

NORTH CAROLINA REGISTER

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May 15, 2017

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NORTH CAROLINA REGISTER
Publication Schedule for January 2017 – December 2017

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	Earliest Eff. Date of Permanent Rule	Delayed Eff. Date of Permanent Rule 31st legislative day of the session beginning:	270 th day from publication in the Register
31:13	01/03/17	12/07/16	01/18/17	03/06/17	03/20/17	05/01/17	05/2018	09/30/17
31:14	01/17/17	12/20/16	02/01/17	03/20/17	04/20/17	06/01/17	05/2018	10/14/17
31:15	02/01/17	01/10/17	02/16/17	04/03/17	04/20/17	06/01/17	05/2018	10/29/17
31:16	02/15/17	01/25/17	03/02/17	04/17/17	04/20/17	06/01/17	05/2018	11/12/17
31:17	03/01/17	02/08/17	03/16/17	05/01/17	05/22/17	07/01/17	05/2018	11/26/17
31:18	03/15/17	02/22/17	03/30/17	05/15/17	05/22/17	07/01/17	05/2018	12/10/17
31:19	04/03/17	03/13/17	04/18/17	06/02/17	06/20/17	08/01/17	05/2018	12/29/17
31:20	04/17/17	03/24/17	05/02/17	06/16/17	06/20/17	08/01/17	05/2018	01/12/18
31:21	05/01/17	04/07/17	05/16/17	06/30/17	07/20/17	09/01/17	05/2018	01/26/18
31:22	05/15/17	04/24/17	05/30/17	07/14/17	07/20/17	09/01/17	05/2018	02/09/18
31:23	06/01/17	05/10/17	06/16/17	07/31/17	08/21/17	10/01/17	05/2018	02/26/18
31:24	06/15/17	05/24/17	06/30/17	08/14/17	08/21/17	10/01/17	05/2018	03/12/18
32:01	07/03/17	06/12/17	07/18/17	09/01/17	09/20/17	11/01/17	05/2018	03/30/18
32:02	07/17/17	06/23/17	08/01/17	09/15/17	09/20/17	11/01/17	05/2018	04/13/18
32:03	08/01/17	07/11/17	08/16/17	10/02/17	10/20/17	12/01/17	05/2018	04/28/18
32:04	08/15/17	07/25/17	08/30/17	10/16/17	10/20/17	12/01/17	05/2018	05/12/18
32:05	09/01/17	08/11/17	09/16/17	10/31/17	11/20/17	01/01/18	05/2018	05/29/18
32:06	09/15/17	08/24/17	09/30/17	11/14/17	11/20/17	01/01/18	05/2018	06/12/18
32:07	10/02/17	09/11/17	10/17/17	12/01/17	12/20/17	02/01/18	05/2018	06/29/18
32:08	10/16/17	09/25/17	10/31/17	12/15/17	12/20/17	02/01/18	05/2018	07/13/18
32:09	11/01/17	10/11/17	11/16/17	01/02/18	01/22/18	03/01/18	05/2018	07/29/18
32:10	11/15/17	10/24/17	11/30/17	01/16/18	01/22/18	03/01/18	05/2018	08/12/18
32:11	12/01/17	11/07/17	12/16/17	01/30/18	02/20/18	04/01/18	05/2018	08/28/18
32:12	12/15/17	11/22/17	12/30/17	02/13/18	02/20/18	04/01/18	05/2018	09/11/18

EXPLANATION OF THE PUBLICATION SCHEDULE

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

GENERAL

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

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) 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; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

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

FILING DEADLINES

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

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

NOTICE OF TEXT

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

END OF REQUIRED COMMENT PERIOD
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

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

FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date.



State of North Carolina

ROY COOPER
GOVERNOR

April 20, 2017

EXECUTIVE ORDER NO. 6

NORTH CAROLINA EMERGENCY RESPONSE COMMISSION

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

Section 1. Establishment

There is hereby established the North Carolina Emergency Response Commission, hereinafter referred to as the "Commission." The Secretary of the North Carolina Department of Public Safety shall serve as the Homeland Security Advisor to the Governor and Chairperson of the Commission. The Commission shall consist of not less than 14 members and shall be composed of at least the following persons, or their designee as approved by the Commission Chairperson:

- a. Director of Emergency Management, North Carolina Department of Public Safety, who shall serve as the Vice-Chairperson;
- b. Director of the State Bureau of Investigation, North Carolina Department of Public Safety;
- c. The Adjutant General of the North Carolina National Guard, North Carolina Department of Public Safety;
- d. Commander of the State Highway Patrol, North Carolina Department of Public Safety;
- e. Secretary of the North Carolina Department of Environmental Quality;
- f. Secretary of the North Carolina Department of Transportation;
- g. Chief of the Office of Emergency Medical Services, Division of Health Service Regulation, North Carolina Department of Health and Human Services;
- h. Assistant State Fire Marshal, Office of the State Fire Marshal, North Carolina Department of Insurance;
- i. State Chief Information Risk Officer, North Carolina Department of Information Technology;
- j. Director, Division of Public Health, North Carolina Department of Health and Human Services;

- k. Assistant Deputy Commissioner of Labor for Occupational Safety and Health, North Carolina Department of Labor;
- l. President of the North Carolina Community College System; and
- m. Director of the Emergency Programs Division, North Carolina Department of Agriculture and Consumer Services.

In addition to the foregoing, up to eight (8) at-large members from local government, private industry and the public may be appointed by the Governor and serve terms of two (2) years at the pleasure of the Governor. These members may consist of the following persons:

- a. A Chief of Police;
- b. A Sheriff;
- c. A Fire Chief;
- d. A representative of emergency medical services in North Carolina;
- e. A representative of emergency managers in North Carolina;
- f. A representative of medium or large sized public assembly venues in North Carolina;
- g. An representative affiliated with the production, storage or transportation of hazardous materials;
- h. A private citizen of the state of North Carolina.

Section 2. Duties

The Commission is designated as the State Emergency Response Commission as defined in the Emergency Planning and Community Right-to-Know Act of 1986 enacted by the United States Congress and hereinafter referred to as the "Act." The Commission serves in three roles:

- a. The Commission will perform all of the duties required under the Act and other advisory, administrative, regulatory, or legislative actions.
 - 1. Designate emergency planning districts to facilitate preparation and implementation of emergency plans as required under Section 301(b) of the Act.
 - 2. Appoint local emergency planning committees described under Section 301(c) of the Act and supervise and coordinate the activities of such committees for each planning district.
 - 3. Establish procedures for reviewing and processing requests from the public for information under Section 324 of the Act.
 - 4. Designate additional facilities that may be subject to the Act under Section 302 of the Act.
 - 5. Review the emergency plans submitted by the local emergency planning committees and recommend revisions of the plans that may be necessary to ensure their coordination with emergency response plans of adjacent districts and state plans.
- b. The Commission will act in an advisory capacity to the Homeland Security Advisor to provide input regarding the activities of the North Carolina State Homeland Security Program and the Domestic Preparedness Regions. Specifically, the Commission will:

1. Review the State Homeland Security Strategy to ensure it is aligned with local, state, and federal priorities as required by the United States Department of Homeland Security (DHS), and that its goals and objectives are being met in accordance with program intent.
 2. Review applications and subsequent allocations for state and regional homeland security projects funded by DHS grant programs.
 3. Review plans for preventing, preparing for, responding to, and recovering from acts of terrorism and all hazards, whether man-made or natural.
- c. The Commission will act in an advisory capacity to provide coordinated stakeholder input to the Secretary of the Department of Public Safety/Emergency Management in the preparation, implementation, evaluation, and revision of the North Carolina emergency management program. To this purpose, the Commission will work to:
1. Increase state and local disaster/emergency response capabilities; and
 2. Coordinate training, education, technical assistance, and outreach activities.

Section 3. Administration

- a. The Department of Public Safety shall provide administrative support and staff to the Commission as may be required.
- b. Members of the Commission shall serve without compensation but may receive reimbursement for travel and subsistence expenses in accordance with state guidelines and procedures and contingent on the availability of funds.

Section 4. Effect and Duration

This Executive Order is effective immediately. It supersedes and replaces all other executive orders on this subject. It shall remain in effect until December 31, 2019, pursuant to N.C. Gen. Stat. § 147-16.2 or until rescinded.

IN WITNESS WHEREOF, I have hereunto signed by name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 20st day of April in the year of our Lord two thousand and seventeen.


Roy Cooper
Governor

ATTEST:


Elaine F. Marshall
Secretary of State



NOTICE OF RULE MAKING PROCEEDINGS AND PUBLIC HEARING

NORTH CAROLINA BUILDING CODE COUNCIL

Notice of Rule-making Proceedings *is hereby given by NC Building Code Council in accordance with G.S. 150B-21.5(d).*

Citation to Existing Rule Affected by this Rule-Making: *North Carolina Electrical and Plumbing Code amendments.*

Authority for Rule-making: *G.S. 143-136; 143-138.*

Reason for Proposed Action: *To incorporate changes in the NC State Building Codes as a result of rulemaking petitions filed with the NC Building Code Council and to incorporate changes proposed by the Council.*

Public Hearing: *Tuesday, June 13, 2017, 9:00AM, Albemarle Building, 325 North Salisbury Street, Raleigh, NC 27603, 2nd Floor Hearing Room 231. Comments on both the proposed rule and any fiscal impact will be accepted.*

Comment Procedures: *Written comments may be sent to Barry Gupton, Secretary, NC Building Code Council, NC Department of Insurance, 1202 Mail Service Center, Raleigh, NC 27699-1202. Comments on both the proposed rule and any fiscal impact will be accepted. Comment period expires on July 14, 2017.*

Statement of Subject Matter:

1. Request by Pat Griffith Rose, representing NC Ellis Cannady Chapter of the IAEL, to amend the 2014 NC Electrical Code, Section 300.3 (B) (5) as follows:

300.3 Conductors

(B) Conductors of the Same Circuit. All conductors of the same circuit and, where used, the grounded conductor and all equipment grounding conductors and bonding conductors shall be contained within the same raceway, auxiliary gutter, cable tray, cablebus assembly, trench, cable, or cord, unless otherwise permitted in accordance with 300.3(B) (1) through (B) (4).

(1) Paralleled Installations. Conductors shall be permitted to be run in parallel in accordance with the provisions of 310.10(H). The requirement to run all circuit conductors within the same raceway, auxiliary gutter, cable tray, trench, cable, or cord shall apply separately to each portion of the paralleled installation, and the equipment grounding conductors shall comply with the provisions of 250.122. Parallel runs in cable tray shall comply with the provisions of 392.20(C).

Exception: Conductors installed in nonmetallic raceways run underground shall be permitted to be arranged as isolated phase installations. The raceways shall be installed in close proximity, and the conductors shall comply with the provisions of 300.20(B).

(2) Grounding and Bonding Conductors. Equipment grounding conductors shall be permitted to be installed outside a raceway or cable assembly where in accordance with the provisions of 250.130(C) for certain existing installations or in accordance with

250.134(B), Exception No. 2, for dc circuits. Equipment bonding conductors shall be permitted to be installed on the outside of raceways in accordance with 250.102(E).

(3) Nonferrous Wiring Methods. Conductors in wiring methods with a nonmetallic or other nonmagnetic sheath, where run in different raceways, auxiliary gutters, cable trays, trenches, cables, or cords, shall comply with the provisions of 300.20(B). Conductors in single-conductor Type MI cable with a nonmagnetic sheath shall comply with the provisions of 332.31. Conductors of single-conductor Type MC cable with a nonmagnetic sheath shall comply with the provisions of 330.31, 330.116, and 300.20(B).

(4) Enclosures. Where an auxiliary gutter runs between a column-width panelboard and a pull box, and the pull box includes neutral terminations, the neutral conductors of circuits supplied from the panelboard shall be permitted to originate in the pull box.

(5) Existing Dwelling Panelboards. An equipment grounding conductor for an existing one-and two-family dwelling shall be permitted to be installed separately and outside of the raceway or cable assembly where all the following conditions apply:

(a) When relocating or installing an additional service disconnecting means;

(b) Enacting 300.3(B)(5)(a) redefines the existing service entrance conductors as a feeder in Article 100; and

(c) Replacement of the existing service entrance conductors requires the removal of the building finish or deemed impractical by the AHJ.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is December 1, 2017 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2019).

Reason Given – This purpose of this amendment is to allow alternate provisions be made in lieu of replacing the existing 3-wire service entrance conductors that are redefined as a feeder when an existing main service disconnecting means is relocated.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with a minimal decrease in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

2. Request from Pat Griffith Rose, representing NC Ellis Cannady Chapter of the IAEI, to amend the 2014 NC Electrical Code, Section 250.140, Exceptions 1 & 2 as follows:

250.140 Frames of Ranges and Clothes Dryers. Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and outlet or junction boxes that are part of the circuit for these appliances shall be connected to the equipment grounding conductor in the manner specified by 250.134 or 250.138.

Exception No. 1: For existing branch-circuit installations only where an equipment grounding conductor is not present in the outlet or junction box, the frames of electric ranges, wall-mounted ovens, counter mounted cooking units, clothes dryers, and outlet or junction boxes that are part of the circuit for these appliances shall be permitted to be connected to the grounded circuit conductor if all the following conditions are met.

(1) The supply circuit is 120/240-volt, single phase, 3 wire; or 208Y / 120-volt derived from a 3-phase, 4 wire, wye-connected system.

(2) The grounded conductor is not smaller than 10 AWG copper or 8 AWG aluminum.

(3) Any of the following:

a) The grounded conductor is insulated;

b) The grounded conductor is uninsulated and part of a Type SE service-entrance cable and the branch circuit originates at the service.

- c) The grounded conductor is uninsulated and part of a cable assembly and all current-carrying conductors are protected by a ground fault circuit interrupter at the origination of the branch circuit; or*
- d) A new 3-wire cable assembly not smaller than the existing conductors shall be permitted to be extended from the service to an enclosure where the existing conductors shall be spliced together and provisions are made so that the grounded conductors are insulated by tape, heat-shrink or other approved means inside the enclosure.*

(4) Grounding contacts of receptacles furnished as part of the equipment are bonded to the equipment.

Exception No. 2: For existing branch-circuit installations only where an equipment grounding conductor is not present in the outlet or junction box, an equipment grounding conductor sized in accordance with 250.122 shall be permitted to be run separately from the circuit conductors.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is December 1, 2017 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2019).

Reason Given – This purpose of this amendment is to allow alternate provisions be made in lieu of replacing the existing 3-wire feeder to the range and dryer, or their outlets, when an existing main service disconnecting means is relocated.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with a minimal decrease in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

3. Request from Pat Griffith Rose, representing NC Ellis Cannady Chapter of the IAEEI, to amend the 2014 NC Electrical Code, Section 250.142 (B) as follows:

250.142 Use of Grounded Circuit Conductor for Grounding Equipment.

(B) Load-Site Equipment. Except as permitted in 250.30(A)(1) and 250.32(B) Exception, a grounded circuit conductor shall not be used for grounding non-current carrying metal parts of equipment on the load side of the service disconnecting means or on the load side of a separately derived system disconnecting means or the overcurrent devices for a separately derived system not having a main disconnecting means.

Exception No. 1: The frames of ranges, wall-mounted ovens, counter-mounted cooking units, and clothes dryers under the conditions permitted for existing installations by 250.140 shall be permitted to be connected to the grounded circuit conductor.

Exception No. 2: It shall be permissible to ground meter enclosures by connection to the grounded circuit conductor on the load side of the service disconnect where all of the following conditions apply:

- (1) No service ground-fault protection is installed.*
 - (2) All meter enclosures are located immediately adjacent to the service disconnecting means.*
 - (3) The size of the grounded circuit conductor is not smaller than the size specified in Table 250.122 for equipment grounding conductors.*
- Exception No. 3: Direct-current systems shall be permitted to be grounded on the load side of the disconnecting means or overcurrent device in accordance with 250.164.*

Exception No. 4: Electrode-type boilers operating at over 1000 volts shall be grounded as required in 490.72(E)(1) and 490.74.

Exception No. 5: It shall be permissible to ground an existing panelboard enclosure by connection to the grounded circuit conductor for a one- and two-family dwelling where all the following conditions apply:

(1) When relocating or installing an additional main disconnecting means;

(2) Enacting 250.142(B) Exception No. 5: (1) redefines the existing service entrance conductors as a feeder in Article 100;

(3) An equipment grounding conductor in the existing panelboard is not present;

(4) Replacement of the existing service entrance conductors requires either the removal of the building finish or deemed impractical by the AHJ;

(5) All grounding electrode conductors are removed completely from the existing panelboard; and

(6) The grounded conductors are insulated by tape, heat-shrink, or other approved means except where covered by the sheathing of a cable assembly or as needed for joints, splices, and termination purposes.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is December 1, 2017 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2019).

Reason Given – This purpose of this amendment is to allow alternate provisions be made in lieu of replacing the existing 3-wire service entrance conductors that are redefined as a feeder when an existing main service disconnecting means is relocated.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with a minimal decrease in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

4. Request from Robert D. Richardson, representing Professional Trade Manufacturing, LLC, to amend the 2012 NC Plumbing Code, Section 305.6 as follows:

305.6 FREEZING. The top of water pipes, installed below grade outside the building, shall be below the frost line or a minimum of 12 inches (305mm) below finished grade, whichever is greater. Water pipes installed in a wall exposed to the exterior shall be located on the heated side of the wall insulation. Water piping components and appurtenances installed in an unconditioned attic or unconditioned utility room or unconditioned garage or crawl space shall have insulation with a minimum R-factor of 6.5 determined at 75 degrees F (24 C) in accordance with ASTM C-177.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is December 1, 2017 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2019).

Reason Given – This purpose of this amendment is to clarify that piping includes components and appurtenances and that insulation of piping is required in all unconditioned spaces.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

5. Request from Terry Cromer, representing NC Association of Electrical Contractors, to amend the 2014 NC Electrical Code, Article 250.53(A)(2) Supplemental Electrode Required:

(2) Supplemental Electrode Required.

Exception No. 1: If a single rod, pipe, or plate grounding electrode has a resistance to earth of 25 ohms or less, the supplemental electrode shall not be required.

Exception No. 2: The supplemental ground electrode shall not be required at temporary electrical service installation (saw service pole) at a construction site ~~for one and two family residences, provided the temporary electrical service does not exceed 150 volts to ground or 100A.~~ provided all ungrounded circuits do not exceed 150 volts to ground, and the rating of the single disconnecting means or the summation of the ratings of multiple overcurrent devices that serve together as the disconnecting means, does not exceed 100 amperes.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is December 1, 2017 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2019).

Reason Given – This purpose of this amendment is for clarification of existing language.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

6. Request from Terry Cromer, representing NC Association of Electrical Contractors, to amend the 2014 NC Electrical Code, Article 300.9 Raceways in Wet Locations Above Grade:**300.9 Raceways in Wet Locations Above Grade.**

Where raceways are in wet locations above grade, the interior of these raceways shall be considered to be a wet location. Insulated conductors and cables installed in raceway in wet locations above grade shall comply with 310.10(C).

Exception: The raceway shall not be considered a wet location if:

(1) The section of raceway routed in a wet location above grade does not exceed ~~1500 mm (5 ft)~~
1.8 m (6 ft) in length;

(2) Any fittings or conduit bodies are watertight and listed for use in wet locations; and

~~(3) Raceway is open at its termination point in a dry location.~~

(3) All termination points of the raceway are only open in any of the following:

a. a dry location;

b. equipment suitable for outdoor use

c. equipment listed for use in a wet location.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is December 1, 2017 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2019).

Reason Given – This purpose of this amendment is for clarification of existing language.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

NOTICE:

Appeals and Interpretations *of the North Carolina State Building Codes are published online at the following link.*

http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=Code_Interpretations&user=Code_Enforcement_Resources

NOTICE:

Objections and Legislative Review *requests may be made to the NC Office of Administrative Hearings in accordance with G.S. 150B-21.3(b2) after Rules are adopted by the Building Code Council.*

<http://www.ncoah.com/rules/>

**North Carolina Department of Labor
Division of Occupational Safety and Health
1101 Mail Service Center
Raleigh, NC 27699-1101**

(919) 807-2875

NOTICE OF VERBATIM ADOPTION OF FEDERAL STANDARDS

In consideration of G.S. 150B-21.5(c) the Occupational Safety and Health Division of the Department of Labor hereby gives notice that:

- Rule changes have been submitted to update the *North Carolina Administrative Code* at 13 NCAC 07F .0101, to incorporate by reference the occupational safety and health related provisions of Title 29 of the *Code of Federal Regulations* Parts 1910 promulgated as of November 18, 2016, except as specifically described, and
- The *North Carolina Administrative Code* at 13 NCAC 07A .0301 automatically includes amendments to certain parts of the *Code of Federal Regulations*, including Title 29, Part 1910—General Industry Standards.

This update encompasses the following recent verbatim adoption:

- Occupational Safety and Health Standards, 29 CFR § 1910.6 - Incorporation by reference – Amended (*81 FR 82494, November 18, 2016*)
- Occupational Safety and Health Standards, Subpart D - Walking-Working Surfaces, 29 CFR § 1910.21 (Scope and definitions), 1910.22 (General requirements), 1910.23 (Ladders), 1910.24 (Step bolts and manhole steps), 1910.25 (Stairways), 1910.26 (Dockboards), 1910.27 (Scaffolds and rope descent systems), 1910.28 (Duty to have fall protection and falling object protection), 1910.29 (Fall protection systems and falling object protection-criteria and practices), 1910.30 (Training requirements) (*81 FR 82494, November 18, 2016*)
- Occupational Safety and Health Standards, Subpart F - Amended , 29 CFR § 1910.66 (Powered platforms for building maintenance), 1910.67 (Vehicle-mounted elevating and rotating work platforms), 1910.68 (Manlifts) (*81 FR 82494, November 18, 2016*)
- Occupational Safety and Health Standards, Subpart I – Amended, 29 CFR § 1910.132 (General requirements), 1910.139 (Added and Reserved), 1910.140 (Personal fall protection systems), Appendix C to Subpart I of Part 1910 – Personal Fall Protection Systems Non-Mandatory Guidelines (Added), Appendix D to Subpart I of Part 1910 – Test Methods and Procedures for Personal Fall Protection Systems Non-Mandatory Guidelines (Added) (*81 FR 82494, November 18, 2016*)
- Occupational Safety and Health Standards, Subpart N – Amended, 29 CFR § 1910.178 (Powered industrial trucks), 1910.179 (Overhead and gantry cranes) (*81 FR 82494, November 18, 2016*)
- Occupational Safety and Health Standards, Subpart R – Amended, 29 CFR § 1910.261 (Pulp, paper, and paperboard mills), 1910.262 (Textiles), 1910.265 (Sawmills), 1910.268 (Telecommunications), 1910.269 (Electric power generation, transmission, and distribution) (*81 FR 82494, November 18, 2016*)

The *Federal Register* (FR), as cited above, explains that the revisions and updates are to its general industry standards on walking-working surfaces and personal protective equipment (fall protection systems). The final rule increases consistency between the General Industry Standards and the Construction Standards. It also adds requirements on the design, performance, and use of personal fall protection systems. The final rule includes revised and new provisions addressing fixed ladders, rope descent systems, and fall protection systems and criteria.

For additional information, please contact:

Bureau of Education, Training and Technical Assistance
Occupational Safety and Health Division
North Carolina Department of Labor
1101 Mail Service Center
Raleigh, North Carolina 27699-1101

For additional information regarding North Carolina's process of adopting federal OSHA Standards verbatim, please contact:

Jill F. Cramer, Agency Rulemaking Coordinator
North Carolina Department of Labor
Legal Affairs Division
1101 Mail Service Center
Raleigh, North Carolina 27699-1101

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

**TITLE 02 – DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES**

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Tobacco Trust Fund Commission intends to amend the rules cited as 02 NCAC 57 .0101, .0103, .0204, .0205, .0207-.0209 and repeal the rules cited as 02 NCAC 57 .0102, .0201-.0203, .0210, .0301, .0302-.0304, and .0306-.0309.

Link to agency website pursuant to G.S. 150B-19.1(c):
<http://tobaccotrustfund.org/>

Proposed Effective Date: September 1, 2017

Public Hearing:

Date: July 5, 2017

Time: 9:00 a.m.

Location: 537 North Blount Street, Raleigh, NC 27604

Reason for Proposed Action: Clarification of Commission Rules by combining, repealing duplicate language and sighting General Statute. The Commissions has updated Rules to incorporate email and online grant applications processes.

Comments may be submitted to: Jeff Camden, 1080 Mail Service Center, Raleigh, NC 27699-1080; phone (919) 733-2160; email tobaccotrustfund@ncagr.gov

Comment period ends: July 14, 2017

Procedure for Subjecting a Proposed Rule to Legislative

Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- ☐ State funds affected
- ☐ Environmental permitting of DOT affected
- ☐ Analysis submitted to Board of Transportation
- ☐ Local funds affected

- ☐ Substantial economic impact (≥\$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required by G.S. 150B-21.4

CHAPTER 57 - TOBACCO TRUST FUND COMMISSION

SECTION .0100 – GENERAL PROVISIONS

02 NCAC 57 .0101 POLICY

(a) North Carolina's prosperity has historically been supported by its agricultural economy and particularly by the tobacco related segment of its agricultural economy.

(b) The tobacco related segment of the State's economy is experiencing severe economic hardship as it confronts a national decline in the use and demand for tobacco products.

(c) The Master Settlement Agreement between North Carolina and various cigarette manufacturers has contributed to the decline in the tobacco related segment of the State's economy. It is therefore appropriate for some of the money from the Master Settlement Agreement to be spent for the public purpose of alleviating or avoiding unemployment and fiscal distress in the tobacco related segment of the State's economy, stabilizing local tobacco dependent economies, stabilizing and maintaining local tax bases, and optimally using natural resources.

The rules of this Chapter are to implement the Tobacco Trust Fund as set forth in Article 75 of G.S. 143. Applications for the following programs shall be submitted in accordance with the rules set forth in Section .0200 of this Chapter:

- (1) Compensatory programs as defined in G.S. 143-716(2); and
- (2) Qualified agricultural programs as defined in G.S. 143-716(6).

Authority G.S. 143-715; 143-718.

02 NCAC 57 .0102 AUTHORIZATION

(a) The Tobacco Trust Fund Commission is authorized by G.S. 143, Article 75 to develop Compensatory Programs and Qualified Agricultural Programs to provide financial assistance from the Tobacco Trust Fund to eligible recipients.

(b) As part of its authority to develop guidelines and criteria for eligibility for disbursement of funds, to determine forms of direct and indirect economic assistance to be awarded, and to develop procedures for applying for and reviewing applications for assistance from the Fund, the Commission may periodically set a list of funding priorities which it will follow in awarding grants for qualified agricultural programs and in granting compensatory programs. The Commission may also request proposals to address specific funding priorities or to encourage specific programs intended to alleviate or avoid unemployment and fiscal distress in the tobacco related segment of the State's economy, stabilize local tobacco dependent economies, stabilize and maintain local tax

bases, and optimally use natural resources. The Commission may work cooperatively with other government agencies and agricultural and rural entities to develop Compensatory Programs and Qualified Agricultural Programs. Actions of the Commission will be based on rules established by the Commission.

Authority G.S. 143-715; 143-718.

02 NCAC 57 .0103 DEFINITIONS

In addition to the definitions contained in ~~G.S. 143-716~~ G.S. 143-716, the following definitions ~~apply~~ apply to this Chapter:

- (1) ~~Lost Quota. The difference in total aggregate annual tobacco quota poundage between the year in question and 1997;~~
- (2) ~~Person. An individual human being;~~
- (3)(1) ~~Tobacco allotment. An amount of tobacco allowed to be grown on a tract of land;~~
- (4)(2) ~~Former Tobacco allotment holder. A person who, at the time of the grant application, owns Master Settlement Agreement owned a certain amount of tobacco quota on a tract of land, as determined by the U.S. Farm Service Agency records for the county in which the quota is located;~~
- (5) ~~Tobacco grower. Tobacco producer;~~
- (6)(3) ~~Tobacco producer. producer or grower. A person or entity actively engaged in planting, growing, harvesting and marketing tobacco, or who shares in the expense of producing the crop, and for that reason is entitled to share in the revenues derived from marketing the crop;~~
- (7)(4) ~~Tobacco products. Cigarettes, cigars, smokeless tobacco, pipe tobacco, roll your own tobacco or any other tobacco product sold at retail intended for human consumption; and~~
- (8)(5) ~~Tobacco-related segment of the State's agricultural economy. That part of the State's agricultural economy that includes tobacco producers, former tobacco allotment holders, persons who work on tobacco farms and tobacco auction-related workers or warehousemen and others in tobacco-dependent communities as determined by the Commission in a grant or contract approval.~~

Authority G.S. 143-716; 143-718.

SECTION .0200 - PROGRAM GRANTS

02 NCAC 57 .0201 PURPOSE

The purpose of the Commission's Compensatory Program is to directly or indirectly compensate or indemnify tobacco producers, tobacco allotment holders, individuals displaced from tobacco-related employment and persons engaged in tobacco related business for economic losses resulting from lost quota and declining market conditions caused by the Master Settlement Agreement as determined by the Commission according to these Rules.

Authority G.S. 143-718; 143-720.

02 NCAC 57 .0202 TYPES OF PROGRAMS

Grants from Compensatory Programs shall compensate or indemnify grant beneficiaries for losses occurring in 1998 and after. Grants for financial assistance shall be for no more than one year at a time.

Authority G.S. 143-718; 143-720.

02 NCAC 57 .0203 ELIGIBILITY TO RECEIVE GRANTS

Persons receiving, or organizations administering, Compensatory Program grants shall be, or shall benefit, one or more of the following:

- (1) ~~Tobacco producers, allotment holders or persons engaged in tobacco related businesses who can quantify adverse economic effects in North Carolina to themselves individually from the Master Settlement Agreement after payment of any funds from the National Tobacco Grower Settlement Trust;~~
- (2) ~~Tobacco producers, allotment holders or persons engaged in tobacco related businesses who can quantify economic loss to themselves individually resulting from lost tobacco quota due to the Master Settlement Agreement;~~
- (3) ~~Tobacco producers who can quantify a decline in the value of tobacco related personal property assets due to the Master Settlement Agreement;~~
- (4) ~~Tobacco product component businesses which are adversely affected by the Master Settlement Agreement and which need financial assistance to:~~
 - (a) ~~Retool machinery or equipment; or~~
 - (b) ~~Retrain workers in order to convert to the production of new products or non-tobacco use of existing products; or~~
 - (c) ~~Effect other similar changes;~~
- (5) ~~Persons engaged in tobacco related businesses who can quantify individual financial losses due to the Master Settlement Agreement; or~~
- (6) ~~Individuals displaced from tobacco related employment who can show that the Master Settlement Agreement caused their displacement and who can further show that the displacement has resulted in actual economic loss to them.~~

Authority G.S. 143-718; 143-720.

02 NCAC 57 .0204 APPLICATIONS FOR GRANTS

(a) The Commission shall designate specific dates for submission of grant applications, based on the amount of funds available. Grant application submission dates will ~~shall~~ be announced in the call for proposals by on the Commission website, <http://tobaccotrustfund.org> at least ~~not less than~~ 30 days before the application is date applications are due.

(b) Grant ~~proposals~~ applications shall be ~~typed or~~ printed and an original and four copies timely submitted to the Commission by hand-delivery, by a designated delivery service authorized pursuant to G.S. 1A-1, Rule 4, or by U.S. Mail. Mail, or online portal. Applications shall be ~~deemed~~ timely submitted as follows:

- (1) if delivered ~~by hand~~ to the Commission's physical office ~~and signed for by Commission staff before 5:00 P.M. by the end of the business day on designated date announced in the call for proposals; on the submission date; or~~
- (2) ~~by if delivered~~ by designated delivery service, ~~whereby the parcel which package~~ bears a shipping date on or before the submission date; or
- (3) ~~by if~~ placing into the U.S. Mail, addressed to 1080 Mail Service Center, Raleigh, NC 27699 and postmarked on or before the submission ~~date. date; or~~
- (4) submitted through online portal buy due date. ~~Applicants may will also provide an electronic courtesy copy formatted in Microsoft Word or Adobe Acrobat.~~

(c) To be considered for funding, applicants shall complete the Tobacco Trust Fund Grant Application Form which shall contain the following information:

- (1) Names, names, mailing addresses, telephone numbers, and signatures of the applicant;
- (2) ~~If if~~ the applicant is an organization, consortium, cooperative or other entity representing multiple eligible beneficiaries, a description of the applicants, applying organization organizational including history, mission statement, fiscal information, audit statements (if available), organizational goals and members of the Board of Directors. If the applicant involves more than one organization, ~~person person,~~ or entity, it shall identify participating organizations, ~~persons persons,~~ or entities and define their roles in completing the Compensatory Program project;
- (3) A a description of the Compensatory Program, project, its goals and objectives, and measurable outcomes ~~the manner in which it will accomplish its goals and objectives, including the how the applicant will quantify actual losses due to the Master Settlement Agreement that are not compensated by payments from the National Tobacco Grower Settlement Trust; following:~~
 - (A) for Compensatory Programs: how the applicant shall quantify actual losses due to the Master Settlement Agreement that are not compensated by payments from the National Tobacco Grower Settlement Trust;
 - (B) for Qualified Agricultural Program (QAP): how the applicant shall provide the manner in which the project will foster the vitality and

solvency of the tobacco-related segment of the State's agricultural economy;

- (4) A a statement of the projected cost of the Compensatory Program project, including any administrative costs and including expected funding from any other source;
- (5) A a description of how the project will be completed including time lines;
- (6) A description of the accounts that will be set up and used and an assurance that all accounts can be audited by the Commission or the State Auditor;
- (7)(6) An explanation of how the project's results will be evaluated;
- (8)(7) At at least two references who may be contacted by the Commission;
- (9)(8) Any any other information required by G.S. 143, Article 75 or these Rules in order to make a decision on the grant proposal; and
- (10) An explanation of how the project will enhance North Carolina's tobacco-related economy for the common good; and
- (11)(9) A a list and history of the applicant's past projects funded by grants or awards.

(d) ~~As a condition of applying for or of receiving a grant for a Compensatory Program, applicants or grantees must allow the Commission or the Commission staff to make site visits at the Grantee and Commission's convenience. Applicants shall also provide an electronic copy as directed with the application packet, if not submitted online.~~

Authority G.S. 143-718; 143-720.

02 NCAC 57 .0205 SPECIAL INFORMATION NEEDED FOR DIRECT COMPENSATORY PROGRAMS

If a request is for direct compensation or indemnification or for a program project to administer direct compensation or indemnification to an eligible beneficiary or beneficiaries, then the application for the Compensatory Program ~~must~~ shall contain the following:

- (1) Documentation demonstrating the amount of actual loss of tobacco-related income in North Carolina in 1998 or years subsequent. An applicant may make such demonstration with:
 - (a) A verified letter from a Certified Public Accountant or an attorney licensed in North Carolina that details the amount of the actual loss; or
 - (b) That portion of a federal or state income tax return that shows a loss of tobacco-related income. ~~(Please Any documents submitted by the applicant shall be aware that any such tax information included in an application will become part of the public record record); a public record under G.S. 132;~~

- (c) A verified statement from a North Carolina employer quantifying the applicant's loss in tobacco-related income in North Carolina for any given year from 1998 forward; or
 - (d) Any other similar reliable, ~~accurate~~ accurate, and verifiable documentation ~~which that~~ the Commission may accept as proof of actual loss;
- (2) Documentation demonstrating that the amount of actual loss of tobacco-related income is attributable to the Master Settlement Agreement and not ~~simply~~ because of a decline in quota not caused by the Master Settlement Agreement. Applicants may demonstrate the actual loss with verified information from an independent expert in the field, which expert may be, but is not limited to, an economist or an accountant. The Commission will compare this demonstration with any independent expert information it may have about losses caused by the Master Settlement Agreement and losses compensated by the National Tobacco Grower Settlement Trust; and
- (3) Documentation of any compensation received from the National Tobacco Grower Settlement Trust, or any other source to cover actual losses due to the Master Settlement Agreement, or a verified statement that no compensation was received from the National Tobacco Growers' Settlement Trust or from any other source to compensate losses caused by the Master Settlement Agreement.

Authority G.S. 143-718; 143-720.

02 NCAC 57 .0207 REVIEW OF PROPOSALS

- (a) The ~~Executive Director of the Commission or~~ Commission staff or designee shall ~~screen~~ review applications to see if ~~they~~ the application is ~~are~~ complete. Commission staff shall notify applicants if the grant application is incomplete.
- (b) Applications that are complete will be forwarded to a Grant Review Committee of the Commission. ~~The~~ Grant Review Committee members shall be Commissioners.
- (c) During the review and evaluation of proposals, the Commission staff and Grant Review Committee may solicit information from persons who have expertise in technical or specialized areas or request that the Commission staff or designee make reports on any site visits that may be required for consideration of the grant proposal. The Grant Review Committee will shall make recommendations to the ~~Commission~~ Commission based on its review and evaluation. Scoring and rating of proposals may be determined by using any consistent rating methodology, including adjectival, ~~numerical~~ numerical, or ordinal rankings.
- (d) The Commission ~~will receive~~ shall evaluate grant proposals and recommendations made to the suggestions of Commission by

the Grant Review Committee ~~and will evaluate proposals as set out in G.S. 143-720. as follows:~~

- (1) for compensatory programs set forth in G.S. 143-720,
 - (2) for qualified agricultural programs set forth in G.S. 143-721,
- (e) In making this evaluation the Commission may ~~consider who will benefit from the grant, how many will benefit from the grant, the cost of administering the grant and whether the grant will benefit tobacco dependent economies of the State in a measurable manner. Proposals will be given a preference for statewide impact and for containing a delivery mechanism to intended beneficiaries.~~ consider:
- (1) who will benefit from the grant; or
 - (2) how many will benefit from the grant; or
 - (3) the cost of administering it; or
 - (4) how the grant project will alleviate or avoid unemployment, stabilize local tax bases; or
 - (5) encourage the economic stability of participants in the State's agricultural economy; or
 - (6) encourage the optimal use of natural resources in the tobacco dependent economies or related segment of the State's agricultural economy in a measurable manner; or
 - (7) past performance of grants and publicly funded projects.
- (f) Proposals shall be given a preference for statewide impact, for containing a delivery mechanism to intended beneficiaries, for providing alternate markets for tobacco, or for providing for diversification of the tobacco crop or the tobacco grower.
- ~~(f)(g)~~ No grant shall be awarded for a project that is unlawful. unlawful under NC General Statutes.

Authority G.S. 143-718; 143-720.

02 NCAC 57 .0208 AWARD OF GRANTS

- (a) The Commission ~~will shall~~ award grants as fund are available. if it determines that it has sufficient funds to do so. All applicants will shall be notified in writing whether they have received a grant or not. or other means of electronic communication upon completion of the selection process.
- (b) ~~The grant proposal shall be incorporated into the grant, and the goals, time lines and other grant objectives shall be performance standards for the grant.~~
- ~~(e)(b)~~ Funds will shall be conveyed to grantees through contracts with the Commission.
- ~~(d) Of the total funds granted for each project, up to 100 percent may be paid upon signing of the contract if such payment is requested as part of the grant application project the Commission determines that the initial request is necessary for administration of the grant program~~
- ~~(e) Other payments to successful applicants shall be paid upon receipt of expenditure reports or invoices at mutually agreed upon periodic intervals.~~
- ~~(f) The Commission or the Commission staff may agree to change time lines when such changes do not undermine the purposes and goals of the Compensatory Program.~~
- ~~(g) The Commission may consider the applicant's past performance of grants and publicly funded projects when~~

awarding Compensatory Program. The Commission shall not award money to an applicant whose past performance of a Commission grant or program has been unsatisfactory, according to these Rules.

(h) The granting agreement will outline the standard accounting practices which that the grantee will follow in order to facilitate review by the Commission staff or the State Auditor, or an outside auditor hired by the Commission. The grant agreement will also provide that the grantee shall put grant money in an interest bearing account and that any interest earned on the grant money shall be returned to the Commission at the conclusion of the grant together

(i)(c) If the Commission determines that grant funds are not being used for the purpose for which they were awarded, the Commission may cease making payments under the grant schedule in compliance with G.S. 143C-6-23 and 09 NCAC 03M .0401, which are hereby incorporated by reference, including subsequent amendments and editions, until the problem has been resolved or may demand immediate return of any unspent money from the grant, with which request the grantee must comply. Grantees must pay back to the Commission any funds that the Commission determines have not been spent for the purpose for which they were granted as well as the statutory interest rate on those funds.

(j) Grantees must return any grant money which remains unspent at the conclusion of the grant project along with any interest earned on grant money.

Authority G.S. 143-718.

02 NCAC 57 .0209 REPORTING

(a) Program specific reporting requirements shall be conveyed to grantees through contractual agreements with the Commission in compliance with G.S. 143C-6-23 and 09 NCAC 03M .0401, which is hereby incorporated by reference, including subsequent amendments and editions. Grantees shall submit written progress reports at three month intervals or upon completion of the project, whichever is sooner. Written reports shall describe the status of the Compensatory Program, progress toward achieving program objectives, notable occurrences, and any significant problems encountered and steps taken to overcome the problems.

(b) A representative of the Commission shall review the progress reports for completeness, which shall include a showing of how the project is meeting its stated goals and performance standards. If the representative finds that the report is deficient in showing how the project is meeting its stated goals and performance standards, the grantee will be notified of the deficiency and must provide a changed and corrected report within 30 working days to avoid having the next grant payment withheld.

(c) Upon completion of the Compensatory Program, the grantee must make a final written report to the Commission which final report shall include an evaluation of the success of the program.

Authority G.S. 143-718.

02 NCAC 57 .0210 POLICIES GOVERNING COMPENSATORY PROGRAMS

(a) Successful applicants must keep financial and other records of the Compensatory Program for five years and must comply

with audit requests. If the Commission determines that the amount of the money awarded or the performance or alleged non-performance of the grantee compels it, the Commission may require a compliance audit of the Compensatory Program.

(b) All applications, attachments to applications and written reports received by the Commission are public records, unless determined otherwise by court order or other applicable law.

Authority G.S. 143-718.

SECTION .0300 - QUALIFIED AGRICULTURAL PROGRAM GRANTS

02 NCAC 57 .0301 PURPOSE

The purpose of the Commission's grants for Qualified Agricultural Programs is to support and foster the vitality and solvency of the tobacco related segment of the State's agricultural economy, particularly the segment adversely affected by the Master Settlement Agreement. Projects shall address one or more of the following goals:

- (1) Alleviating and avoiding unemployment in the tobacco related sector of the State's agricultural economy;
- (2) Preserving and increasing local tax bases in agricultural areas;
- (3) Encouraging the economic stability of participants in the State's agricultural economy;
- (4) Optimally using natural resources in the tobacco related segment of the State's agricultural economy; or
- (5) Any other goal that will promote the public good by supporting and fostering the vitality and solvency of the tobacco related sector of the State's agricultural economy.

Authority G.S. 143-716; 143-718.

02 NCAC 57 .0302 ELIGIBILITY TO RECEIVE GRANTS

Entities receiving Qualified Agricultural Program grants shall be one or more of the following:

- (1) Agencies and departments of the State of North Carolina;
- (2) Local governmental units;
- (3) Agencies and departments of the United States government; or
- (4) Members of the private sector, including non-profit organizations.

Authority G.S. 143-718; 143-721.

02 NCAC 57 .0303 THE PRIMARY BENEFICIARY

The primary beneficiary of Qualified Agricultural Programs shall be the tobacco related segment of the State's agricultural economy.

Authority G.S. 143-716; 143-718.

02 NCAC 57 .0304 APPLICATIONS FOR GRANTS

(a) The Commission shall designate specific dates for submission of grant applications based on the amount of funds available. Grant application submission dates shall be announced by the Commission at least 30 days before the date applications are due.

(b) Grants proposals shall be typed or printed and an original and four copies timely submitted to the Commission by hand delivery, by a designated delivery service authorized pursuant to G.S. 1A-1, Rule 4, or by U.S. Mail. Applications shall be deemed timely submitted if delivered by hand to the Commission's physical office and signed for by Commission staff before 5:00 p.m. on the submission date; or by designated delivery service, which package bears a shipping date on or before the submission date; or by placing into the U.S. Mail, addressed to 1080 Mail Service Center, Raleigh, NC 27699 and postmarked on or before the submission date. Applicants may also provide an electronic courtesy copy formatted in Microsoft Word or Adobe Acrobat.

(c) To be considered for funding, applicants shall complete the Tobacco Trust Fund Grant Application Form which shall contain the following information:

- (1) Names, mailing addresses, telephone numbers, and signatures of the applicant;
- (2) A description of the applying organization including history, mission statement, fiscal information, audit statements (if available), organizational goals and a list of the members of the Board of Directors. If the applicant involves more than one person, organization or entity, the applicant shall identify participating persons, organizations or entities and define their roles in completing the grant;
- (3) A description of the Qualified Agricultural Program, its objectives and the manner in which it will accomplish the requirement that the Qualified Agricultural Program foster the vitality and solvency of the tobacco-related segment of the State's agricultural economy;
- (4) A statement of the projected cost of the Qualified Agricultural Program, including any administrative costs and including expected funding from any other source;
- (5) A description of how the project will be completed including time lines;
- (6) A description of the accounts that will be set up and used and an assurance that all accounts can be audited by the Commission or the State auditor;
- (7) An explanation of how the project's results will be evaluated;
- (8) At least two references which the Commission may contact;
- (9) Any other information required by G.S. 143, Article 75 or by these Rules in order to make a decision on the grant proposal;
- (10) An explanation of how the project will enhance North Carolina's tobacco-related economy for the common good; and
- (11) A list and history of the applicant's past projects funded by grants or awards.

(d) As a condition of applying for a grant or of receiving the grant, applicants or grantees must allow the Commission or the Commission staff to make site visits at the Commission's convenience.

Authority G.S. 143-718; 143-721.

02 NCAC 57 .0306 REVIEW OF PROPOSALS

(a) The Executive Director of the Commission or Commission staff or designee shall screen applications to see if they are complete. Commission staff shall notify applicants if the grant application is incomplete.

(b) Applications that are complete will be forwarded to a Grant Review Committee of the Commission. Grant Review Committee members shall be Commissioners.

(c) During the review and evaluation of grant proposals, the Grant Review Committee may solicit information from persons who have expertise in technical or specialized areas or request that the Commission staff or designee make reports on any site visits that may be required for consideration of the grant proposal. The Grant Review Committee will make recommendations to the Commission based on its review and evaluation. Scoring and ranking of proposals may be determined by using any consistent rating methodology, including adjectival, numerical or ordinal rankings.

(d) The Commission will evaluate grant proposals and recommendations made to it by the Grant Review Committee as set out in G.S. 143-721.

(e) In making this evaluation the Commission may consider who will benefit from the grant, how many will benefit from the grant, how the grant project will alleviate or avoid unemployment, stabilize local tax bases, encourage the economic stability of participants in the State's agricultural economy or encourage the optimal use of natural resources in the tobacco-related segment of the State's agricultural economy. Proposals will be given a preference for statewide impact, for containing a delivery mechanism to intended beneficiaries, for providing alternate markets for tobacco or for providing for diversification of the tobacco crop or the tobacco grower.

(f) No grant shall be awarded that is unlawful.

Authority G.S. 143-718; 143-721.

02 NCAC 57 .0307 AWARD OF GRANTS

(a) The Commission will award grants to proposals which have the greatest impact on the long-term health of the State's tobacco-related agricultural economy. All applicants will be notified in writing whether they have received a grant or not. The Commission will award grants if it determines that it has sufficient funds to do so.

(b) The grant proposal shall be incorporated into the grant, and the goals, time lines and other grant objectives shall be performance standards for the grant.

(c) Funds will be conveyed to grantees through contracts with the Commission.

(d) Of the total funds granted for each project, up to 100 percent may be paid upon signing of the contract if such payment is requested as part of the grant application and the Commission determines the request is necessary for the administration of the

grant program.

(e) ~~Other payments to grantees shall be paid upon receipt of expenditure reports or invoices at mutually agreed upon periodic intervals.~~

(f) ~~The Commission or the Commission staff may agree to change time lines when such changes do not undermine the purposes and goals of the grant.~~

(g) ~~The Commission may consider the applicant's past performance of grants and publicly funded projects when awarding grants. The Commission shall not award a grant to an applicant whose past performance of Commission grants or programs has been unsatisfactory, according to these Rules.~~

(h) ~~The granting agreement will outline the standard accounting practices which the grantee will follow in order to facilitate review by the Commission staff or the State Auditor, or an outside auditor hired by the Commission. The grant agreement will also provide that the grantee shall put grant money in an interest-bearing account and that any interest earned on the grant money shall be returned to the Commission at the conclusion of the grant together with an accounting of such interest earnings.~~

(i) ~~If the Commission determines that grant funds are not being used for the purpose for which they were awarded, the Commission may cease making payments under the grant schedule until the problem has been resolved or may demand immediate return of any unspent money from the grant, with which request the grantee must comply. Grantees must pay back to the Commission any funds that the Commission determines have not been spent for the purpose for which they were granted as well as the statutory interest rate on those funds.~~

(j) ~~Grantees must return any grant money which remains unspent at the conclusion of the grant project along with any interest earned on grant money.~~

Authority G.S. 143-718; 143-721.

02 NCAC 57 .0308 REPORTING

(a) ~~Grantees shall submit written progress reports at three month intervals or upon completion of the project, whichever is sooner. Written reports shall describe the status of the grant projects, progress toward achieving project objectives, notable occurrences and any significant problems encountered and steps taken to overcome the problems.~~

(b) ~~A representative of the Commission shall review the progress reports for completeness which shall include a showing of how the project is meeting its stated goals and performance standards. If the representative finds that the report is deficient in showing how the project is meeting its stated goals and performance standards, the grantee will be notified of the deficiency and must provide a changed and corrected report within 30 working days to avoid having the next grant payment withheld.~~

(c) ~~Upon completion of the project, the grantee must make a final written report to the Commission which final report shall include an evaluation of the success of the project.~~

Authority G.S. 143-718.

02 NCAC 57 .0309 POLICIES GOVERNING QUALIFIED AGRICULTURAL PROGRAM GRANTS

(a) ~~Grantees must keep financial and other records of the grant~~

~~project for five years and must comply with audit requests. If the Commission determines that the size of the grant or the performance or alleged non performance of the grantee compels it, the Commission may require a compliance audit of the grant.~~

(b) ~~All grant applications, attachments to grant applications and written reports received by the Commission are public records, unless determined otherwise by court order, or other applicable law.~~

Authority G.S. 143-718.

TITLE 04 – DEPARTMENT OF COMMERCE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Commerce, Division of Employment Security intends to adopt the rules cited as 04 NCAC 24B .1101-.1104 and amend the rules cited as 04 NCAC 24B .0601; 24C .0205; 24D .0103, .0202, .0203, .0205, .0302, .0303, and .0304.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://des.nc.gov/DES/static?page=DESRules>

Proposed Effective Date: *October 1, 2017*

Public Hearing:

Date: *May 31, 2017*

Time: *11:00 a.m.*

Location: *North Carolina Department of Commerce, Division of Employment Security, 700 Wade Avenue, Room C-165, Raleigh, NC 27605*

Reason for Proposed Action: *NC Session Law 2015-238 made changes to Chapter 96 of the North Carolina General Statutes. Part of the law, codified as G.S. 96-40, requires DES to take steps to address unemployment insurance (UI) program integrity, maximize the efficiency for the State's UI program, and prevent, detect, and reduce UI fraud, improper payments, and overpayments. As a result, Rule 24B .0601 is proposed for amendments to clarify the manner in which an overpayment determination may be appealed. Rules 24B .1101, .1102, .0013, and .1104 are proposed for adoption pursuant to DES's responsibilities under G.S. 96-17(d). Rule 24C .0205 provides for better efficiency for appeal hearings and the manner in which parties may submit witness names and numbers for phone hearings. Rules 24C .0103, .0202, .0203, and .0205 are amended to clarify the process for employers' protests and appeals of benefit charges to their account; and Rules 24D .0302, .0303, and .0304 are proposed for amendment to clarify the manner in which adequacy determinations are made and to clarify the content and appeal procedure for adequacy determinations.*

Comments may be submitted to: *Sheena J. Cobrand, NC Division of Employment Security-Legal Services Section, Post Office Box 25903, Raleigh, NC 27611; fax (919) 715-7194; email des.rules@nccommerce.com*

Comment period ends: *July 14, 2017*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- ☐ State funds affected
- ☐ Environmental permitting of DOT affected Analysis submitted to Board of Transportation
- ☐ Local funds affected
- ☐ Substantial economic impact (≥\$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required by G.S. 150B-21.4

CHAPTER 24 - EMPLOYMENT SECURITY

SUBCHAPTER 24B - BENEFITS

**SECTION .0600 – UNEMPLOYMENT INSURANCE
BENEFIT OVERPAYMENTS**

**04 NCAC 24B .0601 NOTICE REQUIREMENT FOR
OVERPAYMENT**

(a) A determination by DES finding an overpayment of benefits to a claimant shall contain:

- (1) the date the determination was mailed or sent to the ~~claimant~~; claimant by electronic transmission;
- (2) reasons for the overpayment;
- (3) the statutory authority under G.S. 96-18(g)(3) for seeking repayment of the overpayment;
- (4) notice that the claimant may protest the overpayment determination and instructions on how to protest the overpayment determination as provided in 04 NCAC 24A .0104(c); and
- (5) notice that the claimant may file a request for waiver of the overpayment in the same manner as prescribed under ~~Item (4)~~ Subparagraph (a)(4) of this Rule.

(b) A determination notifying a claimant of an overpayment of benefits caused by the reversal of a previous decision that found the claimant eligible or disqualified to receive benefits shall contain the same information contained in Subparagraphs (a)(1) through (3) of this Rule, and shall:

- (1) have no protest rights;
- (2) notify the claimant that the overpayment may only be protested by appealing the underlying

decision that ruled the claimant ineligible or disqualified for benefits; and
(3) notify the claimant that DES shall not consider a request to waive repayment of an overpayment while an appeal of the underlying decision that resulted in the overpayment is pending, or until the underlying decision that resulted in the overpayment is final.

Authority G.S. 96-4; 96-15; 96-18.

**SECTION .1100 – NATIONAL DIRECTORY OF NEW
HIRES**

04 NCAC 24B .1101 NDNH CLAIMANT NOTICE

(a) When DES receives NDNH information that a claimant has returned to work, DES shall send written notice to the claimant requesting employment and wage information. The notice shall inform the claimant that:

- (1) DES is conducting an audit of the claimant's claim for unemployment benefits;
- (2) DES received information that the claimant may have filed, continued to file, or received unemployment benefits during weeks when the claimant may have been employed;
- (3) DES shall request from the employer the actual wages earned for the weeks where the claimant may have been employed while claiming or receiving unemployment insurance benefits;
- (4) he or she shall respond to DES with the employment and wage information requested in the notice within 14 days of the date that the notice was mailed or sent by electronic transmission to the claimant;
- (5) he or she is required to report all wages earned when filing weekly certifications;
- (6) an overpayment of unemployment insurance benefits may exist;
- (7) the claimant may be required to repay any benefits determined to be overpaid;
- (8) working, earning wages, and failing to report employment or wages may constitute fraud under G.S. 96-18;
- (9) individuals may be criminally prosecuted for committing fraud; and
- (10) the consequences for failing to respond to DES's request for employment information include suspension of benefit payments to determine eligibility.

(b) Each notice shall request that the claimant certify that he or she did not work for the listed employer during the specified time period, or provide and certify that the following information is true and correct:

- (1) the employer's phone number;
- (2) the claimant's job title;
- (3) the month during which the claimant may have been hired;
- (4) the first date of the claimant's employment;

- (5) the last date that the claimant actually worked for the employer;
- (6) the claimant's starting and current rate of pay;
- (7) the claimant's employment status with the employer;
- (8) the claimant's pay records for the specified time period;
- (9) the claimant's standard or customary work week;
- (10) the total number of hours worked by the claimant for the specified weeks; and
- (11) the amount and type of any other pay earned by the claimant for the specified weeks.

(c) Each notice shall provide information on how the claimant may contact DES's Benefits Integrity Unit by mail, fax, or email to provide the requested employment and wage information.

Authority G.S. 96-14.1; 94-14.9; 96-18.

04 NCAC 24B .1102 NDNH EMPLOYER NOTICE

(a) When DES receives NDNH information that a claimant has returned to work, DES shall send written notice to the potential employer requesting employment and wage information. The notice shall:

- (1) inform the employer that DES is conducting an audit of the claimant's claim for unemployment benefits;
- (2) specify the weeks for which the claimant may have been employed while claiming or receiving unemployment benefits;
- (3) request that the employer respond to DES with the requested employment and wage information within 15 days;
- (4) request that the employer certify that the claimant did not work for the employer during the specified time period; or provide and certify that the following information is true and correct:
 - (A) the month during which the claimant may have been hired;
 - (B) the first date of the claimant's employment;
 - (C) the last date that the claimant actually worked for the employer;
 - (D) the claimant's starting and current rate of pay;
 - (E) the claimant's employment status with the employer;
 - (F) the claimant's original time and pay records;
 - (G) the manner in which the employer's pay periods are structured, including the pay period ending dates;
 - (H) the claimant's standard or customary work week;
 - (I) the total number of hours worked by the claimant for the specified weeks;
 - (J) the date that the claimant was paid for the specified weeks;

- (K) the gross wages earned by the claimant for work performed in each specified week; and
- (L) the amount and type of any other pay earned by the claimant for the specified weeks.

(b) Each notice shall provide information on how the employer may contact DES's Benefits Integrity Unit by mail or fax to provide the requested employment and wage information.

Authority G.S. 96-14.1; 94-14.9; 96-18.

04 NCAC 24B .1103 CLAIMANT RESPONSE TO REQUEST FOR EMPLOYMENT AND WAGE INFORMATION

(a) If a claimant fails to respond to DES's request for employment and wage information within 14 days of the date that the notice was mailed or sent by electronic transmission to the claimant, DES shall adjudicate an issue of eligibility for failure to report in accordance with Rule .0401 of this Subchapter;

(b) If a claimant responds to DES's request for employment and wage information within 14 days, DES shall review information received from the claimant or employer to determine if an overpayment of unemployment insurance benefits exist.

(c) DES shall issue a determination consistent with Rule .0601 of this Subchapter if an overpayment exists.

Authority G.S. 96-14.9; 96-15; 96-18.

04 NCAC 24B .1104 EMPLOYER RESPONSE TO REQUEST FOR EMPLOYMENT AND WAGE INFORMATION

(a) If an employer fails to respond to DES's request for employment and wage information within 15 days of the date that the request was mailed or sent by electronic transmission to the employer, such failure may result in DES's finding that the employer's response was untimely or inadequate in accordance with 04 NCAC 24D .0300.

(b) An employer's response to DES's request for employment and wage information may result in credits to, or elimination of charges to the employer's account.

Authority G.S. 96-11.3; 96-11.4.

SUBCHAPTER 24C - INITIAL APPEALS FROM DETERMINATION AND HIGHER AUTHORITY REVIEW

SECTION .0200 – INITIAL APPEALS HEARING

04 NCAC 24C .0205 TELEPHONE HEARINGS

(a) Hearings shall be conducted by telephone conference call, unless a request is made for an in-person hearing at the time the appeal is filed or an objection is made pursuant to Rule .0206 of this Section.

(b) In cases of telephone hearings, the Appeals Section shall provide a Telephone Hearing Questionnaire for a each party to use to submit each telephone number to be called by the Appeals Referee for the hearing.

(c) Each party may complete and submit the Telephone Hearing Questionnaire containing each number to be called for the hearing to the Appeals Referee listed in the hearing notice, or pursuant to 04 NCAC 24A .0104(b).

(d) At any time after receiving the hearing notice, and prior to the hearing, any party may contact the Appeals Referee to provide the name of each participant and each telephone number to be called for the hearing. In the absence of the submission by a party of any telephone number to be called for the hearing, the Appeals Referee shall call a the party at the telephone number listed on the hearing notice.

Authority G.S. 96-4; 96-15.

SUBCHAPTER 24D - TAX ADMINISTRATION

SECTION .0100 – REQUESTS FOR NONCHARGING OF BENEFIT PAYMENTS

04 NCAC 24D .0103 REQUIREMENTS FOR REQUESTING NONCHARGING OF BENEFIT PAYMENTS

An employer who requests noncharging of benefit charges shall make the request ~~as follows:~~

- (1) by stating each reason ~~the reason(s)~~ for the request in ~~writing; writing~~
- (2) within 15 days of the mailing date of the notice of potential ~~charges; and charges~~
- (3) ~~sent by mail to: DES Employer Benefit Charges/Benefit Charges to DES's Claims Unit, pursuant to 04 NCAC 24A .0104(s). Post Office Box 25903, Raleigh, North Carolina 27611-5903; or by facsimile to 919-733-1126.~~

Authority G.S. 96-4; 96-11.3.

SECTION .0200 - ACCOUNT CHARGE PROTESTS

04 NCAC 24D .0202 REQUIREMENTS FOR FILING PROTESTS TO LIST OF CHARGES

(a) An employer who protests the benefit charges to its account shall make the protest ~~as follows:~~

- (1) in writing within ~~44~~ 15 days of the mailing date of the notice of potential ~~charges; charges~~
- (2) ~~by mail to: DES Employer Benefit Charges/Benefit Charges to DES's Claims Unit, Post Office Box 25903, Raleigh, North Carolina 27611-5903; or facsimile to 919-733-1126; Unit in accordance with 04 NCAC 24A .0104(s), and shall~~
- (3) list all grounds for the protest as prescribed under Rule .0203 of this Section.

(b) Any of the following forms, when completed with the information indicated in Paragraph (a) of this Rule, shall constitute compliance with this Rule:

- (1) Notice of Initial Claim and Potential Charges to Your Account; and

- ~~(1)(2) Notice of Combined Wage Claim and Potential Charges to Your Account (Form NCUI 551C); Account.~~
- ~~(2) Administrative Determination Disallowing Noncharging (Form NCUI 570);~~
- ~~(3) List of Charges to Your Account (Form NCUI 626); or~~
- ~~(4) Unemployment Tax Rate Assignment (Form NCUI 104).~~

Authority G.S. 96-4; 96-11.3; 96-11.4.

04 NCAC 24D .0203 GROUNDS FOR PROTESTING LIST OF CHARGES

An employer shall only file protests for the following reasons:

- (1) clerical errors in the list of charges;
- (2) charges resulting from individuals who were never employed by the employer; or
- (3) ~~charges resulting from individuals who remain employed by the employer; or the claimant has new separation from employment occurring between the date that the claimant's benefit year began and the last week ending date for which the claimant was paid benefits, and a base period employer did not have an opportunity to request noncharging on the subsequent separation.~~
- (4) errors in adding charges to an incorrect account.

Authority G.S. 96-4; 96-11.3; 96-11.4; 96-11.5.

04 NCAC 24D .0205 DETERMINATION ON GROUNDS CONTAINED IN PROTEST

The determination by DES shall contain:

- (1) notice of whether the relief sought by the employer in the protest was granted or denied;
- (2) any adjustments that have been made to the list of charges if the relief sought in the protest was granted, or the reasons for denial if the relief sought in the protest was denied;
- (3) the date the determination was mailed or sent to the employer by electronic transmission; to the employer;
- (4) the employer's right to appeal the determination consistent with 04 NCAC 24C .0203; and
- (5) the time period within which an appeal shall be ~~filed. filed; and~~
- (6) instructions for filing an appeal with DES's Appeals Section pursuant to 04 NCAC 24A .0104(b).

Authority G.S. 96-4; 96-11.3; 96-15.

SECTION .0300 - ADEQUACY

04 NCAC 24D .0302 ADEQUACY THRESHOLD DETERMINATION

(a) The Adequacy Threshold Determination shall include:

- (1) the effect of the determination on the employer's account;
- (2) the reasons for the determination;
- (3) the date the determination was mailed or sent by electronic transmission to the employer;
- (4) instructions for protesting the determination; and
- (5) the time period within which a protest ~~must~~ shall be filed.

(b) An employer may protest its Adequacy Threshold Determination and shall file its written request with DES's ~~Tax Administration Section Claims Unit by mail, facsimile, or email pursuant to 04 NCAC 24A .0104(n)~~ 04 NCAC 24A .0104(m).

- (1) The request shall include the following:
 - (A) the name of the employing unit;
 - (B) the address of the employing unit;
 - (C) the account number of the employing unit;
 - (D) a ~~brief~~ statement of the question involved and reasons for the request; and
 - (E) the name, address, and official position of the individual making the request.
- (2) The written request shall be filed within 15 days after the date that the Adequacy Threshold Determination notice was ~~mailed~~ sent to the employer, and the timeliness requirements of 04 NCAC 24A .0106 shall apply.

(c) Following the written request, the ~~Tax Administration Section Claims Unit~~ shall review the employer's request for review and issue a written determination. The determination shall ~~contain the following:~~

- (1) notify the employing unit of whether its application was granted or denied; and
- ~~(2) indicate whether additional information from the employing unit is required; and~~
- ~~(3)~~ (2) explain the reasons for the ruling and what information was considered.

(d) No further right of appeal from an unfavorable written determination of a protest of an ~~adequacy threshold determination~~ Adequacy Penalty Determination shall exist unless and until an Adequacy Penalty Determination, as defined under Rule .0303 of this Section is subsequently issued at the conclusion of ~~the employer's each corresponding charging year cycle~~.

Authority G.S. 96-11.3; 96-11.4; 96-15; 26 U.S.C. 3303.

04 NCAC 24D .0303 ADEQUACY PENALTY DETERMINATION

(a) DES shall issue ~~an a written~~ Adequacy Penalty Determination at the end of each charging ~~year~~ cycle to notify the employer if the employer's of charges to its account for erroneous unemployment benefit payments identified during the charging cycle if the payments resulted from is not relieved of charges for untimely or inadequate responses as set forth in Rule .0301 of this Section for particular to requests for information regarding a claimant's separation from employment or status, claims during that charging year cycle, resulting from if the employer met or

exceeded the an adequacy threshold determination in the prior charging year reporting cycle cycle, that the employer met or exceeded the adequacy threshold.

(b) The Adequacy Penalty Determination shall include the following:

- (1) a listing containing the specific claims that would have resulted in a relief from charges as a result of erroneous unemployment insurance payments that were later reversed on appeal; ~~and~~
- (2) instructions for protesting the Adequacy Penalty Determination; and
- (3) the date that the Adequacy Penalty Determination is mailed or sent to the employer by electronic transmission.

(c) An employer may protest its Adequacy Penalty Determination and shall file its written request with DES's ~~Tax Administration Section Claims Unit by mail, facsimile, or email pursuant to 04 NCAC 24A .0104(n)~~ 04 NCAC 24A .0104(m).

- (1) The request shall include:
 - (A) the name of the employing unit;
 - (B) the address of the employing unit;
 - (C) the account number of the employing unit;
 - (D) a ~~brief~~ statement of the question involved and reasons for the request; and
 - (E) the name, address, and official position of the individual making the request.

(2) The written request shall be filed within 15 days after the date that the Adequacy Penalty Determination was mailed or provided to the employer by electronic transmission, and the timeliness requirements of 04 NCAC 24A .0106 shall apply.

(3) Following receipt of the written request, the ~~Tax Administration Section Claims Unit~~ shall review the employer's request and issue a written determination. The determination shall include the following:

- (A) notify the employing unit of whether its application was granted or denied;
- ~~(B) indicate whether additional information from the employing unit is required;~~
- ~~(C)~~ (B) explain the reasons for the ruling and identify the information considered; and
- ~~(D)~~ (C) instructions for appealing ~~the a~~ denial to ~~the Board of Review. DES's Appeals Section pursuant to 04 NCAC 24A .0104(b).~~

Authority G.S. 96-11.3; 96-11.4; 96-15; 26 U.S.C. 3303.

**04 NCAC 24D .0304 APPEALING ADEQUACY
PENALTY DETERMINATIONS**

(a) An employer may file an appeal of its Adequacy Penalty Determination and request a hearing. The appeal shall be filed with DES's ~~Tax Administration Section Claims Unit~~ by mail, facsimile, or email pursuant to ~~04 NCAC 24A .0104(n)~~ 04 NCAC 24A .0104(m).

(b) The appeal shall contain the following:

- (1) the date of the appeal;
- (2) the ~~identity docket or identification number of the determination, decision or result~~ determination being appealed;
- (3) the name of the employer;
- ~~(3)(4)~~ a clear statement of the party's intent to appeal;
- ~~(4)(5)~~ reasons for the appeal; and
- ~~(5)(6)~~ the name of the party appealing the determination, decision, or result, the name, address, and official position of the individual filing the appeal on behalf of the employer; and
- (7) a telephone number.

(c) ~~The provisions of 04 NCAC 24A .0106 apply in determining the timeliness of an appeal. The appeal shall be filed within 15 days after the date that the Adequacy Penalty Protest Determination was sent to the employer, and the timeliness requirements of 04 NCAC 24A .0106 shall apply.~~

(d) Appeal hearings from Adequacy Penalty Determinations shall be conducted as set forth in Section ~~1400 .0200~~ of this Subchapter. Subchapter 24C.

Authority G.S. 96-11.3; 96-11.4; 96-15; 26 U.S.C. 3303.

**TITLE 21 – OCCUPATIONAL LICENSING BOARDS
AND COMMISSIONS**

**CHAPTER 16 – STATE BOARD OF DENTAL
EXAMINERS**

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Dental Examiners intends to amend the rule cited as 21 NCAC 16Y .0104.

Link to agency website pursuant to G.S. 150B-19.1(c):
www.ncdentalboard.org

Proposed Effective Date: *September 1, 2017*

Public Hearing:

Date: *June 15, 2017*

Time: *6:30 p.m.*

Location: *2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560*

Reason for Proposed Action: *21 NCAC 16Y .0104 is proposed for amendment to allow an intern permit holder who is required to be on-call to practice under the direction of a licensed dentist.*

Comments may be submitted to: *Bobby D. White, Esq., 2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560*

Comment period ends: *July 14, 2017*

Procedure for Subjecting a Proposed Rule to Legislative

Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- ☐ **State funds affected**
- ☐ **Environmental permitting of DOT affected**
- ☐ **Analysis submitted to Board of Transportation**
- ☐ **Local funds affected**
- ☐ **Substantial economic impact (≥\$1,000,000)**
- ☐ **Approved by OSBM**
- ☒ **No fiscal note required by G.S. 150B-21.4**

**SUBCHAPTER 16Y - INTERN PERMITTING:
DENTISTS**

21 NCAC 16Y .0104 DIRECTION AND SUPERVISION

(a) Holders of a valid intern permit who are currently licensed in Canada, or a U.S. territory or state may practice under direction of one or more dentists with a current and valid North Carolina license. ~~Such~~ The directing dentist shall be responsible for all consequences or results arising from the permit holder's practice of dentistry.

(b) Holders of a valid intern permit who are not currently licensed in Canada, or a U.S. territory or state may work only under supervision of one or more dentists with a current and valid North Carolina license. ~~Such~~ The supervising dentist shall be responsible for all consequences or results arising from the permit holder's practice of dentistry.

(c) Holders of any valid intern permit under this Rule who are required to be on-call, either in-person or by electronic means, in an emergency setting may practice under the direction of a dentist following the accrediting standard of the Commission on Dental Accreditation (CODA).

~~(e)(d)~~ For purposes of this Rule, ~~Section~~, the acts of a permit holder are deemed to be under the direction of a licensed dentist when performed in a locale where a licensed dentist is not always required to be physically present during the performance of ~~such~~ the acts that and such acts are being performed pursuant to the dentist's order, control, and approval.

~~(d)(e)~~ For purposes of this Rule, ~~Section~~, the acts of a permit holder are deemed to be under the supervision of a licensed dentist when performed in a locale where a licensed dentist is physically

PROPOSED RULES

present during the performance of ~~such~~ the acts that ~~and such acts~~ are being performed pursuant to the dentist's order, control, and approval.

(f) The CODA accrediting standard and its subsequent amendments and editions, which are incorporated herein by reference, are published on the American Dental Association's

website located at <http://www.ada.org/en/coda/policies-and-guidelines/policy-and-procedure-manual>, and are available at no cost.

Authority G.S. 90-28; 90-29.4.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission April 20, 2017 at 1711 New Hope Church Road, RRC Commission 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. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-431-3000. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Jeff Hyde (1st Vice Chair)
Robert A. Bryan, Jr.
Margaret Currin
Jay Hemphill
Jeffrey A. Poley

Appointed by House

Garth Dunklin (Chair)
Stephanie Simpson (2nd Vice Chair)
Paul Powell
Jeanette Doran

COMMISSION COUNSEL

Abigail Hammond	(919)431-3076
Amber Cronk May	(919)431-3074
Amanda Reeder	(919)431-3079
Jason Thomas	(919)431-3081

RULES REVIEW COMMISSION MEETING DATES

May 18, 2017	June 15, 2017
July 20, 2017	August 17, 2017

RULES REVIEW COMMISSION MEETING MINUTES

April 20, 2017

The Rules Review Commission met on Thursday, April 20, 2017, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Bobby Bryan, Margaret Currin, Jeanette Doran, Garth Dunklin, Jay Hemphill, Jeff Hyde, Jeff Poley, and Stephanie Simpson.

Staff members present were Commission Counsels Amanda Reeder, Abigail Hammond, Amber Cronk May, and Jason Thomas; and Julie Brincefield, Alex Burgos, and Dana Vojtko.

The meeting was called to order at 10:04 a.m. with Chairman Dunklin presiding.

Chairman Dunklin read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearances of conflicts of interest.

APPROVAL OF MINUTES

Chairman Dunklin asked for any discussion, comments, or corrections concerning the minutes of the March 16, 2017 meeting. There were none and the minutes were approved as distributed.

The OAH's CFO Gayle Lemons presented the new Commissioners Classification and Compensation policies adopted by the State.

FOLLOW UP MATTERS

Board of Agriculture

02 NCAC 09C .0507, .0703; 09G .2005, .2008; 09J .0101, .0102; 09K .0101, .0103, .0105, .0106, .0107, .0108, .0109, .0113, .0114, .0203, .0204, .0205, .0206, .0207, .0208, .0209, .0210, .0211, .0212, .0213, .0214; 09O .0101, and .0107 - The rewritten rules were unanimously approved.

Upon review of 02 NCAC 09C .0507, the Commission approved the rewritten rule contingent upon receiving a modification of the language replacing "should" with "shall" on line 23 of this Rule. The rule with the pertinent language was received after the adjournment of the meeting.

Anita MacMullan, representing the Food and Drug Protection Division of the Board of Agriculture, addressed the Commission.

Commission for Mental Health, Developmental Disabilities and Substance Abuse Services

10A NCAC 27H .0202, .0203, .0204, .0205, .0206, and .0207 - The agency is addressing the objections from the March meeting. No action was required by the Commission.

Department of Insurance

11 NCAC 05A .0105, .0201, .0301, .0603, .0703, and .0704 – The rewritten rules were unanimously approved.

11 NCAC 05A 0501, .0505, .0508, and .0511 - The agency requested additional time to address the objections from the January meeting. No action was required by the Commission.

Manufactured Housing Board

11 NCAC 08 .0904 – The agency is addressing the objection from the November meeting. No action was required by the Commission.

Board of Massage and Bodywork Therapy

21 NCAC 30 .0903 and .0906 – There has been no response by the agency on these Rules pursuant to G.S. 150B-21.12. No action was required by the Commission.

Board of Podiatry Examiners

21 NCAC 52 .0201 and .0207 - The rewritten rules were unanimously approved.

LOG OF FILINGS (PERMANENT RULES)

Commission for Public Health

10A NCAC 41A .0302 was unanimously approved.

Environmental Management Commission 15A NCAC 02N, 02O

All rules were unanimously approved.

Marine Fisheries Commission

All rules were unanimously approved.

Environmental Management Commission 15A NCAC 13B

15A NCAC 13B .0840 was unanimously approved.

Board of Certified Public Accountant Examiners

All rules were unanimously approved.

Robert N. Pulliam, CPA, addressed the Commission.

Frank Trainor with the agency addressed the Commission.

Locksmith Licensing Board

The Commission extended the period of review for 21 NCAC 29 .0102, .0201, .0204, .0205, .0206, .0401, .0404, .0502, .0503, .0504, .0702, .0703, .0802, .0803, .0804, .0805, and .0806 in accordance with G.S. 150B-21.10. They did so in response to a request from the agency to extend the period to allow the agency to complete requested technical changes and submit the rewritten rules at a later meeting.

The Commission objected to Rule 21 NCAC 29 .0402 based upon lack of statutory authority and ambiguity.

Specifically, the Commission found that the Board lacks statutory authority to refuse to license applicants based solely upon past convictions. The Rule addresses the use of criminal convictions to determine if the applicant may be licensed. In Subparagraph (g)(1) of the Rule, it states that an applicant with any Class A or B felony conviction is ineligible for licensure. Further, the Rule states that a licensed locksmith who is convicted of a Class A or B felony shall be subject to immediate revocation of licensure. However, G.S. 74F-18(c) states that a conviction cannot automatically bar licensure. The Board does not have authority to write a rule that contradicts the statute.

Further, G.S. 74F-15 allows the Board to deny or refuse to renew, suspend, or revoke a license if the licensee is convicted or pleads guilty or no contest to any of the crimes listed in G.S. 74F-18. However, the Board does not have authority to take these actions without considering the factors in G.S. 74F-18.

In addition, G.S. 74F-18(c) lists seven factors that the Board is required to consider to determine whether the applicant may be disqualified based upon criminal conviction. This Rule addresses some of the factors in Paragraphs (d) and (h), but not all of them.

In addition, those Paragraphs state that the Board only “may” consider the factors, when the Board is required to do so pursuant to G.S. 74F-18(c). If the Board is implementing the statutory factors without listing them in Rule, the Rule is unclear as written as it addresses some, but not all, of the factors required by statute.

The Commission further found that Paragraph (h) of the Rule is unclear as written, as it says the Board may also consider additional factors to determine the present fitness of a person who has been convicted of a crime that relates to the duties and responsibilities of a locksmith. The Rule does not state what those crimes are. G.S. 74F-18(a)(2) defines criminal history as “A history of conviction of [a crime] that bears on an applicant’s fitness for licensure to practice locksmithing.” Given the language of Paragraph (h), it is unclear if Paragraph (c) of the Rule is addressing crimes that do not affect the fitness for licensure, and therefore, Paragraph (c) is in excess of the Board’s statutory authority.

In addition, since Paragraph (c) of the Rule appears to encompass every level of felony and misdemeanor in the State, it is unclear what crimes the Board is referring to in Paragraph (h). However, for these crimes, the Board states that it “may” consider what appears to be four of the seven statutory factors, as well as two additional factors that are not in statute.

The Commission objected to Rule 21 NCAC 29 .0601 based upon lack of statutory authority and ambiguity.

Specifically, the Commission found that the Board lacks statutory authority to require some of the additional information set forth in the Rule in a petition for rulemaking. In the text of the rule, the agency is requiring that a petitioner submit the effect of a proposed new rule or amendment on existing rules or decisions, practices likely to be affected, and an identification of the persons or class of persons most likely to be affected by the proposal in Subparagraphs (a)(5), (6), and (7) of the Rule. The Commission found that the agency does not have statutory authority to require these items from a petitioner, as they are beyond the authority conferred by G.S. 150B-20.

The Commission further found that Subparagraphs (a)(5) or (a)(6) of the Rule may have been intended to address the “effect of the proposed new rule or amendment of the proposed change” expressly allowed by G.S. 150B-20(a). However, as the Rule is written, this is not clear. In addition, (a)(6), which addresses “practices likely to be affected” is unclear as written.

The Commission also found that Paragraph (b), which states that “The Board may request additional information” is unclear, as it does not state how the information will be requested, to whom the request will be made, or under what circumstances the request will be made.

Board of Pharmacy

All rules were unanimously approved.

EXISTING RULES REVIEW

DHHS/Commission for MH/DD/SAS

10A NCAC 27I .0400, .0500 - The Commission unanimously approved the report as submitted by the agency.

10A NCAC 27I .0600 - The Commission unanimously approved the report as submitted by the agency.

10A NCAC 28A - The Commission unanimously approved the report as submitted by the agency.

Department of Environmental Quality

15A NCAC 01C - The Commission unanimously approved the report as submitted by the agency.

Environmental Management Commission

15A NCAC 13A - The Commission unanimously approved the report as submitted by the agency.

15A NCAC 13B .0100-.0800, .1000-.1400, .1600-.1700 – The Commission unanimously approved the report as submitted by the agency.

15A NCAC 13C - The Commission unanimously approved the report as submitted by the agency.

DHHS/Division of Aging

10A NCAC 06Q - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than June 30, 2019 pursuant to G.S. 150B-21.3A(d)(2).

Social Services Commission

10A NCAC 06R, 06S, 06T, 67, 68, 69, 72 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than June 30, 2019 pursuant to G.S. 150B-21.3A(d)(2).

Department of Insurance

11 NCAC 16 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than September 30, 2018 pursuant to G.S. 150B-21.3A(d)(2).

Department of Public Safety

14B NCAC 01 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than October 31, 2018 pursuant to G.S. 150B-21.3A(d)(2).

14B NCAC 05 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than October 31, 2018 pursuant to G.S. 150B-21.3A(d)(2).

14B NCAC 07 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than October 31, 2018 pursuant to G.S. 150B-21.3A(d)(2).

Alcoholic Beverage Control Commission

14B NCAC 15B - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than May 31, 2018 pursuant to G.S. 150B-21.3A(d)(2).

Wildlife Resources Commission

15A NCAC 10F .0102, .0301, .0302, .0320, .0321, .0330, .0333, .0353, .0366 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than December 31, 2018 pursuant to G.S. 150B-21.3A(d)(2).

15A NCAC 10H .0101, .0901, .0903, .0904, .1106, .1201, .1202, .1203, .1204, .1205, .1206, .1207 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than December 31, 2019 pursuant to G.S. 150B-21.3A(d)(2).

15A NCAC 10H .0301, .0302, .0303, .0304, .1004 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than July 31, 2018 pursuant to G.S. 150B-21.3A(d)(2).

Well Contractors Certification Commission

Pursuant to 26 NCAC 05. 0205, the agency requested a waiver of 26 NCAC 05 .0211 for the report for 15 NCAC 27.

The waiver request was unanimously approved. The Commission rescheduled the date of review for the report, and amended 26 NCAC 05 .0211. The Commission will review the agency's report at its May 2017 meeting.

Interpreter and Transliterator Licensing Board

Pursuant to 26 NCAC 05. 0205, the agency requested a waiver of 26 NCAC 05 .0211 for the report for 21 NCAC 25.

The waiver request was unanimously approved. The Commission rescheduled the date of review for the report, and amended 26 NCAC 05 .0211. The Commission will review the agency's report at its May 2017 meeting.

Midwifery Joint Committee

Pursuant to 26 NCAC 05. 0205, the agency requested a waiver of 26 NCAC 05 .0211 for the report for 21 NCAC 33.

The waiver request was unanimously approved. The Commission rescheduled the date of review for the report, and amended 26 NCAC 05 .0211. The Commission will review the agency's report at its November 2017 meeting.

Board of Nursing

Pursuant to 26 NCAC 05. 0205, the agency requested a waiver of 26 NCAC 05 .0211 for the report for 21 NCAC 36.

The waiver request was unanimously approved. The Commission rescheduled the date of review for the report, and amended 26 NCAC 05 .0211. The Commission will review the agency's report at its November 2017 meeting.

Housing Finance Agency

The agency requested an extension of the filing deadline pursuant to 26 NCAC 05 .0204 for the report 24 NCAC 01.

The Commission approved the request, with Commissioner Doran voting against.

COMMISSION BUSINESS

The Commission amended Rule 26 NCAC 05 .0211 to reflect changes in the periodic review schedule.

The Chair gave an update on the recent Order Granting Summary Judgment in the matter of the *Ambulatory Surgical Center Association v. Industrial Commission*.

The meeting adjourned at 11:31 a.m.

The next regularly scheduled meeting of the Commission is Thursday, May 18th at 10:00 a.m.

There is a digital recording of the entire meeting available from the Office of Administrative Hearings /Rules Division.

Respectfully Submitted,

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:

Garth Dunklin, Chair

April 20, 2017

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
CATHERINE BLUM	DEQ-DMF
Tina Hlabse	NCDAHCS
Loretta Bunch	Dept. of Insurance
Anita Mac Mullan	NCDAHCS
Joanne Rutkofsky	NC DHHS / DPH
Andrew Morgan	DMXIF
Tracy Steadman	NCBPE
Bob Brooks	CPA Board
David Nance	CPA Board
Frank Trammor	" "
Jennifer Everett	DEQ
Craig Beonby	DEQ
Bob MARTIN	DPH
Robert Pulliam CPA	Guest - CPA Board
Rosemary Pulliam	Guest
Jessica Mentie	DEQ-DWM
Andria Merritt	DEQ-DWM
Ruth Shaver	DEQ-DWM
E. Ann Christian	AMTA-NC
CASEY HOWARD	NCHFA
Angela Ellis	NC BON

31:22

NORTH CAROLINA REGISTER

MAY 15, 2017

2234

[illegible]



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

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Raleigh, NC 27699-6714

Street address:
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Raleigh, NC 27609-6285

April 20, 2017

Lynne Berry, Rulemaking Coordinator
Department of Health and Human Services
Division of Aging
2501 Mail Service Center
Raleigh, North Carolina 27699-2501

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **10A NCAC 06Q**

Dear Ms. Berry:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the April 20, 2017 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the following two rules identified on the attached printout shall be readopted by the agency no later than June 30, 2019: 10A NCAC 06Q .0101, .0201. The remaining rules identified on the report will be readopted by the Social Services Commission.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond
Commission Counsel

cc: Carlotta Dixon, Rulemaking Coordinator for Social Services Commission

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Civil Rights
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An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
August 18, 2016
APO Review: September 06, 2016
Social Services Commission
Total: 101**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>10A NCAC 06Q .0101</u>	Necessary with substantive public interest
<u>10A NCAC 06Q .0201</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0101</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0102</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0201</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0302</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0304</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0305</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0401</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0403</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0501</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0502</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0503</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0504</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0506</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0508</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0509</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0601</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0801</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0802</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0804</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0806</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0902</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0904</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0101</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0102</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0203</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0204</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0301</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0302</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0402</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0403</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0404</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0405</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0501</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0508</u>	Necessary with substantive public interest

10A	NCAC 06T	.0201	Necessary with substantive public interest
10A	NCAC 67A	.0101	Necessary with substantive public interest
10A	NCAC 67A	.0103	Necessary with substantive public interest
10A	NCAC 67A	.0105	Necessary with substantive public interest
10A	NCAC 67A	.0106	Necessary with substantive public interest
10A	NCAC 67A	.0107	Necessary with substantive public interest
10A	NCAC 67A	.0108	Necessary with substantive public interest
10A	NCAC 67A	.0201	Necessary with substantive public interest
10A	NCAC 67A	.0202	Necessary with substantive public interest
10A	NCAC 67A	.0203	Necessary with substantive public interest
10A	NCAC 67A	.0205	Necessary with substantive public interest
10A	NCAC 68	.0101	Necessary with substantive public interest
10A	NCAC 68	.0102	Necessary with substantive public interest
10A	NCAC 68	.0103	Necessary with substantive public interest
10A	NCAC 68	.0104	Necessary with substantive public interest
10A	NCAC 68	.0105	Necessary with substantive public interest
10A	NCAC 68	.0106	Necessary with substantive public interest
10A	NCAC 68	.0107	Necessary with substantive public interest
10A	NCAC 68	.0108	Necessary with substantive public interest
10A	NCAC 68	.0202	Necessary with substantive public interest
10A	NCAC 68	.0203	Necessary with substantive public interest
10A	NCAC 68	.0204	Necessary with substantive public interest
10A	NCAC 68	.0205	Necessary with substantive public interest
10A	NCAC 68	.0206	Necessary with substantive public interest
10A	NCAC 68	.0208	Necessary with substantive public interest
10A	NCAC 68	.0301	Necessary with substantive public interest
10A	NCAC 68	.0302	Necessary with substantive public interest
10A	NCAC 68	.0303	Necessary with substantive public interest
10A	NCAC 69	.0101	Necessary with substantive public interest
10A	NCAC 69	.0102	Necessary with substantive public interest
10A	NCAC 69	.0201	Necessary with substantive public interest
10A	NCAC 69	.0202	Necessary with substantive public interest
10A	NCAC 69	.0203	Necessary with substantive public interest
10A	NCAC 69	.0204	Necessary with substantive public interest
10A	NCAC 69	.0205	Necessary with substantive public interest
10A	NCAC 69	.0301	Necessary with substantive public interest
10A	NCAC 69	.0302	Necessary with substantive public interest
10A	NCAC 69	.0303	Necessary with substantive public interest
10A	NCAC 69	.0305	Necessary with substantive public interest
10A	NCAC 69	.0306	Necessary with substantive public interest
10A	NCAC 69	.0401	Necessary with substantive public interest
10A	NCAC 69	.0402	Necessary with substantive public interest
10A	NCAC 69	.0403	Necessary with substantive public interest
10A	NCAC 69	.0404	Necessary with substantive public interest

<u>10A NCAC 69 .0405</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0406</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0501</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0502</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0503</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0504</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0505</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0506</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0507</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0508</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0601</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0602</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0603</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0604</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0605</u>	Necessary with substantive public interest
<u>10A NCAC 72 .0101</u>	Necessary with substantive public interest
<u>10A NCAC 72 .0102</u>	Necessary with substantive public interest
<u>10A NCAC 72 .0201</u>	Necessary with substantive public interest
<u>10A NCAC 72 .0202</u>	Necessary with substantive public interest
<u>10A NCAC 72 .0203</u>	Necessary with substantive public interest
<u>10A NCAC 72 .0301</u>	Necessary with substantive public interest



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

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April 20, 2017

Carlotta Dixon, Rulemaking Coordinator
Department of Health and Human Services
Social Services Commission
2501 Mail Service Center
Raleigh, North Carolina 27699-2501

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 10A NCAC 06R, 06S, 06T, 67, 68, 69, 72

Dear Ms. Dixon:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the April 20, 2017 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than June 30, 2019, with the following exceptions: 10A NCAC 06Q .0101, .0201 will be readopted by the Division of Aging.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond
Commission Counsel

cc: Lynne Berry, Rulemaking Coordinator for Division of Aging

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An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
August 18, 2016
APO Review: September 06, 2016**

**Social Services Commission
Total: 101**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>10A NCAC 06Q .0101</u>	Necessary with substantive public interest
<u>10A NCAC 06Q .0201</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0101</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0102</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0201</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0302</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0304</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0305</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0401</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0403</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0501</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0502</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0503</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0504</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0506</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0508</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0509</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0601</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0801</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0802</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0804</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0806</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0902</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0904</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0101</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0102</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0203</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0204</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0301</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0302</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0402</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0403</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0404</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0405</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0501</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0508</u>	Necessary with substantive public interest

10A	NCAC 06T	.0201	Necessary with substantive public interest
10A	NCAC 67A	.0101	Necessary with substantive public interest
10A	NCAC 67A	.0103	Necessary with substantive public interest
10A	NCAC 67A	.0105	Necessary with substantive public interest
10A	NCAC 67A	.0106	Necessary with substantive public interest
10A	NCAC 67A	.0107	Necessary with substantive public interest
10A	NCAC 67A	.0108	Necessary with substantive public interest
10A	NCAC 67A	.0201	Necessary with substantive public interest
10A	NCAC 67A	.0202	Necessary with substantive public interest
10A	NCAC 67A	.0203	Necessary with substantive public interest
10A	NCAC 67A	.0205	Necessary with substantive public interest
10A	NCAC 68	.0101	Necessary with substantive public interest
10A	NCAC 68	.0102	Necessary with substantive public interest
10A	NCAC 68	.0103	Necessary with substantive public interest
10A	NCAC 68	.0104	Necessary with substantive public interest
10A	NCAC 68	.0105	Necessary with substantive public interest
10A	NCAC 68	.0106	Necessary with substantive public interest
10A	NCAC 68	.0107	Necessary with substantive public interest
10A	NCAC 68	.0108	Necessary with substantive public interest
10A	NCAC 68	.0202	Necessary with substantive public interest
10A	NCAC 68	.0203	Necessary with substantive public interest
10A	NCAC 68	.0204	Necessary with substantive public interest
10A	NCAC 68	.0205	Necessary with substantive public interest
10A	NCAC 68	.0206	Necessary with substantive public interest
10A	NCAC 68	.0208	Necessary with substantive public interest
10A	NCAC 68	.0301	Necessary with substantive public interest
10A	NCAC 68	.0302	Necessary with substantive public interest
10A	NCAC 68	.0303	Necessary with substantive public interest
10A	NCAC 69	.0101	Necessary with substantive public interest
10A	NCAC 69	.0102	Necessary with substantive public interest
10A	NCAC 69	.0201	Necessary with substantive public interest
10A	NCAC 69	.0202	Necessary with substantive public interest
10A	NCAC 69	.0203	Necessary with substantive public interest
10A	NCAC 69	.0204	Necessary with substantive public interest
10A	NCAC 69	.0205	Necessary with substantive public interest
10A	NCAC 69	.0301	Necessary with substantive public interest
10A	NCAC 69	.0302	Necessary with substantive public interest
10A	NCAC 69	.0303	Necessary with substantive public interest
10A	NCAC 69	.0305	Necessary with substantive public interest
10A	NCAC 69	.0306	Necessary with substantive public interest
10A	NCAC 69	.0401	Necessary with substantive public interest
10A	NCAC 69	.0402	Necessary with substantive public interest
10A	NCAC 69	.0403	Necessary with substantive public interest
10A	NCAC 69	.0404	Necessary with substantive public interest

<u>10A NCAC 69 .0405</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0406</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0501</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0502</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0503</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0504</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0505</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0506</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0507</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0508</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0601</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0602</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0603</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0604</u>	Necessary with substantive public interest
<u>10A NCAC 69 .0605</u>	Necessary with substantive public interest
<u>10A NCAC 72 .0101</u>	Necessary with substantive public interest
<u>10A NCAC 72 .0102</u>	Necessary with substantive public interest
<u>10A NCAC 72 .0201</u>	Necessary with substantive public interest
<u>10A NCAC 72 .0202</u>	Necessary with substantive public interest
<u>10A NCAC 72 .0203</u>	Necessary with substantive public interest
<u>10A NCAC 72 .0301</u>	Necessary with substantive public interest



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6714

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

April 20, 2017

Loretta Peace-Bunch, Rulemaking Coordinator
Department of Insurance
1201 Mail Service Center
Raleigh, NC 27699-1201

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 11 NCAC 16

Dear Ms. Peace-Bunch:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the April 20, 2017 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than September 30, 2018.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond
Commission Counsel

Administration
919/431-3000
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An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
December 15, 2016
APO Review: January 03, 2017**

**Insurance, Department of
Total: 34**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>11 NCAC 16 .0101</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0103</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0105</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0106</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0107</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0108</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0201</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0202</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0203</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0204</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0205</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0206</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0207</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0208</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0401</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0402</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0403</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0501</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0502</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0503</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0504</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0601</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0602</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0603</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0604</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0605</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0606</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0607</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0701</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0702</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0703</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0704</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0705</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0801</u>	Necessary with substantive public interest



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
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1711 New Hope Church Rd
Raleigh, NC 27609-6285

April 20, 2017

Margaret McDonald, Rulemaking Coordinator
Department of Public Safety
4201 Mail Service Center
Raleigh, NC 27699-4201

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **14B NCAC 01C, 05, 07A, 07C**

Dear Mrs. McDonald:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the April 20, 2017 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than October 31, 2018.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond
Commission Counsel

Administration
919/431-3000
fax: 919/431-3100

Rules Division
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fax: 919/431-3103

An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
December 15, 2016
APO Review: January 03, 2017
Public Safety, Department of
Total: 39**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>14B NCAC 01C .0401</u>	Necessary with substantive public interest
<u>14B NCAC 01C .0402</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0201</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0202</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0203</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0204</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0205</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0206</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0207</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0208</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0301</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0302</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0303</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0304</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0305</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0306</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0307</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0310</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0311</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0401</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0402</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0501</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0104</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0105</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0106</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0107</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0108</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0109</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0110</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0111</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0112</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0113</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0114</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0115</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0116</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0118</u>	Necessary with substantive public interest

<u>14B</u>	<u>NCAC 07A</u>	<u>0119</u>	Necessary with substantive public interest
<u>14B</u>	<u>NCAC 07C</u>	<u>0101</u>	Necessary with substantive public interest
<u>14B</u>	<u>NCAC 07C</u>	<u>0102</u>	Necessary with substantive public interest

DRAFT



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6714

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

April 20, 2017

Robert Hamilton, Rulemaking Coordinator
ABC Commission
400 East Tryon Road
Raleigh, North Carolina 27610

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **14B NCAC 15B**

Dear Mr. Hamilton:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the April 20, 2017 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than May 31, 2018.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond
Commission Counsel

cc: Renee Metz

Administration
919/431-3000
fax: 919/431-3100

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An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW**

June 16, 2016

APO Review: August 20, 2016

Alcoholic Beverage Control Commission
Total: 2

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>14B</u> <u>NCAC 15B</u> <u>0102</u>	Necessary with substantive public interest
<u>14B</u> <u>NCAC 15B</u> <u>1003</u>	Necessary with substantive public interest

DRAFT



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6714

Street address:
1711 New Hope Church Rd.
Raleigh, NC 27609-6285

April 20, 2017

Carrie Ruhlman, Rulemaking Coordinator
Wildlife Resources Commission
1701 Mail Service Center
Raleigh, NC 27699-1701

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **15A NCAC 10F, 10H**

Dear Mrs. Ruhlman:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the April 20, 2017 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency as follows:

- 15A NCAC 10H .0301, .0302, .0303, .0304, .1004 no later than July 31, 2018
- 15A NCAC 10F .0102, .0301, .0302, .0320, .0321, .0330, .0333, .0353, .0366 no later than December 31, 2018
- 15A NCAC 10H .0101, .0901, .0903, .0904, .1106, .1201, .1202, .1203, .1204, .1205, .1206, .1207 no later than December 31, 2019

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond
Commission Counsel

Administration
919/431-3000
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Rules Division
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fax: 919/431-3104

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An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
November 17, 2016
APO Review: December 06, 2016
Wildlife Resources Commission
Total: 26**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>15A NCAC 10F .0102</u>	Necessary with substantive public interest
<u>15A NCAC 10F .0301</u>	Necessary with substantive public interest
<u>15A NCAC 10F .0302</u>	Necessary with substantive public interest
<u>15A NCAC 10F .0320</u>	Necessary with substantive public interest
<u>15A NCAC 10F .0321</u>	Necessary with substantive public interest
<u>15A NCAC 10F .0330</u>	Necessary with substantive public interest
<u>15A NCAC 10F .0333</u>	Necessary with substantive public interest
<u>15A NCAC 10F .0353</u>	Necessary with substantive public interest
<u>15A NCAC 10F .0366</u>	Necessary with substantive public interest
<u>15A NCAC 10H .0101</u>	Necessary with substantive public interest
<u>15A NCAC 10H .0301</u>	Necessary with substantive public interest
<u>15A NCAC 10H .0302</u>	Necessary with substantive public interest
<u>15A NCAC 10H .0303</u>	Necessary with substantive public interest
<u>15A NCAC 10H .0304</u>	Necessary with substantive public interest
<u>15A NCAC 10H .0901</u>	Necessary with substantive public interest
<u>15A NCAC 10H .0903</u>	Necessary with substantive public interest
<u>15A NCAC 10H .0904</u>	Necessary with substantive public interest
<u>15A NCAC 10H .1004</u>	Necessary with substantive public interest
<u>15A NCAC 10H .1106</u>	Necessary with substantive public interest
<u>15A NCAC 10H .1201</u>	Necessary with substantive public interest
<u>15A NCAC 10H .1202</u>	Necessary with substantive public interest
<u>15A NCAC 10H .1203</u>	Necessary with substantive public interest
<u>15A NCAC 10H .1204</u>	Necessary with substantive public interest
<u>15A NCAC 10H .1205</u>	Necessary with substantive public interest
<u>15A NCAC 10H .1206</u>	Necessary with substantive public interest
<u>15A NCAC 10H .1207</u>	Necessary with substantive public interest

LIST OF APPROVED PERMANENT RULES
April 20, 2017 Meeting

AGRICULTURE, BOARD OF

<u>Processes and Controls</u>	02 NCAC 09C .0507
<u>Source Approval</u>	02 NCAC 09C .0703
<u>Issuance of Permit</u>	02 NCAC 09G .2005
<u>Severability</u>	02 NCAC 09G .2008
<u>Cornmeal Testing</u>	02 NCAC 09J .0101
<u>Records Maintained</u>	02 NCAC 09J .0102
<u>Definitions</u>	02 NCAC 09K .0101
<u>Approval of Testing Procedure Used</u>	02 NCAC 09K .0103
<u>Responsibility for Test</u>	02 NCAC 09K .0105
<u>Test Reading</u>	02 NCAC 09K .0106
<u>Test Reporting</u>	02 NCAC 09K .0107
<u>Incorrect Tests</u>	02 NCAC 09K .0108
<u>Sampling and Testing for Fresh Milk Samples</u>	02 NCAC 09K .0109
<u>Procedure for Testing Cream</u>	02 NCAC 09K .0113
<u>Reference Method</u>	02 NCAC 09K .0114
<u>Inspection Certificates</u>	02 NCAC 09K .0203
<u>Suspension of Inspection Certificate/Penalties</u>	02 NCAC 09K .0204
<u>Standards for Mobile Frozen Dessert Units</u>	02 NCAC 09K .0205
<u>Frozen Dessert Mix/Standards for Use</u>	02 NCAC 09K .0206
<u>Frozen Dessert Mix/Standard of Identity</u>	02 NCAC 09K .0207
<u>Dietary Frozen Dessert Standards</u>	02 NCAC 09K .0208
<u>Quiescently Frozen Dairy Confections</u>	02 NCAC 09K .0209
<u>Quiescently Frozen Confections</u>	02 NCAC 09K .0210
<u>Imitation Frozen Dessert Standards</u>	02 NCAC 09K .0211
<u>Bacterial Plate Count and Coliform Counts</u>	02 NCAC 09K .0212
<u>Standards of Identity for Milkshake and Related Products</u>	02 NCAC 09K .0213
<u>Standards of Identity for Frozen Yogurt</u>	02 NCAC 09K .0214
<u>Definitions</u>	02 NCAC 09O .0101
<u>Special Requirements</u>	02 NCAC 09O .0107

PUBLIC HEALTH, COMMISSION FOR

<u>Sale of Turtles Restricted</u>	10A NCAC 41A .0302
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INSURANCE, DEPARTMENT OF

<u>Training Operations</u>	11 NCAC 05A .0105
<u>Administration of State Volunteer Fire Department</u>	11 NCAC 05A .0201
<u>Eligible Members</u>	11 NCAC 05A .0301
<u>Requirements</u>	11 NCAC 05A .0603
<u>Requirements for Units Required to Match Grants</u>	11 NCAC 05A .0703
<u>Requirements for Units not Required to Match Grants</u>	11 NCAC 05A .0704

ENVIRONMENTAL MANAGEMENT COMMISSION

<u>General</u>	15A NCAC 02N .0101
<u>Copies of Referenced Federal Regulations</u>	15A NCAC 02N .0102
<u>Adoption by Reference Updates</u>	15A NCAC 02N .0103
<u>Identification of Tanks</u>	15A NCAC 02N .0104
<u>Applicability</u>	15A NCAC 02N .0201
<u>Installation Requirements for Partially Excluded UST Systems</u>	15A NCAC 02N .0202
<u>Definitions</u>	15A NCAC 02N .0203
<u>Performance Standards for New UST System Installations or...</u>	15A NCAC 02N .0301
<u>Upgrading of Existing UST Systems After December 22, 1988...</u>	15A NCAC 02N .0302
<u>Notification Requirements</u>	15A NCAC 02N .0303
<u>Implementation Schedule for Performance Standards for New...</u>	15A NCAC 02N .0304
<u>Spill and Overfill Control</u>	15A NCAC 02N .0401
<u>Operation and Maintenance of Corrosion Protection</u>	15A NCAC 02N .0402
<u>Compatibility</u>	15A NCAC 02N .0403
<u>Repairs Allowed</u>	15A NCAC 02N .0404
<u>Reporting and Recordkeeping</u>	15A NCAC 02N .0405
<u>Periodic Testing of Spill Prevention Equipment and Contai...</u>	15A NCAC 02N .0406
<u>Periodic Operation and Maintenance Walkthrough Inspections</u>	15A NCAC 02N .0407
<u>General Requirements for All UST Systems</u>	15A NCAC 02N .0501
<u>Requirements for Petroleum UST Systems</u>	15A NCAC 02N .0502
<u>Requirements for Hazardous Substance UST Systems</u>	15A NCAC 02N .0503
<u>Methods of Release Detection for Tanks</u>	15A NCAC 02N .0504
<u>Methods of Release Detection for Piping</u>	15A NCAC 02N .0505
<u>Release Detection Recordkeeping</u>	15A NCAC 02N .0506
<u>Reporting of Suspected Releases</u>	15A NCAC 02N .0601
<u>Investigation Due to Site Impacts</u>	15A NCAC 02N .0602
<u>Release Investigation and Confirmation Steps</u>	15A NCAC 02N .0603
<u>Reporting and Cleanup of Spills and Overfills</u>	15A NCAC 02N .0604
<u>General</u>	15A NCAC 02N .0701
<u>Initial Response</u>	15A NCAC 02N .0702
<u>Initial Abatement Measures and Site Check</u>	15A NCAC 02N .0703
<u>Initial Site Characterization</u>	15A NCAC 02N .0704
<u>Free Product Removal</u>	15A NCAC 02N .0705
<u>Investigations for Soil and Groundwater Cleanup</u>	15A NCAC 02N .0706
<u>Corrective Action Plan</u>	15A NCAC 02N .0707
<u>Public Participation</u>	15A NCAC 02N .0708
<u>Temporary Closure</u>	15A NCAC 02N .0801
<u>Permanent Closure and Changes-In-Service</u>	15A NCAC 02N .0802
<u>Assessing the Site at Closure or Change-In-Services</u>	15A NCAC 02N .0803
<u>Applicability to Previously Closed UST Systems</u>	15A NCAC 02N .0804
<u>Closure Records</u>	15A NCAC 02N .0805
<u>Definitions</u>	15A NCAC 02N .1001
<u>General Requirements</u>	15A NCAC 02N .1002
<u>Additions, Exceptions, and Alternatives for UST Systems w...</u>	15A NCAC 02N .1003

<u>Substitution of Financial Assurance Mechanisms</u>	15A NCAC 02O .0309
<u>Cancellation or Nonrenewal by a Provider of Assurance</u>	15A NCAC 02O .0310
<u>Local Government Bond Rating Test</u>	15A NCAC 02O .0311
<u>Local Government Financial Test</u>	15A NCAC 02O .0312
<u>Local Government Guarantee</u>	15A NCAC 02O .0313
<u>Local Government Fund</u>	15A NCAC 02O .0314
<u>Substitution of Financial Assurance Mechanisms</u>	15A NCAC 02O .0315
<u>Cancellation or Nonrenewal by a Provider of Assurance</u>	15A NCAC 02O .0316

MARINE FISHERIES COMMISSION

<u>Proclamations, General</u>	15A NCAC 03H .0103
<u>Trawl Nets</u>	15A NCAC 03J .0104
<u>Public Health and Control of Oysters, Clams, Scallops and...</u>	15A NCAC 03K .0110
<u>Oyster Harvest Management</u>	15A NCAC 03K .0201
<u>Culling Requirements for Oysters</u>	15A NCAC 03K .0202
<u>Mechanical Harvest of Clams from Public Bottom</u>	15A NCAC 03K .0302
<u>Weekend Shrimping Prohibited</u>	15A NCAC 03L .0102
<u>Spotted Seatrout</u>	15A NCAC 03M .0522
<u>Suspension, Revocation and Reissuance of Licenses</u>	15A NCAC 03O .0114
<u>Standards and Requirements for Shellfish Bottom Leases an...</u>	15A NCAC 03O .0201
<u>Termination of Shellfish Bottom Leases and Franchises and...</u>	15A NCAC 03O .0208
<u>Procedures and Requirements to Obtain Permits</u>	15A NCAC 03O .0501
<u>Permit Conditions; Specific</u>	15A NCAC 03O .0503
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<u>Primary Nursery Areas</u>	15A NCAC 03R .0103

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<u>Sampling and Analysis</u>	15A NCAC 13B .0840
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<u>Definitions</u>	21 NCAC 08A .0301
<u>Disciplinary Action</u>	21 NCAC 08I .0101
<u>Discreditable Conduct Prohibited</u>	21 NCAC 08N .0203
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**RRC Determination
Periodic Rule Review
April 20, 2017**

Necessary with substantive public interest

**Environmental Quality,
Department of**

15A NCAC 01C .0101	15A NCAC 13B .0202	15A NCAC 13B .0836
15A NCAC 01C .0103	15A NCAC 13B .0203	15A NCAC 13B .0837
15A NCAC 01C .0104	15A NCAC 13B .0204	15A NCAC 13B .0838
15A NCAC 01C .0105	15A NCAC 13B .0301	15A NCAC 13B .0839
15A NCAC 01C .0106	15A NCAC 13B .0302	15A NCAC 13B .0840
15A NCAC 01C .0107	15A NCAC 13B .0401	15A NCAC 13B .0841
15A NCAC 01C .0108	15A NCAC 13B .0402	15A NCAC 13B .0842
15A NCAC 01C .0109	15A NCAC 13B .0501	15A NCAC 13B .0843
15A NCAC 01C .0205	15A NCAC 13B .0502	15A NCAC 13B .0844
15A NCAC 01C .0206	15A NCAC 13B .0503	15A NCAC 13B .0845
15A NCAC 01C .0207	15A NCAC 13B .0504	15A NCAC 13B .0846
15A NCAC 01C .0208	15A NCAC 13B .0505	15A NCAC 13B .1101
15A NCAC 01C .0304	15A NCAC 13B .0508	15A NCAC 13B .1102
15A NCAC 01C .0305	15A NCAC 13B .0509	15A NCAC 13B .1103
15A NCAC 01C .0306	15A NCAC 13B .0510	15A NCAC 13B .1104
15A NCAC 01C .0405	15A NCAC 13B .0531	15A NCAC 13B .1105
15A NCAC 01C .0406	15A NCAC 13B .0532	15A NCAC 13B .1106
15A NCAC 01C .0407	15A NCAC 13B .0533	15A NCAC 13B .1107
15A NCAC 01C .0408	15A NCAC 13B .0534	15A NCAC 13B .1108
15A NCAC 01C .0409	15A NCAC 13B .0535	15A NCAC 13B .1109
15A NCAC 01C .0410	15A NCAC 13B .0536	15A NCAC 13B .1110
15A NCAC 01C .0411	15A NCAC 13B .0537	15A NCAC 13B .1111

**Environmental Management
Commission**

15A NCAC 13A .0102	15A NCAC 13B .0538	15A NCAC 13B .1201
15A NCAC 13A .0103	15A NCAC 13B .0539	15A NCAC 13B .1202
15A NCAC 13A .0104	15A NCAC 13B .0540	15A NCAC 13B .1203
15A NCAC 13A .0105	15A NCAC 13B .0541	15A NCAC 13B .1204
15A NCAC 13A .0106	15A NCAC 13B .0542	15A NCAC 13B .1205
15A NCAC 13A .0107	15A NCAC 13B .0543	15A NCAC 13B .1206
15A NCAC 13A .0108	15A NCAC 13B .0544	15A NCAC 13B .1207
15A NCAC 13A .0109	15A NCAC 13B .0545	15A NCAC 13B .1301
15A NCAC 13A .0110	15A NCAC 13B .0546	15A NCAC 13B .1401
15A NCAC 13A .0111	15A NCAC 13B .0547	15A NCAC 13B .1402
15A NCAC 13A .0112	15A NCAC 13B .0562	15A NCAC 13B .1403
15A NCAC 13A .0113	15A NCAC 13B .0563	15A NCAC 13B .1404
15A NCAC 13A .0116	15A NCAC 13B .0564	15A NCAC 13B .1405
15A NCAC 13A .0117	15A NCAC 13B .0565	15A NCAC 13B .1406
15A NCAC 13A .0118	15A NCAC 13B .0566	15A NCAC 13B .1407
15A NCAC 13A .0119	15A NCAC 13B .0601	15A NCAC 13B .1408
15A NCAC 13B .0101	15A NCAC 13B .0602	15A NCAC 13B .1409
15A NCAC 13B .0102	15A NCAC 13B .0701	15A NCAC 13B .1601
15A NCAC 13B .0103	15A NCAC 13B .0702	15A NCAC 13B .1602
15A NCAC 13B .0104	15A NCAC 13B .0703	15A NCAC 13B .1603
15A NCAC 13B .0105	15A NCAC 13B .0704	15A NCAC 13B .1604
15A NCAC 13B .0106	15A NCAC 13B .0705	15A NCAC 13B .1617
15A NCAC 13B .0201	15A NCAC 13B .0706	15A NCAC 13B .1618
	15A NCAC 13B .0831	15A NCAC 13B .1619
	15A NCAC 13B .0832	15A NCAC 13B .1620
	15A NCAC 13B .0833	15A NCAC 13B .1621
	15A NCAC 13B .0834	15A NCAC 13B .1622
	15A NCAC 13B .0835	15A NCAC 13B .1623

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15A NCAC 13B .1624	15A NCAC 13B .1636	15A NCAC 13B .1710
15A NCAC 13B .1625	15A NCAC 13B .1637	15A NCAC 13C .0301
15A NCAC 13B .1626	15A NCAC 13B .1680	15A NCAC 13C .0302
15A NCAC 13B .1627	15A NCAC 13B .1701	15A NCAC 13C .0303
15A NCAC 13B .1628	15A NCAC 13B .1702	15A NCAC 13C .0304
15A NCAC 13B .1629	15A NCAC 13B .1703	15A NCAC 13C .0305
15A NCAC 13B .1630	15A NCAC 13B .1704	15A NCAC 13C .0306
15A NCAC 13B .1631	15A NCAC 13B .1705	15A NCAC 13C .0307
15A NCAC 13B .1632	15A NCAC 13B .1706	15A NCAC 13C .0308
15A NCAC 13B .1633	15A NCAC 13B .1707	
15A NCAC 13B .1634	15A NCAC 13B .1708	
15A NCAC 13B .1635	15A NCAC 13B .1709	

**RRC Determination
Periodic Rule Review
April 20, 2017**

Necessary without substantive public interest

HHS - Mental Health, Division of

10A NCAC 27I .0401
10A NCAC 27I .0402
10A NCAC 27I .0403
10A NCAC 27I .0404
10A NCAC 27I .0501
10A NCAC 27I .0502
10A NCAC 27I .0503
10A NCAC 27I .0504

10A NCAC 27I .0608
10A NCAC 27I .0609
10A NCAC 28A .0101
10A NCAC 28A .0102
10A NCAC 28A .0201
10A NCAC 28A .0202
10A NCAC 28A .0203
10A NCAC 28A .0204
10A NCAC 28A .0205
10A NCAC 28A .0206
10A NCAC 28A .0207
10A NCAC 28A .0208
10A NCAC 28A .0209
10A NCAC 28A .0210
10A NCAC 28A .0211
10A NCAC 28A .0212
10A NCAC 28A .0301
10A NCAC 28A .0302

10A NCAC 28A .0303
10A NCAC 28A .0304
10A NCAC 28A .0305
10A NCAC 28A .0306

Mental Health, Commission for

10A NCAC 27I .0601
10A NCAC 27I .0602
10A NCAC 27I .0603
10A NCAC 27I .0604
10A NCAC 27I .0605
10A NCAC 27I .0606
10A NCAC 27I .0607

**Environmental Management
Commission**

15A NCAC 13A .0101
15A NCAC 13A .0114
15A NCAC 13B .0830
15A NCAC 13C .0101
15A NCAC 13C .0102
15A NCAC 13C .0201
15A NCAC 13C .0202
15A NCAC 13C .0203
15A NCAC 13C .0204
15A NCAC 13C .0205

**RRC Determination
Periodic Rule Review
April 20, 2017
Unnecessary**

**Environmental Management
Commission**

15A NCAC 13B .0560
15A NCAC 13B .1001

15A NCAC 13B .1002
15A NCAC 13B .1003
15A NCAC 13B .1004
15A NCAC 13B .1005

15A NCAC 13B .1112

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) 431-3000. Also, the Contested Case Decisions are available on the Internet at <http://www.ncoah.com/hearings>.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Melissa Owens Lassiter
Don Overby
J. Randall May
David Sutton

A. B. Elkins II
Selina Brooks
J. Randolph Ward
Stacey Bawtinheimer

This Section contains a listing of recently issued Administrative Law Judge decisions for contested cases that are non-confidential. Published decisions are available for viewing on the OAH website at <http://www.ncoah.com/hearings/decisions/>. If you are having problems accessing the text of the decisions online or for other questions regarding contested cases or case decisions, please contact the Clerk's office by email: oah.clerks@oah.nc.gov or phone 919-431-3000.

Year	Code	Number	Date Decision Filed	Petitioner		Respondent	ALJ
<u>PUBLISHED</u>							
17	CPS	00283	3/30/2017	Karen Semachko	S v.	NC Crime Victims Compensation Commission	Bawtinheimer
16	DHR	09605	3/29/2017	Skeen Personal Care Services LLC/Skeen Services	v.	Division of Medical Assistance	May
16	DOJ	05923	3/10/2017	Sheila Bullard	Smith v.	NC Criminal Justice Education and Training Standards Commission	Overby
16	DOJ	09423	3/14/2017	Lavelle Wall	v.	North Carolina Criminal Justice Education and Training Standards Commission	May
16	DOJ	10146	3/15/2017	Dejuan Brown	Eric v.	North Carolina Criminal Justice Education and Training Standards Commission	Brooks
16	DOJ	10755	3/9/2017	Courtney Elliott	James v.	NC Private Protective Services Board	Lassiter
16	DOJ	10880	3/9/2017	William Boykin	David v.	NC Alarm Systems Licensing Board	Lassiter

CONTESTED CASE DECISIONS

16	INS	08449	3/13/2017	Kelly Grissett	v.	NC State Health Plan Blue Cross Blue Shield	Ward
16	OSP	11709; 11712; 12158	3/16/2017	Edwin Smith Preston III	v.	North Carolina Department of Labor	Brooks
<u>UNPUBLISHED</u>							
16	ABC	09932	3/9/2017	NC Alcoholic Beverage Control Commission	v.	Dolgencorp LLC T/A Dollar General Store 2949	Elkins
16	BME	12192	3/21/2017	Jesse O Cavenar Jr MD	v.	North Carolina Medical Board	Ward
17	CPS	00440	3/31/2017	Stanley D Hagins	v.	NC Department of Public Safety	Mann
16	CSE	10551	3/3/2017	James Tilford Keller	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Brooks
16	CSE	10627	3/15/2017	Dennis E. Lane	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Lassiter
16	CSE	10756	3/17/2017	Matthew B. Carter	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
16	CSE	10757	3/17/2017	Ernst Barjon	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby
16	CSE	10842	3/6/2017	George A Brunetti	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Brooks
16	CSE	10939	3/7/2017	Li Fang Cai	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
16	CSE	11075	3/30/2017	Eric E Alligood	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	May

CONTESTED CASE DECISIONS

16	CSE	11133	3/31/2017	Joseph E. Best	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby
16	CSE	11306	3/27/2017	Dominic G Cuda	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
16	CSE	11398	3/15/2017	Philip J McPoyle	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Brooks
16	CSE	11440	3/7/2017	Danita Manning	L v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
16	CSE	11442	3/3/2017	Fletcher Bryant	D. v.	NC Department of Health and Human Services, Division of Social Services, Child Support Services	Overby
16	CSE	11751	3/3/2017	William D Britt Jr	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
16	CSE	11826	3/16/2017	Jamie W. Berry	v.	North Carolina Department of Health and Human Services Division of Social Services Child Support Enforcement Section	Overby
16	CSE	12074	3/28/2017	Dwight Powell	T. v.	NC Department of Health and Human Services, Division of Social Services, Child Support Services	Lassiter
16	CSE	12075	3/27/2017	Dwight Powell	T. v.	NC Department of Health and Human Services, Division of Social Services, Child Support Services	Lassiter
17	CSE	00058	3/30/2017	Shakir Brooks	v.	Durham County Social Services Child Support	May
17	CSE	00206	3/23/2017	David Janney	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Brooks
17	CSE	00365	3/31/2017	Christopher Bashaw	J v.	North Carolina Department of Health and Human Services Division of Social Services Child Support Enforcement	Overby

CONTESTED CASE DECISIONS

17	CSE	01266	3/28/2017	Lewis T Alston	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Brooks	
16	DHR	10186	3/10/2017; 3/15/2017	Stella Peartree	v.	Health Care Personnel Registry Investigation Health Care Registry	Elkins	
16	DHR	11916	3/22/2017	Elizabeth Oxendine	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Elkins	
16	DHR	12117	3/16/2017	Fernika Bryant	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Overby	
16	DHR	12187	3/29/2017	Emma Garvin	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Mann	
17	DHR	00013	3/20/2017	Carmen Leticia Hewett	v.	Office of General Counsel NC Department of Health and Human Services	May	
17	DOA	00052	3/23/2017	Magni Gyro America Inc (MGA) Greg W Gremminger (VP Public Affairs)	v.	Elizabeth City State University	May	amended
16	DOJ	01455	3/10/2017	Chelsea La'Maine Lanier	v.	NC Private Protective Services Board	Elkins	
16	DOJ	08396	3/3/2017	Terry Emmanuel David, Jr.	v.	North Carolina Private Protective Services Board	Overby	
16	DOJ	10876	3/10/2017	Johanna Lissett Gomez	v.	NC Sheriffs Education and Training Standards Commission	Elkins	
16	DOJ	11875	3/1/2017	Tyesha Evette Anderson	v.	NC Private Protective Services Board	Ward	
17	LPC	00765	3/16/2017	Jesse O Cavenar Jr MD	v.	North Carolina Board of Licensed Professional Counselors	Overby	
15	OSP	07944	3/30/2017	Joseph Vincoli	v.	NC Department of Public Safety	Ward	
16	OSP	12178	3/23/2017	Jasmine Burch	v.	DHSR - Construction Section Paula Nichols	Mann	