only one dose of any of the *Haemophilus influenzae* conjugate vaccines, including PRP-D. However, no individual who has passed their fifth birthday shall be required to be vaccinated against *Haemophilus influenzae, b*.
- (7) Hepatitis B vaccine--three doses: one dose by age three months, a second dose before age five months and a third dose by age 19 months. Individuals born before July 1, 1994 shall not be required to be vaccinated against hepatitis B.
- (b) Notwithstanding the requirements of Paragraph (a) of this Rule:
- (1) An individual who has attained his or her seventh birthday without having been immunized against whooping cough shall not be required to be immunized with a vaccine preparation containing whooping cough antigen;
  - (2) An individual who has been documented by serologic testing to have a protective antibody titer against rubella shall not be required to receive rubella vaccine;
  - (3) An individual who has been documented by serological testing to have a protective antibody titer against measles shall not be required to receive measles vaccine; An individual who has been diagnosed prior to January 1, 1994, by a physician licensed to practice medicine as having measles (rubeola) disease shall not be required to receive measles vaccine;
  - (4) An individual attending school who has attained his or her 18th birthday shall not be required to receive oral polio vaccine;
  - (5) An individual born prior to 1957 shall not be required to receive measles or mumps vaccine. An individual who has attained his or her fiftieth birthday shall not be required to receive rubella vaccine. An individual who entered a college or university after his or her thirtieth birthday and before February 1, 1989 shall not be required to meet the requirement for rubella vaccine;
  - (6) The requirements for mumps vaccine shall not apply to individuals who enrolled for the first time in the first grade before July 1, 1987 or in college or university before July 1, 1994. An individual who has been documented by serological testing to have a protective antibody titer against mumps shall not be required to receive mumps vaccine;
  - (7) Individuals who receive the first booster dose of diphtheria, tetanus, and whooping cough vaccine on or after the fourth birthday shall not be required to have a second booster dose. Individuals who receive the third dose of oral poliomyelitis vaccine on or after the fourth birthday shall not be required to receive a fourth dose;
  - (8) The requirements for booster doses of diphtheria, tetanus, and whooping cough vaccine and oral poliomyelitis vaccine shall not apply to individuals who enrolled for the first time in the first grade before July 1, 1987. However, individuals attending a college or university or who began their tetanus/diphtheria toxoid series on or after the age of seven years shall be required to have three doses of tetanus/diphtheria toxoid of which one must have been within the last 10 years;
  - (9) Individuals born before October 1, 1988 shall not be required to be vaccinated against *Haemophilus influenzae, b*. Individuals who receive the first dose of *Haemophilus influenzae, b*, vaccine on or after 12 months of age and before 15 months of age shall be required to have only two doses of HbOC or PRP-OMP. Individuals who receive the first dose of *Haemophilus influenzae, b*, vaccine on or after 15 months of age shall be required to have only one dose of any of the *Haemophilus influenzae* conjugate vaccines, including PRP-D. However, no individual who has passed their fifth birthday shall be required to be vaccinated against *Haemophilus influenzae, b*;
  - (10) Individuals born before July 1, 1994 shall not be required to be vaccinated against hepatitis B;
  - (11) The requirement for a second dose of measles vaccine shall not apply to individuals who enroll in school (K-1) or in college or university for the first time before July 1, 1994;

*History Note:* Authority G.S. 130A-152(c); 130A-155.1;  
 Eff. February 1, 1976;  
 Amended Eff. July 1, 1977;  
 Readopted Eff. December 5, 1977;  
 Filed as a Temporary Amendment Eff. February 1, 1988, for a  
 period of 180 days to expire on July 29, 1988;  
 Amended Eff. October 1, 1995; October 1, 1994; January 1, 1994;  
 January 4, 1993;  
 Filed as a Temporary Amendment Eff. May 21, 1999;  
Temporary Amendment Eff. August 20, 1999.

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**Rule-making Agency:** *Commission for Health Services*

**Rule Citation:** 15A NCAC 21F .1201- .1204; 15A NCAC 21H .0314

**Effective Date:** *October 1, 1999*

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

**Authority for the rule-making:** *G.S. 130-125*

**Reason for Proposed Action:** *Approximately 80% of this State's birthing hospitals now have one of three types of equipment for performing newborn physiologic hearing screenings. Varied testing protocols are being employed across this State which result in varied outcomes regarding pass/fail interpretations. The North Carolina General Assembly (S.L. 1998, c. 131, s. 13) directed the Commission for Health Services to adopt temporary and permanent rules to include newborn hearing screening in the Newborn Screening Program established under G.S. 130A-125. This agency has oversight responsibility for the screening of newborns and has been placing hearing screening devices in birthing hospitals, as part of a pilot project. In order to allow adequate time for the remaining hospitals to obtain equipment and training, the effective of these rules is 10/01/99.*

**Comment Procedures:** *Written comments may be submitted to Mary Ann Stone, Children's Special Health Services, PO Box 29597, Raleigh, NC 27626-0957. Copies of the proposed rules may be obtained by contacting Mary Ann Stone at (919) 715-3904.*

## CHAPTER 21 - HEALTH: PERSONAL HEALTH

### SUBCHAPTER 21F - CHILDREN'S SPECIAL HEALTH SERVICES: CHILDREN AND YOUTH SECTION

#### SECTION .1200 - NEWBORN SCREENING PROGRAM

##### **.1201 GENERAL**

The hearing screening component of the Department of Health and Human Services' Newborn Screening Program is administered by the central office staff for Children's Special Health Services. The genetic screening component of the Department's Newborn Screening Program is found in 15A NCAC 21H .0314.

*History Note:* Authority G.S. 130A-125;  
Temporary Adoption Eff. October 1, 1999.

##### **.1202 DEFINITIONS**

As used in this Section:

- (1) "CSHS" means the Children's Special Health Services Program central office staff.
- (2) "Neonate" means any term infant less than one month of age or any preterm infant less than one month corrected age.
- (3) "Person" means any natural person, partnership, corporation, unit of government of this State, and any unincorporated organizations.

*History Note:* Authority G.S. 130A-125;  
Temporary Adoption Eff. October 1, 1999.

##### **.1203 SCREENING REQUIREMENTS**

(a) The attending physician shall order and medical facilities, that provide birthing or inpatient neonatal services, shall make reasonable efforts to cause each neonate, born in North Carolina, to be physiologically screened in each ear for the presence of permanent hearing loss.

(b) Parents or guardians may object to the hearing screening in accordance with G.S. 130A-125(b).

*History Note:* Authority G.S. 130A-125; S.L. 1998, c. 131, s. 13;  
Temporary Adoption Eff. October 1, 1999.

##### **.1204 REPORTING REQUIREMENTS**

(a) The attending physician shall order and medical facilities, that provide birthing or inpatient neonatal services, shall make reasonable efforts to identify and report to the local health department of residence all neonates who, prior to discharge home, were not successfully screened or who failed to pass the physiologic hearing screening. These reports shall be submitted within 30 days after discharge.

(b) All persons performing neonatal physiologic hearing screenings shall report quarterly to CSHS, within 30 days after the end of each quarter in the calendar year, the following:

- (1) Total number of neonates who were screened by each tester and the number who passed that screening, with the results of multiple screenings for the same neonate being clarified.
- (2) Total number of neonates whose parents or guardians objected to the hearing screening.

(c) All persons performing physiologic hearing screenings for infants less than six months of age shall adopt testing and monitoring procedures and follow-up protocols to assure referral for diagnosis and treatment, in accordance with a statewide plan developed by CSHS in consultation with the Early Diagnosis and Intervention Section in the Division of Education Services in the Department.

*History Note:* Authority G.S. 130A-125;  
Temporary Adoption Eff. October 1, 1999.

**SUBCHAPTER 21H - SICKLE CELL SYNDROME:  
GENETIC COUNSELING: CHILDREN AND  
YOUTH SECTION**

**SECTION .0300 - GENETIC HEALTH CARE**

**.0314 SUBMISSION OF BLOOD SPECIMENS  
FOR SCREENING OF NEWBORNS**

(a) The attending physician shall draw a blood specimen for each infant born in North Carolina and shall submit such specimens to the North Carolina State Laboratory for Public Health for testing for the following metabolic and other hereditary and congenital disorders:

- (1) phenylketonuria (PKU),
- (2) galactosemia,
- (3) congenital primary hypothyroidism,
- (4) congenital adrenal hyperplasia (21-hydroxylase deficiency),
- (5) sickle cell disease.

(b) Notwithstanding Paragraph (a) of this Rule, parents or guardians may object to screening in accordance with G.S. 130A-125(b).

(c) The hearing screening component of the Department's Newborn Screening Program is found in 15A NCAC 21F .1200.

*History Note: Authority G.S. 130A-125;*

*Eff. April 1, 1992;*

*Recodified from 15A NCAC 21E .0501 Eff. February 10, 1993;*

*Amended Eff. April 1, 1994;*

*Temporary Amendment Eff. October 1, 1999.*

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**Rule-making Agency:** *Commission for Health Services*

**Rule Citation:** *15A NCAC 24A .0402-.0403*

**Effective Date:** *August 23, 1999*

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

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

**Reason for Proposed Action:** *This proposed action is being initiated by agency staff in response to: (1) a recent budget shortfall; (2) increasing demand for high-cost services, and (3) discussions within an Appropriations Sub-committee, which recently approved the transfer of funds into the program to keep it open.*

**Comment Procedures:** *Comments may be submitted in writing to Richard F. Moore, DHHS Controller's Office, Purchase of Medical Care Services Unit, PO Box 29602, Raleigh, NC 29626-602.*

**CHAPTER 24 - GENERAL PROCEDURES FOR PUBLIC**

**HEALTH PROGRAMS**

**SUBCHAPTER 24A - PAYMENT PROGRAMS**

**SECTION .0400 - REIMBURSEMENT**

**.0402 REIMBURSEMENT FOR INPATIENT  
HOSPITALIZATION**

(a) The Department shall reimburse providers of authorized inpatient hospitalization services at 80 percent of the hospital's inpatient cost rate, which is then applied to the amount billed for authorized services. The inpatient cost rate is a ratio of cost to charges that is derived from audited cost reports and is obtained from the Division of Medical Assistance. The Department shall use the cost rate in effect on the date a claim is received, and retroactive adjustments to claims paid shall not be made. If a cost rate cannot be obtained for an out-of-state hospital, the Department shall reimburse the hospital at 75 percent of the billed amount for authorized services. The cost rates and any subsequent amendments and editions are incorporated herein by reference in accordance with G.S. 150B-21.6. The cost rates can be obtained from the Office of the Controller, Purchase of Medical Care Services, P.O. Box 29602, Raleigh, N.C. 27626-0602.

(b) In addition to the requirements of Paragraph (a) of this Rule, in the Cancer Program there shall be a limit on the payment for an inpatient admission of 1% of the program's current annual budget.

*History Note: Filed as a Temporary Amendment Eff. July 6, 1992 for a Period of 180 Days or Until the Permanent Rule is Effective, Whichever is Sooner;*

*Filed as a Temporary Amendment Eff. August 31, 1983, for a Period of 120 Days to Expire on December 29, 1983;*

*Authority G.S. 130A-5(3); 130A-124; 130A-127; 130A-129; 130A-205; 130A-223;*

*Eff. October 1, 1982;*

*Amended Eff. May 1, 1987; July 1, 1986; January 1, 1985;*

*Transferred and Recodified from 10 NCAC 4C .0402 Eff. April 4, 1990;*

*Amended Eff. April 1, 1999; July 1, 1995; October 1, 1992; February 1, 1992; December 1, 1990;*

*Temporary Amendment Eff. August 23, 1999.*

**.0403 REIMBURSEMENT FOR PROFESSIONAL,  
OUTPATIENT, OTHER SERVICES**

(a) The Department shall reimburse providers of authorized outpatient services, professional services, and all other services not otherwise covered in the rules of this Section at the Medicaid rate in effect at the time the claim is received by the Department, except in the Migrant Health Program.

(b) The Migrant Health Program shall reimburse providers of program covered outpatient, professional, and other services at the Medicaid rate in effect at the time the claim is received minus the allowable patient copayment to a maximum program payment of one hundred fifty dollars (\$150.00) per claim, per date of service. The allowable patient copayment is three dollars (\$3.00) for each prescribed drug and five dollars (\$5.00) per claim, per date of service for all other services. The one hundred fifty dollar (\$150.00) limit shall not apply to drugs, medical supplies, and

durable medical equipment.

(c) In addition to the requirements of Paragraph (a) of this Rule, for professional and outpatient services under the Cancer Program, there shall be a per claim payment limit of 1% of the program's current annual budget.

*History Note: Filed as a Temporary Amendment Eff. July 6, 1992 for a Period of 180 Days or Until the Permanent Rule is Effective, Whichever is Sooner;*

*Authority G.S. 130A-5(3); 130A-124; 130A-127; 130A-129; 130A-205; 130A-223;*

*Eff. October 1, 1982;*

*Amended Eff. July 1, 1983;*

*Transferred and Recodified from 10 NCAC 4C .0403 Eff. April 4, 1990;*

*Amended Eff. April 1, 1999; April 1, 1995; October 1, 1992; December 1, 1990;*

*Temporary Amendment Eff. August 23, 1999.*

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

### **CHAPTER 16 - BOARD OF DENTAL EXAMINERS**

**Rule-making Agency:** *North Carolina State Board of Dental Examiners*

**Rule Citation:** *21 NCAC 16M .0102; 16S .0101-.0102, .0201, .0203, .0205*

**Effective Date:** *August 20, 1999*

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

**Authority for the rule-making:** *G.S. 90-48; 90-48.2; 90-48.3; 90-232*

**Reason for Proposed Action:** *(1) The amendment of 21 NCAC 16M .0101 is necessary because without an increase in funds, the Caring Dentist Program cannot accept new participants; and (2) The amendments of 21 NCAC 16S .0101-.0102, .0201, .0203, .0205 are necessary to integrate dental hygienists into the Caring Dentist Program*

**Comment Procedures:** *Written comments may be submitted on the subject matter of the proposed rule-making to Christine H. Lockwood, Executive Director of the Board at the Board's office. The Board's address is PO Box 32270, Raleigh, NC 27622-2270.*

### **SUBCHAPTER 16M - FEES PAYABLE**

#### **SECTION .0100 - FEES PAYABLE**

##### **.0102 DENTAL HYGIENISTS**

(a) The following fees shall be payable to the Board:

- (1) Application for examination \$125.00
- (2) Reinstatement of license after retirement from practice

in this State \$60.00

(3) Application for provisional licensure \$60.00

(4) Certificate to a resident dental hygienist desiring to change to another state or territory \$25.00

(b) The fee payable to the Board for each dental hygienist renewal certificate shall be annually fixed by the Board. Each year the Board shall give written notice of the amount of said renewal fee to each dental hygienist licensed to practice in this state by mailing such notice no later than November 30 to the last address of record for each such dental hygienist. This renewal fee shall not exceed sixty dollars (\$60.00).

(b) Each dental hygienist renewing his or her license to practice dental hygiene in North Carolina shall be assessed a fee of fifteen dollars (\$15.00), in addition to the annual renewal fee, to be contributed to the operation of the Caring Dentist Program.

*History Note: Authority G.S. 90-232;*

*Eff. September 3, 1976;*

*Readopted Eff. September 26, 1977;*

*Amended Eff. May 1, 1989; March 1, 1988; May 1, 1987;*

*Temporary Amendment Eff. August 20, 1999.*

### **SUBCHAPTER 16S - IMPAIRED DENTIST PROGRAM**

#### **SECTION .0100 - GENERAL**

##### **.0101 DEFINITIONS**

The following definitions are applicable to impaired dentist programs established in accordance with G.S. 90-48.2:

- (1) "Board" means the North Carolina State Board of Dental Examiners;
- (2) "Impairment" means chemical dependency or mental illness;
- (3) "Board of Directors" means individuals comprising the oversight panel consisting of representatives from the North Carolina Dental Society, the Board, licensed dental hygienists, and the UNC School of Dentistry established to function as a supervisory body to the Caring Dentist Program;
- (4) "Director" means the person designated by the Board of Directors to organize and coordinate the activities of the Caring Dentist Program;
- (5) "Caring Dentist Program" means the program established through agreements between the Board and special impaired dentist peer review organizations formed by the North Carolina Dental Society made up of Dental Society members designated by the Society, the Board, a licensed dental hygienist upon recommendation of the dental hygienist member of the Board, and the UNC School of Dentistry to conduct peer review activities as provided in G.S. 90-48.2(a).
- (6) "Caring Dentist Program members" means volunteer Dental Society members selected by the Board of Directors from peer review organizations to serve as parties to interventions, to direct impaired dentists into treatment, and as monitors of those individuals receiving treatment. Peer liaisons and volunteers participating in

programs for impaired dental hygienists shall be dental hygienists.

*History Note: Authority G.S. 90-48; 90-48.2; 90-48.3;  
Eff. April 1, 1994;  
Temporary Amendment Eff. August 20, 1999.*

**.0102 BOARD AGREEMENTS WITH  
PEER REVIEW ORGANIZATIONS**

The Board shall enter into agreements with special impaired dentist peer review organizations, pursuant to G.S. 90-48.2, to establish the Caring Dentist Program to be supervised by the Board of Directors. Such agreements shall provide for:

- (1) investigation, review and evaluation of records, reports, complaints, litigation, and other information about the practice and practice patterns of licensed dentists and dental hygienists as may relate to impaired dentists; dentists and dental hygienists;
- (2) identification, intervention, treatment, referral, and follow up care of impaired dentists; dentists and dental hygienists; and due process rights for any subject dentist; dentist or dental hygienist.

*History Note: Authority G.S. 90-48; 90-48.2; 90-48.3;  
Eff. April 1, 1994;  
Temporary Amendment Eff. August 20, 1999.*

**SECTION .0200 - GUIDELINES FOR PROGRAM  
ELEMENTS**

**.0201 RECEIPT AND USE OF INFORMATION  
OF SUSPECTED IMPAIRMENT**

(a) Information concerning suspected impairment may be received by the Caring Dentist Program through any of the following sources:

- (1) reports of physicians, psychologists or counselors;
- (2) reports from family members, staff or other individuals;
- (3) self-referral; or
- (4) referral by the Board.

(b) When information of suspected impairment is received, the Program shall conduct an investigation and routine inquiries to determine the validity of the report.

(c) Dentists and dental hygienists suspected of impairment may be required to submit to personal interviews if the investigation and inquiries indicate the report of impairment may be valid.

*History Note: Authority G.S. 90-48; 90-48.2; 90-48.3;  
Eff. April 1, 1994;  
Temporary Amendment Eff. August 20, 1999.*

**.0203 INTERVENTION AND REFERRAL**

(a) Following an investigation, if an impairment is determined to exist and confirmed, an intervention shall be conducted using specialized techniques designed to assist the dentist or dental hygienist in acknowledging responsibility for dealing with the impairment. The dentist or dental hygienist shall be referred to an appropriate treatment source.

(b) Following an investigation, intervention, treatment, or upon

receipt of a complaint or other information, a peer review organization participating in the Caring Dentist Program shall report to the Board detailed information about any dentist or dental hygienist licensed by the Board, if it is determined that:

- (1) the dentist or dental hygienist constitutes an imminent danger to the public or himself; public or himself or herself;
- (2) the dentist or dental hygienist refuses to cooperate with the program, refuses to submit to treatment, or is still impaired after treatment and exhibits professional incompetence; or
- (3) it reasonably appears that there are other grounds for disciplinary action.

(c) Program members may consult with medical professionals and treatment sources as necessary in carrying out the Program's directives.

(d) Interventions shall be arranged and conducted as expeditiously as possible. When interventions are conducted as a direct result of a Board-initiated referral, a Board representative may be present.

(e) Treatment sources shall be evaluated and determined applicable before an individual is referred for treatment, and any treatment contracts or aftercare agreements shall be documented and recorded by the Program.

*History Note: Authority G.S. 90-48; 90-48.2; 90-48.3;  
Eff. April 1, 1994;  
Temporary Amendment Eff. August 20, 1999.*

**.0205 MONITORING REHABILITATION AND  
PERFORMANCE AFTER TREATMENT**

(a) Program members shall monitor dentists and dental hygienists following treatment. Testing for impairment shall be conducted until rehabilitation has been accomplished.

(b) Treatment sources shall submit reports to the Director concerning a dentist's or dental hygienist's rehabilitation and performance.

(c) Impaired dentists and dental hygienists shall submit to periodic personal interviews before the Director or Program members designated by the Director; or, for those referred to the Program by the Board, before the Board's agents. The frequency of personal interviews shall be determined by the dentist's or dental hygienist's ability to accomplish rehabilitation and adequately perform after treatment.

(d) Complete records shall be maintained by the Program on all dentists and dental hygienists reporting for assistance, treatment, or monitoring and such records shall remain confidential in accordance with G.S. 90-48.2(e).

(e) The Program shall maintain statistical information regarding impairment, to be reported to the Board periodically, but no less than once a year.

(f) The Program shall compile and report information periodically to the Board regarding investigations, reports, complaints, intervention, treatment, referral, rehabilitation and follow up care of impaired dentists; dentists and dental hygienists. Such reports shall not identify the subject dentist or dental hygienist unless the dentist or dental hygienist was referred by the Board or a determination under Rule .0203(b) of this Section has

been made.

(g) An audit of the Caring Dentist Program funds shall be conducted in conjunction with the Board's annual audit.

*History Note: Authority G.S. 90-48; 90-48.2;  
Eff. April 1, 1994;  
Temporary Amendment Eff. August 20, 1999.*

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## CHAPTER 48 - BOARD OF PHYSICAL THERAPY EXAMINERS

**Rule-making Agency:** *NC Board of Physical Therapy Examiners*

**Rule Citation:** *21 NCAC 48F .0102*

**Effective Date:** *October 1, 1999*

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

**Authority for the rule-making:** *G.S. 25-3-512; 90-270.33; S.L. 1999-345*

**Reason for Proposed Action:** *In the 1999 Session of the North Carolina General Assembly, the Legislature granted the Board statutory authority to increase the fees, effective immediately. The majority of fees that will be collected in 1999-2000 will be collected in November 1999, December 1999, and January, 2000. The Board had a deficit of \$54,000 in 1998-1999 fiscal year and without the fee increase, the Board will experience a larger deficit in 1999-2000. Therefore, it is imperative that the Temporary Rule become effective before November, 1999 to avoid a deficit in the current fiscal year.*

**Comment Procedures:** *Comments may be submitted to Mr. Ben Massey, Jr., PT, Executive Director, NC Board of Physical Therapy Examiners, 18 West Colony Place, Suite 120, Durham, NC 27705, (919) 490-6393.*

### SUBCHAPTER 48F - CERTIFICATES: FEES: INVESTIGATIONS: RECORD OF LICENSEES

#### SECTION .0100 - CERTIFICATES: FEES: INVESTIGATIONS: RECORD OF LICENSEES

##### **.0102 FEES**

- (a) The following fees are charged by the Board:
  - (1) application for physical therapist licensure:
    - (A) by endorsement or examination taken in another

state, one hundred dollars (\$100.00); one hundred twenty dollars (\$120.00);

- (B) by examination, one hundred dollars (\$100.00) one hundred twenty dollars (\$120.00) plus cost of examination;

- (2) application for physical therapist assistant licensure:
    - (A) by endorsement or examination taken in another state, one hundred dollars (\$100.00); one hundred twenty dollars (\$120.00);
    - (B) by examination, one hundred dollars (\$100.00) one hundred twenty dollars (\$120.00) plus cost of examination;
  - (3) renewal for all persons, forty dollars (\$40.00); sixty dollars (\$60.00);
  - (4) penalty for late renewal, twenty dollars (\$20.00) plus renewal fee;
  - (5) revival of license lapsed less than five years, twenty-five dollars (\$25.00) thirty dollars (\$30.00) plus renewal fee;
  - (6) transfer of licensure information fee, including either the examination scores or licensure verification or both, fifteen dollars (\$15.00); twenty-five dollars (\$25.00);
  - (7) retake examination, thirty dollars (\$30.00) fifty dollars (\$50.00) plus actual cost of examination;
  - (8) certificate replacement or duplicate, fifteen dollars (\$15.00); twenty dollars (\$20.00);
  - (9) directory of licensees, five dollars (\$5.00); ten dollars (\$10.00);
  - (10) ~~computer print-out or labels of any portion of list of physical therapists; licensee list or labels or any portion thereof for physical therapists,~~ sixty dollars (\$60.00);
  - (11) ~~computer print-out or labels of any portion of list of physical therapist assistants; licensee list or labels or any portion thereof for physical therapist assistants,~~ sixty dollars (\$60.00);
  - (12) processing fee for returned checks, maximum allowed by law.
- (b) The application fee is not refundable. The Board shall consider written requests for a refund of other fees based on personal or economic hardship.
- (c) A certified check, money order or cash is required for payment of application fees listed in Parts (a)(1)(A), (B), (C), (D), and (2)(A), (B), (C), and (D) of this Rule.

*History Note: Authority G.S. 25-3-512; 90-270.33;  
Eff. February 1, 1976;*

*Readopted Eff. September 30, 1977;*

*Amended Eff. August 1, 1998; October 1, 1995; October 1, 1994;  
November 1, 1991; August 1, 1991;*

*Temporary Amendment Eff. October 1, 1999.*

## APPROVED RULES

*This Section includes the Register Notice citation to Rules approved by the Rules Review Commission (RRC) at its meeting of July 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
2	NCAC	09K	.0214*	13:20 NCR 1717
2	NCAC	54	.0101-.0102	13:20 NCR 1719
2	NCAC	54	.0104*	13:20 NCR 1719
10	NCAC	01B	.0418-.0420*	13:22 NCR 1823
10	NCAC	29C	.0103	13:19 NCR 1611
15A	NCAC	03P	.0101-.0102*	not required, G.S. 150B-21.4, 150B-21.5
15A	NCAC	07H	.2101-.2102*	13:13 NCR 1045
16	NCAC	06B	.0108	13:18 NCR 1504
16	NCAC	06D	.0103*	13:18 NCR 1504
16	NCAC	06D	.0210*	13:18 NCR 1504
16	NCAC	06D	.0301-.0303	13:18 NCR 1504
16	NCAC	06D	.0305*	13:18 NCR 1504
16	NCAC	06E	.0301	13:18 NCR 1504
16	NCAC	06G	.0202	13:18 NCR 1504
16	NCAC	06G	.0308-.0309	13:18 NCR 1504
16	NCAC	06G	.0311*	13:18 NCR 1504
19A	NCAC	03I	.0207	13:22 NCR 1812
19A	NCAC	03I	.0301-.0302	13:22 NCR 1812
19A	NCAC	03I	.0401	13:22 NCR 1812
19A	NCAC	03I	.0501	13:22 NCR 1812
19A	NCAC	03I	.0601	13:22 NCR 1812
19A	NCAC	03I	.0701	13:22 NCR 1812
21	NCAC	14H	.0112*	13:21 NCR 1794
21	NCAC	14H	.0118	13:21 NCR 1794
21	NCAC	16M	.0101*	13:15 NCR 1221
21	NCAC	18B	.0208*	not required, G.S. 150B-21.4, 150B-21.5(a)(5)

### TITLE 2 - DEPARTMENT OF AGRICULTURE

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

#### SUBCHAPTER 9K - SAMPLING AND TESTING OF MILK AND CREAM: FROZEN DESSERTS

##### SECTION .0200 - FROZEN DESSERTS

#### 214 STANDARDS OF IDENTITY FOR FROZEN YOGURT

Frozen yogurt is the food which is prepared by freezing while stirring, a pasteurized mix consisting of the ingredients provided

for in ice cream and which may contain other ingredients permitted under the Federal Food, Drug, and Cosmetic Act (21 USC 321 et seq.). All dairy ingredients are cultured after pasteurization by one or more strains of *Lactobacillus bulgaricus* and *Streptococcus thermophilus*, provided, however, fruits, nuts, or other flavoring materials may be added before or after the mix is pasteurized or cultured. Frozen yogurt, exclusive of any flavoring, contains not less than 3.25 percent milk fat, not less than 8.25 percent milk solids not fat, except that when bulky characterizing ingredients are used the percentage of milk fat is not less than 2.5 percent. The finished frozen yogurt shall weigh not less than five pounds per gallon. The titratable acidity of frozen yogurt is not less than 0.5 percent, calculated as lactic acid, except if the frozen yogurt primary flavor is a non-fruit characterizing ingredient(s). This

characteristic acidity is developed by the bacterial activity and no heat or bacteriostatic treatment, other than refrigeration, which may result in destruction or partial destruction of the organisms, shall be applied to the product after culturing. The product, when in package form, shall be labeled according to applicable Sections of 2 NCAC 9B .0016(f)(2) (21 CFR Part 101).

*History Note: Authority G.S. 106-128; 106-253; 106-267;  
Eff. December 1, 1985;  
Amended Eff. July 1, 2000.*

## **CHAPTER 54 - GRANT PROGRAMS**

### **SECTION .0100 - WASTE MANAGEMENT EQUIPMENT GRANTS FOR DAIRIES**

#### **.0104 USE OF GRANTS**

Grants shall not be used to purchase equipment in connection with the Agricultural Cost-Share Program administered by the Soil and Water Conservation Commission pursuant to G.S. 143-215.74, or in connection with any other government program.

*History Note: Authority S.L. 1998-212, s. 13.5;  
Temporary Adoption Eff. December 15, 1998;  
Eff. July 1, 2000.*

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

### **CHAPTER 1 - DEPARTMENTAL RULES**

#### **SUBCHAPTER 1B - PROCEDURE**

### **SECTION .0400 - AUDITING PROCEDURES**

#### **.0418 SINGLE AUDITS OF LOCAL GOVERNMENTS AND PUBLIC AUTHORITIES**

(a) Independent auditors retained to conduct single audits for local governments or public authorities may be notified by the Department of Health and Human Services (hereinafter "the Department") or the Local Government Commission of problem areas that the audit shall address.

(b) The Local Government Commission shall review single audits for compliance with OMB Circular A-133 and accept those single audits for the State that have been determined to comply with Federal and State requirements. Whenever a single audit is performed on a local government or public authority that received funds from the Department during the fiscal year audited, the Local Government Commission shall provide the Department with a copy of the audit report(s).

(c) Following receipt of the audit report by the Controller of the Department, relevant portions of the report shall be sent to the Controller's Office employee who is assigned division responsibility for coordination of a departmental position on the corrective actions planned or taken.

(d) The Department or any affected division of the Department

may request any additional information deemed necessary for clarification of an audit finding, recommendation, questioned cost or the corrective action plan. The local government or public authority shall provide the information to the requesting official within 30 days after the receipt of the request. If additional information or clarification from the independent auditor is requested, the local government or public authority shall direct its auditor to provide the information requested to the requesting official within the 30 day response time.

(e) If the Department has reason to believe that due professional care was not used in conducting a single audit or if a local government or public authority or their independent auditor is unwilling or unable to provide clarification or additional information requested by an official of the Department, a written request for review of the auditor's work papers may be filed with the Office of the State Auditor by the Controller. The Controller shall make or arrange for any review of the auditor's work papers deemed necessary for timely resolution of single audit findings, recommendations, or questioned cost.

(f) Following receipt of any additional information requested, the Controller's Office shall prepare a recommendation to accept or reject the corrective action plan for each fiscal compliance finding, recommendation or questioned cost. The Director of an affected division shall prepare a recommendation to accept or reject the corrective action plan for each program-specific compliance finding or recommendation. If the corrective action plan is rejected, the reasons for the rejection and an acceptable corrective action shall be specified. These recommendations shall be forwarded to the Controller's Office Audit Resolution Coordinator for Governmental Audits for coordination of a Departmental position on the corrective action plan.

(g) The Secretary of the Department shall provide the local government or public authority with a written determination which accepts or rejects the corrective action plan for each audit finding, recommendation or questioned cost that pertains to or otherwise affects a program of the Department. If the corrective action plan is rejected the reasons for the rejection and an acceptable corrective action shall be specified in the determination letter. If the corrective action plan indicates that the proposed corrective action for nonmonetary findings has not been implemented, the determination on all nonmonetary findings shall specify the time by which the local government or public authority shall implement the corrective action if different from the time proposed in the corrective action plan. The determination on all questioned costs or other charges to the Department shall state whether the cost or other charge is allowable or unallowable for reimbursement to the local government or public authority under applicable laws and rules. If a cost or other charge to the Department is determined to be unallowable for reimbursement, the determination letter shall require full monetary repayment to the Department within 60 days of the date of the determination letter. The amount of any cost or other charge determined to be unallowable shall constitute a debt due the State of North Carolina until repayment in full is received by the Department.

(h) A determination by the Secretary of the Department required under Paragraph (g) of this Rule shall become final unless a petition for a contested case is filed in accordance with G.S. 150B-

23.

(i) Upon a petition for a contested case filed in accordance with G.S. 150B-23 monetary repayment or implementation of a corrective action required under Paragraph (g) of this Rule shall be suspended only for individual determinations or parts of a determination specifically disputed in the appeal. Interest may be charged under the conditions specified under Paragraph (j) of this Rule on the amount of any cost or other charge determined to be unallowable under Paragraph (g) of this Rule.

(j) Except where otherwise provided by statutes or rules, Federal agencies are required to charge interest on overdue amounts in accordance with the Federal Claims Collection Standards (4 CFR Ch. II). The date from which interest is computed is not extended by litigation or the filing of any form of appeal. If a Federal agency charges the Department interest on the Federal share of an overdue amount from a local government or public authority, the Department shall charge the interest to the local government or public authority.

(k) If a local government or public authority fails to make repayment of an amount due to the Department or obtain Department approval of a deferred payment plan by the "due date" specified in Paragraph (g) of this Rule, the Department shall offset the amount of the disallowance or any portion thereof remaining unpaid and any interest due from subsequent reimbursements or other amounts due the local government or public authority until the amount due is fully recovered.

(l) A local government or public authority may propose a plan for repayment of amounts determined to be unallowable on an installment basis. The local government or public authority must certify that it is unable to make repayment by the "due date" specified in Paragraph (g) of this Rule and that commercial financing can not be obtained. Repayment of the Federal share of amounts determined to be unallowable shall not be allowed on an installment basis unless the Federal grantor agency approves of the installment plan or otherwise allows the Department the same installment repayment terms. Interest may be charged as specified under Paragraph (j) of this Rule while awaiting Federal approval of an installment plan or on installment payments.

(m) If a local government or public authority fails to submit additional information requested under Paragraph (d) of this Rule or fails to implement corrective action within the time frame established by the Secretary under Paragraph (g) of this Rule, the Secretary of the Department or the Director of the requesting division may suspend all or any portion of the administrative and indirect cost funding administered by the Department until such time as the required corrective action plan or additional information is submitted as requested. Alternatively, the Secretary of the Department may issue a unilateral determination on the audit findings, recommendations, and questioned cost requiring any corrective action and repayment of questioned cost deemed necessary for compliance with the laws and rules governing assistance programs affected.

*History Note:* Authority G. S. 143B-10(j); 143B-139.1; 143B-139.3; 159-34;

*Eff. January 1, 1990;*

*Amended Eff. August 1, 2000.*

#### **.0419 AUDITS OF HOSPITALS, NONPROFITS, HIGHER EDUCATION AGENCIES**

(a) Public and private hospitals, public and private institutions of higher education and quasi-public and private nonprofit organizations [recipient organization(s)] which receive, use, or expend State or Federal funds must comply with the requirements of G.S. 143-6.1, Office of the State Auditor's Audit Advisory #2 and OMB Circular A-133 as applicable. These regulations detail reporting and other requirements that recipient organizations must meet in order to receive State or Federal funds. Depending on the amount of State or Federal funds received, used, or expended, the recipient organization(s) may be required to have either an audit made or a sworn accounting of receipts and expenditures.

(b) The University of North Carolina and public hospitals operated by the State of North Carolina have annual audits performed by the State Auditor. The scope of such audits and the contents of the audit reports are the responsibility of the State Auditor and shall be accepted and relied upon by the Department unless a cognizant Federal agency finds that such audits do not meet the requirements of OMB Circular A-133.

(c) The above audit requirements are not applicable to procurements. However, the purpose and substance of an agreement rather than form shall govern whether financial assistance was provided. A subrecipient is an entity that receives financial assistance passed down from the prime recipient. The subrecipient's responsibility is to help the recipient meet the requirements of the assistance award. The test for a subrecipient relationship is whether financial assistance is received from a recipient to carry out a program. A vendor is an entity that receives a procurement contract for goods or services. The vendor's responsibility is to meet the requirements of the procurement contract.

(d) The above audit requirements do not replace a request for submission of audit reports in connection with requests for direct appropriation of state aid by the General Assembly through the Secretary of the Department for recommendations to the Governor and the Advisory Budget Commission and the General Assembly in accordance with G. S. 159-34.

(e) The above audit requirements do not replace requirements for submission of a financial audit report or financial information by the Department in connection with applications for funding or licensure, provider certification or cost reporting, and other purposes not related to provision of State and Federal financial assistance.

(f) The Secretary of the Department may grant a waiver of any or all of the audit standards to a recipient organization who does not receive any grants, contracts or other financial assistance financed in whole or in part with Federal funds when an audit of assistance financed with State funds is not otherwise required by law and is not cost effective.

(g) Each recipient organization shall submit one copy of the audit report and corrective action plan required in Paragraph (a) of this Rule to each division of the Department which provided State or Federal financial assistance during the fiscal year covered by such audit within 30 days from the date the report is issued by the auditor, and no later than the 13th month following the close of the recipient organization's fiscal year in which assistance was received.

(h) Upon receipt of the audit report the Department shall conduct a desk review of the audit report to determine if the reporting standards required in OMB Circular A-133 have been met. If an audit received from a recipient organization does not meet the standards required in OMB Circular A-133, the Secretary of the Department shall issue a letter of determination to the recipient organization rejecting the audit and listing the required standards that were not met. The recipient organization shall be allowed no more than 90 days from the date of receipt of the Secretary's determination letter to submit a revised audit report which meets the standards required in OMB Circular A-133. If the recipient organization fails to submit an audit report revised in accordance with the determination letter, the Secretary of the Department may suspend further financial assistance payments to the recipient organization or subject the recipient organization to an audit or compliance review by the Department or the State Auditor.

(i) The Department or any affected division of the Department may request any additional information deemed necessary for clarification of an audit finding, recommendation, questioned cost or the corrective action plan. The recipient organization shall provide the information to the requesting official within 30 days after the receipt of the request. If additional information or clarification from the independent auditor is requested, the recipient organization shall direct their auditor to provide the information requested to the requesting official.

(j) If the Department has reason to believe that due professional care was not used in conducting the audit required under OMB Circular A-133, or if the recipient organization or their auditor is unwilling or unable to provide clarification or additional information requested by an official of the Department, the Controller of the Department may make or arrange for any review of the auditor's work papers deemed necessary for timely resolution of the audit findings, recommendations, or questioned cost.

(k) The Secretary of the Department shall provide the recipient organization with a written determination which accepts or rejects the corrective action plan for each audit finding, recommendation or questioned cost that pertains to or otherwise affects a program of the Department. If the corrective action plan is rejected the reasons for the rejection and an acceptable corrective action shall be specified in the determination letter. If the corrective action plan indicates that the proposed corrective action for nonmonetary findings has not been implemented, the determination on all nonmonetary findings shall specify the time by which the local government or public authority shall implement the corrective action if different from the time proposed in the corrective action plan. The determination on all questioned cost or other charges to the Department shall state whether the cost or other charge is allowable or unallowable for reimbursement to the recipient organization under applicable laws, rules and other provisions of assistance agreements. If a cost or other charge to the Department is determined to be unallowable for reimbursement, the determination letter shall require full monetary repayment to the Department within 60 days of the date of the determination letter. The amount of any cost or other charge determined to be unallowable shall constitute a debt due the State of North Carolina

until repayment in full is received by the Department.

(l) A determination by the Secretary of the Department required under Paragraph (k) or Paragraph (h) of this Rule shall become final unless a petition for contested case is filed in accordance with G.S. 150B-23.

(m) Upon a petition for contested case filed in accordance with G.S. 150B-23, monetary repayment or implementation of a corrective action required under Paragraph (k) of this Rule shall be suspended only for individual determinations or parts of a determination specifically disputed in the appeal. Interest may be charged under the conditions specified under Paragraph (n) of this Rule on the amount of any cost or other charge determined to be unallowable under Paragraph (k) of this Rule.

(n) Except where otherwise provided by statutes or regulations, Federal agencies are required to charge interest on overdue amounts in accordance with the Federal Claims Collection Standards (4 CFR Ch. II). The date from which interest is computed is not extended by litigation or the filing of any form of appeal. If a Federal agency charges the Department interest on the Federal share of an overdue amount from a recipient organization, the Department shall charge the interest to the recipient organization.

(o) If a recipient organization fails to make repayment of an amount due to the Department or obtain Department approval of a deferred payment plan by the "due date" specified in Paragraph (k) of this Rule the Department shall offset the amount of the disallowance or any portion thereof remaining unpaid and any interest due from subsequent reimbursements or other amounts due the recipient organization until the amount due is fully recovered.

(p) A recipient organization may propose a plan for repayment of amounts determined to be unallowable on an installment basis. The recipient organization must certify that it is unable to make repayment by the "due date" specified in Paragraph (k) of this Rule and that commercial financing can not be obtained. Repayment of the Federal share of amounts determined to be unallowable shall not be allowed on an installment basis unless the Federal grantor agency approves of the installment plan or otherwise allows the Department the same installment repayment terms. Interest may be charged as specified under Paragraph (n) of this Rule while awaiting Federal approval of an installment plan or on installment payments.

(q) If a recipient organization fails to submit the corrective action plan required under Paragraph (a) of this Rule or additional information requested under Paragraph (i) of this Rule or fails to implement corrective action within the time frame established by the Secretary under Paragraph (k) of this Rule, the Secretary of the Department or the Director of the requesting Division may suspend payment to the recipient organization of all or any portion of the administrative and indirect cost funding administered by the Department until such time as the required audit, corrective action plan or additional information is submitted as requested. Alternatively, the Secretary of the Department may issue a unilateral determination on the audit findings, recommendations, and questioned cost requiring any corrective action and repayment of questioned cost deemed necessary for compliance with the laws and rules governing assistance programs affected.

*History Note: Authority G.S. 143B-10(j); 143B-139.1;  
Eff. January 1, 1990;  
Amended Eff. August 1, 2000.*

**0420 PURCHASE OF SERVICE VS. FINANCIAL ASSISTANCE**

(a) Non-profit and for profit agencies that receive State or Federal financial assistance either directly from DHHS—as a recipient or indirectly as a subrecipient through contractual agreements with local agencies funded by DHHS shall have a compliance audit performed in accordance with OMB Circular A-133; however, Circular A-133 does not apply to purchases of goods/services (vendors).

(b) A recipient/subrecipient is distinguished from a vendor (purchase of service agreement) by the degree of responsibility assumed to meet the requirements of the program.

(c) In a financial assistance arrangement, the recipient/subrecipient receives the funding to carry out or administer a program. A recipient/subrecipient may be responsible for determining who is eligible for participation in a program by applying pre-determined eligibility requirements. A vendor who reserves the right to reject a participant based on a criteria other

than eligibility, does not become a recipient by exercising that right. A recipient/subrecipient is responsible for making programmatic decisions and its performance is measured against meeting the program's objectives. Normally, but not always, there is an interest in how program funds are expended. Although recipient/subrecipient generally have cost reimbursement grants/contracts it is possible for them to have a fee/rate per unit of service arrangement.

(d) A vendor (purchase of services/goods) is measured against the terms of a contract. Goods must meet certain specifications and services are measured against certain quality standards. A vendor normally operates in a competitive environment and once a pre-determined unit price has been established in a contract, usually there is no interest in how the vendor expends funds in meeting the vendor's obligation under the terms of the contract.

(e) In distinguishing between a purchase of service and financial assistance arrangement, the substance of the relationship is more important than the form of the agreement.

(f) Reviewing a recipient/subrecipient's contractual requirements and answering the following questions shall give an indication of the type arrangement represented by the contract.

	Indication of	
	Financial Assistance	Purchase/Service
	Yes	No
1. Does the contract provider determine client eligibility?		
2. Does the contract provider authorize services on a client specific basis?		
3. Does the contract provider determine the appropriateness of the services to be provided?		
4. Does the contract provider provide administrative functions, such as:		
a. Program evaluation?		
b. Program planning?		
c. Monitoring?		
d. Develop program standards, procedures, and rules?		
5. Does the contract provider have responsibility for program compliance?		
6. Does the contract provider have to submit a cost report to satisfy a cost reimbursement arrangement?		
7. Does the contract provider have any obligation to the funding authority other than the delivery of the specified goods/services?		
	No	Yes
8. Does the contract provider operate in a competitive environment?		
9. Does the contract provider provide similar goods or services to many different purchasers?		
10. Does the contract provider provide the goods or services within normal business operations?		

The list in this Rule is not intended to be all inclusive; however, the answers to the questions shall offer guidance in distinguishing between a purchase of service or financial assistance arrangement. There may be other factors that would influence the decision on whether a contract is classified as either financial assistance or purchase of service and the decision shall only be made after weighing all factors relative to the contract. All factors will not carry the same weight. As an illustration, if any of the answers to questions 1 through 5 are yes, the contract shall almost always be a financial assistance arrangement. However, regardless of the answers to the questions, they shall not contradict a determination/classification that has been/or may be made by the funding Federal authority.

The funding DHHS Division shall be available to assist, on a timely basis, its local counterparts in making the distinction in unique situations.

*History Note: Authority G.S. 143B-10(j)(2);  
Eff. June 1, 1995;  
Amended Eff. August 1, 2000.*

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

**CHAPTER 3 - MARINE FISHERIES**

## SUBCHAPTER 3P - HEARING PROCEDURES

## SECTION .0100 - HEARING PROCEDURES

**.0101 LICENSE/PERMIT DENIAL: INFORMAL HEARING PROCEDURES**

(a) If the Division decides to deny or limit a renewal of a license or permit for an activity of a continuing nature, the license sought to be renewed shall continue in effect as provided in G.S. 150B-3.

(b) Except in cases where G.S. 113-171 is applicable, before the Division may commence proceedings for suspension, revocation, annulment, withdrawal, recall, cancellation, or amendment of a license or permit, notice shall be given to the license or permit holder notifying him that:

- (1) He may request an opportunity to show compliance with all lawful requirements for retention of the license in an informal meeting with Division personnel responsible for the initiation of the action to revoke the license; and
- (2) He has a right through filing a request for a contested case hearing in the Office of Administrative Hearings to a hearing before an administrative law judge and a final agency decision by the Marine Fisheries Commission.

(c) Any requests for an informal meeting or administrative hearings shall be made to the person designated in the notice.

(d) The Division may order summary suspension of a license or permit if it finds that the public health, safety, or welfare requires emergency action. Upon such determination the Fisheries Director shall issue an order giving the reasons for the emergency action. The effective date of the order shall be the date specified on the order or the date of service of a certified copy of the order at the last known address of the license or permit holder whichever is later.

(e) When a license is summarily suspended and a request is made for an informal meeting or a hearing, the proceeding shall be promptly commenced and determined.

*History Note: Authority G.S. 113-134; 113-171; 150B-23;  
Eff. January 1, 1991;  
Amended Eff. August 1, 1999.*

**.0102 CONTESTED CASE HEARING PROCEDURES**

Administrative hearings shall be held in accordance with G.S. 150B, and the administrative hearing procedures codified at 15A NCAC 1B .0200.

*History Note: Authority G.S. 113-134; 143B-289.52;  
Eff. January 1, 1991;  
Amended Eff. August 1, 1999.*

## CHAPTER 7 - COASTAL MANAGEMENT

## SUBCHAPTER 7H - STATE GUIDELINES FOR AREAS OF ENVIRONMENTAL CONCERN

## SECTION .2100 - GENERAL PERMIT FOR CONSTRUCTION OF MARSH ENHANCEMENT BREAKWATERS FOR SHORELINE PROTECTION IN

## ESTUARINE AND PUBLIC TRUST WATERS

**.2101 PURPOSE**

This general permit shall allow the construction of offshore parallel breakwaters, made from wood, plastic lumber, or metal sheet piling for shoreline protection in conjunction with existing or created coastal wetlands. This permit shall only be applicable where a shoreline is experiencing erosion in public trust areas and estuarine waters according to authority provided in 15A NCAC 7J .1100 and according to the procedures and conditions outlined in this subchapter. This permit shall not apply within the ocean hazard AEC, the inlet hazard AEC, or waters adjacent to these. AEC's, with the exception of those portions of shoreline within the Inlet Hazard Area AEC that feature characteristics of Estuarine Shorelines. Such features include the presence of wetland vegetation, lower wave energy, and lower erosion rates than in adjoining Ocean Erodible Area.

*History Note: Authority G.S. 113A-107; 113A-118.1;  
Eff. June 1, 1994;  
Amended Eff. August 1, 2000.*

**.2102 APPROVAL PROCEDURES**

(a) The applicant must contact the Division of Coastal Management and request approval for development. The applicant shall provide information on site location, dimensions of the project area, and his name and address.

(b) The applicant must provide:

- (1) confirmation that a written statement has been obtained signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
- (2) confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. Such notice shall instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within 10 days of receipt of the notice, and, indicate that no response shall be interpreted as no objection. DCM staff shall review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project can be approved by a General Permit. If DCM staff finds that the comments are worthy of more in-depth review, the applicant shall be notified that he must submit an application for a major development permit.

(c) No work shall begin until an on-site meeting is held with the applicant and appropriate Division of Coastal Management representative so that the proposed breakwater alignment can be appropriately marked. Written authorization to proceed with the proposed development may be issued during this visit. Construction of the breakwater must begin within 90 days of this visit or the general authorization expires and it will be necessary to re-examine the alignment to determine if the general authorization can be reissued.

*History Note: Authority G.S. 113A-107; 113A-118.1;  
Eff. June 1, 1994;  
Amended Eff. August 1, 2000.*

**TITLE 16 - DEPARTMENT OF PUBLIC EDUCATION**

**CHAPTER 6 - ELEMENTARY AND SECONDARY  
EDUCATION**

**SUBCHAPTER 6D - INSTRUCTION**

**SECTION .0100 - CURRICULUM**

**.0103 GRADUATION REQUIREMENTS**

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

- (1) The passing score for the competency test, which is the same as grade-level proficiency as set forth in Rule .0304 of this Subchapter, shall be level III or higher. The four possible levels of achievement on these tests and for all tests administered pursuant to Section .0300 of this Subchapter, shall be:
  - (A) Level I - fails to achieve at a basic level. Students performing at this level do not have sufficient mastery of knowledge and skills in this subject area to be successful at the next grade level.
  - (B) Level II - achieves at a basic level. Students performing at this level demonstrate inconsistent mastery of knowledge and skills that are fundamental in this subject area and that are minimally sufficient to be successful at the next grade level.
  - (C) Level III - achieves at a proficient level. Students performing at this level consistently demonstrate mastery of grade level subject matter and skills and are well prepared for the next grade level.
  - (D) Level IV - achieves at an advanced level. Students performing at this level consistently perform in a superior manner clearly beyond that required to be proficient at grade level work.
- (2) Special education students may apply in writing to be exempted from taking the competency tests. Before it approves the request, the LEA must assure that the parents, or the child if aged 18 or older, understand that each student must pass the competency tests to receive a high school diploma.
- (3) Any student who has failed to pass the competency tests by the end of the last school month of the year in which the student's class graduates may receive additional remedial instruction and continue to take the competency tests during regularly scheduled testing until

the student reaches maximum school age.

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

- (1) Effective with the class entering ninth grade for the 1998-99 school year, the 20 course units must include:
  - (A) four units in English, which must be English I, II, III, and IV;
  - (B) three units in mathematics, one of which must be Algebra I;
  - (C) three units in social studies, one of which must be in government and economics, one in United States history and one in world studies;
  - (D) three units in science, one of which must be biology, one a physical science, and effective with the class of 2004, one earth/environmental science;
  - (E) one unit in physical education and health; and
  - (F) six units designated by the LEA, which may be undesignated electives or courses designated from the standard course of study.
- (2) LEAs may count successful completion of course work in the ninth grade at a school system which does not award course units in the ninth grade toward the requirements of this Rule.
- (3) LEAs may count successful completion of course work in grades 9-12 at a summer school session toward the requirements of this Rule.
- (4) LEAs may count successful completion of course work in grades 9-12 at an off-campus institution toward the requirements of this Rule. No high school may approve enrollment in post-secondary institutions during the regular school year in excess of five percent of its enrollment in grades 10-12 except as allowed by the SBE. 23 NCAC 2C .0301 governs enrollment in community college institutions.
- (c) Effective with the class of 2001, all students must demonstrate computer proficiency as a prerequisite for high school graduation. The passing scores for this proficiency shall be 47 on the multiple choice test and 49 on the performance test. This assessment shall begin at the eighth grade. A student with disabilities shall demonstrate proficiency by the use of a portfolio if this method is required by the student's IEP.
- (d) Effective with the class entering ninth grade for the 1992-93 school year, special needs students as defined by G.S. 115C-109, excluding gifted and pregnant, who do not meet the requirements for a high school diploma shall receive a graduation certificate and shall be allowed to participate in graduation exercises if they meet the following criteria:
  - (1) successful completion of 20 course units by general subject area (4 English, 3 math, 3 science, 3 social studies, 1 health and physical education, and 6 local electives) under Paragraph (b) of this Rule. These students are not required to pass the specifically designated courses such as Algebra I, Biology or United States history,
  - (2) completion of all IEP requirements.

*History Note: Authority G.S. 115C-12(9)c.; 115C-81(a); 115C-180; N.C. Constitution, Article IX, Sec. 5; Eff. July 1, 1986; Amended Eff. January 2, 1998; January 1, 1993; July 1, 1992; Temporary Amendment Eff. April 24, 1998; Amended Eff. August 1, 1999.*

## **SECTION .0200 - TEXTBOOKS**

### **.0210 DISPOSITION OF OLD TEXTBOOKS**

LEAs may dispose of textbooks which are no longer listed on the state-adopted textbook list by sale, gift, or exchange. LEAs shall remit the proceeds of sale to the Department. The Department shall credit these proceeds to the LEA's textbook account.

*History Note: Authority G.S. 115C-89; 115C-102(b); Eff. March 1, 1990; Amended Eff. August 1, 1999; June 1, 1992.*

## **SECTION .0300 - TESTING PROGRAMS**

### **.0305 END-OF-COURSE TESTS**

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

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

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

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

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

(f) Each student shall take the appropriate end-of-course test the first time the student takes the course even if the course is an honors or advanced placement course.

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

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

(i) Effective with the 1999-2000 school year students may drop a course with an end-of-course test within the first 10 days of a block schedule or within the first 20 days of a traditional schedule.

*History Note: Authority G.S. 115C-12(9)c.; 115C-81(b)(4); Eff. November 1, 1997; Amended Eff. August 1, 1999.*

## **SUBCHAPTER 6G - EDUCATION AGENCY RELATIONS**

### **SECTION .0300 - SCHOOL-BASED MANAGEMENT**

## **AND ACCOUNTABILITY PROGRAM**

### **.0311 GENERAL KNOWLEDGE TEST FOR CERTIFIED STAFF**

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

*History Note: Authority G.S. 115C-105.38A; Codifier of Rules Objected to the Findings of Need for the Temporary Rule Eff. April 15, 1998; Temporary Adoption Eff. April 24, 1998; Eff. August 1, 1999.*

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

### **CHAPTER 14 - BOARD OF COSMETIC ART EXAMINERS**

#### **SUBCHAPTER 14H - SANITATION**

### **SECTION .0100 - ORGANIZATIONAL RULES**

#### **.0112 CLEANLINESS OF CLINIC AREA: SUPPLIES: COMBS AND BRUSHES**

(a) The clinic area shall be kept clean.

(b) Waste material shall be kept in suitable covered receptacles. The area surrounding the waste receptacles shall be maintained in a neat and sanitary manner.

(c) Sanitation rules which apply to towels and cloths are as follows:

- (1) Separate and clean towels shall be used for each patron.
- (2) After a towel has been used once, it shall be discarded and placed in a clean, closed container until properly laundered.
- (3) There shall be a supply of clean towels at all times.
- (4) All capes used on patrons shall be kept clean and shall not be allowed to come in direct contact with the patron's neck.

(d) At least six combs and brushes shall be provided for each cosmetology operator and cosmetology student.

(e) All combs, brushes, esthetics and manicurist instruments shall be cleaned and disinfected after each use in the following manner:

- (1) They shall be soaked in a cleaning solution that will not leave a residue and, if necessary, scrubbed.
- (2) They shall be disinfected in accordance with the manufacturer's instructions that state the solution will destroy HIV virus, TB or HBV and is approved by the Federal Environmental Protection Agency. When selecting a disinfectant, care shall be taken to choose one that will not shorten the service life of the comb, brush, esthetics or manicuring instrument. In using a disinfectant, care shall be taken to wear any personal protective equipment, such as gloves, recommended in the Material Safety Data Sheet prepared on the

disinfectant by the manufacturer.

- (3) They shall be rinsed with hot tap water and dried thoroughly with a clean towel before their next use. If they are not used immediately, they shall be stored in a clean, closed cabinet until they are needed.

*History Note: Authority G.S. 88B-4;*

*Eff. February 1, 1976;*

*Amended Eff. June 1, 1994; April 1, 1991; January 1, 1989; April 1, 1988;*

*Temporary Amendment Eff. January 20, 1999;*

*Amended Eff. August 1, 2000.*

## **CHAPTER 16 - BOARD OF DENTAL EXAMINERS**

### **SUBCHAPTER 16M - FEES PAYABLE**

#### **SECTION .0100 - FEES**

##### **.0101 DENTISTS**

(a) The following fees shall be payable to the Board:

- (1) Application for general dentistry examination \$500.00
- (2) Application for instructor's license or renewal thereof \$140.00
- (3) Application for provisional license \$100.00
- (4) Application for intern permit or renewal thereof \$100.00
- (5) Certificate of license to a resident dentist desiring to change to another state or territory \$ 25.00
- (6) Duplicate license \$ 25.00
- (7) Reinstatement of license after retirement from practice in this State \$225.00
- (8) Penalty fee for late renewal of any license or permit \$ 50.00

(b) Each dentist or instructor renewing his license to practice dentistry in North Carolina shall be assessed a fee of twenty-five dollars (\$25.00) in addition to the annual renewal fee, to be contributed to the operation of the Caring Dentist Program.

*History Note: Authority G.S. 90-28; 90-39; 90-48;*

*Eff. September 3, 1976;*

*Readopted Eff. September 26, 1977;*

*Amended Eff. August 1, 1978; December 1, 1994; May 1, 1989;*

*March 1, 1988; May 1, 1987;*

*Temporary Amendment Eff. October 28, 1998;*

*Amended Eff. August 1, 2000.*

## **CHAPTER 18 - BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS**

### **SUBCHAPTER 18B - BOARD'S RULES FOR THE IMPLEMENTATION OF THE ELECTRICAL CONTRACTING LICENSING ACT**

#### **SECTION .0200 - EXAMINATIONS**

##### **.0208 SPECIALLY ARRANGED EXAMINATIONS**

(a) Specially-arranged examinations are examinations given in

the Board's office or elsewhere at a time other than during a regular semi-annual examination period.

(b) Provided the conditions of this Rule are met, the Board's staff may accept applications for specially-arranged examinations, to expedite verification of references and qualifications of applicants, and to arrange for such applicants to take a specially-arranged examination if the staff finds that a specially-arranged examination is justified. The Board shall consider and act on applications at the request of the application review committee or on written appeal of an applicant.

(c) An out-of-state electrical contractor shall mean a person, partnership, firm or corporation currently operating an electrical contracting business in accordance with the laws of his or its home state, outside the State of North Carolina. The Board shall give specially-arranged examinations on a reciprocal basis for out-of-state electrical contractors whose circumstances require that they be licensed prior to the time when a regular examination is scheduled and when such contractors are not eligible for a license pursuant to G.S. 87-50 because no reciprocal licensing agreement exists. An out-of-state electrical contractor's need to bid or otherwise offer to engage in a specific North Carolina project, the time-table for which will not permit waiting until the next semi-annual examination period, may constitute circumstances reasonably justifying the scheduling of a specially-arranged examination for the individual representing such out-of-state electrical contractor.

(1) To be eligible to take a specially-arranged examination, the individual applying to become qualified must file with the Board an application, together with the following:

- (A) Information satisfactorily verifying that the out-of-state electrical contractor which the individual represents is engaged in a lawful electrical contracting business in its home state. If the out-of-state electrical contractor is required to be, and is, licensed in its home state as an electrical contractor, this information must include written verification that the licensing agency of such state will grant the same specially-arranged privilege to North Carolina electrical contractors.
- (B) Information satisfactorily verifying the need for a North Carolina license prior to the next semi-annual examination period.
- (C) The specially-arranged application-examination fee as prescribed in Rule .0209 of this Section.
- (D) Information satisfactorily verifying that the applicant for the examination has met all the minimum requirements applicable to the classification involved as prescribed in Rules .0201, .0202 and .0210 of this Section.

(2) The Board's staff shall approve the application if the out-of-state electrical contractor is required to be, and is, licensed in its home state as an electrical contractor and if the licensing agency in that state has committed itself in writing to grant to electrical contractors licensed by North Carolina the same privilege which the applicant is requesting from the Board.

- (3) The applicant shall take the examination for the classification of license involved, and at such special time and place as mutually agreed upon by the Board's staff and the applicant.
- (4) Specially-arranged examinations shall be graded promptly, and immediately thereafter the applicant shall be notified of the results. If the applicant passes, the out-of-state electrical contractor which he represents will be eligible to apply for a license based upon his qualifications and, upon meeting all of the other license requirements applicable to the license classification involved, as prescribed in Section .0400 of this Subchapter, a license shall be issued to the out-of-state electrical contractor with him indicated thereon as the qualified individual. If the applicant fails the examination, he will be required to wait the normally-required six-month waiting period between examinations before being eligible to take another specially-arranged examination. However, if he meets all of the other requirements and wishes to apply to take another specially-arranged examination in a classification lower than the classification of his failed examination, or to apply to take a regular examination during the next semi-annual examination period, the normally-required six-month waiting period shall not apply.

(d) A North Carolina electrical contractor shall mean a person, partnership, firm or corporation licensed by the Board to engage or offer to engage in the business of electrical contracting within the state of North Carolina. The Board shall give a specially-arranged examination for a North Carolina electrical contractor whose circumstances require that it be licensed in a classification higher than its current license prior to the time when a regular examination is scheduled. A North Carolina electrical contractor's need to bid or otherwise offer to engage in a specific electrical contracting project having a value exceeding the limitations of such contractor's current license, the time-table for which will not permit waiting until the next regular semi-annual examination period, may constitute circumstances reasonably justifying the scheduling of a specially-arranged examination for the individual representing such North Carolina electrical contractor.

- (1) To be eligible to take a specially-arranged examination, the individual applying to become qualified must file with the Board an application, together with the following:
  - (A) Information satisfactorily verifying the need to have the license upgraded prior to the next regular semi-annual examination period.
  - (B) The specially-arranged application-examination fee as prescribed in Rule .0209 of this Section.
  - (C) Information satisfactorily verifying that the applicant for the examination has met all the minimum requirements applicable to the classification involved as prescribed in Rules .0201, .0202 and .0210 of this Section.
- (2) When an application for a specially-arranged examination is received, the Board's staff shall

determine if the applicant is the duly authorized representative of an electrical contractor licensed by the Board and, if so, shall approve the application.

- (3) The applicant shall take the examination for the classification of license involved, at such time and place as mutually agreed upon by the Board's staff and the applicant.
- (4) Specially-arranged examinations shall be graded promptly, and immediately thereafter the applicant shall be notified of the results. If the applicant passes, the electrical contractor which he represents will be eligible to apply to have its license upgraded based upon the passing applicant's qualification and, upon meeting all of the other license requirements applicable to the license classification involved, as prescribed in Section .0400 of this Subchapter, a new license shall be issued to the electrical contractor with him indicated thereon as the qualified individual. If the applicant fails the examination, he will be required to wait the normally-required six-month waiting period between examinations before being eligible to take another specially-arranged examination. However, if he meets all of the other requirements and wishes to apply to take another specially-arranged examination in a classification lower than the classification of his failed examination, or to apply to take a regular examination during the next semi-annual examination period, the normally-required six-month waiting period shall not apply.

(e) For the purposes of this Subsection, the loss of a listed qualified individual shall mean a currently-licensed electrical contractor being left without a listed qualified individual regularly on active duty in its electrical contracting principal or separate place of business. The Board shall give a specially-arranged examination for an electrical contractor which has lost its listed qualified individual to have another representative take a specially-arranged examination for the purposes of maintaining continuity of such electrical contractor's business. To be eligible to take a specially-arranged examination, the individual applying to become qualified must file with the Board an application, together with the following:

- (1) Information satisfactorily verifying the electrical contractor's need for a representative to take a specially-arranged examination before the next regular semi-annual examination period.
- (2) The specially-arranged application-examination fee as prescribed in Rule .0209 of this Section.
- (3) Information satisfactorily verifying that the applicant for the examination has met all the minimum requirements applicable to the classification involved as prescribed in Rules .0201, .0202 and .0210 of this Section.

*History Note: Authority G.S. 87-42; 87-43.3; 87-43.4; 87-44; Eff. October 1, 1988;*

*Amended Eff. August 1, 1999; February 1, 1990.*

## RULES REVIEW COMMISSION

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, September 16, 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, September 13, 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  
Walter Futch  
Jennie J. Hayman  
George Robinson  
R. Palmer Sugg

### RULES REVIEW COMMISSION MEETING DATES

September 16, 1999  
October 21, 1999

November 18, 1999  
December 16, 1999

### LOG OF FILINGS

#### RULES SUBMITTED: JULY 20, 1999 THROUGH AUGUST 20, 1999

AGENCY/DIVISION	RULE NAME	RULE	ACTION
<b>DEPARTMENT OF INSURANCE</b>			
	Suitability	11 NCAC 12 .1025	Amend
<b>DEPARTMENT OF LABOR</b>			
	Scope	13 NCAC 7F .0601	Adopt
	Definitions	13 NCAC 7F .0602	Adopt
	Training and Education	13 NCAC 7F .0603	Adopt
	Resp./Symptoms Indicating/Dev./MSD	13 NCAC 7F .0604	Adopt
	Medical Management	13 NCAC 7F .0605	Adopt
	Actual Compliance or Safe Harbor	13 NCAC 7F .0606	Adopt
<b>DENR/SEDIMENTATION CONTROL COMMISSION</b>			
	Procedures: Notices	15 NCAC 4C .0107	Amend
<b>EDUCATION, STATE BOARD OF</b>			
	Graduation Requirements	16 NCAC 6D .0103	Repeal
	Grade Level Proficiency	16 NCAC 6D .0304	Repeal
	Definitions	16 NCAC 6D .0501	Adopt
	Student Accountability Standards	16 NCAC 6D .0502	Adopt
	State Graduation Requirements	16 NCAC 6D .0503	Adopt
	Review Procedures	16 NCAC 6D .0504	Adopt
	Local Accountability Procedures	16 NCAC 6D .0505	Adopt
	Students with Disabilities	16 NCAC 6D .0506	Adopt
	Students/Limited English Proficiency	16 NCAC 6D .0507	Adopt

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## **RULES REVIEW COMMISSION**

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### **STATE BOARDS/NC BOARD OF REGISTRATION FOR FORESTERS**

Purpose of Program	21 NCAC 20 .0101	Amend
Qualifications for Registration	21 NCAC 20 .0103	Amend
Examinations	21 NCAC 20 .0104	Amend
References	21 NCAC 20 .0105	Amend
Registration Fees	21 NCAC 20 .0106	Amend
Reciprocity	21 NCAC 20 .0117	Amend
Certification of Consulting Foresters	21 NCAC 20 .0120	Amend
Handling of Complaints	21 NCAC 20 .0122	Amend
Continuing Education	21 NCAC 20 .0123	Adopt

### **NC HOUSING FINANCE AGENCY**

Persons and Families of Moderate Income	24 NCAC 1H .0103	Amend
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## **RULES REVIEW COMMISSION**

### **August 19, 1999 MINUTES**

The Rules Review Commission met on August 19, 1999, in the Assembly Room of the Methodist Building, 1307 Glenwood Avenue, Raleigh, North Carolina. Commissioners in attendance were Chairman Paul Powell, Teresa Smallwood, Jennie J. Hayman, Walter Futch, Jim Funderburk, John Arrowood, Laura Devan, R. Palmer Sugg, David R. Twiddy, and George Robinson.

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

The following people attended:

Harry Wilson	State Board of Education
Dedra Alston	DENR
Dee Williams	State Board of Cosmetic Art Examiners
Emily Lee	TRANSPORTATION/Division of Motor Vehicles
Mell Nevils	DENR/DLR/LQS
Laura Crumpler	Attorney General
Jennie Wilhelm Mau	Attorney General
Sherri Knight	DENR/GW
Arthur Mewberry	DENR/DWQ/Groundwater
Jessica Gill	DENR/Coastal Resources Commission
David A. Hance	DENR/DWQ/Groundwater
Greg Bright	DENR/Well Contractors
Linda Suggs	NCASA
Charles Johnson	Commerce/Finance
Mary Johnson	Commerce/Finance
Mary Thompson	DENR/Coastal Resources Commission

### **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 July 15, 1999 meeting. There being none, the minutes were approved.

### **SWEARING IN OF NEW COMMISSIONERS**

Staff Attorney Robert A. Bryan, Jr. swore in new Commissioners Jennie J. Hayman and Walter Futch.

### **FOLLOW-UP MATTERS**

2 NCAC 20B .0104: AGRICULTURE/Board of Agriculture – The rewritten rule submitted by the agency was approved by the Commission.

1 NCAC 43L .0309: AGRICULTURE/Board of Agriculture – The rewritten rule submitted by the agency was approved by the Commission.

2 NCAC 54 .0103 and .0105: AGRICULTURE/Agriculture and Consumer Services – These rules were returned to the agency.

12 NCAC 9A .0103: JUSTICE/Criminal Justice Education & Training Standards Commission – This Commission will meet on August 27, 1999 and the agency will respond after their Commission meets.

12 NCAC 9B .0107, .0113, .0201, .0202, .0203, .0204, .0205, .0206, .0226, .0227, .0228, .0232, .0233 and .0305: JUSTICE/Criminal Justice Education & Training Standards Commission – The Commission will meet on August 27, 1999 and the agency will respond after their Commission meets.

12 NCAC 9C .0211, .0212, and .0213: JUSTICE/Criminal Justice Education & Training Standards Commission – This Commission will meet on August 27, 1999 and the agency will respond after the Commission meets.

12 NCAC 10B .0103: JUSTICE/Sheriffs' Education & Training Standards – This Commission will meet on September 16, 1999 and the agency will respond after the Commission meets.

15A NCAC 7H .0309, .1805, and .2105: DENR/Coastal Resources Commission – The Commission approved the rewritten rules for .0309 and .2105 submitted by the agency. They continued the objection to .1805 due to lack of statutory authority. In (f), the added provision allowing the division to approve work from May 1 through November 15 is a waiver provision without specific guidelines in violation of G.S. 150B-19(6).

16 NCAC 6C .0501: STATE BOARD OF EDUCATION – The rewritten rule submitted by the agency was approved by the Commission. A motion to rescind the action taken last month to return 16 NCAC 6C .0304 to the agency for failure to comply with the rulemaking provisions of the APA failed on a voice vote.

19A NCAC 3I .0307, .0402, and .0804: TRANSPORTATION/Division of Motor Vehicles – The rewritten rules submitted by the agency were approved by the Commission.

21 NCAC 14I .0104 and .0107: State Board of Cosmetic Art Examiners – The rewritten rules submitted by the agency were approved by the Commission because they had obtained the necessary authority.

21 NCAC 14J .0208 and .0501 - State Board of Cosmetic Art Examiners – The rewritten rules submitted by the agency were approved by the Commission.

21 NCAC 14L .0101 - State Board of Cosmetic Art Examiners – The rewritten rule submitted by the agency was approved by the Commission.

21 NCAC 14N .0113 - State Board of Cosmetic Art Examiners – The rewritten rule submitted by the agency was approved by the Commission.

21 NCAC 14O .0101 and .0104 - State Board of Cosmetic Art Examiners – The rewritten rules submitted by the agency were approved by the Commission.

21 NCAC 14P .0105, .0111, .0112, .0113, .0114, and .0116 - State Board of Cosmetic Art Examiners – The rewritten rules submitted by the agency were approved by the Commission.

## **LOG OF FILINGS**

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

4 NCAC 11 Rules – COMMERCE/Commerce Finance Center – These rules were returned to the agency for failure to comply with the notice provisions of the Administrative Procedures Act. The Notice of Text provides that the comment period would be open through

May 17, 1999. The Submission Form indicates this rule was adopted by the agency on May 6, 1999, prior to the close of the comment period. In addition the notice states that the rules do not have a substantial economic impact of \$5,000,000 in a 12 month period, but the fiscal note does show a total economic impact of \$10,420,000 in fiscal year 1999-2000. This requires a 60 day comment period, rather than the 30 day period provided for in the notice. (G.S. 150B-21.2(f)). Therefore the agency needs to republish all these rules with the proper comment period, observe the comment period, and then adopt the rules.

15A NCAC 27 .0110 (subsequently renumbered as .0101) - DENR/Well Contractors Certification Commission - The Commission objected to this rule due to lack of statutory authority. In (i) there are no standards specified for approving organizational or individual sponsors of continuing education courses. Paragraphs (j) and (k) either redefine or repeat the contents of statutory definitions at G.S. 87-98.2.

15A NCAC 27 .0201 - DENR/Well Contractors Certification Commission - The Commission objected to this rule due to lack of statutory authority. There is no authority cited for not charging well contractors who work for municipal governments the exam or licensing fee. There is no indication given that it was the intent of the general assembly to make that exemption.

15A NCAC 27 .0301 - DENR/Well Contractors Certification Commission - The Commission objected to this rule due to ambiguity. In (e)(2) it is unclear what constitutes a "business related to well contractor activities." It is also unclear what constitutes "satisfactory...equivalent experience." In (e)(1) - (3) various tests to establish satisfactory experience are set out. Item (4) states that instead of (1) - (3) a person may submit evidence of equivalent experience. It seems that a person may show other ways of proving experience but it is unclear what the equivalence is. After all what is the equivalent experience to completing 25 wells in 24 months or "working in a well contractor activity for 24 months" that is not working in this activity? It is possible that the board may accept a combination of experience and education or education alone as an equivalent to the work experience, but that is not what the rule says or implies.

15A NCAC 27 .0410 - DENR/Well Contractors Certification Commission - The Commission objected to this rule due to lack of statutory authority. In (a) the Commission may allow an exam to be administered orally, rather than in writing for "exceptional" circumstances. This is a waiver provision. The Commission may not grant such a waiver without specific guidelines the agency shall follow in granting or denying the waiver.

15A NCAC 27 .0420 - DENR/Well Contractors Certification Commission - The Commission objected to this rule due to ambiguity. In (2)(a) it is unclear what constitutes "a sufficient number of applicants" to justify scheduling an examination. In (2)(b) it is unclear what constitutes "exceptional circumstances" or the standards the Commission shall use in deciding whether to grant or deny the application.

15A NCAC 27 .0430 - DENR/Well Contractors Certification Commission - The Commission objected to this rule due to lack of statutory authority. Rules relating to internal agency procedures are not to be adopted as rules. G.S. 143B-10(j)(3).

15A NCAC 27 .0701 - DENR/Well Contractors Certification Commission - The Commission objected to this rule due to lack of statutory authority and necessity. This rule simply repeats the provisions of G.S. 87-98.5, is unnecessary, and violates G.S. 150B-19(4).

15A NCAC 27 .0810 - DENR/Well Contractors Certification Commission - The Commission objected to this rule due to ambiguity. In (1) - (4) of this rule, especially when taken with .0820, it is unclear what constitutes "course completion," "course credit," and what PDH credit the licensee will earn.

15A NCAC 27 .0820 - DENR/Well Contractors Certification Commission - The Commission objected to this rule due to ambiguity. In (1) - (4) of this rule, especially when taken with .0810, it is unclear what constitutes "course completion," "course credit," and what PDH credit the licensee will earn. In (5) it is unclear how the agency will determine that a course or activity contains "a clear purpose and objective and result[s] in the maintenance, improvement, or expansion of skills..." "without scrutiny of individual course content."

15A NCAC 27 .0840 - DENR/Well Contractors Certification Commission - The Commission objected to this rule due to lack of statutory authority and ambiguity. There is no authority cited to grant an exemption from the statutory continuing education requirement. While an agency has the authority to grant exemptions to its own rules, it has no authority to exempt persons from the statutory requirements, at least not unless such authority is specifically granted by the legislature. Even if there is authority for this rule, it is unclear what constitutes "physical disability, illness, or other extenuating circumstances..." in (3). The logical question that needs to be answered is what sort of disability, illness, or circumstances would render a person capable of performing satisfactorily as a well contractor but not able to obtain or needful of obtaining continuing education hours. It is also unclear what standards the board shall use in determining whether to grant the exemption.

21 NCAC 12 .0504 - NC Licensing Board for General Contractors - This rule was withdrawn by the agency.

**COMMISSION PROCEDURES AND OTHER MATTERS**

Mr. DeLuca announced that election of officers would take place next month. The Commission voted to go into Executive Session to consider the lawsuit and hear from its attorneys. The Commission reconvened after Executive Session and voted to adjourn at 12:25 p.m.

The next meeting will be on September 16, 1999.

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>				
Brithaven, Inc. v. Department of Administration and Priva-Trends, Inc.	98 DOA 0811	Chess	06/10/99	
Laidlaw Transit Svcs. Inc. v. Katie G. Dorsett, Sec'y/Dept/Administration	99 DOA 0102	Morrison	06/11/99	14:02 NCR 115
<b>OFFICE OF ADMINISTRATIVE HEARINGS</b>				
Ted Murrell, Zarn, Inc. v. Office of Administrative Hearings	99 OAH 0665	Chess	07/14/99	
Samuel Lee Ferguson v. Office of Administrative Hearings	99 OAH 0718	Chess	07/16/99	
<b>AGRICULTURE</b>				
Archie McLean v. Department of Agriculture	98 DAG 1770	Reilly	07/12/99	14:04 NCR 349
<b>ALCOHOLIC BEVERAGE CONTROL COMMISSION</b>				
Alcoholic Beverage Control Commission v. Keyland, Inc., T/A Cloud 9	98 ABC 1099	Overby	01/17/99	
Alcoholic Beverage Control Commission v. Food Lion, Inc., Store #1351	98 ABC 1270	Gray	03/31/99	14:04 NCR 347
Alcoholic Beverage Control Commission v. Beech Mountain Resort, Inc.	99 ABC 0287	Reilly	08/11/99	
Alcoholic Beverage Control Commission v. Jaeson Nyung Kim	99 ABC 0407	Morrison	07/09/99	
Delores Ann Holley v. Alcoholic Beverage Control Commission	99 ABC 0876	Gray	08/10/99	
<b>CRIME CONTROL AND PUBLIC SAFETY</b>				
Paul Richard Mull v. Crime Victims Compensation Commission	98 CPS 0342	Chess	07/26/99	
Bobby Mills v. Crime Victims Compensation Commission	98 CPS 1412	Wade	08/06/99	
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	
Elvin Williams, Jr. v. Crime Victims Compensation Commission	99 CPS 0118	Owens	08/03/99	
Michael Anthony Powell v. Crime Victims Compensation Commission	99 CPS 0426	Reilly	08/03/99	
Mary Elizabeth Peoples Hogan v. Crime Victims Compensation Comm.	99 CPS 0504	Reilly	07/29/99	
Annabell B. McCormick v. Crime Victims Compensation Commission	99 CPS 0564	Phipps	08/04/99	
<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
Willie Setzer v. Department of Environment & Natural Resources	99 EHR 0166	Chess	06/28/99	
Charles H. Jordan v. Brunswick County Health Department	99 EHR 0201	Morrison	06/28/99	
Mazzella's Restaurant, Peter D. Mazzella v. Carteret County Env. Health	99 EHR 0692	Reilly	08/19/99	
Roadway Express v. Department of Environment and Natural Resources	99 EHR 0745	Morrison	07/27/99	
Shell Island Homeowners' Association v. DENR, Div. of Env. Health	99 EHR 0814	Owens	08/18/99	

# CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<b>Division of Air Quality</b>				
Errance W. Bache, Pres., Terhane Group, Inc. v. DENR, Div/Air Quality	98 EHR 1790	Mann	06/23/99	
XVIII Airborne Corps & Fort Bragg, Dept. of the Army, USA v. Environment and Natural Resources, Div. of Air Quality	99 EHR 0283	Wade	08/11/99	
J.D. Owen v. Environment and Natural Resources, Div. of Air Quality	99 EHR 0642	Mann	08/10/99	
<b>Environmental Management</b>				
Allen Raynor v. Environmental Management Commission	99 EHR 0127	Gray	07/27/99	
<b>Division of Land Resources</b>				
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>Division of Marine Fisheries</b>				
Alton Chadwick v. Division of Marine Fisheries	99 EHR 0553	Reilly	08/19/99	
<b>Division of Water Quality</b>				
York Oil Company v. DENR, Division of Water Quality	97 EHR 1026	Phipps	07/26/99	14:04 NCR 343
J. Todd Yates and Teresa B. Yates v. DENR, Div. of Water Quality	98 EHR 1456	Wade	06/22/99	
<b>BOARD OF GEOLOGISTS</b>				
Andrew M. Raring, Ph.D v. Board for the Licensing of Geologists	99 BOG 0150	Mann	06/16/99	
<b>HEALTH AND HUMAN SERVICES</b>				
Eardley "JR" Stephens v. St. Bd. of Nurse's Aides and Practitioners	98 DHR 0155	Phipps	08/25/99	
Ernest Clyde Absher and Dianna B. Absher v. Health & Human Resources	98 DHR 1622	Reilly	06/17/99	
Andrew Ganey 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	
Paul Walker, Thomas Walker & Mary Walker v. Mecklenburg Area Mental Health	99 DHR 0155	Morrison	08/19/99	
New Hope Living Centers, Eric D. Lewis v. Health & Human Services	99 DHR 0170	Owens	05/25/99	
Frank McKoy v. Department of Health & Human Services	99 DHR 0226	Wade	07/06/99	
Joan Marie McDanel v. Department of Health & Human Services	99 DHR 0305	Reilly	08/05/99	
Lonnie Herring v. Department of Health & Human Services	99 DHR 0350	Reilly	06/03/99	
Robert H. Riley v. Office of the Governor, Office of Citizen Services	99 DHR 0356	Wade	07/21/99	
<b>Division of Child Development</b>				
Shaw Speaks Child Dev. Ctr. v. Health & Human Svcs., Child Dev.	99 DHR 0042	Gray	07/22/99	
Lachelle L. Parsons v. Health & Human Svcs, Div. of Child Dev.	99 DHR 0445	Reilly	07/19/99	
In The Beginning, Inc. v. Health & Human Svcs., Div. of Child Dev.	99 DHR 0575	Mann	07/19/99	
Dulatown Outreach Center, Inc. v. Health & Human Svcs., Child Dev.	99 DHR 0688	Owens	07/21/99	
Michele Denoff v. Health & Human Services, Div. of Child Dev.	99 DHR 0695	Owens	08/05/99	
<b>Division of Facility Services</b>				
Kelly M. Poole v. Health & Human Services, Div. of Facility Services	99 DHR 0629	Chess	06/14/99	
Norma Faye Lewis v. Health & Human Svcs., Div. of Facility Services	98 DHR 1274 <sup>*1</sup>	Phipps	07/02/99	
Della C. Jones v. Health & Human Services, Div. of Facility Services	98 DHR 1680	Gray	06/09/99	
Effie Ruth Smith v. Health & Human Svcs., Div. of Facility Services	98 DHR 1774	Chess	07/14/99	
Doris Laviner Moser v. Health & Human Services, Div. of Facility Svcs.	99 DHR 0074	Wade	08/06/99	
Norma Faye Lewis v. Health & Human Svcs., Div. of Facility Services	99 DHR 0144 <sup>*1</sup>	Phipps	07/02/99	
Carolyn Grant v. Health & Human Services, Div. of Facility Services	99 DHR 0145	Mann	06/11/99	
Marion Moser Thompson v. Health & Human Svcs., Facility Services	99 DHR 0216	Gray	08/13/99	
Rose Marie Hadley v. Health & Human Svcs., Div. of Facility Services	99 DHR 0218	Wade	08/06/99	
Sarah Frances Alford v. Health & Human Svcs., Div. of Facility Svcs.	99 DHR 0220	Phipps	06/08/99	
Alvin L. Phynon Jr. v. Health & Human Svcs., Dept. of Facility	99 DHR 0230	Mann	07/07/99	
Barbara Rhue v. D.F.S.	99 DHR 0401 <sup>*3</sup>	Wade	07/30/99	
Barbara Rhue v. D.F.S.	99 DHR 0414 <sup>*3</sup>	Wade	07/30/99	
Esther Nieves v. Health & Human Services, Div. of Facility Services	99 DHR 0766	Phipps	07/21/99	
<b>Division of Medical Assistance</b>				
Companion Health Care, Inc. v. Div. of Medical Assistance, DHR	99 DHR 0762	Owens	07/29/99	
<b>Division of Mental Health, Developmental Disabilities and Substance Abuse Services</b>				
S. by her parents and next friends, D.S. & A.S. v. DMH/DD/SAS	99 DHR 0538	Gray	08/02/99	

\* Consolidated Cases.

# CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<i>Division of Social Services</i>				
Robert H. Riley v. Iredell County DSS	99 DHR 0354	Wade	07/21/99	
Robert H. Riley v. Health & Human Svcs., Div. of Social Services	99 DHR 0355	Wade	07/21/99	
Joanna Price v. Caldwell County Social Services	99 DHR 0520	Morrison	06/10/99	
Veronica Owens v. Dept. of Social Services Union County	99 MIS 0677	Mann	08/17/99	
<i>Child Support Enforcement Section</i>				
Lindy Teachout v. Department of Health & Human Services	98 CRA 0727	Reilly	06/24/99	
Thomas Ashley Stewart II v. Department of Health & Human Services	99 CRA 0628	Reilly	06/14/99	
Richard Arnold Collins v. Jones County DSS	96 CSE 1810	Reilly	06/28/99	
David S. Blackwelder v. Department of Human Resources	97 CSE 0416	Morrison	08/24/99	
Kenneth Wayne Adair v. Department of Human Resources	98 CSE 0229	Morrison	06/30/99	
Hurt G. Stokes v. Department of Health & Human Services	98 CSE 0898	Gray	07/23/99	
G.S. Hall v. Department of Health & Human Services	98 CSE 1392	Reilly	06/24/99	
Kenneth A. McCrone v. Department of Human Resources	98 CSE 1435	Gray	08/04/99	
Donald Edward Law II v. Department of Human Resources	98 CSE 1586	Morrison	06/25/99	
Robert M. Chawler Jr. v. Department of Health & Human Services	98 CSE 1789	Phipps	05/27/99	
Grady L. Chosewood v. Department of Health & Human Services	99 CSE 0301	Mann	07/01/99	
Fulton Allen Tillman v. Department of Health & Human Services	99 CSE 0311	Reilly	06/30/99	
Nathaniel Alston v. Department of Health & Human Services	99 CSE 0317	Mann	07/01/99	
Bret Burtrum v. Department of Health & Human Services	99 CSE 0318	Wade	07/14/99	
Cedric A. Hurst v. Department of Human Resources	99 CSE 0330	Chess	08/10/99	
Dane Wesley Ware v. Department of Health & Human Services	99 CSE 0359	Gray	06/28/99	
Oscar William Willoughby Sr. v. Dept. of Health & Human Services	99 CSE 0371	Morrison	06/28/99	
Kelvin E. Townsend v. Department of Health & Human Services	99 CSE 0373	Phipps	07/12/99	
Billy J. Young v. Department of Health & Human Services	99 CSE 0374	Reilly	06/14/99	
Adelheide J. Cooper v. Department of Health & Human Services	99 CSE 0428	Phipps	07/19/99	
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 E. West v. Department of Health & Human Services	99 CSE 0451	Morrison	05/25/99	
Troy Gibson v. Department of Health & Human Services	99 CSE 0462	Owens	07/19/99	
Roy D. Washington v. Department of Health & Human Services	99 CSE 0481	Reilly	06/25/99	
Larry Lowell Dixon v. Department of Health & Human Services	99 CSE 0518	Morrison	08/24/99	
Calvin D. Alston v. Department of Health & Human Services	99 CSE 0539	Owens	08/10/99	
Marquel Simmons v. Department of Health & Human Services	99 CSE 0547	Wade	08/06/99	
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	
Mohamed Moustafa v. Department of Health & Human Services	99 CSE 0582	Owens	08/05/99	
Charlie James White v. Department of Health & Human Services	99 CSE 0690	Morrison	07/20/99	
Earle Bolton v. Department of Health & Human Services	99 CSE 0735	Phipps	08/06/99	
Larl C. Jones, Sr. v. Department of Health & Human Services	99 CSE 0801	Gray	08/10/99	
Naion V. Pride v. Department of Health & Human Services	99 CSE 0825	Phipps	08/20/99	
Kathryn P. Fagan v. Department of Health & Human Services	98 DCS 1769	Morrison	06/25/99	
Deborah Seegars v. Department of Health & Human Services	99 DCS 0505	Phipps	06/30/99	
Lillian Anne Darroch v. Department of Health & Human Services	99 DCS 0555	Gray	07/06/99	
Evelyn C. Pratt v. Department of Health & Human Services	99 DCS 0813	Owens	08/25/99	
<b>JUSTICE</b>				
<i>Alarm Systems Licensing Board</i>				
Terry Allen Brickey v. Alarm Systems Licensing Board	99 DOJ 0097	Wade	05/21/99	
Travis Eric Reardon v. Alarm Systems Licensing Board	99 DOJ 0446	Phipps	07/28/99	
Brian Anthony Bartmac v. Alarm Systems Licensing Board	99 DOJ 0487	Morrison	05/25/99	
Paul Luke Walczak v. Alarm Systems Licensing Board	99 DOJ 0489	Owens	08/03/99	
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	
Donald Eugene Boger v. Alarm Systems Licensing Board	99 DOJ 0715	Owens	07/29/99	
Kajur Washburn v. Alarm Systems Licensing Board	99 DOJ 0716	Owens	07/29/99	
<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	
Hal Pilgreen v. Criminal Justice Ed. & Training Stds. Comm.	98 DOJ 1775	Chess	06/09/99	
Emma J. Kiser v. Sheriffs' Ed. & Training Standards Comm.	98 DOJ 1793	Gray	06/07/99	
Keith Allen Norris v. Sheriffs' Ed. & Training Standards Comm.	99 DOJ 0045	Mann	07/29/99	
Sherry Davis Kenney v. Criminal Justice Ed. & Training Stds. Comm.	99 DOJ 0067	Wade	06/08/99	
Russell Lee Yelverton v. Criminal Justice Ed. & Training Stds. Comm.	99 DOJ 0131	Phipps	08/11/99	

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# CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<b>Private Protective Services Board</b>				
Thomas E. Mewhorn v. Private Protective Services Board	99 DOJ 0101	Owens	07/30/99	
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	
Shawn E. Alexander v. Private Protective Services Board	99 DOJ 0492	Owens	07/19/99	
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	
Bobby James Nicholson v. Private Protective Services Board	99 DOJ 0528	Phipps	08/17/99	
<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>				
<b>Department of Agriculture</b>				
H.C. Troxler, Jr. v. Dept. of Agriculture and Consumer Services	99 OSP 0659	Chess	07/27/99	
<b>Community Colleges</b>				
Thomas Michael Chamberlin v. Department of Community Colleges	99 OSP 0286	Phipps	06/25/99	
<b>Correction</b>				
E. Wayne Irvin v. Department of Correction	94 OSP 1791	Morrison	05/18/99	14:01 NCR 60
Pershield DeLoatch v. Department of Correction	98 OSP 1026	Gray	08/11/99	
Deborah Smith v. Department of Correction	98 OSP 1126	Chess	06/22/99	
Maydean L. Taylor v. Department of Correction	98 OSP 1272	Chess	05/14/99	
Ann McMillan v. Morrison Youth Institution, Department of Correction	98 OSP 1275	Chess	05/12/99	
Edward Alan Roper v. DOC, Div. of Prisons, Western Youth Institute	98 OSP 1644	Gray	08/11/99	
Carlos Stanley v. Department of Correction	99 OSP 0027	Morrison	06/22/99	
Steve A. Matthews v. Department of Correction	99 OSP 0162	Morrison	08/20/99	
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	
Charles Creegan v. Department of Correction	99 OSP 0765	Reilly	08/03/99	
<b>Crime Control and Public Safety</b>				
Thomas Michael Chamberlin v. DCCPS, Center for Missing Persons	99 OSP 0596* <sup>4</sup>	Gray	08/16/99	
<b>North Carolina School for the Deaf</b>				
Eric Arden Hurley v. North Carolina School for the Deaf	99 OSP 0087	Reilly	06/24/99	
<b>Employment Security Commission</b>				
Russell J. Suga v. Employment Security Commission	96 OSP 1122	Reilly	05/26/99	
<b>Health and Human Services</b>				
Vera Crenshaw v. DHHS, Julian F. Keith Alc. & Drug Abuse Trtmt. Ctr.	98 OSP 0456	Gray	08/05/99	
Ivey G. Rhodes v. Pitt County Mental Health Center	98 OSP 0924	Phipps	07/09/99	
Odessa D. Gwynn v. Caswell County Health Department	98 OSP 1299	Gray	08/25/99	
Doris Virginia Wearing v. Durham County Health Department	98 OSP 1432	Reilly	06/18/99	
Julia A. Cameron v. John Umstead Hospital, Health & Human Services	99 OSP 0053	Morrison	06/22/99	
Jency Abrams v. Department of Health & Human Services	99 OSP 0147	Owens	08/11/99	
Odell Hudson v. Health & Human Svcs., Dorothea Dix Hospital	99 OSP 0609	Gray	07/07/99	
Erica Joynes v. Durham County Department of Social Services	99 OSP 0671	Gray	07/13/99	
Thomas Michael Chamberlin v. Off. of Juvenile Justice, Juvenile Services Division, 14 <sup>th</sup> District Court Division	99 OSP 0673* <sup>4</sup>	Gray	08/16/99	
<b>Johnston County</b>				
Lili Romaine Lee v. County of Johnston	99 OSP 0456	Morrison	06/02/99	
<b>Justice</b>				
Thomas Michael Chamberlin v. Justice, Justice Academy	99 OSP 0308	Phipps	06/11/99	
<b>Labor</b>				
Robert C. Adams v. Department of Labor	99 OSP 0667	Gray	07/28/99	

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**CONTESTED CASE DECISIONS**

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**Department of Public Instruction**

John Lee Herbin v. Smarckand Manor Training School	99 OSP 0273	Gray	08/04/99
Linda D. Chapman v. Lenoir County Public Schools	99 OSP 0691	Reilly	08/16/99

**Transportation**

Charles W. McAdams v. Dept. of Transportation, Div/Motor Vehicles	99 OSP 0034	Mann	06/23/99
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
Shelvia Davis v. Department of Transportation	99 OSP 0156	Owens	06/23/99
Carmalita Damels v. Department of Transportation	99 OSP 0264	Gray	08/20/99

**University of North Carolina**

Wanda Troxler v. A & T State University and Dr. Ray J. Davis	97 OSP 0819	Phipps	08/02/99
Vivian Smith Hammel, Ling-Chih C. Hsu and Joel A. Williams v. East Carolina University	97 OSP 1268 <sup>*2</sup>	Phipps	07/06/99
Vivian Smith Hammel, Ling-Chih C. Hsu and Joel A. Williams v. East Carolina University	97 OSP 1269 <sup>*2</sup>	Phipps	07/06/99
Vivian Smith Hammel, Ling-Chih C. Hsu and Joel A. Williams v. East Carolina University	97 OSP 1270 <sup>*2</sup>	Phipps	07/06/99
Jackie S. Flowers v. East Carolina University	98 OSP 1618	Reilly	06/24/99
Rex A. Coughenour v. University of North Carolina at Chapel Hill	99 OSP 0517 <sup>*6</sup>	Reilly	08/27/99
Anna Anita Huff v. Dr. Lonnie Sharpe/Dr. Reza Salami-Coll./Engineering	99 OSP 0599	Chess	07/16/99
Rex A. Coughenour v. University of North Carolina at Chapel Hill	99 OSP 0623 <sup>*6</sup>	Reilly	08/27/99
Thomas Michael Chamberlin v. UNC @ Chapel Hill, Dept. of University Housing, Division of Student Affairs	99 OSP 0674 <sup>*4</sup>	Gray	08/16/99
Halycon Tudie Blake v. University of North Carolina at Chapel Hill	99 OSP 0686	Gray	07/08/99
Rex A. Coughenour v. University of North Carolina at Chapel Hill	99 OSP 0830 <sup>*6</sup>	Reilly	08/27/99

**DEPARTMENT OF TRANSPORTATION**

Peter Kay., Stern v. Department of Transportation	99 DOT 0668	Owens	07/29/99
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**UNIVERSITY OF NORTH CAROLINA**

Stephanie A. Payne v. UNC Hospitals	99 UNC 0375	Morrison	06/21/99
Barbara A. Russell v. UNC Hospitals	99 UNC 0540	Gray	08/11/99
Robin Perkins Stephens v. UNC Hospitals	99 UNC 0563	Owens	07/21/99
Rita Jo Kincaid v. UNC Hospitals	99 UNC 0746 <sup>*5</sup>	Reilly	08/09/99
Rita Jo Kincaid v. UNC Hospitals	99 UNC 0747 <sup>*5</sup>	Reilly	08/09/99

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This index provides information related to notices, rules and other documents published in the Register. It includes information about rules for which Notice of Rule-Making Proceedings or Notice of Text have been published, rules submitted to the Rules Review Commission and rules codified since the last session of the General Assembly. For assistance contact the Rules Division at 919/733-2678.

Fiscal Note: S = Rule affects the expenditure or distribution of state funds. L = Rule affects the expenditure or distribution of local government funds. SE = Rule has a substantial economic impact of at least \$5,000,000 in a 12-month period. \* = Rule-making agency has determined that the rule does not impact state or local funds and does not have a substantial economic impact. See G.S. 150B-21.4.

## ACUPUNCTURE, LICENSING BOARD

21 NCAC 01 .0101 13:22 NCR 1820 14:03 NCR 243 \*

## 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 Temp Expired 05/29/99  
 1 NCAC 40 .0102 14:04 NCR 311 13:05 NCR 521 Temp Expired 05/29/99  
 1 NCAC 40 .0103 14:04 NCR 311 13:05 NCR 521 Temp Expired 05/29/99  
 1 NCAC 40 .0201 13:13 NCR 1057 13:13 NCR 1057 Temp Expired 05/29/99  
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1 NCAC 40 .0204		13:05 NCR 521 13:13 NCR 1057 14:04 NCR 311	Temp Expired 05/29/99 Temp Expired 05/29/99							
<b>Purchase and Contract Division</b>										
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	*	Object Approve	07/15/99 08/19/99	*			
2 NCAC 43L .0309	13:14 NCR 1109		13:20 NCR 1718	*	Object Approve	07/15/99 08/19/99	*			
<b>Consumer Services</b>										
2 NCAC 54 .0101	13:14 NCR 1119	13:14 NCR 1119	13:20 NCR 1718	*	Approve	07/15/99			14:06 NCR 490	
2 NCAC 54 .0102	13:14 NCR 1119	13:14 NCR 1119	13:20 NCR 1718	*	Approve	07/15/99			14:06 NCR 490	
2 NCAC 54 .0103	13:14 NCR 1119	13:14 NCR 1119 Temp Expired 10/12/99	13:20 NCR 1718	*	Agcy Withdraw	07/15/99				
2 NCAC 54 .0104	13:14 NCR 1119	13:14 NCR 1119	13:20 NCR 1718	*	Approve	07/15/99	*		14:06 NCR 490	
2 NCAC 54 .0105	13:14 NCR 1119	13:14 NCR 1119 Temp Expired 10/12/99	13:20 NCR 1718	*	Agcy Withdraw	07/15/99				
<b>Pesticide Board</b>										
2 NCAC 09K .0214	13:14 NCR 1109		13:20 NCR 1717	*	Approve	07/15/99	*		14:06 NCR 490	
2 NCAC 09L .0502	14:01 NCR 4		14:05 NCR 374	*						
2 NCAC 09L .1201	14:01 NCR 4		14:05 NCR 374	*						
<b>Veterinary Board</b>										
<b>Notice of Public Hearing on Proposed Temporary Rules</b>										

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					Action	Date				
2 NCAC 52B .0207	13:23 NCR 1946	13:23 NCR 1946	14:03 NCR 128	*						
2 NCAC 52B .0302	13:23 NCR 1901	13:23 NCR 1901	14:03 NCR 128	*						
2 NCAC 52E .0209	13:23 NCR 1901	13:23 NCR 1901	14:03 NCR 128	*						
<b>APPRAISAL BOARD</b>										
21 NCAC 57A .0305	13:01 NCR 3	13:01 NCR 3	13:05 NCR 513	*	Object	11/19/98			14:01 NCR 48	
					Approve	03/18/99	*			
<b>CHIROPRACTIC</b>										
21 NCAC 10 .0203		12:23 NCR 2098	13:14 NCR 1117	*	Approve	04/15/99	*		14:02 NCR 84	
<b>COMMERCE</b>										
4 NCAC 01E .0104	11:09 NCR 569		13:08 NCR 652	*	Object	12/17/98			13:22 NCR 1868	
4 NCAC 01F	11:09 NCR 569				Approve	01/21/99	*			
4 NCAC 01H	11:09 NCR 569									
4 NCAC 01I .0101	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0101		Temp. Expired 10/29/99	13:20 NCR 1719	L/S	Return to Agcy	08/19/99				
4 NCAC 01I .0102	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0102		Temp. Expired 10/29/99	13:20 NCR 1719		Return to Agcy	08/19/99				
4 NCAC 01I .0201	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0201		Temp. Expired 10/29/99	13:20 NCR 1719		Return to Agcy	08/19/99				
4 NCAC 01I .0202	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0202		Temp. Expired 10/29/99	13:20 NCR 1719		Return to Agcy	08/19/99				
4 NCAC 01I .0301	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0301		Temp. Expired 10/29/99	13:20 NCR 1719		Return to Agcy	08/19/99				
4 NCAC 01I .0302	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0302		Temp. Expired 10/29/99	13:20 NCR 1719		Return to Agcy	08/19/99				
4 NCAC 01I .0303	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0303		Temp. Expired 10/29/99	13:20 NCR 1719		Return to Agcy	08/19/99				
4 NCAC 01I .0304	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0304		Temp. Expired 10/29/99	13:20 NCR 1719		Return to Agcy	08/19/99				
4 NCAC 01I .0401	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0401		Temp. Expired 10/29/99	13:20 NCR 1719		Return to Agcy	08/19/99				
4 NCAC 01I .0402	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0402		Temp. Expired 10/29/99	13:20 NCR 1719		Return to Agcy	08/19/99				
4 NCAC 01I .0403	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0403		Temp. Expired 10/29/99	13:20 NCR 1719		Return to Agcy	08/19/99				
4 NCAC 01I .0404	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				

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4 NCAC 011 .0404		Temp. Expired 10/29/99	13:20 NCR 1719	*	Return to Agency	08/19/99				
4 NCAC 011 .0405	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agency withdrew	12/17/98				
4 NCAC 011 .0405		Temp. Expired 10/29/99	13:20 NCR 1719	*	Return to Agency	08/19/99				
4 NCAC 011 .0501	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agency withdrew	12/17/98				
4 NCAC 011 .0501		Temp. Expired 10/29/99	13:20 NCR 1719	L/S	Return to Agency	08/19/99				
4 NCAC 011 .0502	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agency withdrew	12/17/98				
4 NCAC 011 .0502		Temp. Expired 10/29/99	13:20 NCR 1719	L/S	Return to Agency	08/19/99				
4 NCAC 011 .0503	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agency withdrew	12/17/98				
4 NCAC 011 .0503		Temp. Expired 10/29/99	13:20 NCR 1719	L/S	Return to Agency	08/19/99				
4 NCAC 011 .0601	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agency withdrew	12/17/98				
4 NCAC 011 .0601		Temp. Expired 10/29/99	13:20 NCR 1719	*	Return to Agency	08/19/99				
4 NCAC 011 .0701	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agency withdrew	12/17/98				
4 NCAC 011 .0701		Temp. Expired 10/29/99	13:20 NCR 1719	*	Return to Agency	08/19/99				
4 NCAC 011 .0801	11:09 NCR 569	13:15 NCR 1224	13:20 NCR 1719	*	Return to Agency	08/19/99				
4 NCAC 011 .0801		Temp. Expired 10/29/99	13:20 NCR 1719							
4 NCAC 01J	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	
4 NCAC 01K .0402				*	Object	12/17/98	*		13:22 NCR 1868	
4 NCAC 01K .0402				*	Approve	01/21/99				
<b>Banking Commission</b>										
4 NCAC 03B .0101	N/A		N/A	N/A	Object	10/22/98			14:01 NCR 48	
4 NCAC 03B .0102	N/A		N/A	N/A	Approve	03/18/99				
4 NCAC 03B .0103	N/A		N/A	N/A	Object	10/22/98			14:01 NCR 48	
4 NCAC 03B .0103	N/A		N/A	N/A	Approve	03/18/99				
4 NCAC 03H .0102	N/A		N/A	N/A	Object	10/22/98			14:01 NCR 48	
4 NCAC 03H .0102				N/A	Approve	03/18/99				
4 NCAC 03L .0101	13:24 NCR 1997		14:04 NCR 274	*	Object	10/22/98			14:01 NCR 48	
4 NCAC 03L .0102	13:24 NCR 1997		14:04 NCR 274	*	Approve	03/18/99				
4 NCAC 03L .0201	13:24 NCR 1997		14:04 NCR 274	*	Object	10/22/98			14:01 NCR 48	
4 NCAC 03L .0202	13:24 NCR 1997		14:04 NCR 274	*	Approve	03/18/99				
4 NCAC 03L .0301	13:24 NCR 1997		14:04 NCR 274	*	Object	10/22/98			14:01 NCR 48	
4 NCAC 03L .0301				*	Approve	03/18/99				

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4 NCAC 03L .0302	13:24 NCR 1997		14:04 NCR 274	*						
4 NCAC 03L .0303	13:24 NCR 1997		14:04 NCR 274	*						
4 NCAC 03L .0401	13:24 NCR 1997		14:04 NCR 274	*						
4 NCAC 03L .0402	13:24 NCR 1997		14:04 NCR 274	*						
4 NCAC 03L .0403	13:24 NCR 1997		14:04 NCR 274	*						
4 NCAC 03L .0404	13:24 NCR 1997		14:04 NCR 274	*						
4 NCAC 03L .0405	13:24 NCR 1997		14:04 NCR 274	*						
4 NCAC 03L .0501	13:24 NCR 1997		14:04 NCR 274	*						
4 NCAC 03L .0502	13:24 NCR 1997		14:04 NCR 274	*						
4 NCAC 03L .0601	13:24 NCR 1997		14:04 NCR 274	*						
4 NCAC 03L .0602	13:24 NCR 1997		14:04 NCR 274	*						
4 NCAC 03L .0603	13:24 NCR 1997		14:04 NCR 274	*						
4 NCAC 03L .0604	13:24 NCR 1997		14:04 NCR 274	*						
4 NCAC 03L .0701	13:24 NCR 1997		14:04 NCR 274	*						
4 NCAC 03L .0702	13:24 NCR 1997		14:04 NCR 274	*						

## Cape Fear River Navigation and Pilotage Commission

4 NCAC 15 .0119	14:03 NCR 125									
4 NCAC 15 .0120	14:03 NCR 125									
4 NCAC 15 .0121	14:03 NCR 125									

## Industrial Commission

Public Notice - Hospital Fees for Workers' Compensation Cases

## COMMUNITY COLLEGES

23 NCAC 02B .0104	13:10 NCR 804		13:22 NCR 1849	*						
23 NCAC 02C .0307	13:05 NCR 524		Temp Expired 05/29/99							
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	*						

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23 NCAC 02D .0323	13:19 NCR 1609		14:04 NCR 304	*						
23 NCAC 02D .0324	13:19 NCR 1609		14:04 NCR 304	*						
<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	*		14:05 NCR 402	
21 NCAC 14A .0103	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14A .0104	13:14 NCR 1114									
21 NCAC 14A .0105		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99			14:05 NCR 402	
21 NCAC 14C .0202	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14F .0101	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14F .0105	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14G .0103		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
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	*	Approve	07/15/99	*		14:06 NCR 490	
21 NCAC 14H .0118		13:16 NCR 1263	13:21 NCR 1794	*	Approve	07/15/99			14:06 NCR 490	
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	*	Approve	08/19/99				
21 NCAC 14I .0109	13:14 NCR 1114		13:19 NCR 1652	*	Object	06/17/99	*			
21 NCAC 14I .0103			13:19 NCR 1652	*	Approve	08/19/99	*		14:05 NCR 402	
21 NCAC 14J .0208	13:14 NCR 1114	13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99			14:05 NCR 402	
21 NCAC 14J .0501	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99				
21 NCAC 14K .0102		13:14 NCR 1157	13:19 NCR 1652	*	Object	06/17/99	*			
21 NCAC 14K .0107		13:14 NCR 1157	13:19 NCR 1652	*	Approve	08/19/99				
21 NCAC 14L .0101	13:14 NCR 1114		13:19 NCR 1652	*	Object	06/17/99	*			
21 NCAC 14L .0105		13:14 NCR 1157	13:19 NCR 1652	*	Approve	08/19/99	*		14:05 NCR 402	
21 NCAC 14L .0109		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14L .0210	N/A		N/A	N/A	Object	06/17/99				
					Approve	08/19/99	*		14:05 NCR 402	
					Approve	06/17/99				
					Approve	03/18/99			14:01 NCR 48	

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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	*		14-05 NCR 402	
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	*		14-05 NCR 402	
21 NCAC 14N .0102	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14-05 NCR 402	
21 NCAC 14N .0103	13:14 NCR 1114	13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14-05 NCR 402	
21 NCAC 14N .0104		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14-05 NCR 402	
21 NCAC 14N .0105	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14-05 NCR 402	
21 NCAC 14N .0108	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99			14-05 NCR 402	
21 NCAC 14N .0110		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14-05 NCR 402	
21 NCAC 14N .0112	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14-05 NCR 402	
21 NCAC 14N .0113	13:14 NCR 1114	13:14 NCR 1157	13:19 NCR 1652	*	Object	06/17/99	*			
					Approve	08/19/99			14-05 NCR 402	
					Approve	06/17/99			14-05 NCR 402	
21 NCAC 14N .0601		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99			14-05 NCR 402	
21 NCAC 14N .0602		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99			14-05 NCR 402	
21 NCAC 14N .0701		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99			14-05 NCR 402	
21 NCAC 14N .0702		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14-05 NCR 402	
21 NCAC 14O .0101		13:14 NCR 1157	13:19 NCR 1652	*	Object	06/17/99	*			
					Approve	08/19/99	*		14-05 NCR 402	
					Approve	06/17/99	*		14-05 NCR 402	
21 NCAC 14O .0102		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14-05 NCR 402	
21 NCAC 14O .0103		13:14 NCR 1157	13:19 NCR 1652	*	Object	06/17/99	*			
					Approve	08/19/99	*		14-05 NCR 402	
21 NCAC 14O .0104		13:14 NCR 1157	13:19 NCR 1652	*	Agcy Withdraw	06/17/99				
					Approve	06/17/99	*		14-05 NCR 402	
21 NCAC 14O .0105		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14-05 NCR 402	
		Temp Expired 10/12/99								
21 NCAC 14O .0106		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14-05 NCR 402	
21 NCAC 14O .0107		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14-05 NCR 402	
21 NCAC 14P .0101		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14-05 NCR 402	
21 NCAC 14P .0102		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99	*		14-05 NCR 402	
21 NCAC 14P .0103		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99	*		14-05 NCR 402	

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## DENTAL EXAMINERS

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21 NCAC 16G .0102	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16G .0103	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16H .0101	12:24 NCR 2203									
21 NCAC 16H .0102	12:24 NCR 2203									
21 NCAC 16H .0103	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0104	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0201	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0202	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0203	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0204	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0205	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0206	12:24 NCR 2203									
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 Approve	06/17/99 07/15/99	*		14:06 NCR 490	
21 NCAC 16M .0102	14:06 NCR 487	14:06 NCR 487								
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									

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					Action	Date				
21 NCAC 16R .0003	11:20 NCR 1538									
21 NCAC 16R .0005	11:20 NCR 1538									
21 NCAC 16S .0101	14:06 NCR 487	14:06 NCR 487								
21 NCAC 16S .0102	14:06 NCR 487	14:06 NCR 487								
21 NCAC 16S .0201	14:06 NCR 487	14:06 NCR 487								
21 NCAC 16S .0203	14:06 NCR 487	14:06 NCR 487								
21 NCAC 16S .0205	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16S .0205	14:06 NCR 487	14:06 NCR 487								
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 Approve	06/17/99 07/15/99			14:06 NCR 490	
<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				13:22 NCR 1868	
21 NCAC 11 .0103	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Agcy. withdrew				13:22 NCR 1868	
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	
21 NCAC 11 .0109	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 .0110	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 .0111	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 .0112	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Approve	01/21/99	*		13:22 NCR 1868	
<b>ENVIRONMENT AND NATURAL RESOURCES</b>										
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	

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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	*						
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	*						

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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 07H .0309	13:05 NCR 436		13:13 NCR 1044	S	Object Approve	07/15/99 08/19/99	*			
15A NCAC 07H .1100	12:21 NCR 1873									
15A NCAC 07H .1100	14:06 NCR 428									
15A NCAC 07H .1200	12:21 NCR 1873									
15A NCAC 07H .1200	14:06 NCR 428									
15A NCAC 07H .1300	14:06 NCR 428									
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 .1400	14:06 NCR 428									
15A NCAC 07H .1500	12:21 NCR 1873									
15A NCAC 07H .1500	14:06 NCR 428									
15A NCAC 07H .1600	14:06 NCR 428									
15A NCAC 07H .1601	12:21 NCR 1873		13:23 NCR 1937	*						14:02 NCR 74
15A NCAC 07H .1600	11:15 NCR 1200									

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15A NCAC 07H .1700	12:21 NCR 1873									
15A NCAC 07H .1800	14:06 NCR 428									
15A NCAC 07H .1805		13:07 NCR 593	13:16 NCR 1259	*	Object Object	07/15/99 08/19/99				14:02 NCR 74
15A NCAC 07H .1901	12:21 NCR 1873		13:23 NCR 1937	*						
15A NCAC 07H .1900	14:06 NCR 428									
15A NCAC 07H .2000	14:06 NCR 428									
15A NCAC 07H .2100	14:06 NCR 428									
15A NCAC 07H .2101	13:05 NCR 436		13:13 NCR 1044	S	Approve	07/15/99	*		14:06 NCR 490	
15A NCAC 07H .2102	13:05 NCR 436		13:13 NCR 1044	S	Approve	07/15/99	*		14:06 NCR 490	
15A NCAC 07H .2105	13:05 NCR 436		13:13 NCR 1044	S	Object Approve	07/15/99 08/19/99	*			
15A NCAC 07H .2200	14:06 NCR 428									
15A NCAC 07H .2300	14:06 NCR 428									
15A NCAC 07H .2301	12:21 NCR 1873		13:23 NCR 1937	*						14:02 NCR 74
15A NCAC 07H .2401	13:05 NCR 436		13:13 NCR 1044	S	Approve	05/20/99	*		14:04 NCR 330	
15A NCAC 07H .2402	13:05 NCR 436		13:13 NCR 1044	S	Approve	05/20/99	*		14:04 NCR 330	
15A NCAC 07H .2403	13:05 NCR 436		13:13 NCR 1044	S	Approve	05/20/99			14:04 NCR 330	
15A NCAC 07H .2404	13:05 NCR 436		13:13 NCR 1044	S	Object Approve	05/20/99 06/17/99	*		14:05 NCR 402	
15A NCAC 07H .2405	13:05 NCR 436		13:13 NCR 1044	S	Approve	05/20/99	*		14:04 NCR 330	
15A NCAC 07J .0200	12:24 NCR 2202									
15A NCAC 07J .0204		13:07 NCR 593	Temp Expired 06/28/99							
15A NCAC 07J .0204	14:06 NCR 428									
15A NCAC 07J .0404	14:06 NCR 428									
15A NCAC 07J .0405	12:24 NCR 2202									
15A NCAC 07J .0405	14:06 NCR 428									
15A NCAC 07J .0406	14:06 NCR 428									
15A NCAC 07K .0203	12:21 NCR 1873		13:23 NCR 1937	*						14:02 NCR 74

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15A NCAC 07K .0203	14-06 NCR 428									
15A NCAC 07K .0208	12-21 NCR 1873									
15A NCAC 07K .0208	14-06 NCR 428									
15A NCAC 07K .0209	12-21 NCR 1873		13-23 NCR 1937	*						14-02 NCR 74
15A NCAC 07L .0202	12-21 NCR 1874									
15A NCAC 07L .0203	12-21 NCR 1874									
15A NCAC 07L .0206	12-21 NCR 1874									
15A NCAC 07L .0302	12-21 NCR 1874									
15A NCAC 07L .0304	12-21 NCR 1874									
15A NCAC 07L .0401	12-21 NCR 1874									
15A NCAC 07L .0405	12-21 NCR 1874									
15A NCAC 07M .0300	12-24 NCR 2202									
15A NCAC 07M .0307	13-22 NCR 1818									
15A NCAC 07M .0401	13-04 NCR 361	13-12 NCR 976	13-16 NCR 1259	*						
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								
Environmental Management Commission										
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15A NCAC 02	10-24 NCR 3045									14-05 NCR 369
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 .0110	13-08 NCR 621		14-06 NCR 434	*						

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15A NCAC 02B .0200	13:08 NCR 621									
15A NCAC 02B .0202	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B .0211	13:08 NCR 621		14:06 NCR 434	*						
15A NCAC 02B .0220	13:08 NCR 621		14:06 NCR 434	*						
15A NCAC 02B .0223	11:02 NCR 75									
15A NCAC 02B .0223	11:03 NCR 109									
15A NCAC 02B .0223	13:08 NCR 621		14:06 NCR 434	*						
15A NCAC 02B .0225	13:08 NCR 621		14:06 NCR 434	*						
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	L/SE						
			11:14 NCR 1136							
15A NCAC 02B .0233	11:02 NCR 75		11:10 NCR 824	L	Object	01/15/98				
		12:02 NCR 77			Approve	02/19/98	*		12:22 NCR 2012	Disapproved (HB 1402)
		12:14 NCR 1348	11:14 NCR 1136	L						
		12:20 NCR 1836								
		13:24 NCR 2017	14:04 NCR 287	L/SE						
			12:06 NCR 462	S/L/SE						
15A NCAC 02B .0241	14:03 NCR 125		14:04 NCR 287	*						
15A NCAC 02B .0242		13:24 NCR 2017								
15A NCAC 02B .0245	12:23 NCR 2088		13:04 NCR 368	*						
15A NCAC 02B .0246	12:23 NCR 2088		13:04 NCR 368	*						
15A NCAC 02B .0247	12:23 NCR 2088		13:04 NCR 368	L/SE						
15A NCAC 02B .0255	13:23 NCR 1901		14:03 NCR 162	SE						
15A NCAC 02B .0256	13:23 NCR 1901		14:03 NCR 162	SE						
15A NCAC 02B .0257	13:23 NCR 1901		14:03 NCR 162	SE						
15A NCAC 02B .0258	13:23 NCR 1901		14:03 NCR 162	L/SE						
15A NCAC 02B .0259	13:23 NCR 1901		14:03 NCR 162	L/SE						

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15A NCAC 02B .0260	13:23 NCR 1901		14:03 NCR 162	SE						
15A NCAC 02B .0261	13:23 NCR 1901		14:03 NCR 162	SE						
15A NCAC 02B .0262	13:23 NCR 1901			*						
15A NCAC 02B .0303	13:14 NCR 1111		13:20 NCR 1727	*						
15A NCAC 02B .0304	13:14 NCR 1111		13:20 NCR 1727	*						
15A NCAC 02B .0306	13:14 NCR 1111		13:20 NCR 1727	*						
15A NCAC 02B .0306	13:19 NCR 1606		13:23 NCR 1929	*						14:02 NCR 73
15A NCAC 02B .0308	12:16 NCR 1489									
15A NCAC 02B .0308	13:14 NCR 1111		13:20 NCR 1727	*						
15A NCAC 02B .0310	13:19 NCR 1606		13:23 NCR 1929	*						
15A NCAC 02B .0316	11:26 NCR 1976		12:01 NCR 6	*	Approve	01/15/98	*		12:21 NCR 1886	Disapproved (DIB 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									
15A NCAC 02D .0506	14:04 NCR 265									
15A NCAC 02D .0518	11:19 NCR 1408									
15A NCAC 02D .0521	11:15 NCR 1200									
15A NCAC 02D .0521	14:04 NCR 265									
15A NCAC 02D .0523	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .0524	11:15 NCR 1200									
15A NCAC 02D .0524	13:08 NCR 621		14:03 NCR 162	*						

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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		14.03 NCR 162	*						
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									
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									

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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 .1005	14:04 NCR 265									
15A NCAC 02D .1100	11:08 NCR 442									
15A NCAC 02D .1103	13:04 NCR 356									
15A NCAC 02D .1103	14:04 NCR 265									
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	14:04 NCR 265									
15A NCAC 02D .1201	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1202	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1203	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1204	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1205	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1206	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1207	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1208	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1209	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1201	13:16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1202	13:16 NCR 1252		14:03 NCR 162	*						

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15A NCAC 02D .1203	13:16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1204	13:16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1205	13:16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1206	13:16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1207	13:16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1208	13:16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1209	13:16 NCR 1252		14:03 NCR 162	*						
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	14:03 NCR 162	SE						
15A NCAC 02D .1802		13:22 NCR 1860	14:03 NCR 162	SE						
15A NCAC 02D .1803		13:18 NCR 1545	14:03 NCR 162	SE						
15A NCAC 02D .1804		13:22 NCR 1860	14:03 NCR 162	SE						
15A NCAC 02D .1805		13:18 NCR 1545	14:03 NCR 162	SE						
		13:18 NCR 1545								
		13:24 NCR 2017								
15A NCAC 02D .1903	12:16 NCR 1482									
15A NCAC 02D .1903	13:12 NCR 943									
15A NCAC 02D .1904	12:16 NCR 1482									
15A NCAC 02D .2100	13:04 NCR 356									
15A NCAC 02D .2200	11:26 NCR 1976									
15A NCAC 02E .0102	13:20 NCR 1715		13:24 NCR 1998	*						14:01 NCR 3
15A NCAC 02E .0103	13:20 NCR 1715		13:24 NCR 1998	*						14:01 NCR 3
15A NCAC 02E .0106	13:20 NCR 1715		13:24 NCR 1998	*						14:01 NCR 3
15A NCAC 02E .0107	13:20 NCR 1715		13:24 NCR 1998	*						14:01 NCR 3
15A NCAC 02E .0201	13:20 NCR 1715		13:24 NCR 1998	*						14:01 NCR 3

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					Action	Date				
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 Temp Expired 05/11/99	13:05 NCR 491 14:02 NCR 80	*						
15A NCAC 02H .0806	13:04 NCR 356			L						
15A NCAC 02H .0800	13:08 NCR 621									
15A NCAC 02H .1202	11:15 NCR 1200									
15A NCAC 02H .1203	11:15 NCR 1200									
15A NCAC 02H .1204	11:15 NCR 1200									
15A NCAC 02H .1205	11:15 NCR 1200									
15A NCAC 02L .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	13:24 NCR 1994									
15A NCAC 02Q .0102	12:16 NCR 1482									
15A NCAC 02Q .0102	13:08 NCR 621		14:03 NCR 162	*						
15A NCAC 02Q .0102	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02Q .0102		13:18 NCR 1545	14:03 NCR 162	*						
15A NCAC 02Q .0102	13:24 NCR 1994									
15A NCAC 02Q .0102	14:04 NCR 265									
15A NCAC 02Q .0103	12:20 NCR 1817									
15A NCAC 02Q .0109	14:04 NCR 265									
15A NCAC 02Q .0304	14:04 NCR 265									

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15A NCAC 02Q .0305	14-04 NCR 265									
15A NCAC 02Q .0306	13-12 NCR 943		14-03 NCR 162	*						
15A NCAC 02Q .0401	14-04 NCR 265									
15A NCAC 02Q .0502	13-24 NCR 1994									
15A NCAC 02Q .0508	13-08 NCR 621									
15A NCAC 02Q .0508	14-04 NCR 265									
15A NCAC 02Q .0700	11-08 NCR 442									
15A NCAC 02Q .0702	13-12 NCR 943		13-20 NCR 1727 14-03 NCR 162	*						
15A NCAC 02Q .0703	13-04 NCR 356			*						
15A NCAC 02Q .0703	14-04 NCR 265									
15A NCAC 02Q .0711	13-04 NCR 356									
15A NCAC 02Q .0711	13-16 NCR 1252									
15A NCAC 02Q .0800	14-04 NCR 265									
15A NCAC 02R .0204	12-02 NCR 52		12-14 NCR 1267	S						
15A NCAC 02R .0205	12-02 NCR 52		12-14 NCR 1267	S						
15A NCAC 02R .0600	12-02 NCR 52									
15A NCAC 02S	14-04 NCR 272									
<b>Health Services, Commission for</b>										
15A NCAC 13A .0101	14-04 NCR 265									
15A NCAC 13A .0102	14-05 NCR 370									
15A NCAC 13A .0102	14-04 NCR 265									
15A NCAC 13A .0103	14-05 NCR 370									
15A NCAC 13A .0103	14-04 NCR 265									
15A NCAC 13A .0104	14-05 NCR 370									
15A NCAC 13A .0104	14-04 NCR 265									
15A NCAC 13A .0106	14-05 NCR 370									
15A NCAC 13A .0106	14-04 NCR 265									
15A NCAC 13A .0108	14-05 NCR 370									
15A NCAC 13A .0108	14-04 NCR 265									
15A NCAC 13A .0110	14-05 NCR 370									
15A NCAC 13A .0110	14-04 NCR 265									

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14:05 NCR 370										
15A NCAC 13A .0112	14:04 NCR 265									
14:05 NCR 370										
15A NCAC 13A .0113	14:04 NCR 265									
14:05 NCR 370										
15A NCAC 13A .0118	14:04 NCR 265									
14:05 NCR 370										
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 .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	Temp Expired 01/26/99							
15A NCAC 18A .1611		12:21 NCR 1882	Temp Expired 01/26/99							
		13:12 NCR 979	13:20 NCR 1738	*	Approve	08/19/99				
		Temp Expired 01/26/99								
15A NCAC 18A .1700	13:16 NCR 1252									
15A NCAC 18A .1720	12:16 NCR 1482									
		12:18 NCR 1713	Temp Expired 12/1/98							
		12:21 NCR 1882	Temp Expired 01/26/99							
		12:24 NCR 2228	Temp Expired 03/12/99							
15A NCAC 18A .1808	13:08 NCR 621		13:13 NCR 1047	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 18A .1810		12:24 NCR 2228	13:13 NCR 1047	*	Approve	04/15/99			14:02 NCR 84	
15A NCAC 18A .1812	13:08 NCR 621	13:20 NCR 1740	13:13 NCR 1047	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 18A .1952		13:12 NCR 979	14:03 NCR 234	*						
15A NCAC 18A .1953		13:12 NCR 979	14:03 NCR 234	*						
15A NCAC 18A .1954		13:12 NCR 979	14:03 NCR 234	*						
15A NCAC 18A .1955		13:12 NCR 979	14:03 NCR 234	*						
15A NCAC 18A .2515	14:04 NCR 265									

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15A NCAC 18A .2400	13:16 NCR 1252									
15A NCAC 18A .2515	14:06 NCR 428									
15A NCAC 18A .2600	12:04 NCR 240									
15A NCAC 18A .2618	N/A	N/A	N/A	N/A	Approve	08/19/99				
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 .0301	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .0302	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .0303	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .0304	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .0305	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .0306	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	*						
15A NCAC 18C .0307	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .0308	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .0309	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .1304	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	*						
15A NCAC 18C .1538	14:05 NCR 370									

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15A NCAC 18C .2007	14:05 NCR 370									
15A NCAC 18C .2008	14:05 NCR 370									
15A NCAC 18D .0201	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D .0203	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D .0205	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D .0206	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D .0304	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D .0305	13:23 NCR 1928		14:06 NCR 468	*						
15A NCAC 18D .0307	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D .0308	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D .0309	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D .0403	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D .0701	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 26C .0001	11:19 NCR 1408									
15A NCAC 26C .0002	11:19 NCR 1408									
15A NCAC 26C .0003	11:19 NCR 1408									
15A NCAC 26C .0004	11:19 NCR 1408									
15A NCAC 26C .0005	11:19 NCR 1408									
15A NCAC 26C .0006	11:19 NCR 1408									
15A NCAC 26C .0007	11:19 NCR 1408									
<b>Land Resources/Land Quality/Sedimentation Control Commission</b>										
15A NCAC 04B .0106	12:20 NCAC 1817		13:09 NCR 760	*	Approve	08/19/99	*			
15A NCAC 04B .0107	12:20 NCAC 1817		13:09 NCR 760	*	Approve	08/19/99	*			
15A NCAC 04B .0127	12:20 NCAC 1817		13:09 NCR 760	*	Approve	08/19/99				
15A NCAC 04C .0107	13:12 NCR 943		13:19 NCR 1651	*						
<b>Marine Fisheries Commission</b>										
15A NCAC .03	11:11 NCR 881									

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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	14:06 NCR 443	*						
15A NCAC 03H .0103	12:23 NCR 2089			*						
15A NCAC 03L .0101	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
	13:14 NCR 1113	14:01 NCR 18		*						
	14:04 NCR 323		14:06 NCR 443	*						
15A NCAC 03L .0105	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03L .0106	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03L .0107	N/A		N/A	N/A	Approve	06/17/99			14:05 NCR 402	
15A NCAC 03L .0114	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03L .0120	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03L .0103		13:08 NCR 739								
15A NCAC 03L .0103	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03L .0104	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03L .0110	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03L .0202	11:07 NCR 407		11:11 NCR 888	*						
	13:14 NCR 1113									
15A NCAC 03L .0301	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03L .0302	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03L .0305	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03K .0101	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03K .0105	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03K .0106	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03K .0202	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03K .0502	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03L .0102	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03L .0201	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						

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15A NCAC 03L .0206	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03M .0202	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03M .0301	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03M .0501	13:08 NCR 739	13:08 NCR 739								
	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03M .0503	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03M .0504	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03M .0506	13:22 NCR 1865	13:22 NCR 1865								
15A NCAC 03M .0507	13:10 NCR 803									
15A NCAC 03M .0507	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03M .0511	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03M .0513	11:26 NCR 1976		12:05 NCR 418	*						
15A NCAC 03M .0513	13:14 NCR 1113	14:01 NCR 18								
		14:04 NCR 323	14:06 NCR 443	*						
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	14:06 NCR 443	*						
15A NCAC 03M .0516	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0101	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0102	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0103	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0104	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0105	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0106	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0107	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0108	13:14 NCR 1113	14:01 NCR 18								
		14:04 NCR 323	14:06 NCR 443	*						
15A NCAC 03O .0109	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						

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15A NCAC 030 .0110	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 030 .0111	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 030 .0201	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 030 .0301	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 030 .0302	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 030 .0303	13:14 NCR 1113	14:04 NCR 323	14:06 NCR 443	*						
15A NCAC 030 .0304	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 030 .0305	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 030 .0306	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 030 .0307	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 030 .0308	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 030 .0309	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 030 .0310	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 030 .0401	13:14 NCR 1113	13:18 NCR 1553	14:06 NCR 443	*						
15A NCAC 030 .0402	13:14 NCR 1113	13:18 NCR 1553	14:06 NCR 443	*						
15A NCAC 030 .0403	13:14 NCR 1113	13:18 NCR 1553	14:06 NCR 443	*						
15A NCAC 030 .0404	13:14 NCR 1113	13:18 NCR 1553	14:06 NCR 443	*						
15A NCAC 030 .0405	13:14 NCR 1113	13:18 NCR 1553	14:06 NCR 443	*						
15A NCAC 030 .0406	13:14 NCR 1113	13:18 NCR 1553	14:06 NCR 443	*						
15A NCAC 03P .0101	N/A		N/A	N/A	Approve	07/15/99			14:06 NCR 490	
15A NCAC 03P .0102	N/A		N/A	N/A	Approve	07/15/99			14:06 NCR 490	
15A NCAC 03Q .0106	N/A		N/A	N/A	Approve	06/17/99			14:05 NCR 402	
15A NCAC 03Q .0107	11:26 NCR 1985		13:13 NCR 1043	*	Approve	05/20/99			14:04 NCR 330	

## 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

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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									
<b>Water Pollution Control System Operators Certification Commission</b>										
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>										
Public Notice - Seaboard Chemical Corporation										
<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	*	Object	08/19/99				
15A NCAC 27 .0201	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99				
15A NCAC 27 .0301	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99				

14:01 NCR 3

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15A NCAC 27 .0401	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99	*			
15A NCAC 27 .0410	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99				
15A NCAC 27 .0420	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99				
15A NCAC 27 .0430	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99				
15A NCAC 27 .0440	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99	*			
15A NCAC 27 .0501	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99				
15A NCAC 27 .0510	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99	*			
15A NCAC 27 .0520	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99				
15A NCAC 27 .0601	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99				
15A NCAC 27 .0701	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99				
15A NCAC 27 .0801	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99				
15A NCAC 27 .0810	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99				
15A NCAC 27 .0820	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99				
15A NCAC 27 .0830	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99	*			
15A NCAC 27 .0840	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99				
15A NCAC 27 .0901	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99	*			
15A NCAC 27 .0910	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99	*			
15A NCAC 27 .0920	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99	*			
15A NCAC 27 .0930	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99				
<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	*		14:04 NCR 330	
15A NCAC 10B .0109	N/A		N/A	N/A	Approve	05/20/99			14:05 NCR 402	
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	*	Approve	04/15/99	*			
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			14:05 NCR 402	

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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				
					Approve	05/20/99	*		14:04 NCR 330	
15A NCAC 10B .0302	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99			14:02 NCR 84	
15A NCAC 10B .0403	13:23 NCR 1928									
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	*	Approve	08/19/99	*			
15A NCAC 10C .0502	13:14 NCR 1113		13:20 NCR 1737	*	Approve	08/19/99	*			
15A NCAC 10C .0503	13:14 NCR 1113		13:20 NCR 1737	*	Approve	08/19/99				
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 .0201	NA		N/A	N/A	Approve	03/18/99			14:01 NCR 48	
15A NCAC 10E .0300	13:14 NCR 1113									
15A NCAC 10E .0300	14:01 NCR 5									
15A NCAC 10E .0303	12:19 NCR 1763									
15A NCAC 10E .0303	14:02 NCR 79									
15A NCAC 10E .0310	13:07 NCR 595	13:15 NCR 1231	13:11 NCR 905	L	Approve	02/18/99	*		13:24 NCR 2037	
15A NCAC 10E .0317	13:08 NCR 625		13:14 NCR 1116	*	Approve	04/15/99			14:02 NCR 84	
15A NCAC 10E .0321	13:13 NCR 1040	13:19 NCR 1666	13:19 NCR 1666	L	Approve	08/19/99				
15A NCAC 10E .0323	13:13 NCR 1040	13:19 NCR 1666	13:19 NCR 1666	L	Approve	08/19/99				
15A NCAC 10E .0330	13:03 NCR 269	13:07 NCR 595	13:07 NCR 595	S/L	Approve	04/15/99			14:02 NCR 84	
15A NCAC 10E .0330	13:11 NCR 855	13:15 NCR 1217	13:15 NCR 1231	L	Approve	04/15/99			14:02 NCR 84	

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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	Approve	08/19/99				
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 .0355	14:04 NCR 272									
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	Approve	08/19/99				14:02 NCR 75 14:03 NCR 123 14:04 NCR 263

## FINAL DECISION LETTERS

Voting Rights Act

Voting Rights Act

Voting Rights Act

## FORESTERS, BOARD OF REGISTRATION FOR

21 NCAC 20 .0101	13:19 NCR 1695	13:23 NCR 1942	*
21 NCAC 20 .0103	13:19 NCR 1695	13:23 NCR 1942	*
21 NCAC 20 .0104	13:19 NCR 1695	13:23 NCR 1942	*
21 NCAC 20 .0105	13:19 NCR 1695	13:23 NCR 1942	*
21 NCAC 20 .0106	13:19 NCR 1695	13:23 NCR 1942	*
21 NCAC 20 .0117	13:19 NCR 1695	13:23 NCR 1942	*
21 NCAC 20 .0120	13:19 NCR 1695	13:23 NCR 1942	*
21 NCAC 20 .0122	13:19 NCR 1695	13:23 NCR 1942	*
21 NCAC 20 .0123	13:19 NCR 1695	13:23 NCR 1942	*

## GENERAL CONTRACTORS LICENSING BOARD

21 NCAC 12 .0202	13:22 NCR 1821	14:06 NCR 474	*
21 NCAC 12 .0204	13:06 NCR 568	13:13 NCR 1048	*
21 NCAC 12 .0204	13:22 NCR 1821	14:06 NCR 474	*
	Approve	05/20/99	14:04 NCR 330

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21 NCAC 12 .0205	13:22 NCR 1821		14:06 NCR 474	*						
21 NCAC 12 .0209	13:22 NCR 1821		14:06 NCR 474	*						
21 NCAC 12 .0307	13:22 NCR 1821		14:06 NCR 474	*						
21 NCAC 12 .0402	13:22 NCR 1821		14:06 NCR 474	*						
21 NCAC 12 .0405	13:22 NCR 1821		14:06 NCR 474	*						
21 NCAC 12 .0410	13:22 NCR 1821		14:06 NCR 474	*						
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 14:06 NCR 474	*						
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		14:06 NCR 474	*						
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									

## GEOLOGISTS, BOARD FOR LICENSING OF

21 NCAC 21 .0501	14:05 NCR 372
21 NCAC 21 .0514	14:05 NCR 372
21 NCAC 21 .0515	14:05 NCR 372
21 NCAC 21 .1101	14:05 NCR 372
21 NCAC 21 .1102	14:05 NCR 372

## GOVERNOR'S EXECUTIVE ORDERS

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Number 152 - Eff. 05/21/99

Number 153 - Eff. 05/28/99

Number 154 - Eff. 07/14/99

## GOVERNOR, OFFICE OF

9 NCAC 05G .0101

14:03 NCR 245

9 NCAC 05G .0102

14:03 NCR 245

9 NCAC 05G .0103

14:03 NCR 245

9 NCAC 05G .0104

14:03 NCR 245

## 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

Return to agency 07/15/99

10 NCAC 19G .0827

13:17 NCR 1378

13:21 NCR 1785

### Child Day Care Commission

10 NCAC 03U .0102

12:21 NCR 1873

14:03 NCR 154

10 NCAC 03U .0705

11:14 NCR 1108

11:27 NCR 2054

10 NCAC 03U .2000

12:21 NCR 1873

14:03 NCR 154

10 NCAC 03U .2501

12:21 NCR 1873

14:03 NCR 154

10 NCAC 03U .2502

12:21 NCR 1873

14:03 NCR 154

10 NCAC 03U .2510

12:21 NCR 1873

14:03 NCR 154

10 NCAC 03U .2804

12:21 NCR 1873

14:03 NCR 154

10 NCAC 03U .2811

12:21 NCR 1873

14:03 NCR 154

### Controller, Office of

10 NCAC 01B .0418

13:14 NCR 1109

13:22 NCR 1823

Approve 07/15/99

14:06 NCR 490

10 NCAC 01B .0419

13:14 NCR 1109

13:22 NCR 1823

Approve 07/15/99

14:06 NCR 490

10 NCAC 01B .0420

13:14 NCR 1109

13:22 NCR 1823

Approve 07/15/99

14:06 NCR 490

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## Facility Services

### Abbreviated Notice of Temporary Rule-Making

14 04 NCR 264

10 NCAC 03R 1613		13:14 NCR 1119	14:04 NCR 279	*						
10 NCAC 03R 1615		13:14 NCR 1119	14:04 NCR 279	*						
10 NCAC 03R 1713		13:14 NCR 1119	14:04 NCR 279	*						
10 NCAC 03R 1714		13:14 NCR 1119	14:04 NCR 279	*						
10 NCAC 03R 1715		13:14 NCR 1119	14:04 NCR 279	*						
10 NCAC 03R 1912		13:14 NCR 1119	14:04 NCR 279	*						
10 NCAC 03R 1913		13:14 NCR 1119	14:04 NCR 279	*						
10 NCAC 03R 1914		13:14 NCR 1119	14:04 NCR 279	*						
10 NCAC 03R 2113		13:14 NCR 1119	14:04 NCR 279	*						
10 NCAC 03R 2713		13:14 NCR 1119	14:04 NCR 279	*						
10 NCAC 03R 2715		13:14 NCR 1119	14:04 NCR 279	*						
10 NCAC 03R 4203		13:14 NCR 1119	14:04 NCR 279	*						
10 NCAC 03R 6001	11:22 NCR 1704									
10 NCAC 03R 6112		12:15 NCR 1431 Temp Expired 04/15/99	13:02 NCR 178	S/L/SE	Object Object Returned to Acy	10/22/98 12/17/98 04/15/99				
10 NCAC 03R 6201		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R 6202		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R 6203		13:14 NCR 1119 14:04 NCR 314	14:03 NCR 130	*						
10 NCAC 03R 6204		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R 6205		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R 6206		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R 6207		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R 6208		13:14 NCR 1119	14:03 NCR 130	S/L/SE						
10 NCAC 03R 6209		13:14 NCR 1119 14:04 NCR 314	14:03 NCR 130	S/L/SE						
10 NCAC 03R 6210		13:14 NCR 1119	14:03 NCR 130	S/L/SE						

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10 NCAC 03R .6211		13:14 NCR 1119	14-03 NCR 130	S/L/SE						
10 NCAC 03R .6212		13:14 NCR 1119	14-03 NCR 130	S/L/SE						
10 NCAC 03R .6213		13:14 NCR 1119	14-03 NCR 130	*						
10 NCAC 03R .6214		13:14 NCR 1119	14-03 NCR 130	*						
10 NCAC 03R .6215		13:14 NCR 1119	14-03 NCR 130	*						
10 NCAC 03R .6216		13:14 NCR 1119	14-03 NCR 130	*						
10 NCAC 03R .6217		13:14 NCR 1119	14-03 NCR 130	*						
10 NCAC 03R .6218		13:14 NCR 1119	14-03 NCR 130	*						
10 NCAC 03R .6219		13:14 NCR 1119	14-03 NCR 130	*						
10 NCAC 03R .6220		13:14 NCR 1119	14-03 NCR 130	S/L/SE						
10 NCAC 03R .6221		13:14 NCR 1119 14-04 NCR 314	14-03 NCR 130	S/L/SE						
10 NCAC 03R .6222		13:14 NCR 1119	14-03 NCR 130	S/L/SE						
10 NCAC 03R .6223		13:14 NCR 1119	14-03 NCR 130	*						
10 NCAC 03R .6224		13:14 NCR 1119	14-03 NCR 130	S/L/SE						
10 NCAC 03R .6225		13:14 NCR 1119	14-03 NCR 130	*						
10 NCAC 03R .6226		13:14 NCR 1119	14-03 NCR 130	S/L/SE						
10 NCAC 03R .6227		13:14 NCR 1119	14-03 NCR 130	*						
10 NCAC 03R .6228		13:14 NCR 1119	14-03 NCR 130	S/L/SE						
10 NCAC 03R .6229		13:14 NCR 1119	14-03 NCR 130	S/L/SE						
10 NCAC 03R .6230		13:14 NCR 1119	14-03 NCR 130	*						
10 NCAC 03R .6231		13:14 NCR 1119	14-03 NCR 130	*						
10 NCAC 03R .6232		13:14 NCR 1119	14-03 NCR 130	*						
10 NCAC 03R .6233		13:14 NCR 1119	14-03 NCR 130	S/L/SE						
10 NCAC 03R .6234		13:14 NCR 1119	14-03 NCR 130	S/L/SE						
10 NCAC 03R .6235		13:14 NCR 1119	14-03 NCR 130	*						
10 NCAC 03R .6236		13:14 NCR 1119	14-03 NCR 130	*						
10 NCAC 03R .6237		13:14 NCR 1119	14-03 NCR 130	*						

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10 NCAC 03R .6238		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R .6239		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R .6240		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R .6241		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03S .0108	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0109	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0207	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0208	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0209	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0210	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0211	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0213	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0214	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0307	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0308	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0407	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0408	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0506	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0507	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0508	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0509	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0510	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0511	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0614	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0615	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0616	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0617	12:24 NCR 2194		14:05 NCR 374	*						

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10 NCAC 03S .0618	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0619	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0706	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0707	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0806	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0807	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0808	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0901	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0902	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0903	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0904	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1001	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1002	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1003	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1004	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1005	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1006	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1101	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1201	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1202	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1203	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1204	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1205	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1206	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1207	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1301	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1302	12:24 NCR 2194		14:05 NCR 374	*						

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10 NCAC 03S .1303	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1401	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1501	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1601	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1701	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1702	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1801	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1802	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1803	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1804	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1805	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1806	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1901	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1902	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1903	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .2001	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .2002	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .2101	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .2102	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .2103	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .2104	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .2105	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .2106	12:24 NCR 2194		14:05 NCR 374	*						
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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	*						

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15A NCAC 19A .0401	13:22 NCR 1818	13:24 NCR 2034	13:24 NCR 2004	*						
15A NCAC 19A .0401	14:06 NCR 483	14:06 NCR 483								
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 21F .1201	14:03 NCR 126	14:06 NCR 483								
15A NCAC 21F .1202	14:03 NCR 126	14:06 NCR 483								
15A NCAC 21F .1203	14:03 NCR 126	14:06 NCR 483								
15A NCAC 21F .1204	14:03 NCR 126	14:06 NCR 483								
15A NCAC 21H .0110	12:20 NCR 1822		13:07 NCR 591	S	Extended Rev. Agcy Withdraw	01/21/99 02/02/99			13:22 NCR 1868	
15A NCAC 21H .0111	12:20 NCR 1822		13:07 NCR 591	S	Approve	01/21/99	*		13:22 NCR 1868	
15A NCAC 21H .0113	12:20 NCR 1822		13:07 NCR 591	*	Approve	01/21/99				
15A NCAC 21H .0314	14:03 NCR 126	14:06 NCR 483								
15A NCAC 21 I .0102	14:04 NCR 272									
15A NCAC 21 I .0103	14:04 NCR 272									
15A NCAC 21H .0102	14:04 NCR 272									
15A NCAC 21 J .0103	14:04 NCR 272									
15A NCAC 23 .0201	13:22 NCR 1820		14:02 NCR 80	*						
15A NCAC 23 .0202	13:22 NCR 1820	13:18 NCR 1555	14:02 NCR 80	S/L						
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 24A .0402	14:03 NCR 126	14:06 NCR 483								
15A NCAC 24A .0403	14:03 NCR 126	14:06 NCR 483								
15A NCAC 26C	13:22 NCR 1820									

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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	*						
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10 NCAC 26B .0113	14:01 NCR 4	14:04 NCR 319								
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								
10 NCAC 26H .0213		12:13 NCR 733								
10 NCAC 26H .0213		11:26 NCR 1997								
		12:09 NCR 827								
		13:08 NCR 733								
10 NCAC 26H .0304		13:03 NCR 316	13:08 NCR 668	S/L	Object Approve	12/17/98 01/21/99	*		13:22 NCR 1868	
10 NCAC 26H .0304		14:05 NCR 394								
10 NCAC 26H .0401		13:02 NCR 248	13:12 NCR 947	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 26I .0101	13:02 NCR 175		13:07 NCR 588	*						
10 NCAC 26K .0106	12:05 NCR 337									
10 NCAC 26K .0106	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 26M .0203	12:05 NCR 337									
10 NCAC 26M .0204	12:06 NCR 444		13:01 NCR 5	*						
10 NCAC 26M .0301		14:04 NCR 319								
10 NCAC 26M .0302		14:04 NCR 319								

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10 NCAC 26M .0303		14:04 NCR 319								
10 NCAC 26M .0304		14:04 NCR 319								
10 NCAC 26M .0305		14:04 NCR 319								
10 NCAC 50A .0604	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 50B .0102		13:18 NCR 1526								
10 NCAC 50B .0202	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 50B .0302	13:02 NCR 175		13:10 NCR 806	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 50B .0305		14:03 NCR 246								
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									
10 NCAC 42B .1201	14:05 NCR 370									
10 NCAC 42B .1212	14:05 NCR 370									
10 NCAC 42B .1213	14:05 NCR 370									
10 NCAC 42B .1214	14:05 NCR 370									
10 NCAC 42B .1215	14:05 NCR 370									
10 NCAC 42B .1707	14:05 NCR 370									
10 NCAC 42B .1803	14:05 NCR 370									
10 NCAC 42B .2013	14:05 NCR 370									
10 NCAC 42B .2014	14:05 NCR 370									
10 NCAC 42B .2501	14:05 NCR 370									
10 NCAC 42B .2502	14:05 NCR 370									
10 NCAC 42B .2503	14:05 NCR 370									
10 NCAC 42C .2005	14:05 NCR 370									
10 NCAC 42C .2012	14:05 NCR 370									

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10 NCAC 42C .2013	14:05 NCR 370									
10 NCAC 42C .2014	14:05 NCR 370									
10 NCAC 42C .2207	14:05 NCR 370									
10 NCAC 42C .2214	14:05 NCR 370									
10 NCAC 42C .2501	14:05 NCR 370									
10 NCAC 42C .2505	14:05 NCR 370									
10 NCAC 42C .2506	14:05 NCR 370									
10 NCAC 42C .2703	14:05 NCR 370									
10 NCAC 42C .3401	14:05 NCR 370									
10 NCAC 42C .3402	14:05 NCR 370									
10 NCAC 42C .3701	14:05 NCR 370									
10 NCAC 42C .3703	14:05 NCR 370									
10 NCAC 42C .3801	14:05 NCR 370									
10 NCAC 42C .3802	14:05 NCR 370									
10 NCAC 42C .3803	14:05 NCR 370									
10 NCAC 42C .3804	14:05 NCR 370									
10 NCAC 42C .3805	14:05 NCR 370									
10 NCAC 42C .3806	14:05 NCR 370									
10 NCAC 42C .3807	14:05 NCR 370									
10 NCAC 42C .3808	14:05 NCR 370									
10 NCAC 42C .3809	14:05 NCR 370									
10 NCAC 42C .3810	14:05 NCR 370									
10 NCAC 42C .3901	14:05 NCR 370									
10 NCAC 42C .3902	14:05 NCR 370									
10 NCAC 42C .3903	14:05 NCR 370									
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10 NCAC 42D .1303	14-05 NCR 370									
10 NCAC 42D .1401	14-05 NCR 370									
10 NCAC 42D .1402	14-05 NCR 370									
10 NCAC 42D .1407	14-05 NCR 370									
10 NCAC 42D .1412	14-05 NCR 370									
10 NCAC 42D .1413	14-05 NCR 370									
10 NCAC 42D .1414	14-05 NCR 370									
10 NCAC 42D .1415	14-05 NCR 370									
10 NCAC 42D .1416	14-05 NCR 370									
10 NCAC 42D .1503	14-05 NCR 370									
10 NCAC 42D .1605	14-05 NCR 370									
10 NCAC 42D .1804	14-05 NCR 370									
10 NCAC 42D .1813	14-05 NCR 370									
10 NCAC 42D .1832	14-05 NCR 370									
10 NCAC 42D .1833	14-05 NCR 370									
10 NCAC 42D .1901	14-05 NCR 370									
10 NCAC 42D .1902	14-05 NCR 370									
10 NCAC 42D .1903	14-05 NCR 370									
10 NCAC 42D .1904	14-05 NCR 370									
10 NCAC 42D .1905	14-05 NCR 370									
10 NCAC 42D .1906	14-05 NCR 370									
10 NCAC 42D .1907	14-05 NCR 370									
10 NCAC 42D .1908	14-05 NCR 370									
10 NCAC 42D .1909	14-05 NCR 370									
10 NCAC 42D .1910	14-05 NCR 370									
10 NCAC 42D .2001	14-05 NCR 370									
10 NCAC 42D .2002	14-05 NCR 370									

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10 NCAC 42D .2003	14:05 NCR 370									
10 NCAC 42D .2004	14:05 NCR 370									
10 NCAC 42D .2005	14:05 NCR 370									
10 NCAC 42D .2006	14:05 NCR 370									
10 NCAC 42D .2007	14:05 NCR 370									
10 NCAC 42D .2008	14:05 NCR 370									
10 NCAC 42D .2009	14:05 NCR 370									
10 NCAC 42D .2010	14:05 NCR 370									
10 NCAC 42D .2011	14:05 NCR 370									
10 NCAC 42D .2101	14:05 NCR 370									
10 NCAC 42D .2102	14:05 NCR 370									
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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		13:07 NCR 586	*	Approve	01/21/99	*		13:22 NCR 1868	
10 NCAC 45G .0410	13:23 NCR 1947	13:23 NCR 1947								
10 NCAC 45H .0205	13:19 NCR 1762	12:24 NCR 2223	13:05 NCR 487	*						

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					Action	Date				
Secretary of Health and Human Services										
Temp Expired 03/12/99										
10 NCAC 14V .7006		12:01 NCR 31	12:07 NCR 511	*						
Temp Expired 03/28/98										
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	*						
Social Services Commission										
10 NCAC 24	14:06 NCR 427									
10 NCAC 29C .0103		13:06 NCR 566	13:19 NCR 1611	*	Approve	07/15/99			14 06 NCR 490	
10 NCAC 41E .0401	12:11 NCR 919		13:05 NCR 438	*						
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	
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	

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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	*						
10 NCAC 41E .0510	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
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	

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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	*						
10 NCAC 41G .0502	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0504	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0505	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0506	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0507	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0508	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0509	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0510	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0511	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0512	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0513	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0601	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0602	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0603	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0604	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0605	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0606	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0701	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	

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10 NCAC 41G .0702	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0703	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41G .0704	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0705	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0706	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0707	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0708	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0801	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0802	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0803	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0804	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0805	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0806	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0807	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0808	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0809	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0902	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 1001	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 1002	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 1004	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	

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					Action	Date				
10 NCAC 41G .1005	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1006	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1007	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1008	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
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	*	Approve	02/18/99			13:24 NCR 2037	
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	

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10 NCAC 41G .1207	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .1208	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .1301	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .1302	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .1303	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .1304	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
10 NCAC 41G .1305	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			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									
10 NCAC 41I .0102	10:17 NCR 2228		10:21 NCR 2687	*						
10 NCAC 41R .0101	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41R .0102	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41R .0103	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41R .0104	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41R .0105	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41R .0106	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41R .0107	12:11 NCR 919		13:05 NCR 438	*						
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10 NCAC 41S .0101	12:11 NCR 919		13:11 NCR 857 13:05 NCR 438 13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0102	12:11 NCR 919		13:05 NCR 438 13:11 NCR 857	*	Object	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0201	12:11 NCR 919		13:05 NCR 438 13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0202	12:11 NCR 919		13:05 NCR 438 13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0203	12:11 NCR 919		13:11 NCR 857 13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0204	12:11 NCR 919		13:11 NCR 857 13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0301	12:11 NCR 919		13:11 NCR 857 13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0302	12:11 NCR 919		13:11 NCR 857 13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0303	12:11 NCR 919		13:11 NCR 857 13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0304	12:11 NCR 919		13:11 NCR 857 13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0305	12:11 NCR 919		13:11 NCR 857 13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0306	12:11 NCR 919		13:11 NCR 857 13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0307	12:11 NCR 919		13:11 NCR 857 13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0401	12:11 NCR 919		13:11 NCR 857 13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0402	12:11 NCR 919		13:11 NCR 857 13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0403	12:11 NCR 919		13:11 NCR 857 13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0404	12:11 NCR 919		13:11 NCR 857 13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0405	12:11 NCR 919		13:11 NCR 857 13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0406	12:11 NCR 919		13:11 NCR 857 13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0407	12:11 NCR 919		13:11 NCR 857 13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	

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10 NCAC 41S .0501	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0502	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0503	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0504	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0505	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0506	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0601	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0602	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0603	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0604	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0605	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0606	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0607	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0608	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0609	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0610	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0611	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0612	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0613	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0613		14:04 NCR 321		*						

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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	*						
10 NCAC 41S .0615	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0701	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 .0702	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0703	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	
10 NCAC 41S .0704	12:11 NCR 919		13:11 NCR 857	*	Object	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0704	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99	+		13:24 NCR 2037	
10 NCAC 41S .0705	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
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 .0706	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0707	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	
10 NCAC 41S .0708	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0709	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0709	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0710	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 .0711	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0712	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 41S .0713	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41T .0101	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	
10 NCAC 41T .0102	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41T .0103	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41T .0103	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41T .0104	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	
10 NCAC 41T .0105	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	

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10 NCAC 41T .0106	12.11 NCR 919		13.05 NCR 438	*						
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	
10 NCAC 41T .0204	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
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 42A	14.06 NCR 427		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 42E	14.06 NCR 427		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 42V	14.06 NCR 427		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 42Z	14.06 NCR 427		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
<b>Vocational Rehabilitation Services</b>										
10 NCAC 20B .0224		13.17 NCR 1379	14.05 NCR 392	*						
10 NCAC 20B .0228		13.17 NCR 1379	14.05 NCR 392	*						
<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		14.06 NCR 433	*						
11 NCAC 13	12.09 NCR 744									
11 NCAC 13 .0514	14.02 NCR 78		14.06 NCR 433	*						
11 NCAC 13 .0518	14.02 NCR 78		14.06 NCR 433	*						
11 NCAC 14	12.09 NCR 744									
11 NCAC 15	12.09 NCR 744									

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11 NCAC 16	12-09 NCR 744									
11 NCAC 17	12-09 NCR 744									
11 NCAC 20	12-09 NCR 744									
11 NCAC 21	12-09 NCR 744									
<b>JUSTICE</b>										
<b>Criminal Justice Education and Training Standards Commission</b>										
12 NCAC 09B .0107	13-14 NCR 1110		13-19 NCR 1611	*	Ext. Review Return to Agency Approve	06/17/99 07/15/99 06/17/99	*		14-05 NCR 402	
12 NCAC 09B .0109	13-14 NCR 1110		13-19 NCR 1611	*	Approve	06/17/99	*		14-05 NCR 402	
12 NCAC 09B .0110	13-14 NCR 1110		13-19 NCR 1611	*	Approve	06/17/99	*		14-05 NCR 402	
12 NCAC 09B .0112	13-14 NCR 1110		13-19 NCR 1611	*	Approve	06/17/99	*		14-05 NCR 402	
12 NCAC 09B .0113	13-14 NCR 1110		13-19 NCR 1611	*	Ext. Review Return to Agency Approve	06/17/99 07/15/99 06/17/99	*		14-05 NCR 402	
12 NCAC 09B .0115	13-14 NCR 1110		13-19 NCR 1611	*	Object	06/17/99				
12 NCAC 09B .0201	13-14 NCR 1110		13-19 NCR 1611	*	Return to Agency	07/15/99				
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	*	Return to Agency	07/15/99				
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	Return to Agency	07/15/99				
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	*	Return to Agency	07/15/99				
12 NCAC 09B .0208	13-14 NCR 1110		13-19 NCR 1611	*	Object	06/17/99				
12 NCAC 09B .0226	13-14 NCR 1110		13-19 NCR 1611	*	Return to Agency	07/15/99			14-05 NCR 402	
12 NCAC 09B .0227	13-14 NCR 1110		13-19 NCR 1611	*	Approve	06/17/99			14-05 NCR 402	
12 NCAC 09B .0228	13-14 NCR 1110		13-19 NCR 1611	S	Approve	06/17/99				
12 NCAC 09B .0232	13-14 NCR 1110		13-19 NCR 1611	S	Object Return to Agency Object Returned to Agency Object Returned to Agency Object	06/17/99 07/15/99 06/17/99 06/17/99 06/17/99 06/17/99 06/17/99				

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12 NCAC 09B .0233	13:14 NCR 1110		13:19 NCR 1611	S	Return to Agency Object	07/15/99 06/17/99				
12 NCAC 09B .0302	13:14 NCR 1110		13:19 NCR 1611	*	Return to Agency Approve	07/15/99 06/17/99	*		14:05 NCR 402	
12 NCAC 09B .0303	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 09B .0304	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:05 NCR 402	
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	*	Return to Agency Approve	07/15/99 06/17/99			14:05 NCR 402	
12 NCAC 09B .0403	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 09B .0404	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 09B .0405	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 09B .0406	13:14 NCR 1110		13:19 NCR 1611	S	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 09B .0407	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 09B .0414	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 09B .0415	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 09C .0211	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99			14:05 NCR 402	
12 NCAC 09C .0212	13:14 NCR 1110		13:19 NCR 1611	*	Return to Agency Object	07/15/99 06/17/99				
12 NCAC 09C .0213	13:14 NCR 1110		13:19 NCR 1611	*	Return to Agency Object	07/15/99 06/17/99				
12 NCAC 09C .0403	13:14 NCR 1110		13:19 NCR 1611	*	Return to Agency Approve	07/15/99 06/17/99			14:05 NCR 402	
12 NCAC 09E .0107	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	
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12 NCAC 07D .0800	13:14 NCR 1110				Object	11/19/98				
12 NCAC 07D .1201	11:10 NCR 818		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1202	11:10 NCR 818		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1301	11:16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1302	11:16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1303	11:16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				

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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	Return to Agency	07/15/99				
12 NCAC 10B .0505	13-14 NCR 1110		13-19 NCR 1637	*	Object	06/17/99				
12 NCAC 10B .0506	13-14 NCR 1110		13-19 NCR 1637	*	Approve	06/17/99			14-05 NCR 402	
12 NCAC 10B .0507	13-14 NCR 1110		13-19 NCR 1637	*	Approve	06/17/99			14-05 NCR 402	
12 NCAC 10B .0508	13-14 NCR 1110		13-19 NCR 1637	*	Approve	06/17/99			14-05 NCR 402	
12 NCAC 10B .0509	13-14 NCR 1110		13-19 NCR 1637	*	Approve	06/17/99			14-05 NCR 402	
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	*		14-05 NCR 402	
12 NCAC 10B .0908	13-14 NCR 1110		13-19 NCR 1637	S/L	Approve	06/17/99			14-05 NCR 402	
12 NCAC 10B .1002	13-14 NCR 1110		13-19 NCR 1637	*	Approve	06/17/99			14-05 NCR 402	
12 NCAC 10B .1401	13-14 NCR 1110		13-19 NCR 1637	S	Approve	06/17/99			14-05 NCR 402	
12 NCAC 10B .1402	13-14 NCR 1110		13-19 NCR 1637	S	Approve	06/17/99	*		14-05 NCR 402	
12 NCAC 10B .1403	13-14 NCR 1110		13-19 NCR 1637	S	Approve	06/17/99	*		14-05 NCR 402	
12 NCAC 10B .1404	13-14 NCR 1110		13-19 NCR 1637	S	Approve	06/17/99	*		14-05 NCR 402	
12 NCAC 10B .1405	13-14 NCR 1110		13-19 NCR 1637	S	Approve	06/17/99	*		14-05 NCR 402	
12 NCAC 10B .1406	13-14 NCR 1110		13-19 NCR 1637	S	Approve	06/17/99			14-05 NCR 402	

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13 NCAC 13 .0406 13-03 NCR 269

13-08 NCR 685

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13 NCAC 13.0409 13-03 NCR 269

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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

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 NCAC 07F.0602 13-02 NCR 176

13 NCAC 07F.0603 13-02 NCR 176

13 NCAC 07F.0604 13-02 NCR 176

13 NCAC 07F.0605 13-02 NCR 176

13 NCAC 07F.0606 13-02 NCR 176

S/L/SE

S/L

S/L/SE

S/L/SE

S/L/SE

S/L

## Retaliatory Employment Discrimination

13 NCAC 19.0101 N/A

N/A

Approve

08/19/99

## Wage and Hour Division

13 NCAC 12.0501 13-03 NCR 268

13 NCAC 12.0801 13-03 NCR 268

13 NCAC 12.0802 13-03 NCR 268

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21 NCAC 26.0101 14-05 NCR 373

21 NCAC 26.0104

21 NCAC 26.0104 14-05 NCR 373

21 NCAC 26.0105

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21 NCAC 26 .0105	14:05 NCR 373									
21 NCAC 26 .0302		12:08 NCR 730	Temp Expired 07/12/98							
21 NCAC 26 .0506		12:08 NCR 730	Temp Expired 07/12/98							
21 NCAC 26 .0507		12:08 NCR 730	Temp Expired 07/12/98							
21 NCAC 26 .0508		12:08 NCR 730	Temp Expired 07/12/98							
21 NCAC 26 .0509		12:08 NCR 730	Temp Expired 07/12/98							
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21 NCAC 32	13:06 NCR 538									
21 NCAC 32B	11:18 NCR 1369									
21 NCAC 32B	12:04 NCR 245									
21 NCAC 320 .0118	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 .0119	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 .0120	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 .0121	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32R .0101	14:03 NCR 127									
21 NCAC 32R .0102	14:03 NCR 127									
21 NCAC 32R .0103	14:03 NCR 127									
21 NCAC 32R .0104	14:03 NCR 127									
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21 NCAC 34C	12:09 NCR 745									
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<b>NURSING, BOARD OF</b>										
21 NCAC 36 .0213	13:22 NCR 1821		14:02 NCR 82	*						
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21 NCAC 37D .0202		14:05 NCR 398								
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21 NCAC 37G .0102		14-05 NCR 398								
21 NCAC 37G .0201		14-05 NCR 398								
21 NCAC 37H .0102		14-05 NCR 398								
<b>PHARMACY BOARD OF</b>										
21 NCAC 46 .1317	13-22 NCR 1821									
21 NCAC 46 .1413	13-22 NCR 1821		14-06 NCR 480	*						
21 NCAC 46 .1414	13-22 NCR 1821									
21 NCAC 46 .1508	13-22 NCR 1821		14-06 NCR 480	*						
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 Object Object Object Approve	03/20/98 12/17/98 02/18/99 04/15/99 05/20/99			14-04 NCR 330	
21 NCAC 46 .1810	13-22 NCR 1821		14-06 NCR 480	*						
21 NCAC 46 .1813	13-22 NCR 1821									
21 NCAC 46 .1814	13-22 NCR 1821		14-06 NCR 480	*						
21 NCAC 46 .1815		13-11 NCR 910	13-22 NCR 1848 13-24 NCR 2016 14-06 NCR 480	* * *	Approve	08/19/99	*			
21 NCAC 46 .1816	13-22 NCR 1821		12-07 NCR 527	*						
21 NCAC 46 .2103	12-03 NCR 168		12-09 NCR 797	*						
21 NCAC 46 .2301	12-03 NCR 168		12-07 NCR 527	*						
21 NCAC 46 .2306	12-24 NCR 2203		12-09 NCR 797	*						
21 NCAC 46 .2506	12-24 NCR 2203		13-04 NCR 419 13-04 NCR 419	* *	Object Object	11/19/98 12/17/98				

**PHYSICAL THERAPY EXAMINERS**

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21 NCAC 48F .0102	14-06 NCR 489	14-06 NCR 489								
PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS, EXAMINERS OF										
21 NCAC 50 .0106	12-07 NCR 509									
21 NCAC 50 .0202	12-07 NCR 509									
21 NCAC 50 .0301	14-06 NCR 429									
21 NCAC 50 .0304	14-06 NCR 429									
21 NCAC 50 .0306	14-06 NCR 429									
21 NCAC 50 .0310	14-06 NCR 429									
21 NCAC 50 .0402	14-06 NCR 429									
21 NCAC 50 .0404	14-06 NCR 429									
21 NCAC 50 .0406	14-06 NCR 429									
21 NCAC 50 .0407	14-06 NCR 429									
21 NCAC 50 .0412	14-06 NCR 429									
21 NCAC 50 .0505	14-06 NCR 429									
21 NCAC 50 .0506	12-07 NCR 509	12-07 NCR 557	Temp Expired 06/28/98							
21 NCAC 50 .0506	14-06 NCR 429									
21 NCAC 50 .0508	14-06 NCR 429									
21 NCAC 50 .1101	14-06 NCR 429									
21 NCAC 50 .1102	14-06 NCR 429									
21 NCAC 50 .1201	12-07 NCR 509									
21 NCAC 50 .1201	14-06 NCR 429									
21 NCAC 50 .1202	14-06 NCR 429									
21 NCAC 50 .1203	14-06 NCR 429									
21 NCAC 50 .1204	14-06 NCR 429									
21 NCAC 50 .1205	12-07 NCR 509									
21 NCAC 50 .1205	14-06 NCR 429									
21 NCAC 50 .1206	12-07 NCR 509									

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21 NCAC 50.1206 14-06 NCR 429  
 21 NCAC 50.1207 14-06 NCR 429  
 21 NCAC 50.1208 14-06 NCR 429  
 21 NCAC 50.1209 14-06 NCR 429  
 21 NCAC 50.1210 12-07 NCR 509  
 21 NCAC 50.1210 14-06 NCR 429  
 21 NCAC 50.1211 14-06 NCR 429  
 21 NCAC 50.1212 12-07 NCR 509  
 21 NCAC 50.1212 14-06 NCR 429  
 21 NCAC 50.1213 14-06 NCR 429  
 21 NCAC 50.1214 14-06 NCR 429  
 21 NCAC 50.1302 12-07 NCR 509

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21 NCAC 54.1611 12-05 NCR 338  
 21 NCAC 54.1612 12-05 NCR 338  
 21 NCAC 54.1613 12-05 NCR 338  
 21 NCAC 54.1901 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  
 21 NCAC 54.2301 12-05 NCR 338  
 21 NCAC 54.2302 12-05 NCR 338  
 21 NCAC 54.2303 12-05 NCR 338  
 21 NCAC 54.2304 12-05 NCR 338  
 21 NCAC 54.2305 12-05 NCR 338  
 21 NCAC 54.2306 12-05 NCR 338  
 21 NCAC 54.2307 12-05 NCR 338

13-13 NCR 1050

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13-13 NCR 1050

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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		13:13 NCR 1050	*						
21 NCAC 54 .2705	12:05 NCR 338									
21 NCAC 54 .2706	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2801	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2802	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2803	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2804	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2805	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2806	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2807	12:05 NCR 338		13:13 NCR 1050	*						

## PUBLIC EDUCATION

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					Action	Date				
16 NCAC 06B .0108		13:13 NCR 1061	13:18 NCR 1503	*	Approve	07/15/99			14:06 NCR 490	
16 NCAC 06C .0100	14:06 NCR 428									
16 NCAC 06C .0102			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0103			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0200	14:06 NCR 428									
16 NCAC 06C .0202			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0205			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0205			13:24 NCR 2008	*						
16 NCAC 06C .0206			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0207			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0300	14:06 NCR 428									
16 NCAC 06C .0301			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0302			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0303			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0304			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0305			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0306			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0307			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0308			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0309			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0311			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0312			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0313			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0400	14:06 NCR 428									
16 NCAC .05C .0501			13:18 NCR 1503	*	Object	07/15/99				
					Approve	08/19/99				
16 NCAC 06D .0103		12:22 NCR 2010 Temp Expired 02/09/99	13:18 NCR 1503	*	Approve	07/15/99	*		14:06 NCR 490	
16 NCAC 06C .0103		13:24 NCR 2008		S						

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					Action	Date				
16 NCAC 06D .0210			13-18 NCR 1503	*	Approve	07/15/99	*		14-06 NCR 490	
16 NCAC 06D .0301			13-18 NCR 1503	*	Approve	07/15/99			14-06 NCR 490	
16 NCAC 06D .0302			13-18 NCR 1503	*	Approve	07/15/99			14-06 NCR 490	
16 NCAC 06D .0303			13-18 NCR 1503	*	Approve	07/15/99			14-06 NCR 490	
16 NCAC 06D .0304			13-24 NCR 2008	S						
16 NCAC 06D .0305			13-18 NCR 1503	*	Approve	07/15/99	*		14-06 NCR 490	
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	14-06 NCR 428		13-18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06E .0202		13-05 NCR 523								
16 NCAC 06E .0301			13-18 NCR 1503	*	Approve	07/15/99			14-06 NCR 490	
16 NCAC 06G .0202			13-18 NCR 1503	*	Approve	07/15/99			14-06 NCR 490	
16 NCAC 06G .0308			13-18 NCR 1503	*	Approve	07/15/99			14-06 NCR 490	
16 NCAC 06G .0309			13-18 NCR 1503	*	Approve	07/15/99			14-06 NCR 490	
16 NCAC 06G .0311		12-22 NCR 2010 Temp Expired 02/09/99	13-18 NCR 1503	*	Approve	07/15/99	*		14-06 NCR 490	
16 NCAC 06G .0502			13-18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06G .0502	14-06 NCR 428									
16 NCAC 06H .0101			13-18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06H .0103			13-18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06H .0103	14-06 NCR 428									
16 NCAC 06H .0105			13-18 NCR 1503	*	Return to Agency	07/15/99				

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16 NCAC 06H .0106			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06H .0106	14:06 NCR 428									
16 NCAC 06H .0107			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06H .0107	14:06 NCR 428									
16 NCAC 06H .0108			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06H .0109			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06H .0110			13:18 NCR 1503	*	Return to Agency	07/15/99				
<b>REAL ESTATE COMMISSION</b>										
21 NCAC 58A .0107	14:06 NCR 429									
21 NCAC 58A .0109	14:06 NCR 429									
21 NCAC 58A .0110	14:06 NCR 429									
21 NCAC 58A .0113	14:06 NCR 429									
21 NCAC 58A .0114	14:06 NCR 429									
21 NCAC 58A .0301	14:06 NCR 429									
21 NCAC 58A .0302	14:06 NCR 429									
21 NCAC 58A .0303	14:06 NCR 429									
21 NCAC 58A .0304	14:06 NCR 429									
21 NCAC 58A .0401	14:06 NCR 429									
21 NCAC 58A .0402	14:06 NCR 429									
21 NCAC 58A .0403	14:06 NCR 429									
21 NCAC 58A .0404	14:06 NCR 429									
21 NCAC 58A .0406	14:06 NCR 429									
21 NCAC 58A .0503	14:06 NCR 429									
21 NCAC 58A .0505	14:06 NCR 429									
21 NCAC 58A .0601	14:06 NCR 429									
21 NCAC 58A .1402	14:06 NCR 429									
21 NCAC 58A .1703	14:06 NCR 429									

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21 NCAC 58A .1708	14-06 NCR 429									
21 NCAC 58B .0101	14-06 NCR 429									
21 NCAC 58B .0102	14-06 NCR 429									
21 NCAC 58C .0105	14-06 NCR 429									
21 NCAC 58C .0106	14-06 NCR 429									
21 NCAC 58C .0107	14-06 NCR 429									
21 NCAC 58C .0207	14-06 NCR 429									
21 NCAC 58C .0213	14-06 NCR 429									
21 NCAC 58C .0214	14-06 NCR 429									
21 NCAC 58C .0217	14-06 NCR 429									
21 NCAC 58C .0218	14-06 NCR 429									
21 NCAC 58C .0302	14-06 NCR 429									
21 NCAC 58C .0304	14-06 NCR 429									
21 NCAC 58C .0305	14-06 NCR 429									
21 NCAC 58C .0306	14-06 NCR 429									
21 NCAC 58C .0307	14-06 NCR 429									
21 NCAC 58C .0310	14-06 NCR 429									
21 NCAC 58C .0312	14-06 NCR 429									
21 NCAC 58E .0102	14-06 NCR 429									
21 NCAC 58E .0202	14-06 NCR 429									
21 NCAC 58E .0204	14-06 NCR 429									
21 NCAC 58E .0205	14-06 NCR 429									
21 NCAC 58E .0304	14-06 NCR 429									
21 NCAC 58E .0310	14-06 NCR 429									
21 NCAC 58E .0412	14-06 NCR 429									
21 NCAC 58E .0515	14-06 NCR 429									

## REVENUE

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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						
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 04E .0005	N/A		13-08 NCR 690	N/A						
17 NCAC 05C .0102			12-14 NCR 1285	*						

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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 Object Approve	12/17/98 03/18/99 04/15/99				
17 NCAC 07B .0124	N/A		13:08 NCR 695	N/A			*		14:02 NCR 84	
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		Temp Expired 06/28/98	Temp Expired 06/28/98	*						
18 NCAC 10 .0101	13:09 NCR 759	13:14 NCR 1153	Temp Expired 06/28/98							
18 NCAC 10 .0201	13:09 NCR 759	13:18 NCR 1556								
18 NCAC 10 .0301	13:09 NCR 759	13:14 NCR 1153								
18 NCAC 10 .0302	13:09 NCR 759	13:18 NCR 1556								
18 NCAC 10 .0303	13:09 NCR 759	13:14 NCR 1153								
18 NCAC 10 .0304	13:09 NCR 759	13:18 NCR 1556								
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								
18 NCAC 10 .0402	13:09 NCR 759	13:18 NCR 1556								
18 NCAC 10 .0501	13:09 NCR 759	13:14 NCR 1153								

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## SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGIST, BOARD OF EXAMINERS

21 NCAC 64 .0303 11:23 NCR 1780

### STATE PERSONNEL COMMISSION

25 NCAC 01B .0354 13:05 NCR 436 \*

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 \*

25 NCAC 01C .0214 13:18 NCR 1560 \*

25 NCAC 01D .2516 11:13 NCR 1062 11:19 NCR 1429 \*

25 NCAC 01D .2517 Temp Expired 12:09 NCR 835 Temp Expired 07/31/98

25 NCAC 01H .0602 13:05 NCR 436 \*

25 NCAC 01H .0605 13:05 NCR 436 \*

25 NCAC 01H .0606 13:05 NCR 436 \*

25 NCAC 01J .0503 13:05 NCR 436 \*

25 NCAC 01J .0506 13:18 NCR 1560 \*

25 NCAC 01J .0512 13:05 NCR 436 \*

25 NCAC 01J .0603 13:05 NCR 436 \*

25 NCAC 01J .0603 13:18 NCR 1560 13:22 NCR 1850 \*

## TRANSPORTATION

### Highways, Division of

19A NCAC 02D .0415 13:08 NCR 626

19A NCAC 02E .0201 14:03 NCR 126

19A NCAC 02E .0202 14:03 NCR 126

19A NCAC 02E .0203 14:03 NCR 126

19A NCAC 02E .0206 14:03 NCR 126

19A NCAC 02E .0207 14:03 NCR 126

Approve 04/15/99

14:02 NCR 84

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					Action	Date				
19A NCAC 02E .0208	14:03 NCR 126									
19A NCAC 02E .0209	14:03 NCR 126									
19A NCAC 02E .0210	14:03 NCR 126									
19A NCAC 02E .0211	14:03 NCR 126									
19A NCAC 02E .0212	14:03 NCR 126									
19A NCAC 02E .0213	14:03 NCR 126									
19A NCAC 02E .0214	14:03 NCR 126									
19A NCAC 02E .0215	14:03 NCR 126									
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	
19A NCAC 02E .0224	14:03 NCR 126									
19A NCAC 02E .0225	14:03 NCR 126									
19A NCAC 02E .0602	14:03 NCR 126									
19A NCAC 02E .0603	14:03 NCR 126									
19A NCAC 02E .0604	14:03 NCR 126									
<b>Motor Vehicles, Division of</b>										
19A NCAC 03I .0100	11:19 NCR 1413									
19A NCAC 03I .0200	11:19 NCR 1413									
19A NCAC 03I .0207	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 03I .0300	11:19 NCR 1413									
19A NCAC 03I .0301	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 03I .0302	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 03I .0307	13:16 NCR 1258		13:22 NCR 1843	*	Object Approve	07/15/99 08/19/99	*			
19A NCAC 03I .0400	11:19 NCR 1413									
19A NCAC 03I .0401	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 03I .0402	13:16 NCR 1258		13:22 NCR 1843	*	Object Approve	07/15/99 08/19/99	*			
19A NCAC 03I .0500	11:19 NCR 1413									

# CUMULATIVE INDEX

(Updated through September 10, 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				
19A NCAC 031.0501	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 031.0600	11:19 NCR 1413									
19A NCAC 031.0601	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 031.0700	11:19 NCR 1413									
19A NCAC 031.0701	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 031.0800	11:19 NCR 1413									
19A NCAC 031.0804	13:16 NCR 1258		13:22 NCR 1843	*	Object Approve	07/15/99 08/19/99	*			

## VETERINARY MEDICAL BOARD

21 NCAC 66.0207	12:23 NCR 2089
21 NCAC 66.0208	12:23 NCR 2089

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State \_\_\_\_\_

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