

NORTH CAROLINA REGISTER

VOLUME 39 • ISSUE 12 • Pages 724 – 780

December 16, 2024

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PUBLISHED BY

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

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

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NORTH CAROLINA REGISTER
Publication Schedule for January 2024 – December 2024

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	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 th day from publication in the Register
38:13	01/02/24	12/06/23	01/17/24	03/04/24	03/20/24	04/30/2024	05/01/24	09/28/24
38:14	01/16/24	12/19/23	01/31/24	03/18/24	03/20/24	04/30/2024	05/01/24	10/12/24
38:15	02/01/24	01/10/24	02/16/24	04/01/24	04/20/24	05/29/2024	06/01/24	10/28/24
38:16	02/15/24	01/25/24	03/01/24	04/15/24	04/20/24	05/29/2024	06/01/24	11/11/24
38:17	03/01/24	02/09/24	03/16/24	04/30/24	05/20/24	06/26/2024	07/01/24	11/26/24
38:18	03/15/24	02/23/24	03/30/24	05/14/24	05/20/24	06/26/2024	07/01/24	12/10/24
38:19	04/01/24	03/08/24	04/16/24	05/31/24	06/20/24	07/31/2024	08/01/24	12/27/24
38:20	04/15/24	03/22/24	04/30/24	06/14/24	06/20/24	07/31/2024	08/01/24	01/10/25
38:21	05/01/24	04/10/24	05/16/24	07/01/24	07/20/24	08/28/2024	09/01/24	01/26/25
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38:24	06/17/24	05/24/24	07/02/24	08/16/24	08/20/24	09/25/2024	10/01/24	03/14/25
39:01	07/01/24	06/10/24	07/16/24	08/30/24	09/20/24	10/30/2024	11/01/24	03/28/25
39:02	07/15/24	06/21/24	07/30/24	09/13/24	09/20/24	10/30/2024	11/01/24	04/11/25
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39:06	09/16/24	08/23/24	10/01/24	11/15/24	11/20/24	12/19/2024	01/01/25	06/13/25
39:07	10/01/24	09/10/24	10/16/24	12/02/24	12/20/24	*01/29/2025	02/01/25	06/28/25
39:08	10/15/24	09/24/24	10/30/24	12/16/24	12/20/24	*01/29/2025	02/01/25	07/12/25
39:09	11/01/24	10/11/24	11/16/24	12/31/24	01/20/25	*02/26/2025	03/01/25	07/29/25
39:10	11/15/24	10/24/24	11/30/24	01/14/25	01/20/25	*02/26/2025	03/01/25	08/12/25
39:11	12/02/24	11/06/24	12/17/24	01/31/25	02/20/25	*03/26/2025	04/01/25	08/29/25
39:12	12/16/24	11/21/24	12/31/24	02/14/25	02/20/25	*03/26/2025	04/01/25	09/12/25

*Dates not approved by the RRC

This document is prepared by the Office of Administrative Hearings as a public service and is not to be deemed binding or controlling.

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 Human Resources 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 but not later than 60 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.

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.



State of North Carolina

ROY COOPER
GOVERNOR

June 16, 2017

EXECUTIVE ORDER NO. 9

**DISASTER DECLARATION FOR SAMPSON COUNTY AND THE CONTIGUOUS
COUNTIES OF BLADEN, CUMBERLAND, DUPLIN, HARNETT, JOHNSTON,
PENDER AND WAYNE**

WHEREAS, the North Carolina Emergency Management Act, Chapter 166A of the North Carolina General Statutes authorizes the issuance of a disaster declaration for an emergency area as defined in N.C.G.S. § 166A-19.3(7) and categorizing the disaster as a Type I, Type II or Type III disaster as defined in N.C.G.S. § 166A-19.21(b); and

WHEREAS, on May 30, 2017, Sampson County, North Carolina and the contiguous counties of Bladen, Cumberland, Duplin, Harnett, Johnston, Pender and Wayne suffered damages as result of straight-line winds, and severe storms; and

WHEREAS, as a result of the severe weather Sampson County proclaimed a local state of emergency on May 30, 2017; and

WHEREAS, due to the impact of the severe weather, a joint preliminary damage assessment was done by local, state and federal emergency management officials on June 1, 2017; and

WHEREAS, I have determined that a Type I disaster, as defined in N.C.G.S. §166A-19.21(b)(1), exists in the State of North Carolina, specifically in Sampson County, North Carolina and the contiguous counties of Bladen, Cumberland, Duplin, Harnett, Johnston, Pender and Wayne; and

WHEREAS, pursuant to N.C.G.S. § 166A-19.21(b)(1), the criteria for a Type I disaster are met if: (1) the Secretary of the Department of Public Safety has provided a preliminary damage assessment to the Governor and the General Assembly; (2) Sampson County declared a local state of emergency pursuant to N.C.G.S. § 166A-19.22; (3) the preliminary damage assessment has met or exceeded the criteria established for the Small Business Disaster Loan Program pursuant to 13 C.F.R. § 123; and (4) a major disaster declaration by the President of the United States pursuant to the Stafford Act has not been declared; and

WHEREAS, pursuant to N.C.G.S. § 166A-19.41(b), if a disaster is declared, the Governor may make State funds available for emergency assistance in the form of individual assistance and public assistance for recovery from those disasters for which federal assistance under the Stafford Act is either not available or does not adequately meet the needs of the citizens of the State in the emergency area.

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

Section 1. Pursuant to N.C.G.S. § 166A-19.21(b)(1), a Type I disaster is hereby declared for Sampson County, North Carolina and the contiguous counties of Bladen, Cumberland, Duplin, Harnett, Johnston, Pender and Wayne.

Section 2. I authorize state emergency assistance funds in the form of grants to individuals and families located within the emergency area that meet the terms and conditions under N.C.G.S. § 166A-19.41(b)(1).

Section 3. I hereby order this declaration: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) to be promptly filed with the Secretary of the Department of Public Safety, the Secretary of State, and the clerks of superior court in the counties to which it applies; and (c) to be distributed to others as necessary to ensure proper implementation of this declaration.


Section 4. This Type I disaster declaration shall expire 60 days after issuance unless renewed by the Governor or the General Assembly. Such renewals may be made in increments of 30 days each, not to exceed a total of 120 days from the date of first issuance.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 16th day of June in the year of our Lord two thousand and seventeen.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Chief Deputy
Secretary of State





State of North Carolina

ROY COOPER
GOVERNOR

December 20, 2018

EXECUTIVE ORDER NO. 85

NOTICE OF TERMINATION OF EXECUTIVE ORDER NOS. 83 AND 84

WHEREAS, Executive Order No. 83, *Declaration of a State of Emergency by the Governor of North Carolina*, issued on December 7, 2018, declared a state of emergency for the entire State of North Carolina due to the impacts from a severe winter storm; and

WHEREAS, Executive Order No. 84, *Temporary Suspension of Motor Vehicle Regulations to Ensure Restoration of Utility Services and Transporting Essentials*, issued on December 7, 2018, waived the maximum hours of service for drivers transporting supplies and equipment for utility restoration and essentials in commerce, and, with the concurrence of the Council of State, temporarily suspended certain size and weight restrictions, registration and filing requirements, and penalties on vehicles used for utility restoration and carrying essentials on the interstate and intrastate highways due to the impacts from the severe winter storm.

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

Section 1.

Pursuant to N.C. Gen. Stat. § 166A-19.20(c), the state of emergency declared in Executive Order No. 83 and the transportation waivers established in Executive Order No. 84 are hereby terminated immediately.

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



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State





State of North Carolina

ROY COOPER
GOVERNOR

April 2, 2019

EXECUTIVE ORDER NO. 93

PROHIBITING THE USE OF SALARY HISTORY IN THE STATE HIRING PROCESS

WHEREAS, North Carolina state government is made stronger by the talented, experienced, and diverse women who make up a majority of its workforce; and

WHEREAS, despite recent considerable advances, women in North Carolina are burdened by a gender pay gap that impedes gender equality; and

WHEREAS, North Carolina is 32nd in the nation in median earnings for women at \$36,400 for full-time work, while men earn \$45,000; and

WHEREAS, North Carolina women's earnings vary widely by race and ethnicity, ranging from \$40,553 for Asian American/Pacific Islander women who work full-time, year-round, to \$24,332 for Hispanic women, who earn just 49% of what white men earn; and

WHEREAS, if current trends continue, working women in North Carolina will not have equal pay until 2060, and working women of color will wait even longer; and

WHEREAS, the undersigned has proposed establishing a salary adjustment fund to help promote racial and gender pay equity in state government employment; and

WHEREAS, research establishes that women get paid less than men in their first jobs, even when controlling for occupation, university degree, hours worked, location, and demographics; and

WHEREAS, women are less likely to negotiate their salaries and when they do they tend to ask for less than what men request; and

WHEREAS, relying on salary history during the hiring process may perpetuate gender pay inequities, as this practice is grounded in the false assumption that prior salaries are fair or free from bias; and

WHEREAS, the gender pay gap hurts North Carolina's families, employers, and economy; and

WHEREAS, the undersigned is committed to advancing equality for women and helping families become more economically secure, and encourages private sector employers to adopt these priorities.

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

Section 1. Purpose

It shall be the policy of the Office of the Governor and State Agencies, as defined herein, to promote pay equity and ban inquiries into job applicants' salary histories.

Section 2. Definitions

“State Agency”: Any North Carolina department, agency, board, commission, or committee for which the undersigned has oversight responsibility.

Section 3. Salary Equity

- a. State Agencies are prohibited from requesting salary history from applicants. State Agencies may not rely upon previously obtained prior salary information in determining an applicant’s salary.
- b. As state employee salary history is a public record, the North Carolina Office of State Human Resources (“OSHR”) will take best efforts to ensure that State Agencies do not use this information in a discriminatory manner when making employment decisions.
- c. OSHR shall remove employment salary history fields from its state employment applications as soon as reasonably possible.

Section 4. OSHR Responsibilities

OSHR shall work with State Agencies to ensure all relevant managers and staff receive information about and understand their obligations under this Executive Order.

Section 5. State Agencies’ Responsibilities

State Agencies shall collect and compile information regarding their efforts to educate relevant staff about this Executive Order. This information will be provided to OSHR in their annual Equal Employment Opportunity Plans due March 1, 2020, and every year thereafter, and shall include any data required by OSHR.

Section 5. Miscellaneous

- a. This Executive Order does not create a private right of action.
- b. This Executive Order shall not be interpreted to supersede or preempt federal or state law.
- c. State entities not subject to the undersigned’s oversight, along with counties, municipalities, political subdivisions, local government agencies, and private entities, are encouraged but not required to comply with this Executive Order.
- d. Unless otherwise provided, this Executive Order supersedes and rescinds any previous Executive Order to the extent that they conflict.
- e. This Executive Order is effective immediately and shall remain in effect until amended or rescinded by future Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 2nd day of April in the year of our Lord two thousand and nineteen.



 Roy Cooper
 Governor

ATTEST:



 Elaine F. Marshall
 Secretary of State





State of North Carolina

ROY COOPER
GOVERNOR

December 9, 2019

EXECUTIVE ORDER NO. 113

**ESTABLISHING THE TASK FORCE TO DEVELOP A REPRESENTATIVE AND
INCLUSIVE VISION FOR EDUCATION**

WHEREAS, North Carolina is a diverse state that is committed to meeting the needs of its students and educators; and

WHEREAS, our public schools need 7000 new teachers a year and our state must continue our efforts to get more qualified people into the teaching profession; and

WHEREAS, research shows that students are more successful when they have diverse and representative teachers leading their classrooms; and

WHEREAS, for the 2017-2018 school year, 48% of the public school student population in North Carolina was White, 25% Black, 18% Hispanic/Latino, 4.4% Asian or Pacific Islander, 4% was multiracial and 1% American Indian; and

WHEREAS, during the 2017-2018 school year, only 20% of the public school educator workforce was comprised of educators of color; and

WHEREAS, a diverse educator pool is essential to improving student learning, assessment outcomes, attrition rates, and quality of life, particularly in schools and school districts with majority-minority student populations; and

WHEREAS, the creation of a task force demonstrates the state's commitment to focusing on educator diversity and other matters of equity and inclusion in education; and

WHEREAS, in pursuit of making North Carolina a top ten educated state by 2025, the undersigned, in collaboration with key stakeholder groups, will host a summit to Develop a Representative and Inclusive Vision for Education ("DRIVE") on December 10, 2019; and

WHEREAS, the inaugural DRIVE Summit will serve as an opportunity for community stakeholders to continue to develop and refine strategies for identifying, recruiting, preparing, and supporting more educators of color, primarily through the creation of a statewide plan of action (the "Plan"); and

WHEREAS, further efforts are necessary to continue the work of the DRIVE Summit and to build a diverse educator workforce that mirrors the state's diverse public school student population.

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

Section 1. Establishment and Purpose

The DRIVE Task Force (“Task Force”) is hereby established. The Task Force is charged with advising the Office of the Governor on strategies that would address matters of equity and inclusion within education.

Section 2. Duties

The Task Force shall have the following duties and functions:

- a. Prepare and submit a report (the “Plan”) to the Office of the Governor no later than January 01, 2021, that accomplishes the following:
 - i. Assesses the state’s progress in increasing educator diversity in K-12 public schools;
 - ii. Identifies short, mid-range, and long-term strategies to increase educator diversity;
 - iii. Identifies stakeholders, assets, and sources of funding that can be leveraged to recruit, retain, develop, and support more educators of colors;
 - iv. Proposes metrics and standards by which the Governor can evaluate the state’s success in achieving its goals under the Plan and improving recruitment, retention, development, and support of educators of colors; and
 - v. Identifies what recommendations for increasing educator diversity in the state should be prioritized and addressed.
- b. Support stakeholders in seeking funding to enhance educator diversity.
- c. Serve as a general forum for educator diversity and educator equity matters affecting North Carolina.
- d. Provide advice on any other matters the Governor refers to the Task Force.

Section 3. Membership, Officers, and Vacancies

- a. The Task Force shall be comprised of a minimum of fifteen (15) members appointed by the Governor.
- b. Members shall include (i) parents or guardians of North Carolina elementary, middle, or high school aged students; (ii) educators, principals, superintendents, or other school or school district administration staff; (iii) representatives from nonprofit education advocacy organizations; (iv) representatives from within state and local government, including representatives from the North Carolina Department of Public Instruction and North Carolina Department of Health and Human Services; (v) representatives from the University of North Carolina System and North Carolina Community College System; and (vi) representatives from employers with a presence in North Carolina.
- c. Task Force members shall serve at the Governor’s pleasure. Any vacancies shall be filled by the Governor.
- d. The Task Force Chair and Vice Chair shall be selected by the Governor and shall serve at his pleasure. The Task Force may elect other officers as it deems necessary.

Section 4. Meetings and Quorum

The Task Force shall meet at least quarterly and upon the call of the Task Force Chair, the call of the Task Force Vice Chair if the Task Force Chair position is vacant, or upon the written request of a majority of the Task Force’s members. A simple majority of the Task Force’s members shall constitute a quorum to transact business.

Section 5. Administration

- a. The Task Force may create sub-committees.

- b. The Office of the Governor shall provide staff and administrative support services for the Task Force.
- c. Task Force members shall serve without compensation but may receive per diem allowance and reimbursement for travel and subsistence expenses in accordance with state law and Office of State Budget and Management policies and regulations.

Section 6. Miscellaneous

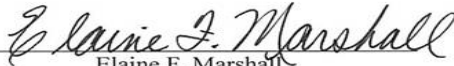
- a. This Executive Order is consistent with and does not abrogate federal or state law.
- b. This Executive Order is effective immediately and shall remain in effect until December 31, 2021, pursuant to N.C. Gen. Stat. § 147-16.2, or until amended or rescinded by future Executive Order of the Governor.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 9th day of December in the year of our Lord two thousand and nineteen.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State





State of North Carolina

ROY COOPER
GOVERNOR

December 19, 2019

EXECUTIVE ORDER NO. 114

NOTICE OF TERMINATION OF EXECUTIVE ORDER NOS. 51, 98, 101 AND 112

WHEREAS, Executive Order No. 51, *Declaration of a State of Emergency*, was issued September 7, 2018, declaring a State of Emergency for the entire state due to the approach of Tropical Storm Florence and in anticipation of substantial risk of injury or death and significant damage to public and private property and disruption of essential utility services and systems; and

WHEREAS, Executive Order No. 98, *Declaration of a State of Emergency*, was issued August 9, 2019, declaring a State of Emergency for Alexander, Ashe, Avery, Burke, Caldwell, Catawba, Franklin, Jackson, Wake, Watauga, Wilkes and Wilson counties due to damage from continuous rains that caused flooding, landslides, rockslides, washouts, undermining and erosion to the state and federal highway road systems; and

WHEREAS, Executive Order No. 101, *Declaration of a State of Emergency*, was issued August 31, 2019, declaring a State of Emergency for the entire state due to the approach of Hurricane Dorian and in anticipation of significant impacts to public and private property and disruption of essential utility services and systems; and

WHEREAS, Executive Order No. 112, *Declaration of a State of Emergency*, was issued November 26, 2019, declaring a State of Emergency for Dare and Hyde counties due to heavy rain and significant flooding from a strong coastal storm which resulted in severe damage to the state and federal highway road systems.

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

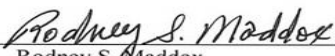
Pursuant to N.C. Gen. Stat. § 166A-19.20(c) the States of Emergency that were declared by Executive Orders Nos. 51, 98, 101 and 112 are hereby terminated, effective immediately.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 19th day of December in the year of our Lord two thousand and nineteen.



Roy Cooper
Governor

ATTEST:



Rodney S. Maddox
Chief Deputy Secretary of State





State of North Carolina

ROY COOPER
GOVERNOR

August 21, 2020

EXECUTIVE ORDER NO. 159

STATE TYPE I DISASTER DECLARATION FOR INDIVIDUAL ASSISTANCE FOR BERTIE COUNTY

WHEREAS, the North Carolina Emergency Management Act, Chapter 166A of the North Carolina General Statutes, authorizes the issuance of a disaster declaration for an emergency area as defined in N.C. Gen. Stat. § 166A-19.3(7) that has been impacted by a Type I, Type II or Type III disaster as defined in N.C. Gen. Stat. § 166A-19.21(b); and

WHEREAS, on August 3, 2020, Hurricane Isaias (“Hurricane”) made landfall in the State of North Carolina and inflicted major damage to Bertie County causing tornadoes that resulted in destruction of homes and businesses; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.20, the undersigned declared a state of emergency on July 31, 2020; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.22, Bertie County declared a local state of emergency on August 3, 2020; and

WHEREAS, due to the impacts from the Hurricane, local and state emergency management officials conducted a joint preliminary damage assessment on August 12-14, 2020; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.21(b)(1), the criteria for a Type I disaster are met if: (1) the Secretary of the Department of Public Safety has provided a preliminary damage assessment to the Governor and the General Assembly; (2) Bertie County declared a local state of emergency pursuant to N.C. Gen. Stat. § 166A-19.22; (3) the preliminary damage assessment has met or exceeded the criteria established for the Small Business Disaster Loan Program pursuant to 13 C.F.R. § 123; and (4) a major disaster declaration by the President of the United States pursuant to the Stafford Act has not been declared; and

WHEREAS, the undersigned has determined that a Type I disaster, as defined in N.C. Gen. Stat. § 166A-19.21(b)(1), exists in the State of North Carolina Bertie County and the contiguous counties of Chowan, Halifax, Hertford, Martin, Northampton and Washington; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.41, if a disaster is declared, the undersigned may make state funds available for emergency assistance in the form of individual assistance and public assistance for recovery from those disasters for which federal assistance under the Stafford Act is either not available or does not adequately meet the needs of residents in the emergency area.

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

Section 1.

For purposes of this Executive Order only, the emergency area as defined in N.C. Gen. Stat. § 166A-19.3(7), is Bertie County and the contiguous counties of Chowan, Halifax, Hertford, Martin, Northampton and Washington (“the Emergency Area”).

Section 2.

Pursuant to N.C. Gen. Stat. § 166A-19.21(b)(1), a Type I disaster is hereby declared for the Emergency Area.

Section 3.

I authorize state emergency assistance funds in the form of grants to individuals and families located within the emergency area that meet the terms and conditions under N.C. Gen. Stat. § 166A-19.41(b)(1).

Section 4.

I hereby order that this declaration be (a) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) promptly filed with the Secretary of the North Carolina Department of Public Safety, the North Carolina Secretary of State, and the Clerks of Superior Court in the county to which it applies; and (c) distributed to others as necessary to ensure proper implementation of this declaration.

Section 5.

Pursuant to N.C. Gen. Stat. § 166A-19.21(c)(1), this Type I disaster declaration shall expire sixty (60) days after issuance unless renewed by the Governor or the General Assembly. Such renewals may be made in increments of thirty (30) days each, not to exceed a total of 120 days from the date of first issuance.

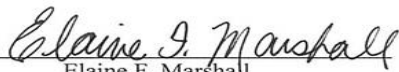
IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 21st day of August in the year of our Lord two thousand and twenty.



Roy Cooper
Governor



ATTEST:



Elaine F. Marshall
Secretary of State



State of North Carolina

ROY COOPER
GOVERNOR

January 19, 2022

EXECUTIVE ORDER NO. 248

**DECLARATION OF A STATE OF EMERGENCY AND
TEMPORARY SUSPENSION OF MOTOR VEHICLE REGULATIONS**

WHEREAS, an anticipated winter storm may have significant impacts to the State of North Carolina; and

WHEREAS, the winter storm could have significant impact to public and private property and could seriously disrupt essential utility services and systems; and

WHEREAS, the anticipated impacts from the winter storm constitute a state of emergency as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(19); and

WHEREAS, certain measures are necessary to ensure the protection and safety of North Carolina residents and to coordinate the emergency response among state and local entities and officials; and

WHEREAS, the need to prepare for and respond to the winter storm in the midst of the COVID-19 pandemic requires increased planning and preparation in order to protect public health and public safety in North Carolina; and

WHEREAS, N.C. Gen. Stat. § 166A-19.1(3) provides that it is the responsibility of the undersigned to "provide for the rapid and orderly rehabilitation of persons and restoration of property"; and

WHEREAS, N.C. Gen. Stat. § 166A-19.1(4) provides that it is the responsibility of the undersigned, state agencies, and local governments to "provide for cooperation and coordination of activities relating to emergency mitigation preparedness, response, and recovery among agencies and officials of this state and with similar agencies and officials of other states and with other private and quasi-official organizations"; and

WHEREAS, N.C. Gen. Stat. §§ 166A-19.10 and 166A-19.20 authorize the undersigned to declare a state of emergency and exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, the anticipated impacts from the winter storm may result in extensive damage, including widespread power outages throughout the state that will require the vehicles bearing equipment and supplies for utility restoration and debris removal to be moved through North Carolina on the interstate and intrastate highways; and

WHEREAS, the uninterrupted supply of electricity, fuel oil, diesel oil, gasoline, kerosene, propane, liquid petroleum gas, food, water, and medical supplies to residential and commercial establishments is essential before, during, and after the winter storm and any interruption in the delivery of those commodities threatens the public welfare; and

WHEREAS, the prompt restoration of utility services is essential to the safety and well-being of the State's residents; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(3) authorizes the undersigned to delegate any gubernatorial authority vested in him under the Emergency Management Act, and to provide for the subdelegation of that authority; and

WHEREAS, under N.C. Gen. Stat. § 166A-19.30(b)(3) the undersigned, with the concurrence of the Council of State, may regulate and control the flow of vehicular traffic and the operation of transportation services; and

WHEREAS, under N.C. Gen. Stat. § 166A-19.30(b)(4), the undersigned, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a state agency which restricts the immediate relief of human suffering; and

WHEREAS, the undersigned has found that residents may suffer losses and further widespread damage within the meaning of N.C. Gen. Stat. §§ 166A-19.3 and 166A-19.21(b); and

WHEREAS, 49 C.F.R. § 390.23 allows the Governor of a State to suspend the rules and regulations under 49 C.F.R. Parts 390-399 for up to thirty (30) days if the Governor determines that an emergency condition exists; and

WHEREAS, nothing contained in this declaration shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 C.F.R. Part 382), the commercial driver's license requirements (49 C.F.R. Part 383), the financial responsibility (insurance) requirements (49 C.F.R. Part 387), operating authority (49 C.F.R. Part 365), applicable size and weight requirements, ill or fatigued operator (49 C.F.R. Part 392.3) or any other portion of the regulations not specifically identified; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70(g), upon the recommendation of the North Carolina Commissioner of Agriculture and the existence of an imminent threat of severe economic loss of livestock, poultry or crops ready to be harvested, the Governor shall direct the North Carolina Department of Public Safety ("DPS") to temporarily suspend weighing vehicles used to transport livestock, poultry or crops ready to be harvested; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70, the Governor may declare that the health, safety, or economic well-being of persons or property requires that the maximum hours of service for drivers prescribed by N.C. Gen. Stat. § 20-381 should be waived for (1) persons transporting essential fuels, food, water, non-alcoholic beverages, medical supplies, feed for livestock and poultry, (2) persons transporting livestock, poultry, and crops ready to be harvested and (3) vehicles used in the restoration of utility and transportation services; and

WHEREAS, the undersigned has sought and obtained concurrence from the Council of State on the provisions of this Executive Order requiring concurrence.

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

Section 1.

I hereby declare that a state of emergency, as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(19), exists in the State of North Carolina due to the impact from the winter storm.

For purposes of this Executive Order, the emergency area is the entire State of North Carolina ("the Emergency Area").

Section 2.

I order all state and local government entities and agencies to cooperate in the implementation of the provisions of this declaration and the provisions of the North Carolina Emergency Operations Plan ("the Plan").

- e. When a vehicle and vehicle combination exceed twelve (12) feet in width and the total overall vehicle combination's length exceeds seventy-five (75) feet from bumper to bumper.
- f. Vehicles and vehicle combinations subject to exemptions or permits by authority of this Executive Order shall not be exempt from the requirement of having (A) a yellow banner on the front and rear that is seven (7) feet long and eighteen (18) inches wide and bears the legend "Oversized Load" in ten (10) inch black letters, 1.5 inches wide and (B) red flags measuring eighteen (18) inches square on all sides at the widest point of the load. In addition, when operating between sunset and sunrise, a certified escort shall be required for loads exceeding eight (8) feet six (6) inches in width.
- g. Commercial vehicles operating outside the normal weight, height, and length restrictions under the authority of this State of Emergency shall be issued permits by DOT. Said vehicles shall be subject to any special conditions DOT and DPS may list on applicable permits. Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, nor shall anything in this Executive Order be construed to relieve compliance with restrictions other than those specified in this Executive Order or from any statute, rule, order, or other legal requirement not specifically waived herein.
- h. Oversize permits may be issued by the DOT, Oversize/Overweight Unit, during normal business hours, Monday through Friday by calling 1-888-221-8166 or contacting them through the online portal at <https://connect.ncdot.gov/business/trucking/Pages/overpermits.aspx>.

Section 9.

Vehicles referenced under Sections 7 and 8 of this Executive Order shall be exempt from the following registration requirements, except where otherwise noted below:

- a. The requirement to obtain a temporary trip permit and payment of the associated \$50.00 fee listed in N.C. Gen. Stat. § 105-449.49.
- b. The requirement of filing a quarterly fuel tax return as the exemption in N.C. Gen. Stat. § 105-449.45 (b)(1) applies.
- c. The registration requirements under N.C. Gen. Stat. §§ 20-382.1 and 20-382 concerning interstate for-hire authority; however, vehicles shall maintain the required limits of insurance as required.
- d. Non-participants in North Carolina's International Registration Plan and International Fuel Tax Agreement will be permitted to enter North Carolina in accordance with the exemptions identified by this Executive Order.

Section 10.

The size and weight exemption for vehicles will be allowed on all DOT designated routes, except those routes designated as light traffic roads under N.C. Gen. Stat. § 20-118. This Executive Order shall not be in effect on bridges posted pursuant to N.C. Gen. Stat. § 136-72 and Interstate highways.

Section 11.

The waiver of regulations under Title 49 of the Code of Federal Regulations does not apply to the Commercial Drivers' License and Insurance Requirements. This waiver shall be in effect for thirty (30) days or the duration of the emergency, whichever is less.

Section 12.

The North Carolina State Highway Patrol shall enforce the conditions set forth in Sections 6 through 11 of this Executive Order in a manner that does not endanger North Carolina motorists.

Section 13.

Upon request by law enforcement officers, exempted vehicles must produce documentation sufficient to establish that their loads are for use in (1) providing direct assistance supporting emergency relief efforts including transporting essential fuels, food, water, medical supplies, feed for livestock and poultry, (2) transporting livestock, poultry, and crops ready to be harvested, or (3) the restoration of utility and transportation services in response to the winter storm.

Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services that are not in support of emergency relief efforts related to the winter storm in North Carolina, or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. (49 C.F.R. § 390.23(b)).

Upon termination of direct assistance to emergency relief efforts related to winter storm in North Carolina or the affected states, the motor carrier and driver are subject to the requirements of 49 C.F.R. Parts 390 through 399, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with Parts 390 through 399. When a driver is moving from emergency relief efforts to normal operations a 10-hour break is required when the total time a driver operates conducting emergency relief efforts, or a combination of emergency relief and normal operation, equals fourteen (14) hours.

Section 14.

This Executive Order does not prohibit or restrict lawfully possessed firearms or ammunition or impose any limitation on the consumption, transportation, sale, or purchase of alcoholic beverages as provided in N.C. Gen. Stat. § 166A-19.30(c).

Section 15.

Pursuant to N.C. Gen. Stat. § 166A-19.23, this declaration triggers the prohibition against excessive pricing as provided in N.C. Gen. Stat. §§ 75-37 and 75-38 in the Emergency Area.

Section 16.

This Executive Order is effective immediately and shall remain in effect for thirty (30) days or the duration of the emergency, whichever is less.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 19th day of January in the year of our Lord two thousand and twenty-two.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State





State of North Carolina

ROY COOPER
GOVERNOR

November 1, 2024

EXECUTIVE ORDER NO. 325

PROVIDING ENHANCED LEAVE OPTIONS FOR ELIGIBLE STATE EMPLOYEES

WHEREAS, no one should have to choose between a paycheck and taking time off to grieve or make final arrangements for a loved one; and

WHEREAS, having additional paid time off to grieve following the loss of a loved one can help alleviate some of the stress a person may experience during a difficult time in their lives; and

WHEREAS, currently, state employees, including those impacted by Hurricane Helene, may face shortages of available leave to grieve; and

WHEREAS, bereavement policies help promote a productive workplace by ensuring that employees have time off to grieve and recover from their loss; and

WHEREAS, pursuant to Article III of the Constitution of North Carolina and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch of state government; and

WHEREAS, pursuant to N.C. Gen. Stat § 147-12, the Governor has the authority and duty to supervise the official conduct of all executive and ministerial officers; and

WHEREAS, pursuant to N.C. Gen. Stat § 143B-10(j)(3), the head of each principal state department and the Director of the Office of State Human Resources ("OSHR") may adopt policies, consistent with law and with rules established by the Governor and with rules of the State Human Resources Commission ("Commission"), which reflect internal management procedures within each department, including policies governing the conduct of employees of the department; and

WHEREAS, pursuant to N.C. Gen. Stat. § 126-4, the Commission shall establish state human resources rules and policies subject to approval of the Governor; and

WHEREAS, pursuant to N.C. Gen. Stat. § 126-4, the Commission has established that "[a]dministration of the leave program within the scope of established policy shall be the responsibility of the agency head," 25 N.C. Admin. Code 01E .0101.

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

Section 1. Enhanced Leave Options for State Employees.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

It shall be the policy of the Office of the Governor and Cabinet Agencies, as defined herein, to provide Bereavement Leave, as detailed below, to all Eligible State Employees. This leave is for Eligible State Employees to utilize following the loss of an immediate family member or colleague.

The undersigned directs and authorizes the Director of OSHR to develop a Bereavement Leave policy consistent with this Executive Order (the "Policy") applicable to Cabinet Agencies. The Policy may establish further details to implement this Executive Order. The Policy may be amended in the future by the Director, after consultation with the Office of the Governor. Any changes to the Policy may be made without amendment to this or any other Executive Order.

1. **Bereavement Leave.** Cabinet Agencies and participating Council of State agencies, commissions, and boards shall provide the following paid time off for loss of an immediate family member or colleague ("Bereavement Leave"):

- a. **Leave following the loss of an immediate family member.** Employees shall be eligible for up to forty (40) hours of paid leave following the loss of an immediate family member.
- b. **Leave following the loss of a colleague.** Employees are eligible for paid leave up to the amount of time required to travel to and from and to attend a funeral or other memorial event, not to exceed eight (8) hours, following the death of someone currently employed by the employee's same agency.

2. **Details of Leave.**

- a. **Applicability.** The Policy and the leave specified therein shall apply automatically only to Cabinet Agencies. All other state agencies are encouraged to voluntarily adopt the Policy. For the purposes of this Executive Order, Cabinet Agencies is defined as those agencies that are part of the Governor's Office or are headed by members of the Governor's Cabinet.
- b. **Eligible State Employees.** A full-time, part-time (half-time or more), permanent, probationary, or time-limited employee of a Cabinet Agency or other participating agency is eligible for Bereavement Leave (each, an "Eligible State Employee"). Temporary employees, part-time employees who work less than half-time, interns, and contractors shall not be eligible for Bereavement Leave.
- c. **Amount of Leave.** Eligible State Employees shall be awarded up to the amounts described in Section 1. Full-time employees will receive the full amount of leave, forty (40) hours or eight (8) hours. Part-time employees, if eligible, will receive a prorated amount based on their number of hours compared to a full-time schedule.
- d. **Use of Leave.** Bereavement Leave is a form of management-approved leave. OSHR is directed to establish the conditions under which Bereavement Leave may be taken, including for whom it may be taken, and any required documentation that must be presented to the employee's supervisor prior to taking leave. The Policy shall provide that supervisors shall approve the use of Bereavement Leave for the date requested by the employee to the greatest extent possible, while maintaining business operations.
- e. **No Cash Value.** Bereavement Leave shall have no cash value. If the employee does not use all Bereavement Leave before it expires, the employee will not receive any premium pay. Employees will not be paid for unused Bereavement Leave upon separation from their employment.

Section 3. No Private Right of Action

This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

Section 4. Effective Date and Duration

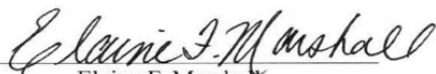
This Executive Order is effective immediately and shall remain in effect unless repealed, rescinded or amended by another Executive Order, provided, however, that the Policy may continue beyond the duration of this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 1st day of November in the year of our Lord two thousand and twenty-four.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State





State of North Carolina

ROY COOPER
GOVERNOR

November 1, 2024

EXECUTIVE ORDER NO. 326

DIRECTING DONATIONS OF SURPLUS PROPERTY TO AGENCIES AND LOCAL GOVERNMENTS IN RESPONSE TO HURRICANE HELENE

WHEREAS, Hurricane Helene (“Helene”) entered the State of North Carolina on September 26, 2024 as a tropical storm; and

WHEREAS, impacts from Helene constitute a State of Emergency, as defined in N.C. Gen. Stat. § 166A-19.3(19); and

WHEREAS, on September 25, 2024, the undersigned issued Executive Order No. 315, which declares a State of Emergency and provides for the health, safety, and welfare of residents and visitors located in North Carolina (“Declaration of a State of Emergency”); and

WHEREAS, on September 26, 2024, the President of the United States issued an emergency declaration, FEMA-3617-EM, for the State of North Carolina, providing, in part, for Public Assistance-Category B, including direct federal assistance to the State; and

WHEREAS, on September 28, 2024, the President of the United States approved an Expedited Major Disaster Declaration, FEMA-4827-DR, for the State of North Carolina; and

WHEREAS, state agencies and local governments in the affected areas lost or had destroyed property that is essential to serving the people of North Carolina; and

WHEREAS, recovery and rebuilding from the devastation of Helene may require resources that agencies, local governments, non-profits, or public schools currently do not possess; and

WHEREAS, state agencies have surplus property that may be beneficial to other state agencies, political subdivisions, public schools and non-profits in the state that are assisting in the recovery effort; and

WHEREAS, pursuant to N.C. Gen. Stat. § 143-64.01, the North Carolina Department of the Administration (“DOA”) is designated as the state agency for surplus property under the supervision of the Secretary of DOA; and

WHEREAS, pursuant to 01 N.C. Admin. Code 43A.0305, the Governor may direct the disposal of surplus property to any state agency, or political subdivision in response to a declared emergency; and

WHEREAS, currently, the State Surplus Property Agency, is constrained from facilitating the donation of surplus property to some types of non-profit organizations; and

WHEREAS, non-profit organizations can effectively utilize state surplus property for restoration and recovery efforts, including using donated lumber to assist with rebuilding; and

WHEREAS, to expedite the donation or low-cost transfer of state surplus property to non-profits for purposes of restoration and recovery efforts related to Helene, the undersigned has determined that the Secretary of DOA requires the authority to temporarily waive enforcement of legal constraints and regulatory requirements as necessary; and

WHEREAS, pursuant to N.C. Gen. Stat. § 143B-1321(a)(1-2) the North Carolina Department of Information Technology (“DIT”) is responsible for providing information technology support and services to state agencies, local government entities, and others as may be required; and

WHEREAS, under N.C. Gen. Stat. § 166A-19.30(b)(4), the undersigned, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a state agency which restricts the immediate relief of human suffering; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind the necessary orders, rules, and regulations within the limits of the authority conferred through the Emergency Management Act with due consideration of the policies of the federal government; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(3), the undersigned may delegate any authority vested in him under the Emergency Management Act and provide for the sub-delegation of that authority; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(7), the undersigned is authorized and empowered to utilize the services, equipment, supplies, and facilities of departments, offices, and agencies of the state in response to the emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(2), the undersigned may establish a system of economic controls over all resources, materials, and services; and

WHEREAS, pursuant to Article III § 1 of the North Carolina Constitution and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch of state government; and

WHEREAS, pursuant to N.C. Gen. Stat. § 147-12, the Governor has the authority and the duty to supervise the official conduct of all executive and ministerial officers.

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

Section 1. Transfers of Surplus State Property

1. The undersigned authorizes the disposition of state surplus property by donation or transfer to any state agency, or political subdivision of the state to abate the effects of Helene or assist with rebuilding. DOA may rely upon the written statement of these organizations that the transferred property is being used for Helene recovery.
2. The undersigned delegates to the Secretary of DOA the authority to waive or modify enforcement of requirements limiting the prompt donation of state surplus property, including without limitation N.C. Gen. Stat. § 143-64.02 and 01 N.C. Admin. Code 43A. 0304, to any nonprofit tax-exempt organization under Section 501(c)(3) of the United States Internal Revenue Code that is assisting with relief efforts related to Helene or public school system affected. DOA may rely upon the written

confirmation by the non-profit's leadership that the transferred property will be used for Helene recovery.

- 3. For transfers or donations of computers or other technology, DIT shall be consulted to ensure assets are secure and safe to be distributed.

Section 2. Implementation of this Executive Order

The undersigned authorizes the Secretaries of DOA and DIT or the Secretaries' designees, to carry out Section 1 of this Executive Order. All North Carolina state agencies, political subdivisions, and public-school systems affected by Helene are encouraged to contact the State Surplus Property Agency to identify what inventory is available for donation or transfer.

Section 3. Effective Date

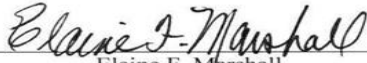
This Executive Order is effective immediately and shall remain in effect through the duration of the State of Emergency unless repealed, replaced, or rescinded by another applicable Executive Order, unless otherwise noted.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 1st day of November in the year of our Lord two thousand and twenty-four.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State





State of North Carolina

ROY COOPER
GOVERNOR

November 25, 2024

EXECUTIVE ORDER NO. 327

AMENDING AND EXTENDING THE NORTH CAROLINA INTERAGENCY COUNCIL FOR COORDINATING HOMELESSNESS PROGRAMS

WHEREAS, the undersigned issued Exec. Order No. 222, 36 N.C. Reg. 149-151 (Aug. 2, 2021), Reestablishing the North Carolina Interagency Council for Homelessness Programs (the "Interagency Council") on June 30, 2021; and

WHEREAS, the undersigned issued Exec. Order No. 258, 37 N.C. Reg. 1-2 (July 1, 2022), Amending the Composition of the Interagency Council on May 24, 2022, changing the structure of the Interagency Council; and

WHEREAS, according to the 2023 Annual Homeless Assessment Report to Congress by the U.S. Department of Housing and Urban Development ("HUD"), 9,754 people experience homelessness in North Carolina on a given night including 7,200 individuals, 2,554 people in families with children, 491 unaccompanied homeless youth, 777 veterans and 1,678 chronically homeless individuals and, among those, 65% are sheltered and 35% are unsheltered; and

WHEREAS, racial disparities in homelessness persist in North Carolina, as evidenced by the fact that Blacks or African Americans make up 22% of the North Carolina population, according to the 2023 US Census estimates, yet represent 51% of people experiencing homelessness, according to 2023 HUD data; and

WHEREAS, individuals and families who have unstable housing and are cost burdened by housing are at risk for homelessness, and housing is increasingly unaffordable in North Carolina and nationwide; and

WHEREAS, making system changes to prevent and end homelessness requires a high degree of coordination and cooperation among federal, state and local governments, as well as private and non-profit sector service providers and advocates, and a statewide coordinating council is an effective tool; and

WHEREAS, the Interagency Council has identified these priorities: 1) increasing access to rental and related housing financial assistance; 2) increasing development of and access to rental units for people experiencing homelessness and those at risk; and 3) increasing the availability and quality of housing-focused services; and

WHEREAS, the Interagency Council supports the goals related to access to safe, accessible, affordable housing and reduction of homelessness goals in several critical state plans, including the North Carolina Department of Health and Human Services Strategic Housing Plan,

- xxi. One member from the North Carolina Housing Coalition.
- xxii. One member with expertise in services for young children under age six in families experiencing homelessness.
- xxiii. One member with expertise in services for public school students in families experiencing homelessness.
- xxiv. One member from the business community that develops affordable housing.
- xxv. Two members representing Public Housing Authorities.
- xxvi. One member representing someone with lived experience of homelessness.
- xxvii. Any other member or members demonstrating a commitment to reducing homelessness or assisting those at risk of homelessness in North Carolina, or who possess qualifications or background relevant to the work of the Interagency Council.
- xxviii. Two members from the North Carolina Senate.
- xxix. Two members from the North Carolina House of Representatives.

The Governor shall appoint two Co-Chairpersons from among the state agency representatives that serve on the Interagency Council.

Section 2. Term of Membership

Members of the Interagency Council shall be appointed for a term of three (3) years and serve at the pleasure of the Governor. A vacancy occurring during a term of appointment will be filled by the Governor for the remainder of the unexpired term.

Section 3. Meetings

The Interagency Council shall meet at least two (2) times per year, at the request of the Chairs. The Chairs may establish sub-committees that meet as directed.

Section 4. Duties

The duties of the Interagency Council may include the following, as well as other duties that may be defined during the duration of this Executive Order:

- A. The Interagency Council will advise the Governor, his Cabinet, other state agencies and partners, on issues related to housing stabilization and services for persons that are homeless or at risk of homelessness and strategies to reduce and end homelessness.
- B. The Interagency Council will recommend and promote effective interagency collaboration and system integration, which may include advice on COVID-19 response and recovery efforts and coordination of state and federal funding. This includes supporting the NCDHHS Strategic Housing Plan's goal for accountability and shared strategy for housing functions across state agencies and key partners and supporting the NC Reentry 2030 Strategic Plan's goal to expand housing opportunities for formerly incarcerated individuals.
- C. The Interagency Council will promote evidence-based practices to address the needs of adults, children, and families that are homeless or at risk of homelessness.
- D. The Interagency Council will review existing programs and policies related to homelessness or those at risk of homelessness and recommend improvements to such programs and policies to ensure that such services are provided efficiently and effectively.

Section 5. Administration

NCDHHS shall provide administrative and staff support required by the Interagency Council. Administrative costs and the cost of member per diem, travel, and subsistence expenses shall be paid from state funds that are appropriated to NCDHHS and in accordance with state law and

OSBM policies and regulations. NCDHHS may enter into agreements and contracts for administration of the Council.

Section 6. Effect and Duration

This Executive Order is effective immediately. It supersedes and replaces Executive Order No. 222 and Executive Order No. 258. It shall remain in effect until December 31, 2026, or until rescinded or superseded by another applicable Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 25th of November in the year of our Lord two thousand and twenty-four.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State





State of North Carolina

ROY COOPER
GOVERNOR

November 25, 2024

EXECUTIVE ORDER NO. 328

EXTENDING TRANSPORTATION WAIVERS FOR DESIGNATED COUNTIES

WHEREAS, Hurricane Helene (“Helene”) entered the State of North Carolina on September 26, 2024 as a tropical storm; and

WHEREAS, Helene has inflicted significant damage on public and private property; and

WHEREAS, impacts from Helene constitute a State of Emergency, as defined in N.C. Gen. Stat. § 166A-19.3(19); and

WHEREAS, on September 25, 2024, the undersigned issued Executive Order No. 315, which declares a State of Emergency and provides for the health, safety, and welfare of residents and visitors located in North Carolina (“Declaration of a State of Emergency”); and

WHEREAS, Executive Order No. 315 invokes the Emergency Management Act, and authorizes the Governor to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, N.C. Sess. Law 2024-51 extended the State of Emergency until March 1, 2025; and

WHEREAS, Executive Order No. 324 extended certain transportation waivers in Executive Order No. 315 for those counties impacted by Helene; and

WHEREAS, although Section 1 of Executive Order No. 324 is set to expire on November 25, 2024, the undersigned has determined, due to ongoing need, that these transportation waivers should be reissued for those counties impacted by Helene; and

WHEREAS, on September 26, 2024, the President of the United States issued an emergency declaration, FEMA-3617-EM, for the State of North Carolina, providing, in part, for Public Assistance-Category B, including direct federal assistance to the State; and

WHEREAS, on September 28, 2024, the President of the United States approved an Expedited Major Disaster Declaration, FEMA-4827-DR, for the State of North Carolina; and

WHEREAS, N.C. Const. art. I § 5(4) vests the Governor with the duty to take care that the laws be faithfully executed; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70(g), based on the damage to the road infrastructure in several communities of western North Carolina, the North Carolina Commissioner of Agriculture has determined there is still the existence of an imminent threat of severe economic loss of crops ready to be harvested, and recommends to the Governor that he

continue to direct the North Carolina Department of Public Safety (“DPS”) to temporarily suspend weighing vehicles used to crops ready to be harvested; and

WHEREAS, this suspension does not permit the gross weight of any vehicle or combination to exceed the safe load-carrying capacity established by the North Carolina Department of Transportation (“DOT”) on any bridge pursuant to N.C. Gen. Stat. § 136-72, or to permit the operation of a vehicle when a law enforcement officer has probable cause to believe the vehicle is creating an imminent hazard to public safety; and

WHEREAS, on November 22, 2024, the United States Department of Transportation (“USDOT”), Federal Motor Carrier Safety Administration (“FMCSA”) determined that an emergency exists and warrants an extension of the relief that was granted in the Regional Declarations of Emergency and Extension of Emergency Declarations Nos. 2024-008 and 2024-010 from certain regulatory requirements in Parts 390-399 of the Federal Motor Carrier Safety Regulations (“FMCSRs”) for North Carolina and other states affected by Helene and Hurricane Milton; and

WHEREAS, in order to provide for the rapid and orderly rehabilitation of persons and restoration of property, the undersigned has made the determination that it is in the public interest to keep in place the limited suspension of weighing crops ready to be harvested to minimize the risk of severe economic loss or damage in the Designated Counties (as defined herein).

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

Section 1.

DPS shall, pursuant to N.C. Gen. Stat. § 166A-19.70(g) temporarily suspend weighing pursuant to N.C. Gen. Stat. § 20-118.1 vehicles used to transport crops ready to be harvested for those North Carolina counties identified in the FEMA Major Disaster Declaration, FEMA-4827-DR (“Designated Counties”).

Section 2.

Notwithstanding the waivers set forth above, size and weight restrictions and penalties have not been waived under the following conditions:

- a. When the vehicle weight exceeds the maximum gross weight criteria established by the manufacturer (“GVWR”) or 90,000 pounds gross weight, whichever is less.
- b. When the vehicle weight exceeds a single-axle weight of 22,000 pounds, a tandem-axle weight of 42,000 pounds, or a gross weight of 90,000 pounds.
- c. When the vehicle consists of a five (5) or more axle combination vehicle that exceeds a single-axle weight of 26,000 pounds, a tandem-axle weight of 42,000 pounds and a gross weight 90,000 pounds, with a length of at least forty-eight (48) feet between the center of axle one and the center of the last axle of the vehicle and a minimum of eleven (11) feet between the center of axle one and the center of axle two of the vehicle.
- d. When the vehicle consists of a two-axle vehicle that exceeds a gross weight of 37,000 pounds and a single-axle weight of no more than 27,000 pounds, with a length of at least fourteen (14) feet between the center of axle one and the center of axle two of the vehicle.
- e. When a vehicle and vehicle combination exceed twelve (12) feet in width and the total overall vehicle combination’s length exceeds seventy-five (75) feet from bumper to bumper.
- f. Vehicles and vehicle combinations subject to exemptions or permits by authority of this Executive Order shall not be exempt from the requirement of having (A) a yellow banner on the front and rear that is seven (7) feet long and eighteen (18) inches wide and bears the legend “Oversized Load” in ten (10) inch black letters, 1.5 inches wide and (B) red flags measuring eighteen (18) inches square on all sides at the widest point of the load. In

addition, when operating between sunset and sunrise, a certified escort shall be required for loads exceeding eight (8) feet six (6) inches in width.

- g. Commercial vehicles operating outside the normal weight, height, and length restrictions under the authority of this State of Emergency shall be issued permits by DOT. Said vehicles shall be subject to any special conditions DOT and DPS may list on applicable permits. Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, nor shall anything in this Executive Order be construed to relieve compliance with restrictions other than those specified in this Executive Order or from any statute, rule, order, or other legal requirement not specifically waived herein.
- h. Oversize permits may be issued by the DOT, Oversize/Overweight Unit, during normal business hours, Monday through Friday by calling 1-888-221-8166 or contacting them through the online portal at <https://connect.ncdot.gov/business/trucking/Pages/overpermits.aspx>

Section 3.

This suspension does not permit the gross weight of any vehicle or combination to exceed the safe load-carrying capacity established by DOT on any bridge pursuant to N.C. Gen. Stat. § 136-72, or to permit the operation of a vehicle when a law enforcement officer has probable cause to believe the vehicle is creating an imminent hazard to public safety.

Section 4.

The North Carolina State Highway Patrol shall enforce the conditions outlined in Sections 1-3 of this Executive Order in a manner that does not endanger North Carolina motorists.

Section 5.

This Executive Order is effective immediately and shall remain in effect for thirty (30) days unless otherwise rescinded or extended by applicable Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 25th day of November in the year of our Lord two thousand and twenty-four.



 Roy Cooper
 Governor

ATTEST:



 Elaine F. Marshall
 Secretary of State



North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Bintelli LLC

Applicant's Address: 6900 Weber Blvd, Ladson SC 29456

Application Date: 11/8/24

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Justin Jackrel-Owner

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: HME Inc

Applicant's Address: 1950 Byron Center Ave, Wyoming MI 49519

Application Date: 10-2-2024

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Gary Troost President

Dan Greer CFO

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 12 – DEPARTMENT OF JUSTICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Criminal Justice Education and Training Standards Commission intends to amend the rules cited as 12 NCAC 09B .0235, .0236; 09C .0205, .0208, .0306, .0307; 09E .0104, .0108; 09G .0102, .0303, and repeal the rules cited as 12 NCAC 09C .0201-.0204, .0207, .0209, .0211; 09G .0201 and .0313.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications>

Proposed Effective Date: *May 1, 2025*

Public Hearing:

Date: *February 14, 2025*

Time: *10:00 a.m.*

Location: *Microsoft Teams. Meeting information will be published on agency's website.*

Reason for Proposed Action: *Repeal redundant rules.*

Update curriculum for Juvenile Justice Officers and Juvenile Court Counselors.

Technical changes regarding form content and definitions.

Update certification requirements for In-State Lateral Law Enforcement Officers.

Update In-Service requirements.

Update agency submission requirements for documentation.

Comments may be submitted to: *Michelle S. Schilling, 1700 Tryon Park Drive, Raleigh, NC 27602; phone (919) 779-8205; email MSchilling@ncdoj.gov*

Comment period ends: *February 14, 2025*

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission,

please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 09 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SUBCHAPTER 09B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT: EDUCATION: AND TRAINING

SECTION .0200 – MINIMUM STANDARDS FOR CRIMINAL JUSTICE SCHOOLS AND CRIMINAL JUSTICE TRAINING PROGRAMS OR COURSES OF INSTRUCTION

12 NCAC 09B .0235 BASIC TRAINING – JUVENILE COURT COUNSELORS AND CHIEF COURT COUNSELORS

(a) The Juvenile Court Counselors and Chief Court Counselors training course shall consist of a minimum of 119 hours of classroom and practical skills instruction.

(b) Each basic training course for Juvenile Court Counselors shall include training in the following topic areas:

- (1) Juvenile Justice Common Core:
 - (A) Basic Individual Counseling Skills 6 5 hours
 - (B) Interpersonal Communication Skills 6 5 hours
 - (C) Working with Families 3 hours
 - (D) Characteristics of Delinquents 4 hours
 - (E) Staff and Juvenile Relationships:
 - Maintaining 4 hours
 - Professional Boundaries
 - (F) Gang Awareness 2 hours
 - (G) Situational Awareness and Risk Assessment 4 hours
 - (H) Restraints, Controls, and Defensive Techniques 28 hours
 - (I) Mechanical Restraints 4 hours
 - (J) Youth Mental Health First-Aid 8 hours
 - (K) ~~Trauma and Delinquents~~ Think Trauma 8 hours

- (L) Driver and Secure Transport Safety 4 hours
- (M) Racial and Ethnic Disparities (RED) – Addressing RED within the Juvenile Justice System 2 hours
- (N) Verbal De-escalation for Juvenile Justice 2 hours
- Total Hours 83 hours
- (2) Juvenile Court Counselor Specific:
 - (A) Statutory Responsibilities and Requirements of Juvenile Court Counselors 6 hours
 - (B) Juvenile Law 8 hours
 - (C) Intake, Supervision and Services 8 hours
 - (D) ~~Assessing Risk and Needs~~ Risk and Needs Assessment 6 hours
 - (E) Report Writing and Documentation 8 hours
 - Total Hours 36 hours
 - Total Course Hours 119 hours

(c) Upon completion of a Commission-certified training course for Juvenile Court Counselors and Chief Court Counselors, the Director of the school conducting the course shall notify the Commission of training completion by submitting a Report of Training Course Completion for each trainee. The Report of Training Course Completion, F-11, identifies the student, student's social security number, date of birth, employing agency, position, date of appointment, and course information, to include title of course, location course was conducted at, the dates the course began and ended, the hours the course was conducted, number of instructional contact hours, and name of certifying official regarding the successful completion of the training course.

(d) Employees of the Division of Juvenile Justice and Delinquency Prevention who have completed the minimum 119 hour training program accredited by the Commission pursuant to Rule .0236 of this Section after January 1, 2013 who transfer from a Juvenile Justice Officer position to a Juvenile Court Counselor position shall be required to complete only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Court Counselor under Subparagraph (b)(2) of this Rule.

Authority G.S. 17C-2; 17C-6; 17C-10.

12 NCAC 09B .0236 BASIC TRAINING - JUVENILE JUSTICE OFFICERS

(a) The Juvenile Justice Officer training course shall consist of a minimum of 117 hours of classroom and practical skills instruction.

(b) Each basic training course for Juvenile Justice Officers shall include training in the following identified topic areas:

- (1) Juvenile Justice Common Core:
 - (A) Basic Individual Counseling Skills 6 5 hours
 - (B) Interpersonal Communication Skills 6 5 hours
 - (C) Working with Families 3 hours
 - (D) Characteristics of Delinquents 4 hours

- (E) Staff and Juvenile Relationships: Maintaining Professional Boundaries 4 hours
- (F) Gang Awareness 2 hours
- (G) Situational Awareness and Risk Assessment 4 hours
- (H) Restraints, Controls, and Defensive Techniques 28 hours
- (I) Mechanical Restraints 4 hours
- (J) Youth Mental Health First-Aid 8 hours
- (K) ~~Trauma and Delinquents~~ Think Trauma 6 8 hours
- (L) Driver and Secure Transport Safety 4 hours
- (M) Racial and Ethnic Disparities (RED) – Addressing RED within the Juvenile Justice System 2 hours
- (N) Verbal De-escalation for Juvenile Justice 2 hours
- Total Hours 83 hours

- (2) Juvenile Justice Officer Specific:
 - (A) Treatment Program Operations 4 hours
 - (B) Maintaining Documentation of Activities and Behaviors 8 hours
 - (C) Basic Group Leadership Skills 4 hours
 - (D) Effective Behavior Management 10 hours
 - (E) Health Services Overview 2 hours
 - (F) Contraband and Search Techniques 2 hours
 - (G) Suicide Prevention and Response 4 hours
 - Total Hours 34 hours
 - Total Course Hours 117 hours

(c) Upon completion of a Commission-certified training course for Juvenile Justice Officers the Director of the school conducting the course shall notify the Commission of the training completion by submitting a Report of Training Course Completion for each trainee. The requirements for completion of the Report of Training Course Completion, F-11, is outlined in 12 NCAC 09B .0235.

(d) Employees of the Division of Juvenile Justice and Delinquency Prevention who have completed the minimum 117 hour training program accredited by the Commission under Rule .0235 of this Section after January 1, 2013 who transfer from a Juvenile Court Counselor position to a Juvenile Justice Officer position shall be required to complete only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Justice Officer pursuant to Subparagraph (b)(2) of this Rule.

Authority G.S. 17C-2; 17C-6; 17C-10.

SUBCHAPTER 09C - ADMINISTRATION OF CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SECTION .0200 - FORMS

(6) Signature of Agency Executive Officer or Registered Authorized Representative.

12 NCAC 09C .0201 PERSONAL HISTORY STATEMENT

The Personal History Statement, is a questionnaire to be completed by an applicant for employment as a criminal justice officer. The questions seek information regarding the applicant's work, residential, military, and arrest history; financial condition; and references.

Authority G.S. 17C-6; 150B-11.

12 NCAC 09C .0202 MEDICAL HISTORY STATEMENT

The Medical History Statement is a questionnaire to be completed by an applicant. The form seeks to facilitate the applicant's medical examination by listing information pertinent to the applicant's present and past physical condition, injuries, diseases, or operations.

Authority G.S. 17C-6; 150B-11.

12 NCAC 09C .0203 MEDICAL EXAMINATION REPORT

The Medical examination Report, is a form provided to the examining physician to record the results of the applicant's medical examination.

Authority G.S. 17C-6; 150B-11.

12 NCAC 09C .0204 QUALIFICATIONS APPRAISAL INTERVIEW

The Qualifications Appraisal Interview, is a form providing the agency's interviewers with a method of recording evaluations of the applicant. Inquiries relate to appearance, manner and bearing, ability to present ideas, social adaptability, alertness, and judgment.

Authority G.S. 17C-6; 150B-11.

12 NCAC 09C .0205 REPORT OF APPOINTMENT APPLICATION FOR CERTIFICATION LAW ENFORCEMENT OFFICER

The Report of Appointment Application for Certification Law Enforcement Officer (Form F-5A) is used for reporting to report the appointment of criminal justice officers and indicating indicate the applicant's progress toward completing the requirements for certification. The Application for Certification Law Enforcement Officer (Form F-5A) shall contain the following information:

- (1) Employing agency identification;
- (2) Applicant's name, address, date of birth, driver's license number, and social security number;
- (3) Position for which application is being submitted;
- (4) Date of hire;
- (5) Commission forms required for certification; and

Authority G.S. 17C-6.

12 NCAC 09C .0207 APPLICATION FOR AWARD OF PROFESSIONAL CERTIFICATE

The Application For Award of Law Enforcement Certificate, requests information regarding the education, training, and experience qualifying the applicant for various levels of certification under the Law Enforcement Officers' Professional Certificate Program. The Application For Award of Criminal Justice Certificate, requests information regarding the education, training, and experience qualifying the State Youth Services officer/applicant for various levels of certification under the Criminal Justice Officers' Professional Certificate Program.

Authority G.S. 17C-6.

12 NCAC 09C .0208 REPORT AFFIDAVIT OF SEPARATION

(a) The Affidavit of Separation ~~and Report of Separation (Form F-5B)~~ shall be used for reporting the date of and reason for the separation of a criminal justice officer from the employing agency. The date of separation shall be the date the criminal justice officer resigned or the date the employing agency terminated the employee. The Affidavit of Separation (Form F-5B) shall contain the following information:

- (1) Separating Agency;
- (2) Separating Officer, address, date of birth, position, date of final separation;
- (3) Reason for Separation;
- (4) Notice to Separating Officer; and
- (5) Name and signature of Executive Officer or Authorized Representative.

(b) An agency separating a person from employment or appointment as a criminal justice officer shall, not later than 10 days after separation, forward to the Commission a completed Affidavit of Separation ~~and Report of Separation.~~

Authority G.S. 17C-6.

12 NCAC 09C .0209 REQUEST FOR SCHOOL ACCREDITATION

The Request for School Accreditation, provides the means for an agency or institution to become certified to conduct criminal justice training and to affiliate with the Criminal Justice Education and Training System. It seeks information on the physical, financial, and staff support provided to the criminal justice school by the agency or institution.

Authority G.S. 17C-6; 150B-11.

12 NCAC 09C .0211 PRE-DELIVERY REPORT OF TRAINING COURSE PRESENTATION

The Pre-delivery Report of Training Course Presentation is a form on which the School Director notifies the Commission of its intent to present the Basic Law Enforcement Training course. Information requested includes:

- (1) ~~The number of training hours;~~
- (2) ~~The training delivery period;~~
- (3) ~~Location;~~
- (4) ~~Anticipated number of trainees;~~
- (5) ~~The requested date and location for the administration of the state comprehensive exam; and~~
- (6) ~~Topical course schedule including proposed instructional assignments.~~

(5) ~~complete a background investigation on all applicants for employment as set forth in 12 NCAC 09B .0102.~~

(b) ~~For officers who have been separated from their previous agency for more than 30 days, prior to transfer of certification law enforcement officers with more than a 30 day gap in employment by an agency shall:~~

- (1) ~~comply with the requirements of 12 NCAC 09B .0104~~
- (2) ~~submit results of the physical examination to the employing agency for placement in the officer's permanent personnel file;~~
- (3) ~~produce a negative result on a drug screen administered according to the specifications outlined in 12 NCAC 09C .0310; and~~
- (4) ~~either:~~
 - (A) ~~submit a copy of the Firearms Qualification Record Instructions Form F 9A to the employing agency for placement in the officer's permanent personnel file when the duty and off duty weapons remain the same as those previously used to qualify. The Form F 9A shall contain the date(s) and instructors signature indicating the law enforcement officer's successful completion of the mandatory firearms classroom training, and the firearms range qualification scores for the duty and off duty weapons assigned to the law enforcement officer. Such in service training compliance shall have occurred within the 12 month period preceding transfer; or~~
 - (B) ~~satisfactorily complete the employing agency's in service firearms training program as prescribed in 12 NCAC 09E .0105 and .0106.~~

(c) ~~Prior to employing an officer who has been separated from his previous agency for 30 days or less, the employing agency shall:~~

- (1) ~~verify the certification of the officer with the Criminal Justice Standards Division or the Sheriffs' Standards Division;~~
- (2) ~~review the Form F 5B, Affidavit of Separation from the previous employed agency;~~
- (3) ~~submit a new fingerprint check to the North Carolina State Bureau of Investigation, in compliance with the requirements set forth in 12 NCAC 09B .0103(a) and (b), in the same manner as prescribed for non-certified new applicants. This fingerprint check will be waived once all officers are enrolled in the Federal Bureau of Investigation's Next Generation Identification System and Criminal Justice Record of Arrest and Prosecution Background (RapBack) Service. No certification shall be transferred if the holder~~

Authority G.S. 17C-6; 150B-11.

SECTION .0300 - CERTIFICATION OF CRIMINAL JUSTICE OFFICERS

12 NCAC 09C .0306 LATERAL TRANSFER OF IN-STATE LAW ENFORCEMENT OFFICERS

(a) ~~A North Carolina law enforcement officer is eligible to transfer with general certification from one law enforcement agency to another law enforcement agency and be certified by the Commission if the officer, either the Criminal Justice Education and Training Standards Commission or the Sheriffs' Education and Training Standards Commission may transfer from one law enforcement agency to another law enforcement agency with less than a 12 month break in law enforcement service. Prior to employing an officer who has been separated from his previous agency for more than 30 days, the employing agency shall:~~

- (1) ~~has completed basic law enforcement training and holds a general certification or probationary certification from the Commission or the Sheriffs' Education and Training Standards Commission; verify the certification of the officer with the Criminal Justice Standards Division or the Sheriffs' Standards Division; and~~
- (2) ~~has not had more than a 12-month consecutive break in service immediately preceding the current application, submit a new fingerprint check to the North Carolina State Bureau of Investigation, in compliance with the requirements set forth in 12 NCAC 09B .0103(a) and (b), in the same manner as prescribed for non-certified new applicants. No certification shall be transferred if the holder has been convicted since initial certification of any offense for which revocation or suspension of certification is authorized; and~~
- (3) ~~notify the Commission by submitting a Report of Appointment that the officer is being employed and stating the date on which employment will commence;~~
- (4) ~~obtain a signed and notarized Release Authorization Form from the transferring officer. The employing agency shall obtain the full personnel file from the previous agency(ies) worked during the previous 24 months and include this content in the background file, minus any medically protected or sensitive material; and~~

~~has been convicted since initial certification of any offense for which revocation or suspension of certification is authorized;~~

~~(4) notify the Commission by submitting a Name/Status Change, Form F-19, that the officer is being employed and stating the date on which the employment will commence. The Name/Status Change, Form f-19, shall contain the officers name, date of birth and Social Security Number on file, and any changes to that information, the agency's name, officer's current status and status changed to, the effective date of change, whether the officer is undercover or not, and the signature and printed name of the submitting agency head or authorized representative, and~~

~~(5) satisfactorily complete the employing agency's in-service firearms training program as prescribed in 12 NCAC 09E .0105 and .0106.~~

(b) Prior to certification being transferred per this rule, a law enforcement agency considering the applicant for employment as a law enforcement officer shall submit an Application for Lateral Certification, Form F-5D, to the Division reporting that the employing agency has done the following:

(1) obtained and forwarded the applicant's fingerprints to the North Carolina State Bureau of Investigation, in compliance with the requirements set forth in 12 NCAC 09B .0102(a) and (b), reviewed the results of the criminal history record check provided as a result, and provided a copy of the results to the Division;

(2) completed the AOC-CR280 expungement form and provided the results to the Division;

(3) obtained a signed and notarized Authorization for Release of Information Form from the applicant, and reviewed the following documents of the applicant maintained by or on behalf of any North Carolina law enforcement agency where the applicant was employed for any part of the five-year period preceding the current application;

(A) the personnel file including confidential information as defined by G.S. 153A-98, G.S. 160A-168 and G.S. 126-24;

(B) Form F-5B, Affidavit of Separation, if the applicant has separated;

(C) Form F-8, Background Investigation; and

(D) Any internal investigations.

(4) Verified that the applicant:

(A) has not had more than a 12-month consecutive break in service immediately preceding the current application;

(B) has completed all mandatory in-service training for the preceding calendar year;

(C) has not committed any criminal offenses and does not have any convictions or pending criminal offenses that would prohibit certification;

(D) has not been the subject of any internal investigation within the last 18 months that contains allegations that could prevent the law enforcement officer's certification; and

(E) has qualified with the assigned duty weapon which has been recorded on the Firearms Qualification Record, Form F-9A pursuant to 12 NCAC 09E .0104.

~~(d)(c)~~ Officers previously certified who were not previously required to meet the educational or basic training requirements shall not be required to meet such requirements when laterally transferring to another agency with less than a 12-month break in law enforcement service.

~~(e) For currently certified full time officers with no break in service, upon written request from the department head of the hiring agency, the Division shall waive for a period of no more than 60 days from the receipt of the Report of Appointment by the Standards Division the requirements of Subparagraphs of (b)(1), (b)(2), (b)(3), and (b)(4) of this Rule.~~

Authority G.S. 17C-6; 17C-10.

12 NCAC 09C .0307 AGENCY RETENTION OF RECORDS OF CERTIFICATION

(a) Each criminal justice agency shall place information with respect to employment, education, retention, and training of its criminal justice officers in the criminal justice officer's personnel file as listed in Subparagraphs (a)(1) and (a)(2) of this Rule. The files shall be available for examination in five days by representatives of the Commission for verifying compliance with these Rules.

(1) Criminal Justice Officer with probationary certification:

(A) the officer's Personal History Statement (Form F-3), pursuant to 12 NCAC 09C .0201;

(B) the officer's Medical History Statement and Medical Examination Report (Form F-1 and F-2), pursuant to 12 NCAC 09B .0104;

(C) documentation of the officer's drug screening results, pursuant to 12 NCAC 09C .0310;

(D) the Commission's Mandated Background Investigation Form as completed by the agency's investigator, (Form F-8), pursuant to 12 NCAC 09B .0102;

(E) a summary of the officer's Qualifications Appraisal Interview, (Form F-4), prepared by the agency's interviewers, pursuant to 12 NCAC

- 09C .0204. The Form F-4 identifies the officer candidate interviewed, the position interviewed for, and the interviewer(s)' comments regarding the applicant's appearance, manner, and bearing, ability to present ideas, social adaptability, alertness and judgment, and interviewer(s) recommendation for employment;
- (F) a copy of all certificates or diplomas obtained, pursuant to 12 NCAC 09B .0106;
 - (G) course listing(s) and completion date(s) of all criminal justice training completed by the officer;
 - (H) the results of the officer's fingerprint record check, pursuant to 12 NCAC 09B .0103;
 - (I) a written summary of the officer's psychological examination results, pursuant to 12 NCAC 09B .0101(7);
 - (J) for the law enforcement officer, records of all in-service training received by the officer, as set forth in 12 NCAC 09E .0103(3) and .0110(5) that the officer has completed the minimum in-service training as required;
 - (K) certified copy of proof of age, citizenship, and educational requirements required in 12 NCAC 09B .0101;
 - (L) copy of Report of Appointment/Application for Certification (Form F-5A), pursuant to 12 NCAC 09C .0205;
 - (M) oath of office, pursuant to 12 NCAC 09C .0303;
 - (N) copy of firearms qualification (Form F-9A), pursuant to 12 NCAC 09E .0106;
 - (O) once separated, a copy of the Affidavit of Separation, Form F-5B), pursuant to 12 NCAC 09C .0208; and
 - (P) a copy of the electronic response for the AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-151.
- (2) Criminal Justice Officer with general certification:
- (A) the officer's Medical History Statement and Medical Examination Report (Form F-1 and F-2), pursuant to 12 NCAC 09B .0104;
 - (B) documentation of the officer's drug screening results, pursuant to 12 NCAC 09C .0310;
 - (C) a copy of all certificates or diplomas obtained, pursuant to 12 NCAC 09B .0106;
 - (D) course listing(s) and completion date(s) of all criminal justice training completed by the officer;
 - (E) the results of the officer's fingerprint record check, pursuant to 12 NCAC 09B .0103;
 - (F) for the law enforcement officer, records of all in-service training received by the officer, as set forth in 12 NCAC 09E .0103(3) and .0110(5) that the officer has completed the minimum in-service training as required;
 - (G) certified copy of proof of age, citizenship, and educational requirements required in 12 NCAC 09B .0101;
 - (H) copy of Report of Appointment/Application for Certification (Form F-5A), pursuant to 12 NCAC 09C .0205;
 - (I) oath of office, pursuant to 12 NCAC 09C .0303;
 - (J) copy of firearms qualification (Form F-9A), pursuant to 12 NCAC 09E .0106;
 - (K) once separated, a copy of the Affidavit of Separation, Form F-5B), pursuant to 12 NCAC 09C .0208; and
 - (L) a copy of the electronic response for the AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-151.
- (3) Law Enforcement Officer hired as a lateral officer with probationary or general certification under the provisions of 12 NCAC 09C .0306 effective March 1, 2024:
- (A) the results of the officer's fingerprint record check, pursuant to 12 NCAC 09B .0103;
 - (B) records of all in-service training received by the officer, as set forth in 12 NCAC 09E .0103(3) and .0110(5) that the officer has completed the minimum in-service training as required;
 - (C) copy of Change of Name (Form F-19) or Application for Lateral Certification (Form F-5D) pursuant to 12 NCAC 09C .0306;
 - (D) a copy of the electronic response for the AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-151;

- (E) copy of firearms qualification (Form F-9A), pursuant to 12 NCAC 09E .0106;
- (F) once separated, a copy of the Affidavit of Separation (Form F-5B), pursuant to 12 NCAC 09C .0208;
- (G) basic law enforcement training certificate or record of completion;
- (H) copy of the signed authorization to release records form; and
- (I) the agency may have performed additional screening and selection tasks, and records for those optional tasks are required to be maintained in the employee's file for audit by the division.

(b) These records shall be maintained by the criminal justice agency in compliance with the North Carolina Department of Natural and Cultural Resources Retention and Disposition Schedule established pursuant to G.S. 121 and G.S. 132.

Authority G.S. 17C-2; 17C-6.

SUBCHAPTER 09E - IN-SERVICE TRAINING PROGRAMS

SECTION .0100 - LAW ENFORCEMENT OFFICER'S IN-SERVICE TRAINING PROGRAM

12 NCAC 09E .0104 INSTRUCTORS: ANNUAL IN-SERVICE TRAINING

The following requirements and responsibilities are hereby established for instructors who conduct the law enforcement officers' annual in-service training program:

- (1) The instructor shall hold Instructor Certification issued by the Commission as outlined in 12 NCAC 09B .0302, 09B .0304, and 09B .0306, except for instructors:
 - (A) delivering CPR certifications that include cognitive and skills testing;
 - (B) delivering use of equipment training conducted by a manufacturer, manufacturer's representative or a service provider and documented through a certificate of completion; or
 - (C) delivering Incident Command System training for NIMS (National Incident Management System) compliance who are certified through FEMA (Federal Emergency Management Agency) as Incident Command Instructors.

In addition, each instructor certified by the Commission to teach in a Commission-accredited basic training, Speed Measuring Instrument Operator or Instructor training, Instructor or Specialized Instructor training, or ~~Commission recognized~~ Commission-approved in-service training course shall remain competent in his or her specific or specialty areas. Such competence includes

remaining current in the instructor's area of expertise, which may be demonstrated by completing all instructor updates issued by the Commission.

- (2) Instructors who teach a required in-service training topic, other than a topic taught pursuant to Paragraph (1) of this ~~Rule, or a Firearms Training and Qualification course pursuant to Rule .0105(a)(1) of this Section,~~ rule shall achieve a passing grade on a topic specific test developed by the North Carolina Justice Academy or by the agency delivering the ~~training,~~ training before delivering the topic of instruction. Instructors who teach a required in-service training topic online shall also complete the in-service training for the topic he or she will be ~~teaching,~~ teaching before delivering the topic of instruction. Instructors who teach an in-service training topic in a traditional classroom format will receive credit toward their own in-service training requirements, provided that they pass all required ~~tests~~ tests, as outlined in this section, and have their instruction documented by the ~~Department~~ Agency Head or In-Service Training Coordinator once completed.
- (3) ~~Instructors who, no more than 60 days prior to the upcoming calendar year, shall complete mandated in-service topics in their entirety pursuant to 12 NCAC 09E .0105 as presented by the North Carolina Justice Academy as part of the Instructor Training Update program.~~ program shall have satisfied the requirements of 12 NCAC 09E .0105 for the upcoming calendar year.
- (4) The instructor shall deliver the training consistent with the specifications established in ~~Rules~~ Rule 09E .0105 and .0106.
- (5) The instructor shall report the successful or unsuccessful completion of training for each officer to the ~~Department~~ Agency Head.
- (6) When the officer fails to qualify with a weapon, the instructor shall inform the officer that the officer did not qualify and the instructor shall deliver a Commission form F-9A (Firearms Qualification and Record) to the officer that shall be signed by the officer. This form shall instruct the officer not to use the weapon and shall require the officer to notify the ~~Department~~ Agency Head or designated representative within 24 hours of the failure to qualify. The instructor shall ~~personally deliver~~ provide this form ~~or send the form by certified mail~~ to the ~~Department head~~ Agency Head or designated representative within 72 hours of the failure to qualify. The Form F-9A Firearms Qualification Record shall contain the following:
 - (a) officer's name and appointing agency;
 - (b) instructor's name and signature;

- (c) date the classroom section was completed;
- (d) officer's acknowledgment of qualification scores; and
- (e) firearms score sheet.

All Commission forms are available for download on the Criminal Justice Standards Division website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>.

Authority G.S. 17C-6; 17C-10.

12 NCAC 09E .0108 FAILURE TO COMPLETE ANNUAL IN-SERVICE TRAINING

(a) Law enforcement officers certified by the North Carolina Criminal Justice Education and Training Standards Commission shall complete a minimum of 24 in-service training credits each year as published by the Commission. When the Commission specifies topics for less than 24 hours, the remaining training hours shall be in topics identified by their respective agency heads. The agency head may choose any topic, provided the lesson plan is written in Instructional Systems Design format and is taught by an instructor who is certified by the Commission. Alternatively, topics delivered pursuant to Rule .0104(1) of this Section and National Certification Programs (NCP) administered by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) completed during the mandated in-service year, shall satisfy in part or in whole the topic requirements set forth by the agency head. To satisfy this requirement, these topics shall not be required to be written in Instructional Systems Design format or delivered by an instructor certified by the Commission. Failure to successfully complete the annual in-service training topics as specified in 12 NCAC 09E .0102 within the calendar year shall result in suspension of the law enforcement officer's certification.

(b) Completion of training shall be demonstrated by passing a written test for each in-service training topic, as follows:

- (1) A written test comprised of at least five questions per credit shall be developed by the North Carolina Justice Academy or the approved curriculum developer having received NJP approval for each in-service topic requiring testing. The Firearms and Qualifications in-service course and topics delivered pursuant to Rule .0104 of this Section shall be exempt from this written test requirement;
- (2) A student shall pass each test by achieving at least 70 percent correct answers; and
- (3) A student who completes a topic of in-service training in a traditional classroom setting or online and fails the end-of-topic exam shall be given one attempt to re-test. If the student fails the exam a second time, the student shall complete the in-service training topic in a traditional classroom setting before taking the exam a third time.

(b)(c) Upon notification that a law enforcement officer who has been continuously employed with an agency during the 12 month calendar year has failed to meet the requirements for in-service

training, ~~as specified in 12 NCAC 09E .0102~~, the officer's certification shall be suspended by the Standards Division Director.

~~(e)~~(d) No officer suspended under Paragraph (b) of this Rule shall work as a certified law enforcement officer until:

- (1) the department head or designated representative forwards to the Commission documentary evidence verifying that the officer has complied with the requirements for reinstatement of certification as specified in this subsection; and
- (2) the department head or designated representative and the officer receive from the Commission documentation that the Commission has terminated the suspension and reissued law enforcement certification to the suspended officer.

~~(d)~~(e) If an officer has separated from an agency with less than a 12-month break in law enforcement service and is later reemployed as a law enforcement officer during the same calendar year, the officer shall have completed all of the in-service training topics ~~as specified in 12 NCAC 09E .0102~~ by the end of that same calendar year. Upon notification that such officer has failed to meet all the requirements for in-service training, ~~as specified in 12 NCAC 09E .0102~~, the law enforcement officer's certification shall be suspended.

~~(e)~~(f) If an officer has separated from an agency with less than a 12 month break in law enforcement service and is later reemployed as a law enforcement officer during the subsequent calendar year, the officer shall have completed all of the in-service training topics ~~as specified in 12 NCAC 09E .0102~~ by the end of the subsequent calendar year. Upon notification that such officer has failed to meet all the requirements for in-service training, ~~as specified in 12 NCAC 09E .0102~~, the law enforcement officer's certification shall be suspended.

Authority G.S. 17C-6; 17C-10.

SUBCHAPTER 09G - STANDARDS FOR CORRECTIONS EMPLOYMENT, TRAINING, AND CERTIFICATION

SECTION .0100 - SCOPE, APPLICABILITY, AND DEFINITIONS

12 NCAC 09G .0102 DEFINITIONS

The following definitions apply throughout this Subchapter only:

- (1) "Agency" means those state and local agencies identified in G.S. 17C-2(2).
- (2) "Commission" means the North Carolina Criminal Justice Education and Training Standards Commission identified in G.S. 17C.
- (3) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and Training Standards Commission or an administrative body that a person performed the acts necessary to satisfy the elements of a specified offense.
- (4) "Convicted" or "Conviction" means, the entry of:

- (a) a plea of guilty;
 - (b) a verdict or finding of guilt by a jury, judge, magistrate, or other duly constituted, established adjudicating body, tribunal, or official, either civilian or military; or
 - (c) a plea of no contest, nolo contendere, or the equivalent.
- (5) "Correctional Officer" means an employee of the North Carolina Department of ~~Public Safety, Division of Adult Correction and Juvenile Justice, Correction~~, responsible for the custody of inmates or offenders.
 - (6) "Corrections Officer" means either or both of the two classes of officers employed by the North Carolina Department of ~~Public Safety, Division of Adult Correction and Juvenile Justice~~; correctional officer or probation/parole officer.
 - (7) "Criminal Justice System" means the whole of the State and local criminal justice agencies including the North Carolina Department of ~~Public Safety, Division of Adult Correction and Juvenile Justice, Correction~~.
 - (8) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina Department of Justice.
 - (9) "Educational Points" means points earned toward the State Correction Officers' Professional Certificate Program for studies completed, with passing scores achieved, for semester hour or quarter hour credit awarded from colleges or universities accredited by the Department of Education of the state in which the institution is located, from an accredited body recognized by either the U.S. Department of Education or the Council for Higher Education Accreditation, or from the state university of the state in which the institution is located. Each semester hour of college credit equals one educational point and each quarter hour of college credit equals two-thirds of an educational point.
 - (10) "High School" means a high school that meets the compulsory attendance requirements in the jurisdiction in which the school is located.
 - (11) "In-Service Training Coordinator" means a person designated by a Criminal Justice Agency head to administer the agency's In-Service Training program.
 - (12) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as felonies. Misdemeanor offenses are classified by the Commission as follows:
 - (a) "Class A Misdemeanor" means a misdemeanor committed or omitted in violation of any common law, duly-enacted ordinance, or criminal statute of this State that is not classified as a

Class B Misdemeanor pursuant to Sub-item (12)(b) of this Rule. Class A Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of not more than six months. Excluded from "Class A Misdemeanor" criminal offenses for jurisdictions other than North Carolina are motor vehicle or traffic offenses designated as misdemeanors under the laws of other jurisdictions or duly enacted ordinances of an authorized governmental entity, with the exception of the offense of impaired driving that is included herein as a Class A Misdemeanor if the offender could have been sentenced for a term of not more than six months. Also included herein as a Class A Misdemeanor is the offense of impaired driving, if the offender was sentenced under punishment level three G.S. 20-179(i), level four G.S. 20-179(j), or level five G.S. 20-179(k). Class A Misdemeanor shall also include acts committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, or criminal statute of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of not more than six months.

(b) "Class B Misdemeanor" means an act committed or omitted in violation of any common law, criminal statute, or criminal traffic code of this State that is classified as a Class B Misdemeanor as set forth in the Department of Adult Correction section of the Class B Misdemeanor Manual as published by the North Carolina Department of Justice, incorporated herein by reference, and shall include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. The publication is available from the Commission's

website:
<http://www.ncdoj.gov/getdoc/60bb12ca-47c0-48cb-a0e3-6095183c4c2a/Class-B-Misdemeanor-Manual-2005.aspx>.
 Class B Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of more than six months but not more than two years. Excluded from this grouping of "Class B Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as being misdemeanors under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor includes the following:

- (i) either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six months but not more than two years;
 - (ii) driving while license permanently revoked or permanently suspended;
 - (iii) those traffic offenses occurring in other jurisdictions which are comparable to the traffic offenses specifically listed in the Class B Misdemeanor Manual; and
 - (iv) an act committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years.
- (13) "Pilot Courses" means those courses approved by the Education and Training Committee,

- (14) consistent with 12 NCAC 09G .0404, which are used to develop new training course curricula. "Probation/Parole Officer" means an employee of the North Carolina Department of ~~Public Safety, Division of Adult Correction and Juvenile Justice, Correction~~, whose duties include supervising, evaluating, or otherwise instructing offenders placed on probation, parole, post release supervision, or assigned to any other community-based program operated by the ~~Division Department of Adult Correction and Juvenile Justice- Correction~~.
- (15) "Qualified Assistant" means an additional staff person designated as such by the School Director to assist in the administration of a course when a certified institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a certified course.
- (16) "School" means an institution, college, university, academy, or agency that offers penal or corrections training for correctional officers or probation/parole officers. "School" includes the corrections training course curricula, instructors, and facilities.
- (17) "School Director" means the person designated by the Secretary of the North Carolina Department of ~~Public Safety, Division of Adult Correction and Juvenile Justice~~ to administer the School.
- (18) "Standards Division" means the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (19) ~~"State Corrections Training Points" means points earned toward the State Corrections Officers' Professional Certificate Program by completion of Commission approved corrections training courses. Twenty classroom hours of Commission approved corrections training equals one State Corrections training point.~~

Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217.

**SECTION .0200 - MINIMUM STANDARDS FOR
 CERTIFICATION OF CORRECTIONAL OFFICERS,
 PROBATION/PAROLE OFFICERS, AND
 PROBATION/PAROLE OFFICERS-SURVEILLANCE**

**12 NCAC 09G .0201 EMPLOYMENT PROCESS:
 DOCUMENTATION: AND RECORDS RETENTION**

- (a) ~~The North Carolina Department of Correction is a state agency and is subject to G.S. 126. The employment process shall be consistent with the rules established by the State Personnel Commission as authorized by G.S. 126 4(6) and 126 4(7)(a).~~
- (b) ~~The North Carolina Department of Correction shall document the employment process and that the minimum standards for~~

employment have been satisfied through forms as approved by the State Personnel Commission.

(e) The North Carolina Department of Correction shall maintain and release those employment records in accordance with G.S. 126-24.

Authority G.S. 126-4; 126-24.

SECTION .0300 - CERTIFICATION OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICERS, AND INSTRUCTORS

12 NCAC 09G .0303 PROBATIONARY CERTIFICATION

(a) A prospective employee may commence active service as a correctional officer or probation/parole officer at the time of employment.

(b) Within 90 days of appointment to a position for which the Commission requires certification, the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice shall submit a completed Report of Appointment/Application for Certification (F-5A DAC) to the Standards Division. The Report of Appointment/Application for Certification (F-5A DAC) includes information regarding the appointee's personal identification, education, military service record, and any criminal convictions.

(c) The Commission shall certify as a probationary officer a person meeting the standards for certification when the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice submits a completed Report of Appointment/Application for Certification (Form F-5A DAC) to the Standards Division.

(d) The Standards Division shall issue the officer's Probationary Certification to the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice. Correction.

(e) The officer's Probationary Certification shall remain valid for one year from the date the certification is issued by the Standards Division unless sooner suspended or revoked pursuant to Rule .0503 of this Subchapter or the officer has attained General Certification.

(f) Documentation of Probationary Certification shall be maintained with the officer's personnel records with the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice and the Commission.

Authority G.S. 17C-6; 17C-10.

12 NCAC 09G .0313 CORRECTIONS INSTRUCTOR TRAINING

(a) To successfully complete Corrections Instructor Training, the trainee shall:

- (1) complete all of the required course work pursuant to 12 NCAC 09B .0209. All trainee presentations shall have met the criteria and conditions specified in the course orientation of the "Instructor Training Manual", as published by the North Carolina Justice Academy; and
(2) attain the passing score on each performance area as specified in the course abstract of

Instructor Training Manual for the final written lesson plan and final 70 minute presentation.

(b) If a trainee fails to meet the minimum criteria on the final lesson plan or the final 70 minute presentation, he or she shall be authorized one opportunity to correct either of these deficiencies by the end of the course.

Authority G.S. 17C-6.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Oil and Gas Commission intends to readopt with substantive changes the rules cited as 15A NCAC 05C .0101, .0103-.0113, .0115-.0121 and .0123-.0126.

Link to agency website pursuant to G.S. 150B-19.1(c): https://www.deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules

Proposed Effective Date: September 1, 2025

Public Hearing:

Date: January 7, 2025

Time: 6:00 p.m.

Location: Archdale Bldg. Ground Floor Hearing Room, 512 N. Salisbury St., Raleigh, NC 27604

Reason for Proposed Action: The Oil and Gas Commission, created by N.C. Gen. Stat. § 143B-293.1, administers the Oil and Gas Conservation Act, Article 27 of Chapter 113 of the General Statutes. The Commission is responsible for establishing a modern regulatory program for the management of oil and gas exploration and development of the State and the use of horizontal drilling and hydraulic fracturing. The Commission manages the oil and gas development program through regulations designed to protect public health and safety; protect public and private property; protect and conserve the State's air, water, and other natural resources; promote economic development and expand employment opportunities. The Department of Environmental Quality is tasked with administering and enforcing rules adopted by the Commission in accordance with N.C. Gen. Stat. § 113-391(a4).

N.C. Gen. Stat. § 150B-21.3A requires state agencies to review existing rules every 10 years. The Commission is considered an agency as defined by N.C. Gen. Stat. § 150B-2(1b) and therefore is subject to the periodic review requirements at N.C. Gen. Stat. § 150B-21.3A. The proposed rulemaking for 15A NCAC 05C falls within this purview.

The Oil and Gas Commission is directed by N.C. Gen. Stat. § 113-391(a) to adopt rules regulating pre-drilling exploration activities, including geophysical surveys, stratigraphic surveys, and testing. The rules in 15A NCAC 05C establish the procedures related to pre-drilling for oil and natural gas exploration activities, including seismic and other geophysical and stratigraphic surveys and testing as required in N.C. Gen. Stat. § 113-391.

Comments may be submitted to: Jim Chapman, Division of Energy, Mineral and Land Resources, Archdale Building, 1612 Mail Service Center, Raleigh, NC 27699-1612; phone (919) 707-9231; email james.chapman@deq.nc.gov

Comment period ends: February 14, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 05 - MINING - MINERAL RESOURCES

SUBCHAPTER 05C - GEOPHYSICAL EXPLORATION

15A NCAC 05C .0101 DEFINITIONS

(d)(a) Department. "Department" Whenever the word "department" is referred to in these rules, it shall mean means the North Carolina Department of Environment, Health, and Natural Resources Environmental Quality in Raleigh, North Carolina.

(a)(b) "Explorations" Explorations. Whenever the word "explorations" is referred to in these rules, it shall mean means geological, geophysical and other surveys and investigations, including seismic methods for the discovery and location of oil, gas or other mineral prospects, and which may or may not involve the use of explosives.

(c) "Party chief" means the leader of the on-site crew conducting the exploration work for a company that is permitted to conduct such work under these rules.

(d) "Secretary" means Secretary of the Department of Environmental Quality.

(e) "Seismic agent" means a North Carolina Department of Environmental Quality representative who shall be responsible for observing and monitoring compliance with the rules and regulations of the Department and the issued permit for geophysical operations.

(b)(f) Seismic Explorations. "Seismic explorations" The word "seismic explorations" shall mean means any geophysical exploration method which involves involving the use of explosives. explosives and shall include the seismic vibrator method.

(g) "Seismic vibrator method" means a vibrator device used as an energy source to generate a controlled acoustic wave train.

(h) "Shooting component" means one explosive charge.

(e)(i) Shot. "Shot" The word "shot" as used in these rules shall mean means the use and detonation of TNT, powder, dynamite, nitroglycerin nitroglycerin, each use of the seismic vibrator method, or other explosives.

Authority G.S. 113-391.

15A NCAC 05C .0103 CORRESPONDENCE

Reports and correspondence by all parties in connection with these rules shall be addressed to "North Carolina Department of Environment, Health, and Natural Resources, Environmental Quality" in Raleigh, N.C." unless from time to time parties subject to these rules shall be notified in writing by the department Department to direct communications to a specified division or a specified representative of the department Department.

Authority G.S. 113-391.

15A NCAC 05C .0104 SITE REGULATION

The Secretary of the Department of Environmental Quality Environment, Health, and Natural Resources (and in areas in which wildlife resources will be appreciably affected, with the advice and approval of the Director of the N.C. Wildlife Resources Commission and representatives of the U.S. Fish and Wildlife Service, Service) will shall designate the extent of when, where, and how much exploration work may shall be conducted under these Rules.

Authority G.S. 113-391.

15A NCAC 05C .0105 PERMIT REQUIRED

A permit from the Department department is required for all seismic exploration work in the area to which these rules are applicable. applicable. No such seismic work shall be started without a permit and all such work must shall be carried out in such manner as may be approved by the Department. said secretary.

Authority G.S. 113-391.

15A NCAC 05C .0106 PERMIT APPLICATION

Application for permits for such exploration work must shall be filed in quadruplicate with the department Department at least 40 days 30 business days before issuance of permits and must shall be accompanied by a detailed map showing the exact area in which the geophysical operations are to be conducted, such area to be shown, where possible, by reference to established east objects or geodetic landmarks. (The department may hereafter require applications to be filed on special forms to be provided by the department.) Permittees will shall also obtain appropriate assent from the lessee if and where the area under investigation is

~~leased, with exclusive exploration privilege, to other than the permittee. If the applicant is not the owner of the land and owner of the mineral rights to be explored, the applicant shall include the owner's written consent for the applicant to submit an exploration application to conduct exploration activities.~~

Authority G.S. 113-391.

15A NCAC 05C .0107 PERMIT DURATION

Permits are limited to a period of six months from date of issue, but may be renewed for not more than two additional 90-day periods at the discretion of the Department, secretary. Applications for each renewal may be submitted made electronically, in letter form. After the expiration of a permit and any renewals thereof, work may continue or be resumed under any new permit issued or application made as provided in Rule ~~0006~~ .0106 of this ~~Subchapter, Section.~~

Authority G.S. 113-391.

15A NCAC 05C .0108 GEOGRAPHIC LIMITS ON WORK

~~No A seismic exploration shall not be conducted outside of the permitted area. crew shall work outside the area or areas as described in its permit or permits.~~

Authority G.S. 113-391.

15A NCAC 05C .0109 SEISMIC AGENTS

Each seismic exploration crew working under a permit issued pursuant to these rules ~~will~~ shall always be accompanied by a seismic agent, unless written exception has been granted by the Department, secretary. ~~When~~ If a geophysical company crew employs more than one shooting component or more than one seismic vibration crew ~~unit~~ and the operations units are at such a distance apart that it is impossible for the seismic agent to travel from one to the other in time to observe the shots of each crew, ~~it will be required that~~ an agent shall be assigned to each geophysical shooting component of the crew, crew. The seismic agent shall be present for each shot and each use of the seismic vibrator method, will be constantly present during the shooting operations of the party to which he is assigned.

Authority G.S. 113-391.

15A NCAC 05C .0110 DAILY REPORT REQUIRED

~~The permittee shall file a daily report Daily reports on such exploration work shall be filed with the Department department by the seismic agent at the end of each working day, period. A separate report must shall be made for each day whether or not data acquisition shooting is in progress. These reports must furnish complete information as indicated on the report form and must be signed by the party chief and by the seismic agent. The party chief will furnish only such information to the seismic agent as is required to fill out the daily reports. Should the department wish to secure any other information, it will furnish the party chief with a written request. The Department may request additional information.~~

Authority G.S. 113-391.

15A NCAC 05C .0111 NOTIFICATION

~~Operators Permittees shall notify the Department department electronically with verifying receipt at least one week two weeks in advance of the beginning, and shall give notice of interruption, and of cessation of work in any area, area, and shall keep the department informed of name and address of party chief, and location and movements of the crew or quarter boat.~~

Authority G.S. 113-391.

15A NCAC 05C .0112 SIZE OF EXPLOSIVE CHARGES

Charges in excess of 50 pounds of TNT or its equivalent shall not be used except pursuant to written authorization from the Department, department. Requests shall be submitted with the permit application to the Department, for the use Use of such charges ~~must~~ shall be made in writing, giving the reasons why such charges are needed, the size of charges to be used, and the depth at which they are to be suspended or buried. ~~Such requests should be addressed to the department.~~ Should multiple charges be used, the total amount of explosive should not exceed 50 pounds of TNT or its equivalent without ~~special~~ permission from the Department, department.

Authority G.S. 113-391.

15A NCAC 05C .0113 PLACING OF CHARGES

The placing of explosive charges on the bottoms of the water at any area covered by a permit issued pursuant to these rules is ~~prohibited, prohibited.~~ ~~No undetonated charges shall be left.~~ No such charges should be detonated that are less than five feet to the bottom, nearer to the bottom or water bed than five feet. ~~No undetonated charges shall be left following the work day.~~

Authority G.S. 113-391.

15A NCAC 05C .0115 REMOVAL

All pipe used in geophysical operations ~~must~~ shall be removed by the party permittee using such pipe to at least six feet below the bottom or water bed ~~(and and in charted navigable channels, at least eight feet below charted dredge depth) depth~~ before finally leaving the ~~shot point, location where the pipe is placed.~~

Authority G.S. 113-391.

15A NCAC 05C .0116 IDENTIFICATION

All ~~parties~~ permittees using pipe ~~must~~ shall have ~~clearly~~ stamped at each end of each joint the name or abbreviation of the name of the ~~company using the pipe, permittee.~~

Authority G.S. 113-391.

15A NCAC 05C .0117 PIPES AND BUOYS

All pipes, buoys, and other markers used in connection with seismic work shall be ~~properly~~ flagged in the daytime and lighted at night according to the navigation rules of the U.S. Army Corps of Engineers and the U.S. Coast Guard.

Authority G.S. 113-391.

15A NCAC 05C .0118 EXPLOSIVES

No explosives shall be discharged within 1,000 feet of a fishing boat operating in the waters, water without notice being given to such boat so that it may move from the area. ~~Before any shot is discharged the exploration party shall employ methods approved by the industry to frighten or drive away the fish and/or marine life which may be in the area where the shot is to be discharged. If there is a school or schools of fish in the area to be shot, operations must be suspended in that particular area until said school or schools of fish have been driven away.~~

Authority G.S. 113-391.

15A NCAC 05C .0119 SHOOTING

- (a) No shooting will be allowed except in daylight hours, hours so that the seismic agent may observe the results of each shot, ~~except that, in the discretion of the department and on written request stating the reasons therefor special written permission may be granted for night shooting.~~
- (b) No shooting will shall be allowed in heavy fog, fog due to ~~danger to boats in close proximity.~~
- (c) The permittee shall stop Persistent gas and water spouts caused by drilling or shooting operations of seismic crews as soon as possible, but no later than 24 hours, will be stopped by permittee as soon as possible after they occur.

Authority G.S. 113-391.

15A NCAC 05C .0120 MINIMUM DEPTHS

- (a) Minimum required depths of charges detonated in holes below the bottom ~~or bed of the inland or offshore waters~~ water within the jurisdiction of this state State shall be as follows:
 - (1) five pounds or less of TNT or its equivalent;
20 feet below the bottom,
 - (2) up to 20 pounds of TNT or its equivalent;
40 feet below the bottom,
 - (3) up to 30 pounds of TNT or its equivalent;
50 feet below the bottom,
 - (4) up to 40 pounds of TNT or its equivalent;
60 feet below the bottom,
 - (5) up to 50 pounds of TNT or its equivalent;
70 feet below the bottom.
- (b) ~~No part of the charge shall be above the minimum required depth. Irrespective of the minimum depths specified in Paragraph (a) of this Rule, all charges shall be detonated at sufficient depths to prevent cratering.~~
- (c) These minimum required depths shall not apply to trial charges and charges for determining condition of the weathering layer; provided that such charges are not over five pounds and not fired without permission of the seismic agent, and then no more often than absolutely necessary.

Authority G.S. 113-391.

15A NCAC 05C .0121 DETAILED PROVISIONS

- (a) When more than one shot is fired in the same hole, hole and ~~there is any reasonable doubt in the mind of either the seismic~~ the

~~permittee shall measure agent or the field manager of the party as to the legal depth of the hole after the shot is fired, the hole will be measured for depth every shot is fired, before reloading to ascertain that it is the required depth in accordance with the table of charges and depth.~~

- (b) All surveying hub stakes 2 x 2's used for survey lines must shall be clearly stamped with the name of the permittee company using the stakes at approximately three-foot intervals.
- (c) All holes drilled in geophysical operations in land areas must shall be filled filled, by the permittee the persons or agency drilling these holes, before leaving the location.
- (d) No explosives shall be discharged within 300 feet of any oyster reef or bed, including any state-owned natural reefs, or within 300 feet of any dock, pier, causeway or other fixed structure, structure anchored to the seabed without written permission signed by the owner ~~and/or~~ and lessee of the reef or bed, approved by the department. Department.
- (e) All shot charges suspended in the water by floats shall be of such type and packaged in such manner that same will disintegrate and neutralize in the water within a short time, and any suspended charge which fails to discharge shall be immediately removed from the water if same can, in the opinion of the party chief or manager, be done without endangering the life of any member of the party, but, in no event, shall any such undischarged suspended charge be abandoned without destroying the floats attached thereto. ~~Where inflated floats are used, all charges will be suspended from dual floats either of which will be capable of retaining the charge at the proper depth.~~
- (f)(e) Boats, marsh buggies or other types of marsh vehicles must shall be so used as to cause the minimum disturbance of an injury to lands, waterbottoms, and wildlife and fisheries thereon. ~~All such vehicles shall be clearly painted or otherwise distinctively marked so as to be easily seen and identified.~~
- (g) Agents assigned to seismic crews are to be employees of and under the supervision of the department.
- (h) ~~The department on request, will have access to all records, such as shot point location maps, shooters' logs and tracings, but only to the extent necessary to determine that all protective requirements have been complied with.~~
- (i) ~~The interpretation of these rules by the department will be accepted by the seismic operator and the seismic agent.~~
- (j) ~~The party chief will instruct the members of his party as to these rules, and to the duty and authority of the department and the seismic agent.~~
- (k) ~~The party chief will assist the seismic agent to fill out the required form by furnishing all necessary data.~~

Authority G.S. 113-391.

15A NCAC 05C .0123 POWERS OF SEISMIC AGENTS

The seismic agent has the right to stop any particular shooting shooting, if, in his opinion, if it will violate the rules in this Subchapter, but does not have the authority to shut down the entire exploration work. ~~If, in the opinion of the seismic agent, If~~ such violations continue, he or she shall will immediately contact the Department within 24 hours, department, and the members of the exploration party will assist him to do this with all the facilities at their disposal.

Authority G.S. 113-391.

15A NCAC 05C .0124 DUTIES OF PARTY CHIEF

(a) The party chief shall provide will furnish the department Department's representative supervisor or his or her agent with transportation facilities to for inspection enable him to visit of the working area, if required.

(b) The party chief is required to notify the Department department immediately if the seismic agent is not on the working area. job, and will notify the department supervisor if it should become necessary to relieve an agent at any time. The Department department supervisor will shall arrange relief for the seismic agent. agent, if necessary.

Authority G.S. 113-391.

15A NCAC 05C .0125 RELEASE FROM THESE REGULATIONS

No seismic agent shall have the right to release any operator from the obligations imposed by these rules. Permittee may request an exception to these rules in writing by setting forth reasons for the request. Exceptions may be granted by the department Department only, after written application setting forth reasons for exception. The release and will shall designate the particular area and rule affected and the procedure to be followed in lieu of the established rule.

Authority G.S. 113-391.

15A NCAC 05C .0126 DUTIES OF OPERATORS

All operators permittees conducting seismic operations shall use reasonable precaution in accordance with approved and accepted methods. methods to prevent destruction of, or injury to, fish, oysters, shrimp, and other aquatic life, wildlife, or other natural resources.

Authority G.S. 113-391.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Public Health intends to adopt the rule cited as 15A NCAC 18C .1540.

Link to agency website pursuant to G.S. 150B-19.1(c): https://www.deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules

Proposed Effective Date: July 1, 2025

Public Hearing:

Date: January 7, 2025

Time: 1:00 p.m.

Location: Ground Floor Hearing Room, Archdale Building; 512 North Salisbury Street, Raleigh, NC 27604

Reason for Proposed Action: The Public Water Supply (PWS) Section, which serves as the primacy agency to United States Environmental Protection Agency (EPA), has responsibility to

implement and enforce provisions of the federal Safe Drinking Water Act (SDWA). As per publication in the federal register (Vol. 89, No. 42) on April 26, 2024, new and mandatory EPA requirements exist and await implementation by the PWS Section. The new requirements are intended to control and manage public health risks associated with Per- and Polyfluoroalkyl substances (PFAS). To complete primacy application requirements, the Section has proposed that the federal PFAS rule be codified by the state and adopted by reference into 15A NCAC 18C (Rules Governing Public Water Systems).

Comments may be submitted to: Jay Frick, NC Division of Water Resources, Public Water Supply Section, 1634 Mail Service Center, Raleigh, NC 27699-1634; email jay.frick@deq.nc.gov

Comment period ends: February 14, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18C - WATER SUPPLIES

SECTION .1500 - WATER QUALITY STANDARDS

15A NCAC 18C .1540 CONTROL OF PER- AND POLYFLUOROALKYL SUBSTANCES

The provisions of 40 C.F.R. 141, Subpart Z - Control of Per- and Polyfluoroalkyl Substances (PFAS) are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102(a) and (b) of this Subchapter.

Authority G.S. 130A-315; 130A-320(c); P.L. 93-523; 40 C.F.R. 141.

please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 32 - MEDICAL BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the Medical Board intends to adopt the rules cited as 21 NCAC 32B .1361; 32S .0226 and amend the rule cited as 21 NCAC 32N .0107.

Link to agency website pursuant to G.S. 150B-19.1(c): https://www.ncmedboard.org/about-the-board/latest-board-activity/rule-change-tracker

Proposed Effective Date: April 1, 2025

Public Hearing:

Date: February 14, 2025

Time: 11:00 a.m.

Location: The public hearing will be held remotely via teleconference.

Telephone Number: 919-518-9840;

Conference ID: 169 718 893#

Reason for Proposed Action:

21 NCAC 32B .1361; 21 NCAC 32S .0226

To implement G.S. 90-12.02, which allows military servicemembers and their spouses to obtain an expedited license under certain circumstances.

21 NCAC 32N .0107

To add substance and clarification to the requirement in G.S. 90-14(1) which requires the Board to notify a licensee if an investigation will take longer than six (6) months.

Comments may be submitted to: Leigh Anne Satterwhite, 3127 Smoketree Court, Raleigh, NC 27604; phone (919) 326-1109; email rules@ncmedboard.org

Comment period ends: February 14, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission,

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

SUBCHAPTER 32B - LICENSE TO PRACTICE MEDICINE

SECTION .1300 - GENERAL

21 NCAC 32B .1361 MILITARY RELOCATION LICENSE FOR PHYSICIAN SERVICEMEMBERS AND SPOUSES

(a) A physician who meets the qualifications listed in this Rule and G.S. 90-12.02 may apply for a military relocation license for physician servicemembers and spouses.

(b) An applicant for a military relocation license for physician servicemembers and spouses shall:

- (1) complete the Board's application attesting under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;
(2) submit documentation of a legal name change, if applicable;
(3) submit a photograph of the applicant that was taken in the last two years;
(4) supply a certified copy of applicant's birth certificate if the applicant was born in the U.S. or certified copy of a valid and unexpired U.S. passport. If the applicant does not possess proof of U.S. citizenship, the applicant must provide information about applicant's immigration status that the Board will use to verify applicant's eligibility for this license;
(5) provide proof that applicant is a servicemember of the United States Armed Forces or a spouse of a servicemember of the United States Armed Forces;
(6) provide a copy of military orders that indicates that the applicant is residing in this State pursuant to such military orders for military service relating to applicant or applicant's spouse;
(7) provide proof that the applicant holds a current license in another jurisdiction that has licensing requirements that are substantially equivalent or otherwise exceed the requirements for licensure in this State;
(8) provide proof that the applicant is in good standing in the jurisdiction of licensure, has not been disciplined in the last five years by any occupational licensing board, and has no

pending investigations by any occupational licensing board;

- (9) provide proof that the applicant has actively practiced medicine an average of 20 hours per week during the 2 years immediately preceding relocation to this State;
- (10) if the applicant is a graduate of a medical school other than those approved by LCME, AOA, COCA, or CACMS, the applicant shall furnish an original ECFMG certification status report of a currently valid certification of the ECFMG. The ECFMG certification status report requirement shall be waived if the applicant has passed the ECFMG examination and successfully completed an approved Fifth Pathway program (original ECFMG score transcript from the ECFMG required);
- (11) submit two completed fingerprint record cards to the Board;
- (12) submit a signed consent form allowing a search of local, state and national files to disclose any criminal record;
- (13) pay to the Board a non-refundable fee pursuant to G.S. 90-13.1(a), plus the cost of a criminal background check; and upon request, supply any additional information the Board deems necessary to evaluate the applicant's qualifications.

(c) A military relocation license shall remain active for the duration of the military orders for military service in this State and upon which the application was submitted. A military relocation license shall become inactive at the time the license holder relocates pursuant to military orders to reside in another state, when the military orders for military service in this State expire, or when the applicable servicemember separates from military service. All licensees with military relocation licenses shall notify the Board within 15 days of the issuance of new military orders requiring relocation to another state, within 15 days of the expiration of military orders, or within 15 days of separation from military service.

(d) The Board shall retain jurisdiction over the holder of an inactive military relocation license.

(e) A military relocation license may be converted to a full North Carolina license by applying for a full license with the Board via a separate application. The Board shall waive the application fee for a full license application if the application is submitted within one year of the issuance of the military relocation license. If an application is made to convert a military relocation license to a full license when the military relocation license is active, the military relocation license shall remain active during the full license application process and until the Board has made a licensing decision on the full license application.

(f) When possible, all reports and Orders must be submitted directly to the Board from the primary source.

(g) All information required by this Rule shall be provided within one year of submitting the application.

Authority G.S. 90-12.02; G.S. 90-13.1.

SUBCHAPTER 32N - FORMAL AND INFORMAL PROCEEDINGS

21 NCAC 32N .0107 INVESTIGATIONS AND COMPLAINTS

(a) At the time of first oral or written communication from the Board or staff or agent of the Board to a licensee regarding a complaint or investigation, the Board shall provide the notices set forth in G.S. 90-14(i), except as provided in Paragraph (e) of this Rule.

(b) A licensee shall submit a written response to a complaint received by the Board within 45 days from the date of a written request by Board staff. The Board shall grant up to an additional 30 days for the response where the licensee demonstrates good cause as defined in Rule .0106 of this Section for the extension of time. The response shall contain accurate and complete information. Where a licensee fails to respond in the time and manner provided herein, the Board may treat that as a failure to respond to a Board inquiry in a reasonable time and manner as required by G.S. 90-14(a)(14).

(c) The licensee's written response to a complaint submitted to the Board in accordance with Paragraph (b) of this Rule shall be provided to the complainant upon written request by the complainant as permitted in G.S. 90-16(e1), except that the response shall not be provided where the Board determines that the complainant has misused the Board's complaint process or that the release of the response would be harmful to the physical or mental health of the complainant who was a patient of the responding licensee.

(d) A licensee shall submit to an interview within 30 days from the date of an oral or written request from Board staff. The Board may grant up to an additional 15 days for the interview where the licensee demonstrates good cause for the extension of time. The responses to the questions and requests for information, including documents, during the interview shall be complete and accurate. Where the licensee fails to respond in the time and manner provided herein, the Board may treat that as a failure to respond to a Board inquiry in a reasonable time and manner as required by G.S. 90-14(a)(14).

(e) The licensee who is the subject of a Board inquiry may retain and consult with legal counsel of his or her choosing in responding to the inquiries as set out in G.S. 90-14(i).

(f) For purposes of G.S. 90-14(l) an investigation is complete when the Board's Chief Investigative Officer, or his or her designee, approves an investigative report for submission to the Board's Disciplinary Committee.

Authority G.S. 90-5.1(a)(3); 90-14(a)(14); ~~90-14(i); 90-14(a)(i) and (l); 90-16(e1).~~

SUBCHAPTER 32S - PHYSICIAN ASSISTANTS

SECTION .0200 – PHYSICIAN ASSISTANT REGISTRATION

**21 NCAC 32S .0226 MILITARY RELOCATION
LICENSE FOR PHYSICIAN ASSISTANT
SERVICEMEMBERS AND SPOUSES**

(a) A physician assistant who meets the qualifications listed in this Rule and G.S. 90-12.02 may apply for a military relocation license for physician assistant servicemembers and spouses.

(b) An applicant for a military relocation license for physician assistant servicemembers and spouses shall:

- (1) complete the Board's application attesting under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;
- (2) submit documentation of a legal name change, if applicable;
- (3) submit a photograph of the applicant that was taken in the last two years;
- (4) supply a certified copy of applicant's birth certificate if the applicant was born in the U.S. or a certified copy of a valid and unexpired U.S. passport. If the applicant does not possess proof of U.S. citizenship, the applicant must provide information about applicant's immigration status that the Board will use to verify applicant's eligibility for this license;
- (5) provide proof that applicant is a servicemember of the United States Armed Forces or a spouse of a servicemember of the United States Armed Forces;
- (6) provide a copy of military orders that indicates that the applicant is residing in this State pursuant to such military orders for military service relating to applicant or applicant's spouse;
- (7) provide proof that the applicant holds a current license in another jurisdiction that has licensing requirements that are substantially equivalent or otherwise exceed the requirements for licensure in this State;
- (8) provide proof that the applicant is in good standing in the jurisdiction of licensure, has not been disciplined in the last five years by any occupational licensing board, and has no pending investigations by any occupational licensing board;
- (9) provide proof that the applicant has actively practiced medicine an average of 20 hours per week during the 2 years immediately preceding relocation to this State;
- (10) submit two completed fingerprint record cards to the Board;
- (11) submit a signed consent form allowing a search of local, state and national files to disclose any criminal record;
- (12) pay to the Board a non-refundable fee as required by Rule .0202 of this Section, plus the cost of a criminal background check;

(13) upon request, supply any additional information the Board deems necessary to evaluate the applicant's qualifications.

(c) A military relocation license shall remain active for the duration of the military orders for military service in this State and upon which the application was submitted. A military relocation license shall become inactive at the time the license holder relocates pursuant to military orders to reside in another state, when the military orders for military service in this State expire, or when the applicable servicemember separates from military service. All licensees with military relocation licenses shall notify the Board within 15 days of the issuance of new military orders requiring relocation to another state, within 15 days of the expiration of military orders, or within 15 days of separation from military service.

(d) The Board shall retain jurisdiction over the holder of an inactive military relocation license.

(e) A military relocation license may be converted to a full North Carolina license by applying for a full license with the Board via a separate application. The Board shall waive the application fee for a full license application if the application is submitted within one year of the issuance of the military relocation license. If an application is made to convert a military relocation license to a full license when the military relocation license is active, the military relocation license shall remain active during the full license application process and until the Board has made a licensing decision on the full license application.

(f) When possible, all reports and Orders must be submitted directly to the Board from the primary source.

(g) All information required by this Rule shall be provided within one year of submitting the application.

Authority G.S. 90-12.02; 21 NCAC 32S .0202(5).

CHAPTER 34 – BOARD OF FUNERAL SERVICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Funeral Service intends to adopt the rule cited as 21 NCAC 34B .0619.

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

Proposed Effective Date: *May 1, 2025*

Public Hearing:

Date: *January 8, 2025*

Time: *10:00 a.m.*

Location: *1033 Wade Ave, Ste 108, Raleigh, NC 27605*

Reason for Proposed Action: *To provide consistent process by which funeral establishments may notify the Board of a change in licensed manager.*

Comments may be submitted to: *Stephen Davis, 1033 Wade Ave, Ste 108, Raleigh, NC 27605; phone (919) 733-9380; email SDavis@ncbfs.org*

Comment period ends: February 21, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

SUBCHAPTER 34B – FUNERAL SERVICE

SECTION .0100 - RESIDENT TRAINEES

21 NCAC 34B .0619 CHANGE OF FUNERAL ESTABLISHMENT MANAGER

(a) Funeral establishments as defined by G.S. 90-210.20(h) and individuals or entities to whom the Board has issued a permit to engage in the practice of funeral service pursuant to G.S. 90-210.25(a2)(2)('Unaffiliated Practices') shall have in charge a manager licensed by the Board for the practice of funeral directing or funeral service, in accordance with G.S. 90-210.25(d)(2).

(b) Funeral establishments and Unaffiliated Practices must notify the Board by email to permitapplications@ncbfs.org within five days of its licensed manager ceasing his or her service as licensed manager.

(c) To register the name of a replacement manager with the Board, funeral establishments and Unaffiliated Practices must submit by email to permitapplications@ncbfs.org a form containing the following information:

- (1) The name of the funeral establishment or Unaffiliated Practice;
(2) The permit number of the funeral establishment or Unaffiliated Practice;
(3) The name and license number of the funeral director or funeral service licensee being named as manager of the funeral establishment or Unaffiliated Practice;
(4) The effective date of replacement manager's appointment as manager;

- (5) Whether the outgoing manager still is employed by the funeral establishment or Unaffiliated Practice;
(6) The name and license number of the sole proprietor, partner, LLC member, or corporate officer satisfying the requirements of G.S. 90-210.27A(e);
(7) The dated signature of the replacement manager; and
(8) The dated signature of the sole proprietor, partner, LLC member, or corporate officer satisfying the requirements of G.S. 90-210.27A(e).

Authority G.S. 90-210.23(a); 90-210.25(d)(2).

TITLE 25 – OFFICE OF STATE HUMAN RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Human Resources Commission intends to amend the rule cited as 25 NCAC 010 .0113.

Link to agency website pursuant to G.S. 150B-19.1(c): https://oshr.nc.gov/about-oshr/state-hr-commission/proposed-rulemaking

Proposed Effective Date: April 1, 2025

Public Hearing:

Date: December 31, 2024

Time: 10:00 a.m.

Location:

https://ncgov.webex.com/ncgov/j.php?MTID=mad0c84ecd58c19995915866d3d7bb94f

Reason for Proposed Action: The proposed change would align the retention period with OSHR practice in maintaining annual performance evaluations. It would also align the retention period with the Court of Appeals' holding in Locklear v. NC Department of Public Safety, No. NCCOA 22-890 (N.C. App., June 6, 2023) (unpublished). The court suggested that the agency should have considered the "performance reviews for the previous ten years of Petitioner's work history with the [employer]." Page 14 of opinion, 223 NC App. LEXIS 321, *17. The Court of Appeals remarked that neither it or the North Carolina Supreme Court "have stipulated that a consideration of a partial history is sufficient to meet this factor for a proper finding of just cause." Page 15 of opinion, Id.

Comments may be submitted to: Denise Holton Mazza, 333 Fayetteville St, Raleigh, NC 27603; phone (984) 236-0823; email denise.mazza@nc.gov

Comment period ends: February 14, 2025

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 a written objection to the Rules

Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 01 - OFFICE OF STATE HUMAN RESOURCES

SUBCHAPTER 010 - PERFORMANCE MANAGEMENT SYSTEM

SECTION .0100 - GENERAL PROVISIONS

25 NCAC 010 .0113 CONFIDENTIALITY AND RECORDS RETENTION

- (a) Performance evaluations shall be confidential documents under G.S. 126-22.
- (b) To promote communication and coordination during calibration sessions, agency management may make some version of performance plans visible internally to management; however, any information shared during calibration sessions shall be treated as confidential and shall not be shared outside of the calibration session.
- (c) A breach of confidentiality shall be considered personal misconduct and may result in disciplinary action up to and including dismissal as defined in 25 NCAC 01J .0604.
- (d) Annual performance evaluations and supporting documentation shall be retained for ~~three years, and maintained according to Article 7 of G.S. 126.~~ the length of the employee's employment with the State and an additional three years.
- (e) Hiring supervisors and managers shall be able to inspect and examine performance management documents of final job candidates who are current or former State employees during the hiring process.

Authority G.S. 126-4; 126-24.

Note from the Codifier: The rules published in this Section of the NC Register are emergency rules reviewed by the Codifier of Rules and entered in the North Carolina Administrative Code. The agency must subsequently publish a proposed temporary rule on the OAH website (www.ncoah.com/rules) and submit that adopted temporary rule to the Rules Review Commission within 60 days from publication of the emergency rule or the emergency rule will expire on the 60th day from publication. This section of the Register may also include, from time to time, a listing of emergency rules that have expired. See G.S. 150B-21.1A and 26 NCAC 02C .0600 for adoption and filing requirements.

TITLE 12 – DEPARTMENT OF JUSTICE

Rule-making Agency: Criminal Justice Education and Training Standards Commission

Rule Citation: 12 NCAC 09A .0209

Effective Date: November 20, 2024

Findings Reviewed and Approved by the Codifier: November 12, 2024

Reason for Action: The Governor of North Carolina has declared a state of emergency in Executive Order 315 regarding Tropical Storm Helene. The Governor's Executive Order was extended in Session Law 2024-51, which catalogs some of the catastrophic, unprecedented, and unforeseen effects of Hurricane Helene on the Western portion of North Carolina. On September 28, 2024, the President of the United States issued a major disaster declaration as a result of Hurricane Helene, finding that "I have determined that the damage in certain areas of the State of North Carolina resulting from Tropical Storm Helene beginning on September 25, 2024, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. (the "Stafford Act"). Therefore, I declare that such a major disaster exists in the State of North Carolina." In the President's declaration, FEMA-4827-DR, and Amendments 2 & 3, the President set out several counties and one territory as the affected area. These jurisdictions were incorporated into the scope of Session Law 2024-53 in Section 1.4(1). In Session Law 2024-53 Section 4E.1(b), the General Assembly commanded that if a state agency found that due to the impacts of Hurricane Helene in the affected area, it is in the public interest, including public health, safety, and welfare and the economic well-being of the citizens and businesses, the agency shall delay renewal dates of certifications, and delay or modify any educational or examination requirements for employment-related certifications. The Commission finds that it is in the public interest to delay renewal, academic, and examination requirements so that law enforcement may concentrate on dealing with the catastrophic emergency rather than deal with the regulatory burden during a time of public crisis, compromised or destroyed infrastructure including communications, and extreme risk to public health, safety, and economic well-being of the affected area.

The President of the United States, the Governor of North Carolina, and the General Assembly have all found that a major disaster has occurred that has created a serious threat to public health and safety. The unprecedented and unforeseeable magnitude of the disaster in Western North Carolina is, sadly, a matter of public record. Many lives have been lost, many people

are missing, and many homes, businesses, and even towns have been completely destroyed.

The General Assembly has found in Session Law 2024-53, that an agency may make an emergency rule upon finding that Hurricane Helene, in the affected area, has had impacts that make it in the public interest to delay certification renewals and educational and training requirements. The Commission so finds. The Commission is aware that certified criminal justice officers have lost their homes, sometimes the place they report to work, and in many cases, communication. Yet these officers continue serving the public in areas devastated by Hurricane Helene. Likewise, agencies in the affected area that report certification renewals and educational and training requirements of certified persons have, in many cases, been damaged, devastated, or destroyed. Decertifying for technical requirements those serving the community during the immediate response to an unprecedented disaster is contrary to the public interest. The public interest is served by allowing the persons and the reporting agencies to focus on serving the public, saving lives, and salvaging what they can so that our state can begin to rebuild. The General Assembly has found an appropriate extension until March 1, 2025, and the Commission adopts that date.

CHAPTER 09 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SUBCHAPTER 09A - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

SECTION .0200 - ENFORCEMENT OF RULES

12 NCAC 09A .0209 EXTENDED RENEWALS AND REPORTING DUE TO DISASTER

Due to the disaster caused by Hurricane Helene as referenced in the Governor's Executive Order 315, the General Assembly's Session Laws 2024-51 and 2024-53, and the President's Declaration FEMA-4827-DR, all deadlines, expiration dates, or reporting requirements of any sort set forth in Chapter 09 that refer or relate to certification renewals, educational requirements, or training requirements are extended until March 1, 2025, for the following persons and entities:

- (1) Any of the following persons who reside in an affected jurisdiction set forth in Item (3) of this Rule:
 - (a) criminal justice officer;
 - (b) instructor;
 - (c) professional lecturer;
 - (d) school director;
 - (e) qualified assistant; and
 - (f) any other person who is certified by the Commission.

(2) Any of the following entities located in an affected jurisdiction set forth in Item (3) of this Rule:

- (a) law enforcement agency;
- (b) school; and
- (c) any other entity that is accredited by the Commission or which has reporting requirements to the Commission.

(3) Affected jurisdictions, as defined in Declaration FEMA-4827-DR and amendments issued by the President of the United States, include:

- (a) Alexander County
- (b) Alleghany County
- (c) Ashe County
- (d) Avery County
- (e) Buncombe County
- (f) Burke County
- (g) Cabarrus County
- (h) Caldwell County
- (i) Catawba County
- (j) Cherokee County
- (k) Clay County
- (l) Cleveland County
- (m) Forsyth County
- (n) Gaston County
- (o) Graham County
- (p) Haywood County
- (q) Henderson County
- (r) Iredell County
- (s) Jackson County
- (t) Lee County
- (u) Lincoln County
- (v) Macon County
- (w) Madison County
- (x) McDowell County
- (y) Mecklenburg County
- (z) Mitchell County
- (aa) Nash County
- (bb) Polk County
- (cc) Rowan County
- (dd) Rutherford County
- (ee) Stanly County
- (ff) Surry County
- (gg) Swain County
- (hh) Transylvania County
- (ii) Union County
- (jj) Watauga County
- (kk) Wilkes County
- (ll) Yadkin County
- (mm) Yancey County
- (nn) Eastern Band of Cherokee Indians

Authority Session Law 2024-53 and State of North Carolina Executive Order 315 inclusive of amendments, to expire on March 1, 2025.

TITLE 21 — OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 02 – BOARD OF ARCHITECTURE AND REGISTERED INTERIOR DESIGNERS

Rule-making Agency: *Board of Architecture and Registered Interior Designers*

Rule Citation: *21 NCAC 02 .0911*

Effective Date: *November 21, 2024*

Findings Reviewed and Approved by the Codifier: *November 13, 2024*

Reason for Action: *In light of Session Law 2024-53 Senate Bill 743, the Board voted to adopt 21 NCAC 02 .0911 to alleviate the burden of obtaining 12 hours of continuing education needed for license renewal.*

SECTION .0900 - CONTINUING EDUCATION

21 NCAC 02 .0911 EMERGENCY RULE - CONTINUING EDUCATION FOR INDIVIDUALS IMPACTED BY HURRICANE HELENE AS SET FORTH IN SESSION LAW 2024-53, SENATE BILL 743

(a) Every licensee and registrant residing in the areas set forth in Senate Bill 743 shall obtain a minimum of six contact hours of continuing education for each calendar year. "Contact Hour" means 50 minutes contact.

(b) The contact hours shall be obtained in structured educational activities intended to increase or update the architect's or registered interior designer's knowledge and competence in technical and professional architectural and interior design subjects related to safeguarding public health, safety, and welfare ("HSW"). "Structured educational activities" are activities in which at least 75 percent of an activity's content and instructional time is devoted to HSW subjects related to the practice of architecture, including courses of study or other activities under the areas identified as HSW by individuals or organizations, whether delivered by direct contact or distance learning methods.

(c) Licensees and registrants shall not carry forward any contact hours into the subsequent period.

(d) Licensees and registrants shall certify completion of the contact hours for the previous calendar year with annual renewal.

Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11; Session Law 2024-53 Senate Bill 743.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission December 19, 2024, 2021 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 984-236-1850. 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

Jeanette Doran (Chair)
John S. Hahn
Jeff Hyde
Brandon Leebrick
Bill Nelson

Appointed by House

Jake Parker (1st Vice-Chair)
Paul Powell (2nd Vice-Chair)
Wayne R. Boyles, III
Randy Overton

COMMISSION COUNSEL

Brian Liebman	984-236-1948
William W. Peaslee	984-236-1939
Seth M. Ascher	984-236-1934
Travis Wiggs	984-236-1929

RULES REVIEW COMMISSION MEETING DATES

December 19, 2024	February 27, 2025
January 30, 2025	March 27, 2025

AGENDA

RULES REVIEW COMMISSION

**Thursday, December 19, 2024, 10:00 A.M.
1711 New Hope Church Rd., Raleigh, NC 27609**

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-up matters
 1. Criminal Justice Education And Training Standards Commission - 12 NCAC 09B .0232, .0404, .0405 (Peaslee)
- IV. Review of Log of Filings (Permanent Rules) for rules filed October 21, 2024 through November 20, 2024
 1. Commission for Public Health (Liebman)
 2. Criminal Justice Education And Training Standards Commission (Peaslee)
 3. Department of Labor (Peaslee)
 4. Environmental Management Commission (Wiggs)
 5. Coastal Resources Commission (Liebman)
 6. State Board of Education (Ascher)
 7. TSERS and LGERS Employee Retirement System Board of Trustees (Wiggs)
- V. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting
 1. DHHS - Commission for Mental Health/DD/SAS - 10A NCAC 26E .0406; 27G .3605 (Wiggs)
 2. Agricultural Finance Authority - 24 NCAC 02D .0101, .0102, .0103, .0104, .0105, .0106 (Peaslee)
- VI. Existing Rules Review
 - Review of Reports
 1. 02 NCAC 46, 48A, 48B – Board of Agriculture (Wiggs)
 2. 10A NCAC 45 – Commission for Public Health (Wiggs)
 3. 21 NCAC 02 – Board of Architecture and Registered Interior Designers (Wiggs)
 4. 21 NCAC 10 – Board of Chiropractic Examiners (Ascher)
 5. 21 NCAC 14 – Board of Cosmetic Art Examiners (Ascher)
 6. 21 NCAC 53 - Board of Licensed Clinical Mental Health Counselors (Ascher)
 7. 21 NCAC 62 – Board of Environmental Health Specialist Examiners (Ascher)
 8. 21 NCAC 66 - Veterinary Medical Board (Ascher)
 - Readoption

1. 10A NCAC 27G - Division of MH/DD/SAS (Ascher)
 2. 11 NCAC 23 - Industrial Commission (Ascher)
 3. 21 NCAC 37 - Board of Examiners for Nursing Home Administrators (Ascher)
 4. 21 NCAC 39 - Onsite Wastewater Contractors and Inspectors Certification Board (Wiggs)
- VII. Commission Business
- Closed session, to consult with attorneys regarding CRC v. RRC and CJETS v. RRC; and ASHLEY SNYDER, in her official capacity as CODIFIER OF RULES
 - Next meeting: Thursday, January 30, 2025
-

**Commission Review
Log of Permanent Rule Filings
October 21, 2024 through November 20, 2024**

PUBLIC HEALTH, COMMISSION FOR

The rules in Chapter 46 concern local standards including general provisions (.0100); standards for local health departments (.0200) and local health department staff (.0300); and sanitation inspections (.0400).

Minimum Standard Health Department: Staffing 10A NCAC 46 .0301
Amend*

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

The rules in Subchapter 9C concern the administration of criminal justice education and training standards including responsibilities of the criminal justice standards division (.0100); forms (.0200); certification of criminal justice officers (.0300); accreditation of criminal justice schools and training courses (.0400); minimum standards for accreditation of associate of applied science degree programs incorporating basic law enforcement training (.0500); and equipment and procedures (.0600).

Agency Head Responsibilities: Critical Incident Reporting 12 NCAC 09C .0104
Adopt*

LABOR, DEPARTMENT OF

The rules in Chapter 7 are from the Commissioner of Labor and cover the Occupational and Safety Health Act (OSHA).

The rules in Subchapter 7F cover specific OSHA standards for various industries: general (.0100); construction (.0200); agriculture (.0300); shops fabricating structural steel and steel plate (.0400); maritime (.0500); communication towers (.0600); blasting and use of explosives (.0700); and cranes and derricks standards (.0900).

General Industry 13 NCAC 07F .0101
Amend*

ENVIRONMENTAL MANAGEMENT COMMISSION

The rules in Subchapter 2Q are from the EMC and relate to applying for and obtaining air quality permits and include general information (.0100); fees (.0200); application requirements (.0300); acid rain program requirements (.0400); establishment of an air quality permitting program (.0500); transportation facility requirements (.0600); toxic air pollutant procedures (.0700); exempt categories (.0800); and permit exemptions (.0900).

Title V Insignificant Research and Development Activities... 15A NCAC 02Q .0529
Adopt*

COASTAL RESOURCES COMMISSION

The rules in Subchapter 7H are the state guidelines for areas of environmental concern (AECs) including introduction and general comments (.0100); the estuarine system (.0200); ocean hazard areas (.0300); public water supplies (.0400); natural and cultural resource areas (.0500); development standards (.0600); general permits for construction or maintenance of bulkheads and the placement of riprap for shoreline protection in estuarine and public trust waters (.1100); piers, docks and boat houses in estuarine and public trust waters (.1200); general permit to construct boat ramps along estuarine and public trust shorelines and into estuarine and public trust waters (.1300); groins in estuarine and public trust waters (.1400); excavation within or connecting to existing canals, channels, basins, or ditches in estuarine waters, public trust waters, and estuarine shoreline AECs (.1500); aerial and subaqueous utility lines with attendant structures in coastal wetlands, estuarine waters, public trust waters and estuarine shorelines (.1600); emergency work requiring a CAMA or a dredge and fill permit (.1700); beach bulldozing landward of the mean high-water mark in the ocean hazard AEC (.1800); general permit to allow for temporary structures within the estuarine and ocean AECs (.1900); authorizing minor modifications and repair to existing pier/mooring facilities in estuarine and public trust waters and ocean hazard areas (.2000); construction of sheetpile sill for shoreline protection in estuarine and public trust waters (.2100); construction of freestanding moorings in established waters and public trust areas (.2200); replacement of existing bridges and culverts in estuarine waters, estuarine shorelines, public trust areas and coastal wetlands (.2300); placement of riprap for wetland protection in estuarine and public trust waters (.2400); emergency general permit, to be initiated at the discretion of the Secretary of the Department of Environment and Natural Resources for replacement of structures; the reconstruction of primary or frontal dune systems; and the maintenance excavation of existing canals, basins, channels, or ditches, damaged, destroyed, or filled in by hurricanes or tropical storms, provided all replacement, reconstruction and maintenance excavation activities conform to all current standards (.2500); construction of wetland, stream and buffer mitigation sites by the North Carolina Ecosystem Enhancement Program or the North Carolina Wetlands Restoration Program (.2600); and the construction of riprap sills for wetland enhancement in estuarine and public trust waters (.2700).

Jockey's Ridge Area of Environmental Concern 15A NCAC 07H .0508
 Adopt*

The rules in Subchapter 7J concern procedures for handling major development permits, variance requests, appeals from minor development permit decisions and declaratory rulings. They include definitions (.0100); permit application and procedures (.0200); hearing procedures (.0300); final approval and enforcement (.0400); general permits (.0500); declaratory rulings and petitions for rulemaking (.0600); procedures for considering variance petitions (.0700); general permit procedure (.1100); beach management plan approval procedures (.1200); development line procedures (.1300); application requirements (.1400); and permit processing (.1500).

Standards for Work Plats for CAMA Major and Dredge and Fi... 15A NCAC 07J .1401
 Adopt*

Project Narrative 15A NCAC 07J .1402
 Adopt*

Complete CAMA Major Permit and Dredge and Fill Applications 15A NCAC 07J .1403
 Adopt*

Complete Minor Permit Applications 15A NCAC 07J .1404
 Adopt*

Permit Fee 15A NCAC 07J .1405
 Adopt*

Application Processing 15A NCAC 07J .1501
 Adopt*

Circulation of CAMA Major and Dredge and Fill Applications 15A NCAC 07J .1502
 Adopt*

Permit Conditions 15A NCAC 07J .1503
 Adopt*

EDUCATION, STATE BOARD OF

The rules in Chapter 06 concern elementary and secondary education.

The rules in Subchapter 06A concern the organization and administration of the State Board of Education.

<u>Definitions</u> Adopt*	16 NCAC 06A .0201
<u>Administrative Office and Contact Information</u> Adopt*	16 NCAC 06A .0202

The rules in Subchapter 6D cover instruction including curriculum (.0100), textbooks (.0200), testing programs (.0300), and accountability standards and graduation requirements (.0500).

<u>Definitions</u> Readopt with Changes*	16 NCAC 06D .0501
<u>State Graduation Requirements</u> Readopt with Changes*	16 NCAC 06D .0503
<u>Students with Disabilities</u> Readopt with Changes*	16 NCAC 06D .0506
<u>North Carolina Read to Achieve Program</u> Amend*	16 NCAC 06D .0508
<u>Three-Year Graduation</u> Adopt*	16 NCAC 06D .0510

The rules in Subchapter 6G relate to education agency relations including rules about the school-based management and accountability program (.0300); charter schools (.0500); remote academies (.0600); and public school unit oversight (.0700).

<u>School Improvement Plan Dispute Resolution Process</u> Readopt with Changes*	16 NCAC 06G .0304
<u>Local Board Cooperation with Assistance Teams</u> Readopt without Changes*	16 NCAC 06G .0307
<u>Due Process Protections for Employees of Low Performing S...</u> Readopt with Changes*	16 NCAC 06G .0308
<u>School Reform Models</u> Adopt*	16 NCAC 06G .0317
<u>Parental Concern Hearing</u> Adopt*	16 NCAC 06G .0701

TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

The rules in Subchapter 2B concern the teachers' and state employees' retirement system including general provisions (.0100); administration (.0200); beneficiaries (.0300) employer contributions (.0400); types of retirement (.0500); leaves of absence (.0700); military service (inchoate rights only) (.0800); out-of-state service (inchoate rights only) (.0900) prior service (.1000); voluntary withdrawn contributions (.1100); and delayed purchase of service credits (.1200).

<u>Inactive Employer Extension Request</u> Adopt*	20 NCAC 02B .0216
<u>Refunds</u> Amend*	20 NCAC 02B .0401

LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

The rules in Subchapter 2C concern the local government employees' retirement system including general provisions (.0100); administration (.0200); beneficiaries (.0300); contributions (.0400); disability retirement (.0500); leaves of absence (.0700); military service (inchoate rights only) (.0900); out-of-state service (inchoate rights only) (.1000); retirement allowances (.1200); voluntary withdrawn contributions (.1300); and delayed purchase of service credits (.1500).

<u>Inactive Employer Extension Request</u>	20	NCAC	02C	.0213
Adopt*				
<u>Refunds</u>	20	NCAC	02C	.0403
Amend*				
<u>Local Governmental Employees' Retirement System Disabilit...</u>	20	NCAC	02C	.0505
Adopt*				

**Commission Review
Log of Temporary Rule Filings
November 24, 2024 through December 19, 2024**

MENTAL HEALTH/DD/SAS, COMMISSION FOR

The rules in Chapter 26 are general mental health rules.

The rules in Subchapter 26E concern the manufacture, distribution, and dispensing of controlled substances including general provisions and registration (.0100); labeling, packaging, and record keeping (.0200); prescriptions (.0300); some miscellaneous provisions (.0400); administrative functions, practices, and procedures (.0500); and controlled substance reporting system (.0600); and intractable epilepsy alternative treatment pilot study (.0700).

<u>Disposal of Unused Controlled Substances from Nursing Home</u>	10A	NCAC	26E	.0406
Amend*				

The rules in Chapter 27 concern mental health community facilities and services. The rules in Subchapter 27G are from either the department or the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services including general information (.0100); operation and management rules (.0200); physical plant rules (.0300); facility licensing procedures (.0400); area program requirements (.0500); area authority or county program monitoring of facilities and services (.0600); accreditation of area programs and services (.0700); waivers and appeals (.0800); general rules for infants and toddlers (.0900); partial hospitalization for individuals who are mentally ill (.1100); psychological rehabilitation facilities for individuals with severe and persistent mental illness (.1200); residential treatment for children and adolescents who are emotionally disturbed or who have a mental illness (.1300); day treatment for children and adolescents with emotional or behavioral disturbances (.1400); intensive residential treatment for children and adolescents who are emotionally disturbed or who have a mental illness (.1500); residential treatment staff secure facilities for children or adolescents (.1700); psychiatric residential treatment facilities for children and adolescents (.1900); specialized community residential centers for individuals with developmental disabilities (.2100); before/after school and summer developmental day services for children with or at risk for developmental delays or disabilities, or atypical development (.2200); adult developmental and vocational programs for individuals with developmental disabilities (.2300); developmental day services for children with or at risk for developmental delays or disabilities, or atypical development (.2400); early childhood intervention services (ECIS) for children with an at risk for developmental delays or disabilities, or atypical development and their families (.2500); nonhospital medical detoxification for individuals who are substance abusers (.3100); social setting detoxification for substance abuse (.3200); outpatient detoxification for substance abuse (.3300); residential treatment/rehabilitation for individuals with substance abuse disorders (.3400); outpatient facilities for individuals with substance abuse disorders (.3500); outpatient opioid treatment (.3600); day treatment facilities for individuals with substance abuse disorders (.3700); substance abuse services for DWI offenders (.3800); drug education schools (DES) (.3900); treatment alternatives to street crimes (TASC) (.4000); substance abuse primary prevention services (.4200); therapeutic community (.4300); facility based crises services for individual of all disability groups (.5000); community respite services for individuals of

all disability groups (.5100); residential therapeutic (habilitative) camps for children and adolescents of all disability groups (.5200); day activity for individuals of all disability groups (.5400); sheltered workshops for individuals of all disability groups (.5500); supervised living for individuals of all disability groups (.5600); assertive community treatment service (.5700); supportive employment for individuals of all disability groups (.5800); case management for individuals of all disability groups (.5900); inpatient hospital treatment for individuals who have mental illness or substance abuse disorders (.6000); emergency services for individuals of all disability groups (.6100); outpatient services for individuals of all disability groups (.6200); companion respite services for individuals of all disability groups (.6300); personal assistants for individuals of all disabilities groups (.6400); employment assistance programs (.6500); specialized foster care services (.6600); forensic screening and evaluation services for individuals of all disability groups (.6700); prevention services (.6800); consultation and education services (.6900); local management entity response to complaints (.7000); and target population (.7100).

Medication Units and Mobile Units
Adopt*

10A NCAC 27G .3605

AGRICULTURAL FINANCE AUTHORITY

The rules in Subchapter 2D concern the large animal healthcare enhancement advisory committee.

<u>Purpose</u> Adopt*	24	NCAC 02D .0101
<u>Definitions</u> Adopt*	24	NCAC 02D .0102
<u>Evaluation of Applications</u> Adopt*	24	NCAC 02D .0103
<u>Grant Agreement</u> Adopt*	24	NCAC 02D .0104
<u>Reporting</u> Adopt*	24	NCAC 02D .0105
<u>Records</u> Adopt*	24	NCAC 02D .0106