

Commission Review

Log of Permanent Rule Filings

April 21, 2015 through May 20, 2015

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

PESTICIDE BOARD

The rules in Chapter 9 are from the Food and Drug Protection Division of the Department of Agriculture and Consumer Services. The rules in Subchapter 9L are from the N.C. Pesticide Board and include organizational rules (.0100); registration (.0300); samples and submissions (.0400); pesticide licenses (.0500); pesticide and pesticide container disposal (.0600); declaration of pests and restrictions on their control (.0700); bulk distribution of pesticides (.0800); aerial application of pesticides (.1000); private pesticide applicator certification (.1100); arsenic trioxide (.1200); availability of restricted use pesticides (.1300); ground application of pesticides (.1400); worker protection standards for agricultural pesticides (.1800); pesticide storage (.1900); chemigation (any process whereby pesticides are applied to land, crops, or plants using an irrigation system) (.2000); hearing rules of the North Carolina pesticide board (.2100); and interim protection measures for the Carolina heelsplitter mussel (.2200).

<u>Definitions</u>	02	NCAC 09L .0504
Amend/*		
<u>Classifications</u>	02	NCAC 09L .0505
Amend/*		
<u>Categories of Consultants</u>	02	NCAC 09L .0507
Amend/*		
<u>Recertification Options</u>	02	NCAC 09L .0522
Amend/*		
<u>Soil and Growing Media Fumigation Examination Waiver</u>	02	NCAC 09L .0529
Adopt/*		
<u>Definitions</u>	02	NCAC 09L .1102
Amend/*		
<u>Certification Examination</u>	02	NCAC 09L .1103
Amend/*		
<u>Single Purchase Emergency Certification Permit</u>	02	NCAC 09L .1104
Amend/*		
<u>Term of Certification; Recertification</u>	02	NCAC 09L .1108
Amend/*		
<u>Certification of Private Applicators</u>	02	NCAC 09L .1109
Adopt/*		

AGRICULTURE, COMMISSIONER OF

The rules in Chapter 9 are from the Food and Drug Protection Division.

The rules in Subchapter 9M concern Drugs.

<u>Manufacturer Registration</u>	02	NCAC 09M .0101
Amend/**		

COMMERCE - EMPLOYMENT SECURITY, DIVISION OF

The rules in Chapter 24 concern the Division of Employment Security.

The rules in Subchapter 24A concern general information (.0100); requests for documents and public records unrelated to contested claim (.0200); and petitions for rulemaking (.0300).

<u>Office Location</u>	04	NCAC 24A .0101
Adopt/*		
<u>Address Changes</u>	04	NCAC 24A .0102
Adopt/*		
<u>Addresses for Notice</u>	04	NCAC 24A .0103
Adopt/*		
<u>Addresses for Filing Claims, Appeals, Exceptions, Request...</u>	04	NCAC 24A .0104
Adopt/*		
<u>Definitions</u>	04	NCAC 24A .0105
Adopt/*		
<u>Filing/Mailing Dates and Use of Forms</u>	04	NCAC 24A .0106
Adopt/*		
<u>Digital Signatures</u>	04	NCAC 24A .0107
Adopt/*		
<u>Signatures on Reports and Forms</u>	04	NCAC 24A .0108
Adopt/*		
<u>Power of Attorney</u>	04	NCAC 24A .0109
Adopt/*		
<u>Written Request Required</u>	04	NCAC 24A .0201
Adopt/*		
<u>Clear Description of Records Required</u>	04	NCAC 24A .0202
Adopt/*		
<u>Determination as to Disclosure</u>	04	NCAC 24A .0203
Adopt/*		
<u>Release of Information to Third Party</u>	04	NCAC 24A .0204
Adopt/*		
<u>Fees for Copies and Services</u>	04	NCAC 24A .0205
Adopt/*		
<u>Method of Payment</u>	04	NCAC 24A .0206
Adopt/*		
<u>Payment Required Before Information Release</u>	04	NCAC 24A .0207
Adopt/*		
<u>Right to Petition</u>	04	NCAC 24A .0301
Adopt/*		
<u>Disposition of Petition</u>	04	NCAC 24A .0302
Adopt/*		

The rules in Subchapter 24B concern benefits including claims for unemployment insurance benefits (.0100); interstate claims (.0200); work search requirements (.0300); adjudication (.0400); labor disputes (.0500); unemployment insurance benefit overpayments (.0600); request for waiver of

overpayment (.0700); interstate overpayment recovery (.0800); setoff debt collection act (.0900); and treasury offset program (.1000).

<u>Filing a Claim</u>	04	NCAC 24B .0101
Adopt/*		
<u>Alternative Filing Methods</u>	04	NCAC 24B .0102
Adopt/*		
<u>Weekly Certifications</u>	04	NCAC 24B .0103
Adopt/*		
<u>Information to be Provided to New Claimants Filing a Claim</u>	04	NCAC 24B .0104
Adopt/*		
<u>Antedating</u>	04	NCAC 24B .0105
Adopt/*		
<u>Suspension of Benefits for Probation Violators Who Avoid ...</u>	04	NCAC 24B .0106
Adopt/*		
<u>Registration for Work</u>	04	NCAC 24B .0201
Adopt/*		
<u>Benefits Rights of Interstate Claimants</u>	04	NCAC 24B .0202
Adopt/*		
<u>Claims for Benefits</u>	04	NCAC 24B .0203
Adopt/*		
<u>Determination of Claims</u>	04	NCAC 24B .0204
Adopt/*		
<u>Appellate Procedure</u>	04	NCAC 24B .0205
Adopt/*		
<u>Canadian Claims</u>	04	NCAC 24B .0206
Adopt/*		
<u>Notification of Interstate Claim</u>	04	NCAC 24B .0207
Adopt/*		
<u>Requirements for Claimants</u>	04	NCAC 24B .0301
Adopt/*		
<u>Record of Work and Wages of Claimants</u>	04	NCAC 24B .0302
Adopt/*		
<u>Determinations</u>	04	NCAC 24B .0401
Adopt/*		
<u>Request for Separation Information from Employer</u>	04	NCAC 24B .0402
Adopt/*		
<u>Notice to Employer of Labor Dispute Claim</u>	04	NCAC 24B .0501
Adopt/*		
<u>Employer Response Requirement</u>	04	NCAC 24B .0502
Adopt/*		
<u>Determination of Labor Dispute and Referral for Hearing</u>	04	NCAC 24B .0503
Adopt/*		
<u>Issues</u>	04	NCAC 24B .0504
Adopt/*		
<u>Notice Requirement for Overpayment</u>	04	NCAC 24B .0601
Adopt/*		

<u>Bill for Repayment of Overpayment</u> Adopt/*	04 NCAC 24B .0602
<u>Wage Audit Notice for Employers</u> Adopt/*	04 NCAC 24B .0603
<u>Waiver of Repayments of Nonfraudulent Overpayment</u> Adopt/*	04 NCAC 24B .0701
<u>Waiver of Repayments of Fraudulent Overpayment</u> Adopt/*	04 NCAC 24B .0702
<u>Decision and Consideration of Waiver Petitions</u> Adopt/*	04 NCAC 24B .0703
<u>Factors in Determining Equity and Good Conscience</u> Adopt/*	04 NCAC 24B .0704
<u>Factors in Determining Fault</u> Adopt/*	04 NCAC 24B .0705
<u>Duties of the Requesting State</u> Adopt/*	04 NCAC 24B .0801
<u>Duties of Recovering State</u> Adopt/*	04 NCAC 24B .0802
<u>Duties of Paying State</u> Adopt/*	04 NCAC 24B .0803
<u>Withdrawals of Combined Wage Claims</u> Adopt/*	04 NCAC 24B .0804
<u>Setoff Debt Collection Act Hearings</u> Adopt/*	04 NCAC 24B .0901
<u>Notice of Referral</u> Adopt/*	04 NCAC 24B .1001
<u>Reevaluation of Debt</u> Adopt/*	04 NCAC 24B .1002

The rules in Subchapter 24C concern initial appeals from determination and higher authority review including general initial appeals information (.0100); initial appeals hearing (.0200); legal representation for initial appeals (.0300); subpoenas for initial appeals (.0400); higher authority review of appeals decision (.0500); and post-decision relief (.0600).

<u>Appeal Date Established by Testimony</u> Adopt/*	04 NCAC 24C .0101
<u>Exception to Timeliness Requirement</u> Adopt/*	04 NCAC 24C .0102
<u>Base Period Employer Denied Noncharging</u> Adopt/*	04 NCAC 24C .0103
<u>Employer Party to Determination</u> Adopt/*	04 NCAC 24C .0104
<u>Appearance by Party</u> Adopt/*	04 NCAC 24C .0201
<u>Presenting and Scheduling Appeals Claims</u> Adopt/*	04 NCAC 24C .0202
<u>Contents of Appeal to Appeals Section</u> Adopt/*	04 NCAC 24C .0203
<u>Appeals Hearing Notice</u> Adopt/*	04 NCAC 24C .0204

<u>Telephone Hearings</u> Adopt/*	04 NCAC 24C .0205
<u>In-person Hearings</u> Adopt/*	04 NCAC 24C .0206
<u>Rescheduling a Hearing</u> Adopt/*	04 NCAC 24C .0207
<u>Disqualification of Appeals Referee</u> Adopt/*	04 NCAC 24C .0208
<u>Conduct of Hearings</u> Adopt/*	04 NCAC 24C .0209
<u>Hearsay</u> Adopt/*	04 NCAC 24C .0210
<u>Controlled Substance Results</u> Adopt/*	04 NCAC 24C .0211
<u>Contents of Appeals Decision</u> Adopt/*	04 NCAC 24C .0212
<u>Administration Proceedings</u> Adopt/*	04 NCAC 24C .0301
<u>Notices of Service to Party</u> Adopt/*	04 NCAC 24C .0302
<u>Issuance of Subpoenas</u> Adopt/*	04 NCAC 24C .0401
<u>Objection to Subpoena</u> Adopt/*	04 NCAC 24C .0402
<u>Requirements for Appeal Statement to Board of Review</u> Adopt/*	04 NCAC 24C .0501
<u>Acknowledgement of Appeal</u> Adopt/*	04 NCAC 24C .0502
<u>Oral Arguments</u> Adopt/*	04 NCAC 24C .0503
<u>Legal Representation</u> Adopt/*	04 NCAC 24C .0504
<u>Introduction of Evidence in Higher Authority Hearings</u> Adopt/*	04 NCAC 24C .0505
<u>Content of Higher Authority Decision</u> Adopt/*	04 NCAC 24C .0506
<u>Post-Decision Relief</u> Adopt/*	04 NCAC 24C .0601

The rules in Subchapter 24D concern tax administration including account charge protests (.0100); request for noncharging of benefits payments (.0200); adequacy (.0300); voluntary election and payments (.0400); records (.0500); reports (.0600); transfer of experience rating to related entity successor account (.0700); agreements to compromise (.0800); special tax investigations (.0900); requests and hearings to review and redetermine tax rate (.1000); tax liability hearings (.1100); seasonal pursuits (.1200); collection methods of employer debt (.1300); and records (.1400).

<u>Notice of Claim to Employer</u> Adopt/*	04 NCAC 24D .0101
<u>Notice to Employer of Potential Charges</u> Adopt/*	04 NCAC 24D .0102

<u>Requirements for Filing Protests</u> Adopt/*	04 NCAC 24D .0103
<u>Time for Filing Protests</u> Adopt/*	04 NCAC 24D .0104
<u>Grounds for Protest</u> Adopt/*	04 NCAC 24D .0105
<u>DES's Responsibilities Upon Receipt of Protest</u> Adopt/*	04 NCAC 24D .0106
<u>Determination on Grounds Contained in Protest</u> Adopt/*	04 NCAC 24D .0107
<u>Making the Request for Noncharging</u> Adopt/*	04 NCAC 24D .0201
<u>Determination on Requests for Noncharging</u> Adopt/*	04 NCAC 24D .0202
<u>Appealing Denial of Request for Noncharging</u> Adopt/*	04 NCAC 24D .0203
<u>Adequacy Threshold</u> Adopt/*	04 NCAC 24D .0301
<u>Adequacy Threshold Determination</u> Adopt/*	04 NCAC 24D .0302
<u>Adequacy Penalty Determination</u> Adopt/*	04 NCAC 24D .0303
<u>Appealing Adequacy Penalty</u> Adopt/*	04 NCAC 24D .0304
<u>Voluntary Election by Employer</u> Adopt/*	04 NCAC 24D .0401
<u>Election to Reimburse in Lieu of Contributions</u> Adopt/*	04 NCAC 24D .0402
<u>Payment of Employer Taxes</u> Adopt/*	04 NCAC 24D .0403
<u>Records of Employers</u> Adopt/*	04 NCAC 24D .0501
<u>Wage Records</u> Adopt/*	04 NCAC 24D .0502
<u>Allowances and Reimbursement Advances</u> Adopt/*	04 NCAC 24D .0503
<u>Manner of Recordkeeping</u> Adopt/*	04 NCAC 24D .0504
<u>General Format of Reports and Forms and Methods of Submis...</u> Adopt/*	04 NCAC 24D .0601
<u>Status Reports</u> Adopt/*	04 NCAC 24D .0602
<u>Quarterly Reports from Taxed Employers</u> Adopt/*	04 NCAC 24D .0603
<u>Annual Reports from Domestic Employers</u> Adopt/*	04 NCAC 24D .0604
<u>Transfer of Experience</u> Adopt/*	04 NCAC 24D .0701

<u>Requirements for Transfer of Experience</u> Adopt/*	04 NCAC 24D .0702
<u>Application</u> Adopt/*	04 NCAC 24D .0801
<u>Special Tax Investigations</u> Adopt/*	04 NCAC 24D .0901
<u>Request for Redetermination of Tax Rate</u> Adopt/*	04 NCAC 24D .1001
<u>Division's Obligations</u> Adopt/*	04 NCAC 24D .1002
<u>Continued Payments Required</u> Adopt/*	04 NCAC 24D .1003
<u>Appealing a Tax Matter</u> Adopt/*	04 NCAC 24D .1101
<u>Scheduling Tax Hearings</u> Adopt/*	04 NCAC 24D .1102
<u>Telephone Hearings</u> Adopt/*	04 NCAC 24D .1103
<u>In-person Hearings</u> Adopt/*	04 NCAC 24D .1104
<u>Rescheduling a Tax Hearing</u> Adopt/*	04 NCAC 24D .1105
<u>Subpoenas</u> Adopt/*	04 NCAC 24D .1106
<u>The Tax Opinion</u> Adopt/*	04 NCAC 24D .1107
<u>Request for Seasonal Determination</u> Adopt/*	04 NCAC 24D .1201
<u>Written Determination</u> Adopt/*	04 NCAC 24D .1202
<u>Display Required</u> Adopt/*	04 NCAC 24D .1203
<u>Wage Records and Reports Requirements</u> Adopt/*	04 NCAC 24D .1204
<u>Notice to Employer</u> Adopt/*	04 NCAC 24D .1301
<u>Notice to Garnishee</u> Adopt/*	04 NCAC 24D .1302
<u>Official Forms</u> Adopt/*	04 NCAC 24D .1401

The rules in Subchapter 24E concern unemployment insurance documents and records.

<u>Confidentiality of Unemployment Insurance Information</u> Repeal/*	04 NCAC 24E .0101
<u>Request for Documents and Records</u> Repeal/*	04 NCAC 24E .0102
<u>Fees for Copies and Services</u> Repeal/*	04 NCAC 24E .0103

Payment of Fees
Repeal/*

04 NCAC 24E .0104

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).

Mandated Services
Amend/*

10A NCAC 46 .0201

Grade A Milk Sanitation
Repeal/*

10A NCAC 46 .0212

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); 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).

General Permit for Excavation Within or Connecting to Exi...
Amend/*

15A NCAC 07H .1501

Approval Procedures
Amend/*

15A NCAC 07H .1502

General Conditions
Amend/*

15A NCAC 07H .1504

Specific Conditions
Amend/*

15A NCAC 07H .1505

PUBLIC HEALTH, COMMISSION FOR

The rules in Subchapter 18C are water supply rules including their protection and location (.0100-.0200), submission of plans, etc. (.0300), design criteria (.0400-.0500), raw surface water facilities (.0600), surface water treatment facilities (.0700), hydropneumatic storage tanks (.0800), distribution systems (.0900), disinfection (.1000), protection of unfiltered and filtered supplies (.1100-.1200), variances (.1300), fluoridation (.1400), water quality standards and variances (.1500-.1600), systems grants (.1700), local plan approval (.1800), administrative penalties (.1900), filtration and disinfection (.2000); operating permits (.2100); and ground water systems (.2200).q

Revised Total Coliform Rule
Adopt/*

15A NCAC 18C .1539

CERTIFIED PUBLIC ACCOUNTANT EXAMINERS, BOARD OF

The rules in Subchapter 8G are the continuing professional education requirements including general provisions (.0100); responsibilities to clients and colleagues (.0200); and other responsibilities and requirements (.0300 and .0400).

Computation of CPE Credits
Amend/*

21 NCAC 08G .0409

CHIROPRACTIC EXAMINERS, BOARD OF

The rules in Chapter 10 include organization of the Board (.0100); the practice of chiropractic (.0200); rules of unethical conduct (.0300); rule-making procedures (.0400); investigation of complaints (.0500); contested cases and hearings in contested cases (.0600-.0700); and miscellaneous provisions (.0800).

Peer Reviews
Amend/**

21 NCAC 10 .0305

PHARMACY, BOARD OF

The rules in Chapter 46 cover organization of the board (.1200); general definitions (.1300); hospitals and other health facilities (.1400); admission requirements and examinations (.1500); licenses and permits (.1600); drugs dispensed by nurse and physician assistants (.1700); prescriptions (.1800); forms (.1900); administrative provisions (.2000); elections (.2100); continuing education (.2200); prescription information and records (.2300); dispensing in health departments (.2400); miscellaneous provisions (.2500); devices (.2600); nuclear pharmacy (.2700); compounding (.2800); product selection (.2900); disposal of unwanted drugs (.3000); clinical pharmacist practitioner (.3100); impaired pharmacist peer review program (.3200); and registry of pharmacist technicians (.3300).

Registration
Amend/*

21 NCAC 46 .3301