

Commission Review
Log of Permanent Rule Filings
February 21, 2014 through March 20, 2014

JUSTICE, DEPARTMENT OF - DIVISION OF CRIMINAL INFORMATION

The rules in Subchapter 04H concern organizational functions and definitions including general provisions (.0100); requirements for access (.0200); agreements (.0300); and standards and certification as a DCIN user (.0400).

<u>Scope</u>	12	NCAC 04H .0101
Adopt/		
<u>Definitions</u>	12	NCAC 04H .0102
Adopt/		
<u>Function of DCIN</u>	12	NCAC 04H .0103
Adopt/		
<u>Eligibility for Access to DCIN</u>	12	NCAC 04H .0201
Adopt/		
<u>Management Control Requirements</u>	12	NCAC 04H .0202
Adopt/		
<u>Non-Terminal Access</u>	12	NCAC 04H .0203
Adopt/		
<u>User Agreement</u>	12	NCAC 04H .0301
Adopt/		
<u>Servicing Agreement</u>	12	NCAC 04H .0302
Adopt/		
<u>Control Agreements</u>	12	NCAC 04H .0303
Adopt/		
<u>Disclosure Agreement</u>	12	NCAC 04H .0304
Adopt/		
<u>DCIN Users</u>	12	NCAC 04H .0401
Adopt/		
<u>Certification and Recertification of DCIN Users</u>	12	NCAC 04H .0402
Adopt/		
<u>Enrollment</u>	12	NCAC 04H .0403
Adopt/		

The rules in Subchapter 4I concern security and privacy including security at DCIN device sites (.0100); NCIC restricted and restricted files (.0200); submission of data for criminal history records (.0300); use and access requirements for criminal history record information, NICS information, and N-DEX information (.0400); removal of criminal history record information (.0500); statewide automated fingerprint identification system (.0600); division of motor vehicle information (.0700); and audits (.0800).

<u>Security of DCIN Devices</u>	12	NCAC 04I .0101
Adopt/		
<u>Official Use of DCIN</u>	12	NCAC 04I .0102
Adopt/		

<u>Personnel Security</u>	12	NCAC 04I	.0103
Adopt/			
<u>Security Awareness Training</u>	12	NCAC 04I	.0104
Adopt/			
<u>Documentation and Accuracy</u>	12	NCAC 04I	.0201
Adopt/			
<u>Timeliness</u>	12	NCAC 04I	.0202
Adopt/			
<u>Validations</u>	12	NCAC 04I	.0203
Adopt/			
<u>Hit Confirmation</u>	12	NCAC 04I	.0204
Adopt/			
<u>Arrest Fingerprint Card</u>	12	NCAC 04I	.0301
Adopt/			
<u>Final Disposition Information</u>	12	NCAC 04I	.0302
Adopt/			
<u>Incarceration Information</u>	12	NCAC 04I	.0303
Adopt/			
<u>Dissemination and Logging of CHRI and NICS Records</u>	12	NCAC 04I	.0401
Adopt/			
<u>Accessing of CCH Records</u>	12	NCAC 04I	.0402
Adopt/			
<u>Use of CHRI for Criminal Justice Employment</u>	12	NCAC 04I	.0403
Adopt/			
<u>Right to Review</u>	12	NCAC 04I	.0404
Adopt/			
<u>CCH Use in Licensing and Non-Criminal Justice Employment ...</u>	12	NCAC 04I	.0405
Adopt/			
<u>Restrictive Use of CCH for Employment Purposes</u>	12	NCAC 04I	.0406
Adopt/			
<u>Research Use and Access of CCH Records</u>	12	NCAC 04I	.0407
Adopt/			
<u>Limitation Requirements</u>	12	NCAC 04I	.0408
Adopt/			
<u>Access to CHRI by Attorneys</u>	12	NCAC 04I	.0409
Adopt/			
<u>Access to CHRI in Civil Proceedings</u>	12	NCAC 04I	.0410
Adopt/			
<u>Expungements</u>	12	NCAC 04I	.0501
Adopt/			
<u>Statewide Automated Fingerprint Identification System</u>	12	NCAC 04I	.0601
Adopt/			
<u>Available Data</u>	12	NCAC 04I	.0602
Adopt/			
<u>Fingerprinting of Convicted Sex Offenders</u>	12	NCAC 04I	.0603
Adopt/			
<u>Dissemination of Division of Motor Vehicles Information</u>	12	NCAC 04I	.0701
Adopt/			
<u>Audits</u>	12	NCAC 04I	.0801

Adopt/

The rules in Subchapter 4J concern penalties and administrative hearings including definitions and penalty provisions (.0100); appeals (.0200); and informal hearings (.0300).

<u>Definitions</u>	12	NCAC 04J .0101
Adopt/		
<u>Sanctions for Violations by Individuals</u>	12	NCAC 04J .0102
Adopt/		
<u>Sanctions for Violations by Agencies</u>	12	NCAC 04J .0103
Adopt/		
<u>Notice of Violation</u>	12	NCAC 04J .0201
Adopt/		
<u>Informal Hearing Procedure</u>	12	NCAC 04J .0301
Adopt/		

PRIVATE PROTECTIVE SERVICES BOARD

The rules in Subchapter 7D concern the Private Protective Service Board and cover organization and general provisions (.0100); licenses and trainee permits (.0200); security guard and patrol guard dog service (.0300); private investigator and counterintelligence (.0400); polygraph (.0500); psychological stress evaluator (PSE) (.0600); unarmed security guard registration (.0700); armed security guard firearm registration permit (.0800); trainer certificate (.0900); recovery fund (.1000); training and supervision for private investigator associates (.1100); continuing education (.1300); and unarmed and armed armored car service guard registration permit requirements (.1400 and .1500).

<u>Prohibited Acts</u>	12	NCAC 07D .0106
Amend/		
<u>Experience Requirements for a Polygraph License</u>	12	NCAC 07D .0501
Amend/		
<u>Polygraph Trainee Permit Requirements</u>	12	NCAC 07D .0502
Amend/		
<u>Polygraph Examination Requirements</u>	12	NCAC 07D .0503
Amend/		
<u>Polygraph Instruments</u>	12	NCAC 07D .0504
Amend/		
<u>Required Continuing Education Hours</u>	12	NCAC 07D .1302
Amend/		

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

The rules in Chapter 9 are from the Criminal Justice Education and Training Standards Commission. This Commission has primary responsibility for setting statewide education, training, employment, and retention standards for criminal justice personnel (not including sheriffs).

The rules in Subchapter 9B cover minimum standards for: employment (.0100); schools and training programs (.0200); criminal justice instructors (.0300); completion of training (.0400); school directors (.0500); and certification of post-secondary criminal justice education programs (.0600).

<u>Basic Training - Juvenile Court Counselors and Chief Cour...</u>	12	NCAC 09B .0235
Amend/		

<u>Basic Training - Juvenile Justice Officers</u> Amend/	12	NCAC 09B .0236
<u>Juvenile Justice Specialized Instructor Training - Restr...</u> Amend/	12	NCAC 09B .0241
<u>Terms and Conditions of Specialized Instructor Certification</u> Amend/	12	NCAC 09B .0305
<u>Terms and Conditions of School Director Certification</u> Amend/	12	NCAC 09B .0502

The rules in Subchapter 9E relate to the law enforcement officers' in-service training program.

<u>Instructors: Annual In-Service Training</u> Amend/	12	NCAC 09E .0104
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The rules in Subchapter 9G are the standards for correction including scope, applicability and definitions (.0100); minimum standards for certification of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0200); certification of correctional officers, probation/parole officers, probation/parole officers intermediate and instructors (.0300); minimum standards for training of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0400); enforcement of rules (.0500); professional certification program (.0600); and forms (.0700).

<u>Terms and Conditions of Specialized Instructor Certification</u> Amend/	12	NCAC 09G .0311
<u>Corrections Specialized Instructor Training - Firearms</u> Amend/	12	NCAC 09G .0415
<u>Corrections Specialized Instructor Training - Controls, R...</u> Amend/	12	NCAC 09G .0416

ENVIRONMENTAL MANAGEMENT COMMISSION

The rules in Subchapter 2D are air pollution control requirements including definitions and references (.0100); air pollution sources (.0200); air pollution emergencies (.0300); ambient air quality standards (.0400); emission control standards (.0500); air pollutants monitoring and reporting (.0600); complex sources (.0800); volatile organic compounds (.0900); motor vehicle emission control standards (.1000); control of toxic air pollutants (.1100); control of emissions from incinerators (.1200); oxygenated gasoline standard (.1300); nitrogen oxide standards (.1400); general conformity for federal actions (.1600); emissions at existing municipal solid waste landfills (.1700); control of odors (.1800); open burning (.1900); transportation conformity (.2000); risk management program (.2100); special orders (.2200); emission reduction credits (.2300); clean air interstate rules (.2400); mercury rules for electric generators (.2500); and source testing (.2600).

<u>Toxic Air Pollutant Guidelines</u> Amend/	15A	NCAC 02D .1104
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The rules in Subchapter 2Q 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).

<u>Applicability</u> Amend/	15A	NCAC 02Q .0701
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<u>Exemptions</u>	15A NCAC 02Q .0702
Amend/	
<u>Definitions</u>	15A NCAC 02Q .0703
Amend/	
<u>New Facilities</u>	15A NCAC 02Q .0704
Amend/	
<u>Existing Facilities and SIC Calls</u>	15A NCAC 02Q .0705
Repeal/	
<u>Modifications</u>	15A NCAC 02Q .0706
Amend/	
<u>Demonstrations</u>	15A NCAC 02Q .0709
Amend/	
<u>Emission Rates Requiring a Permit</u>	15A NCAC 02Q .0711
Amend/	
<u>Wastewater Treatment Systems at Pulp and Paper Mills</u>	15A NCAC 02Q .0714
Repeal/	

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); boat ramps along estuarine 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); temporary structures within the estuarine and ocean hazard 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); 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 (.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).

<u>AECS Within Ocean Hazard Areas</u>	15A NCAC 07H .0304
Amend/	

WILDLIFE RESOURCES COMMISSION

The rules in Chapter 10 are promulgated by the Wildlife Resources Commission and concern wildlife resources and water safety.

The rules in Subchapter 10A cover general WRC practices and procedures including petitions for

rulemaking (.0400); declaratory rulemaking (.0500); warning tickets (.1000); waivers (.1100); emergency powers (.1200); and wildlife poacher reward fund (.1300).

<u>Funding Sources</u>	15A NCAC 10A .1301
Adopt/	
<u>Offenses and Reward Amounts</u>	15A NCAC 10A .1302
Adopt/	
<u>Eligibility</u>	15A NCAC 10A .1303
Adopt/	

The rules in Subchapter 10B are hunting and trapping rules and cover general hunting and wildlife provisions (.0100), hunting specific animals (.0200), trapping (.0300), and tagging furs (.0400).

<u>Permitted Archery Equipment</u>	15A NCAC 10B .0116
Amend/	
<u>Sale of Wildlife</u>	15A NCAC 10B .0118
Amend/	
<u>Taking Deer and Bear with Handguns</u>	15A NCAC 10B .0120
Amend/	
<u>Bear</u>	15A NCAC 10B .0202
Amend/	
<u>Deer (White Tailed)</u>	15A NCAC 10B .0203
Amend/	

The rules in Subchapter 10C cover inland fishing including jurisdictional issues involving the Marine Fisheries Commission (.0100); general rules (.0200); game fish (.0300); non-game fish (.0400); primary nursery areas (.0500); and anadromous fish spawning areas (.0600).

<u>Reciprocal License Agreement</u>	15A NCAC 10C .0203
Amend/	
<u>Public Mountain Trout Waters</u>	15A NCAC 10C .0205
Amend/	
<u>Trotlines and Set-Hooks</u>	15A NCAC 10C .0206
Amend/	
<u>Public Access for Anglers Only</u>	15A NCAC 10C .0217
Adopt/	
<u>Manner of Taking Inland Game Fishes</u>	15A NCAC 10C .0302
Amend/	
<u>Striped Bass</u>	15A NCAC 10C .0314
Amend/	
<u>Manner of Taking Nongame Fishes: Purchase and Sale</u>	15A NCAC 10C .0401
Amend/	
<u>Taking Nongame Fishes for Bait or Personal Consumption</u>	15A NCAC 10C .0402
Amend/	
<u>Special Device Fishing</u>	15A NCAC 10C .0404
Amend/	

The rules in Subchapter 10D are game lands rules.

<u>General Regulations Regarding Use</u> Amend/	15A NCAC 10D .0102
<u>Hunting On Game Lands</u> Amend/	15A NCAC 10D .0103
<u>Fishing on Game Lands</u> Amend/	15A NCAC 10D .0104

The rules in Subchapter 10F cover motorboats and water safety including boat registration (.0100); safety equipment and accident reports (.0200); and local water safety regulations covering speed limits, no-wake restrictions, restrictions on swimming and other activities, and placement of markers for designated counties or municipalities (.0300).

<u>Application for Certificate of Vessel Number</u> Amend/	15A NCAC 10F .0102
<u>Transfer of Ownership</u> Amend/	15A NCAC 10F .0103
<u>Display of Vessel Numbers</u> Amend/	15A NCAC 10F .0106
<u>Validation Decal</u> Amend/	15A NCAC 10F .0107
<u>Pamlico County</u> Amend/	15A NCAC 10F .0326
<u>Northampton and Warren Counties</u> Amend/	15A NCAC 10F .0336
<u>Pitt County</u> Amend/	15A NCAC 10F .0354

The rules in Subchapter 10G concern distribution and sale of hunting: fishing: and trapping license including license agents (.0100); boat registration agents (.0200); fur tag agents (.0300); wildlife service agents (.0400); licensee requirements (.0500) and license eligibility (.0600).

<u>Totally Disabled License Eligibility</u> Adopt/	15A NCAC 10G .0601
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The rules in Subchapter K concern the hunter education course.

<u>Course Requirements</u> Amend/	15A NCAC 10K .0101
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TRANSPORTATION, DEPARTMENT OF

The rules in Chapter 3 concern the Division of Motor Vehicles.

The rules in Subchapter 3B concern the driver license section of the DMV including general information (.0100); driver's license issuance (.0200); medical evaluation (.0300); records (.0400); classified drivers' license (.0600); commercial drivers' license (.0700); and gross vehicle weight rating (GVWR) (.0800).

<u>Driver's License Examination</u> Amend/	19A NCAC 03B .0201
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OPTOMETRY, BOARD OF EXAMINERS IN

The rules in Subchapter 42B concern license to practice optometry including license by examination (.0100); responsibility to supply information (.0200); and professional corporations and limited liability companies (.0300).

<u>National Board Examinations</u>	21	NCAC 42B .0107
Amend/		
<u>Military License</u>	21	NCAC 42B .0114
Adopt/		

ADMINISTRATIVE HEARINGS, OFFICE OF

The rules in Chapter 3 are from the Hearings Division and cover procedure (.0100), mediated settlement conferences (.0200), and expedited hearing procedures for complex contested cases (.0300).

<u>Commencement of Contested Case: Notice and Filing Fee</u>	26	NCAC 03 .0103
Amend/		
<u>Assessment of Reasonable Attorney and Witness Fees by the...</u>	26	NCAC 03 .0132
Adopt/		