

## TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH	USE	ONL	Y

**VOLUME:** 

ISSUE:

1. Rule-Making Agency:			
Alarm Systems Licensing Board			
2. Rule citation & name:  14B NCAC 17 .0201 Application for License			
3. Action: Adoption Amendment Repeal			
4. Was this an Emergency Rule: X Yes Effective date: June 9, 2020			
5. Provide dates for the following actions as applicable:			
a. Proposed Temporary Rule submitted to OAH: May 28, 2020			
b. Proposed Temporary Rule published on the OAH website: June 3, 2020			
c. Public Hearing date: June 16, 2020			
d. Comment Period: June 5, 2020 - June 30, 2020			
e. Notice pursuant to G.S. 150B-21.1(a3)(2): June 3, 2020			
f. Adoption by agency on: July 16 2020			
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: August 28, 2020			
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:			
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.			
<ul> <li>✓ A serious and unforeseen threat to the public health, safety or welfare.</li> <li>☐ The effective date of a recent act of the General Assembly or of the U.S. Congress.</li> <li>Cite:</li> <li>Effective date:</li> <li>☐ A recent change in federal or state budgetary policy.</li> </ul>			
Effective date of change:  A recent federal regulation.  Cite:			
Effective date:			
☐ A recent court order.  Cite order:			
☐ State Medical Facilities Plan. ☐ Other:			
Explain:  On March 10, 2020, the Governor of North Carolina, by issuing Executive Order No. 116, declared a state of emergency to coordinate a response and enact protective measures to help prevent the spread of COVID-19. The COVID-19 is a respiratory disease that can result in serious illness or death. The COVID-19, previously unidentified in humans, spreads easily from person to person. Once an outbreak of the COVID-19 begins, it is difficult to contain. The World Health Organization, the Center for Disease Control and Prevention, and the United States Department of Health and Human Services have declared COVID-19 a public health threat and emergency. On March 12, 2020, the Governor of North Carolina and the NC Department of Health and Human Services recommended high risk persons stay at home, that schools implement plans for distance or e-learning, that employers and employees use teleworking technologies, and that mass gatherings should cancel, postpone, and modify these events or offer online streaming services. On March 14, 2020, the Governor issued Executive Order No. 117 that prohibited mass gatherings, closed schools, and urged social distancing. On May 20, 2020 the Governor issued Executive Order 141 which relaxed some restrictions but citizens were still dissuaded from travel and "social distancing" still encouraged. These various Orders, as well as similar orders in other states, have limited travel.			

7. Why is adherence to notice and hearing requirements continuous is required?  COVID-19 is a respiratory disease that can result in serious illness or death from person to person. Once an outbreak of the COVID-19 begins, it is difficantly control and Prevention, and the United States Department of Health and Hemergency. Since travel is being restricted during this worldwide pandemic situations.  Executive Order No. 116, declared a state of emergency to coordinate a re COVID-19. In subsequent Orders, the Governor of North Carolina and the persons stay at home, that schools implement plans for distance or e-learn mass gatherings should cancel, postpone, and modify these events or offer schools, and urged social distancing. This rule allows alternatives to a personant can be a continuous continuous.	n. The COVID-19 virus, previously unidentified in humans, spreads easily ficult to contain. The World Health Organization, the Center for Disease uman Services have declared COVID-19 a public health threat and c, those applying to the Board for licensure, will be forced into non-compliant sponse and enact protective measures to help prevent the spread of NC Department of Health and Human Services recommended high risking, that employers and employees use teleworking technologies, and that conline streaming services, then prohibited mass gatherings, closed
8. Rule establishes or increases a fee? (See G.S. 12-3.1)	
Yes Agency submitted request for consultation on: Consultation not required. Cite authority:	
⊠ No	
9. Rule-making Coordinator: Jeffrey P. Gray Phone: (919) 828-0731 E-Mail: jgray@bdixon.com	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.
Agency contact, if any:	Typed Name:  Title:
Phone: E-Mail:	ASLB Chairman E-Mail:
RULES REVIEW COMMISSION USE ONLY	
Action taken: Sub	emitted for RRC Review:
☐ Date returned to agency:	
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## TEMPORARY RULES REQUEST FOR TECHNICAL CHANGE

AGENCY: Alarm Systems Licensing Board

RULE CITATION: 14B NCAC 17 .0201

**DEADLINE FOR RECEIPT: Tuesday, August 11, 2020** 

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (c), line 26, replace "which" with "that"

Also on line 26, insert a comma after "travel"

And does the state of emergency have to expressly restrict travel or are you getting to the effect of the state of emergency?

On line 27, you state it "may" be waived. Under what circumstances will it not be waived? Do you mean "shall"? Or do you want to use the language from the temporary rule language in 14B NCAC 16.0201 (approved at the RRC's July meeting), "requirement may be waived <u>if requested by the applicant</u> in lieu of alternative means..."?

In the History Note, Page 2, the History Note is missing the August 1, 2020 amendment. The full History Note will look like this:

History Note: Authority G.S. 74D-2; 74D-2.1; 74D-3; 74D-5; 74D-7; 74D-8;

Temporary Rule Eff. January 9, 1984, for a period of 120 days to expire on May 7, 1984;

Eff. May 1, 1984;

Amended Eff. December 1, 2012; February 1, 2012; January 1, 2007; September 1, 2006; March

1, 1993; July 1, 1987; January 1, 1986;

Transferred and Recodified from 12 NCAC 11 .0201 Eff. July 1, 2015;

Amended Eff. December 1, 2017; Readopted Eff. June 1, 2018; Amended Eff. September 1, 2019;

Emergency Amendment Eff. June 9, 2020;

Amended Eff. August 1, 2020;

Temporary Amendment Eff. August 28, 2020.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder Commission Counsel Date submitted to agency: August 4, 2020

1 14B NCAC 17 .0201 is amended under temporary procedures as follows: 2 3 14B NCAC 17 .0201 APPLICATION FOR LICENSE 4 (a) Each applicant for a license shall submit an online application on the website provided by the Board. When this 5 6 online application is submitted, it shall be accompanied by: 7 (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State 8 Bureau of Investigation or one set of classifiable fingerprints on an F.B.I. fingerprint card provided 9 by the Board and mailed separately to the Board's office; 10 (2) one head and shoulders digital photograph of the applicant in JPG format of sufficient quality for 11 identification, taken within six months prior to the online submission, and uploaded with the 12 application submission; 13 (3) statements of the results of a statewide criminal history records search by the reporting service 14 designated by the Board pursuant to G.S. 74D-2.1(a) for any state where the applicant has resided 15 within the preceeding 60 months; and 16 (4) the applicant's application fee, along with a four dollar (\$4.00) convenience fee charged by the 17 third-party vendor and credit card transaction fee charged by the applicant's credit card provider 18 and collected online. 19 (b) Each applicant shall upload evidence of high school graduation either by diploma, G.E.D. certificate, or other 20 equivalent documentation. 21 (c) Each applicant for a license shall meet personally with either a Board investigator, the Screening Committee, the 22 Director, or a Board representative designated by the Director prior to being issued a license. The applicant shall 23 discuss the provisions of G.S. 74D and the administrative rules in this Chapter during the personal meeting. The 24 applicant shall sign a form provided by the Board stating that the applicant has reviewed the information with the 25 Board's representative and that the applicant understands G.S. 74D and the administrative rules in this Chapter. 26 During a national or State declared state of emergency which restricts or prohibits travel the personal meeting 27 requirement may be waived in lieu of alternative means of communication. 28 (d) Each applicant for a branch office license shall submit an online application on the website provided by the 29 Board. This online application shall be accompanied by the branch office application fee. 30 Authority G.S. 74D-2; 74D-2.1; 74D-3; 74D-5; 74D-7; 74D-8; History Note: 31 Temporary Rule Eff. January 9, 1984, for a period of 120 days to expire on May 7, 1984; 32 Eff. May 1, 1984; 33 Amended Eff. December 1, 2012; February 1, 2012; January 1, 2007; September 1, 2006; March 34 1, 1993; July 1, 1987; January 1, 1986; Transferred and Recodified from 12 NCAC 11 .0201 Eff. July 1, 2015; 35 Amended Eff. December 1, 2017; 36 Readopted Eff. June 1, 2018; 37 38 Amended Eff. September 1, 2019;

1	Amended Eff. August 1, 2020;
2	Emergency Amendment Eff. June 9, 2020.
3	Temporary Amendment Eff. August 28, 2020.