

Commission Review

Log of Permanent Rule Filings

February 23, 2015 through March 20, 2015

* Approval Recommended, ** Objection Recommended, *** Other

CHILD CARE COMMISSION

The rules in Chapter 9 are child care rules and include definitions (.0100); general provisions related to licensing (.0200); procedures for obtaining a license (.0300); issuance of provisional and temporary licenses (.0400); age and developmentally appropriate environments for centers (.0500); safety requirements for child care centers (.0600); health and other standards for center staff (.0700); health standards for children (.0800); nutrition standards (.0900); transportation standards (.1000); building code requirements for child care centers (.1300); space requirements (.1400); temporary care requirements (.1500); family child care home requirements (.1700); discipline (.1800); special procedures concerning abuse/neglect in child care (.1900); rulemaking and contested case procedures (.2000); religious-sponsored child care center requirements (.2100); administrative actions and civil penalties (.2200); forms (.2300); child care for mildly ill children (.2400); care for school-age children (.2500); child care for children who are medically fragile (.2600); criminal records checks (.2700); voluntary rated licenses (.2800); developmental day services (.2900); and NC pre-kindergarten services (.3000).

<u>Application for a License for a Child Care Center</u> Amend/*	10A NCAC 09 .0302
<u>General Safety Requirements</u> Amend/*	10A NCAC 09 .0604
<u>Emergency Preparedness and Response</u> Adopt/*	10A NCAC 09 .0607
<u>In-Service Training Requirements</u> Amend/*	10A NCAC 09 .0707
<u>General Provisions Related to Licensure of Homes</u> Amend/*	10A NCAC 09 .1701
<u>Health and Training Requirements for Family Child Care Ho...</u> Amend/*	10A NCAC 09 .1705
<u>Safety, Medication, and Sanitation Requirements</u> Amend/*	10A NCAC 09 .1720
<u>Requirements for Records</u> Amend/*	10A NCAC 09 .1721
<u>Retention of Forms and Reports by a Child Care Operator</u> Amend/*	10A NCAC 09 .2318
<u>Quality Points Options</u> Amend/*	10A NCAC 09 .2829

ENVIRONMENTAL MANAGEMENT COMMISSION

The rules in Subchapter 2B pertain to surface water standards and monitoring including procedures for assignment of water quality standards (.0100); the standards used to classify the waters of the state (.0200); stream classifications (.0300); effluent limitations (.0400); monitoring and reporting requirements (.0500); and water quality management plans (.0600).

Riparian Buffer Mitigation Fees to the NC Ecosystem Enhanc...
Amend/*

15A NCAC 02B .0269

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).

Emission Rates Requiring a Permit
Amend/*

15A NCAC 02Q .0711

MARINE FISHERIES COMMISSION

The rules in Subchapter 3I are general and miscellaneous rules.

Definitions
Amend/*

15A NCAC 03I .0101

User Conflict Resolution
Adopt/*

15A NCAC 03I .0122

The rules in Subchapter 3J concern the use of nets in general (.0100) and in specific areas (.0200); the use of pots, dredges, and other fishing devices (.0300); fishing gear (.0400); and pound nets (.0500).

Duke Energy Progress Brunswick Nuclear Plant Intake Canal
Amend/*

15A NCAC 03J .0207

New River
Amend/*

15A NCAC 03J .0208

Albemarle Sound/Chowan River River Herring Management Areas
Amend/*

15A NCAC 03J .0209

Pots
Amend/*

15A NCAC 03J .0301

The rules in subchapter 3K concern oyster, clams, scallops and mussels including shellfish, general (.0100); crabs (.0200); hard clams (mercenaria) (.0300); rangia clams (.0400); and scallops (.0500).

Permits to Use Mechanical Methods for Shellfish on Shellf...
Adopt/*

15A NCAC 03K .0111

Permits to Use Mechanical Methods for Oysters and Clams o...
Repeal/*

15A NCAC 03K .0206

Permits to Use Mechanical Methods for Oysters and Clams o...
Repeal/*

15A NCAC 03K .0303

Bay Scallop Harvest Management
Amend/*

15A NCAC 03K .0501

Taking Bay Scallops at Night and on Weekends
Amend/*

15A NCAC 03K .0502

Marketing Scallops Taken from Shellfish Leases or Franchises
Adopt/*

15A NCAC 03K .0507

Scallop Season and Harvest Limit Exemptions
Adopt/*

15A NCAC 03K .0508

The rules in Subchapter 3L concern shrimp (.0100); crabs (.0200); and lobsters (.0300).

Shrimp Harvest Restrictions
Amend/*

15A NCAC 03L .0101

Prohibited Nets, Mesh Lengths and Areas
Amend/*

15A NCAC 03L .0103

Recreational Shrimp Limits
Amend/*

15A NCAC 03L .0105

The rules in Subchapter 3M cover harvesting of finfish including general rules (.0100); striped bass (.0200); mackerel (.0300); menhaden and Atlantic herring (.0400); and other finfish (.0500).

Mutilated Finfish
Amend/*

15A NCAC 03M .0101

American Eel
Amend/*

15A NCAC 03M .0510

River Herring
Amend/*

15A NCAC 03M .0513

The rules in Subchapter 3O cover various licenses (.0100); leases and franchises (.0200); license appeal procedures (.0300); Standard Commercial Fishing License Eligibility Board (.0400); and licenses, leases and franchises (.0500).

Procedures and Requirements to Obtain Licenses, Endorseme...
Amend/*

15A NCAC 03O .0101

Display of Licenses and Registrations
Amend/*

15A NCAC 03O .0106

Ocean Fishing Pier Reporting Requirements
Amend/*

15A NCAC 03O .0113

Procedures and Requirements to Obtain Permits
Amend/*

15A NCAC 03O .0501

Permit Conditions; Specific
Amend/*

15A NCAC 03O .0503

The rules in Subchapter 3Q cover the joint and separate jurisdictions of the Marine Fisheries Commission and the Wildlife Resources Commission including general regulations (.0100); and boundary lines between inland, joint, and coastal waters (.0200).

Descriptive Boundaries for Coastal-Joint-Inland Waters
Amend/*

15A NCAC 03Q .0202

The rules in Subchapter 3R specify boundaries for various areas (.0100); and fishery management areas (.0200).

Shrimp Trawl Prohibited Areas
Amend/*

15A NCAC 03R .0114

<u>Anadromous Fish Spawning Areas</u> Amend/*	15A NCAC 03R .0115
<u>River Herring Management Areas</u> Adopt/*	15A NCAC 03R .0202

COASTAL RESOURCES COMMISSION

The rules in Chapter 7 pertain to coastal management and are promulgated by the Division of Coastal Management or the Coastal Resources Commission.

The rules in Subchapter 7K set out activities in areas of environmental concern (AECs) which do not require a Coastal Area Management Act (CAMA) permit. These include activities that are not considered development (.0100); exempt minor maintenance and improvement (.0200); and exempt federal agency activities (.0400).

<u>Single Family Residences Exempted</u> Amend/*	15A NCAC 07K .0208
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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 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>Migratory Game Birds</u> Amend/*	15A NCAC 10B .0105
<u>Wildlife Taken for Depredations</u> Amend/*	15A NCAC 10B .0106
<u>Dog Training and Field Trials</u> Amend/*	15A NCAC 10B .0114
<u>Bear</u> Amend/*	15A NCAC 10B .0202
<u>Deer (White Tailed)</u> Amend/*	15A NCAC 10B .0203
<u>Coyote</u> Amend/*	15A NCAC 10B .0219
<u>Feral Swine</u> Amend/*	15A NCAC 10B .0223
<u>Trappers and Hunters</u> Amend/*	15A NCAC 10B .0404

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>Public Mountain Trout Waters</u> Amend/*	15A NCAC 10C .0205
<u>Trotlines and Set-Hooks</u> Amend/*	15A NCAC 10C .0206

<u>Crappie</u>	15A NCAC 10C .0306
Amend/*	
<u>Striped Bass</u>	15A NCAC 10C .0314
Amend/*	
<u>Trout</u>	15A NCAC 10C .0316
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>Permitted Special Devices and Open Seasons</u>	15A NCAC 10C .0407
Amend/*	

The rules in Subchapter 10D are game lands rules.

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

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>Currituck County</u>	15A NCAC 10F .0340
Amend/*	

The rules in Subchapter 10I concern endangered and threatened species.

<u>Protection of Endangered/Threatened/Special Concern</u>	15A NCAC 10I .0102
Amend/*	
<u>Threatened Species</u>	15A NCAC 10I .0104
Amend/*	

WELL CONTRACTORS CERTIFICATION COMMISSION

The rules in Chapter 27 concern well contractor certification including duties and definitions (.0100); well contractor fees (.0200); certification of well contractors (.0300); certification by examination (.0400); certification without examination (.0500); certification renewal (.0600); types of certification (.0700); continuing education (.0800); and procedures for disciplinary actions (.0900).

<u>Requirements</u>	15A NCAC 27 .0801
Amend/*	
<u>Approval of Continuing Education Courses</u>	15A NCAC 27 .0810
Amend/*	
<u>Determination of Credit</u>	15A NCAC 27 .0820
Amend/*	

Special Provisions for Continuing Education
Repeal/*

15A NCAC 27 .0840

MEDICAL BOARD

The rules in Subchapter 32S regulate physician assistants including physician assistant registration (.0200).

Definitions 21 NCAC 32S .0201
Amend/*

Qualifications and Requirements for License 21 NCAC 32S .0202
Amend/*

Agency 21 NCAC 32S .0211
Repeal/*

Prescriptive Authority 21 NCAC 32S .0212
Amend/*

Supervision of Physician Assistants 21 NCAC 32S .0213
Amend/*

Supervising Physician 21 NCAC 32S .0214
Repeal/*

Responsibilities of Primary Supervising Physicians in Reg... 21 NCAC 32S .0215
Amend/*

Continuing Medical Education 21 NCAC 32S .0216
Amend/*

Violations 21 NCAC 32S .0217
Amend/*

Scope of Rules 21 NCAC 32S .0224
Adopt/*

The rules in Subchapter 32Y concern the controlled substance reporting system.

Reporting Criteria 21 NCAC 32Y .0101
Adopt/*

REAL ESTATE COMMISSION

The rules in Subchapter 58A are rules relating to real estate brokers and salesmen including rules dealing with general brokerage (.0100); application for license (.0300); examinations (.0400); licensing (.0500); real estate commission hearings (.0600); petitions for rules (.0700); rulemaking (.0800); declaratory rulings (.0900); real estate education and recovery fund (.1400); discriminatory practices prohibited (.1600); mandatory continuing education (.1700); limited nonresident commercial licensing (.1800); post-licensure education (.1900); annual reports (.2000); brokers in military service (.2100); and broker price opinions and comparative market analyses (.2200).

Agency Agreements and Disclosure 21 NCAC 58A .0104
Amend/*

Advertising 21 NCAC 58A .0105
Amend/*

Handling of Trust Money 21 NCAC 58A .0116
Amend/*

<u>Mineral and Oil and Gas Rights Mandatory Disclosure State...</u> Adopt/*	21	NCAC 58A .0119
<u>Examination Subject Matter, Format, and Passing Scores</u> Amend/*	21	NCAC 58A .0402
<u>Business Entities</u> Amend/*	21	NCAC 58A .0502
<u>Continuing Education Required of Nonresident Licensees</u> Amend/*	21	NCAC 58A .1711

The rules in Subchapter 58C deal with real estate prelicensing education schools including rules dealing with the licensing of all schools except private real estate schools (.0100); private real estate schools (.0200); prelicensing courses (.0300); and pre-licensing course instructors (.0600).

<u>Request for Examinations and Video Recordings</u> Amend/*	21	NCAC 58C .0605
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The rules in Subchapter 58E are the real estate continuing education rules both update and elective course components including rules dealing with update courses (.0100); update course instructors (.0200); elective courses, sponsors, and instructors (.0300); general sponsor requirements (.0400); course operational requirements (.0500); and broker-in-charge annual review (.0600).

<u>Application and Criteria for Original Approval</u> Amend/*	21	NCAC 58E .0203
<u>Active and Inactive Status: Renewal of Approval</u> Amend/*	21	NCAC 58E .0204
<u>Application for Original Approval</u> Amend/*	21	NCAC 58E .0303
<u>Request for a Video Recording</u> Amend/*	21	NCAC 58E .0308
<u>Change in Sponsor Ownership</u> Amend/*	21	NCAC 58E .0408
<u>Changes During Approval Period</u> Amend/*	21	NCAC 58E .0409
<u>Denial or Withdrawal of Approval</u> Amend/*	21	NCAC 58E .0412
<u>Advertising, Providing Course Information</u> Amend/*	21	NCAC 58E .0505