

**RULES REVIEW COMMISSION MEETING  
MINUTES  
August 20, 2015**

The Rules Review Commission met on Thursday, August 20, 2015, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Anna Choi, Margaret Currin, Jeanette Doran, Garth Dunklin, Jay Hemphill, Jeff Hyde, Stephanie Simpson, Ralph Walker, and Faylene Whitaker.

Staff members present were Commission Counsels Abigail Hammond, Amber Cronk May, Amanda Reeder, and Jason Thomas; and Julie Brincefield, Alex Burgos, and Dana Vojtko.

The meeting was called to order at 10:02 a.m. with Chairman Dunklin presiding.

Chairman Dunklin read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearances of conflicts.

**APPROVAL OF MINUTES**

Chairman Dunklin asked for any discussion, comments, or corrections concerning the minutes of the July 16, 2015 meeting. There were none and the minutes were approved as distributed.

**FOLLOW UP MATTERS**

**Pesticide Board**

02 NCAC 09L .0504, .0505, .0507, .0522, .1102, .1104, and .1108 - These Rules were withdrawn at the request of the agency. No action was required by the Commission.

**Board of Electrolysis Examiners**

21 NCAC 19 .0201, .0202, .0203, .0204, .0407, .0409, .0602, .0608, .0622, and .0702 - The Commission approved the rewritten rules.

21 NCAC 19 .0501 and .0701 - The Commission extended the period of review for these Rules.

**Board of Massage and Bodywork Therapy**

21 NCAC 30 .0201, .0701, .0702, .1001, .1002, .1003, .1004, .1005, .1006, .1007, .1008, .1009, .1010, .1011, .1012, .1013, .1014, and .1015 - The review of these Rules will occur at the September meeting. No action was required by the Commission.

**LOG OF FILINGS (PERMANENT RULES)**

**Veterans Affairs Commission**

The Commission voted to extend the period of review for these Rules in accordance with G.S. 150B-21.10. They did so in response to a request from the Veterans Affairs Commission to extend the period in order to allow the agency to make technical changes and submit the rewritten rules at a later meeting.

Prior to the discussion of the rules from the Veterans Affairs Commission, Commissioner Hemphill recused himself and did not participate in any discussion or vote concerning these rules because his private practice routinely involves veteran's rights.

**State Board of Elections**

All rules were unanimously approved.

Prior to the discussion of the rules from State Board of Elections, Commissioner Doran recused herself and did not participate in any discussion or vote concerning these rules because she has an open matter before the State Board of Elections.

**Medical Care Commission**

All rules were unanimously approved.

**Environmental Management Commission, Subchapter 02B**

The Commission objected to 15A NCAC 02B .0295, finding the agency failed to comply with the Administrative Procedure Act. Specifically, the Commission found that changing “are” to “may” in Subparagraph (l)(6) after publication constitutes a “substantial change” pursuant to G.S. 150B-21.2(g).

The Commission also objected based upon a lack of statutory authority. Specifically, the Commission found that Session Law 2014-95 required the agency to adopt a rule that was substantively identical to the recommended rule text contained in the April 10, 2014 Consolidated Buffer Mitigation Rule Stakeholder Report. The Commission found that the agency did not comply with the statutory mandate because it moved the language that was identified as an Alternative Buffer Mitigation Option in the stakeholder report (located in Paragraph (m)) to an accepted mitigation option in Paragraph (l) of the permanent rule. Therefore, the agency did not act within the statutory authority granted to it by the Session Law.

Karen Higgins with the agency addressed the Commission.

John Hutton with Wildlands Engineering addressed the Commission.

Between reviewing Permanent Rules, Chairman Dunklin introduced OAH extern Jerod Godwin.

**Environmental Management Commission, Subchapters 02D and 02Q**

All rules were unanimously approved.

**Coastal Resources Commission**

All rules were unanimously approved.

**Veterinary Medical Board**

21 NCAC 66 .0209 was unanimously approved.

**Building Code Council**

All rules were approved with the following exception:

The Commission objected to Rule 2011 NC Electrical Code/Raceways in Wet Locations Above Grade, 300.9 with Commissioners Choi, Currin, Doran, Dunklin, Hemphill, Hyde, and Whitaker voting to adopt staff's recommendation to object to the rule, and Commissioners Simpson and Walker voting against.

The Commission objected to the Rule for failure to comply with Part 2 of the Administrative Procedure Act, specifically by adopting a rule that differs substantially from a proposed rule published in the Register. The Council published a rule in the NC Register, Volume 29, Issue 18, and proposed the deletion of one sentence and the addition of one sentence. As adopted by the Council and submitted to the Rules Review Commission, the rule did not reflect any of the published proposed changes and added an exception with three requirements. The Commission found that the change made to the text of the rule from the content proposed in the Register to the content as adopted by the Council creates a substantial change pursuant to G.S. 150B-21.2(g).

Barry Gupton with the agency addressed the Commission.

## **EXISTING RULES REVIEW**

### **Tobacco Trust Fund Commission**

02 NCAC 57 - The Commission unanimously approved the report as submitted by the agency.

### **Medical Care Commission**

10A NCAC 13H – These rules were repealed effective April 1, 2015. No action was required by the Commission.

### **Social Services Commission**

10A NCAC 70I – At the July 2015 meeting, the Commission granted the motion for an extension of time, and rescheduled the reports to be reviewed at the March 2016 meeting. No action was required by the Commission.

10A NCAC 70K - At the July 2015 meeting, the Commission granted the motion for an extension of time, and rescheduled the reports to be reviewed at the March 2016 meeting. No action was required by the Commission.

### **Department of Transportation**

19A NCAC 01 - The Commission unanimously approved the report as submitted by the agency.

19A NCAC 04 - The Commission unanimously approved the report as submitted by the agency.

19A NCAC 05 - The Commission unanimously approved the report as submitted by the agency.

19A NCAC 06 - The Commission unanimously approved the report as submitted by the agency.

### **Board of Agriculture**

02 NCAC 09 - As reflected in the attached letter, the Commission voted for readoption of these rules pursuant to G.S. 150B-21.3A(c)(2) no later than November 30, 2016.

02 NCAC 38 - As reflected in the attached letter, the Commission voted for readoption of these rules pursuant to G.S. 150B-21.3A(c)(2) no later than November 30, 2016.

Prior to the discussion of the reports from the Board of Agriculture, Commissioner Whitaker recused herself and did not participate in any discussion or vote concerning the reports because they affect her business operation.

### **Department of Cultural Resources**

07 NCAC 04 - As reflected in the attached letter, the Commission voted for readoption of these rules pursuant to G.S. 150B-21.3A(c)(2) no later than December 31, 2016.

### **Office of Information Technology Services**

09 NCAC 06 - As reflected in the attached letter, the Commission voted for readoption of these rules pursuant to G.S. 150B-21.3A(c)(2) no later than April 30, 2016.

### **Child Care Commission**

10A NCAC 09 - As reflected in the attached letter the Commission voted for readoption of these rules pursuant to G.S. 150B-21.3A(c)(2) no later than March 31, 2019 with Commissioners Choi, Currin, Dunklin, Hyde, Simpson, Walker, and Whitaker voting in favor of the adoption date, and Commissioners Doran and Hemphill voting against.

Jim Wellons, with the Attorney General's office representing the agency, addressed the Commission.

### **Commission for Mental Health**

10A NCAC 26D - As reflected in the attached letter, the Commission voted for readoption of these rules pursuant to G.S. 150B-21.3A(c)(2) no later than December 31, 2018.

**Coastal Resources Commission**

15A NCAC 07B - As reflected in the attached letter, the Commission voted for readoption of these Rules pursuant to G.S. 150B-21.3A(c)(2) no later than February 29, 2016.

**Department of Revenue**

17 NCAC 06 - As reflected in the attached letter, the Commission voted for readoption of these Rules pursuant to G.S. 150B-21.3A(c)(2) no later than February 29, 2016.

**COMMISSION BUSINESS**

Staff gave the Commission a brief legislative update.

At 11:57 a.m., Chairman Dunklin ended the public meeting of the Rules Review Commission and called the meeting into closed session pursuant to G.S. 143-318.11(a)(3) to discuss the lawsuit filed by the State Board of Education against the Rules Review Commission, and the Commission's new authority to hire outside counsel pursuant to S.L. 2015-196.

The Commission came out of closed session and reconvened at 1:07 p.m. Upon reconvening the public meeting, Chairman Dunklin noted on the record that pursuant to S.L. 2015-196, the Rules Review Commission acted to engage outside counsel with connection to the lawsuit with the State Board of Education against the Rules Review Commission.

The meeting adjourned at 1:08 p.m.

The next regularly scheduled meeting of the Commission is Thursday, September 17<sup>th</sup> at 10:00 a.m.

There is a digital recording of the entire meeting available from the Office of Administrative Hearings /Rules Division.

Respectfully Submitted,

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Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:

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Garth Dunklin, Chair

**August 2015**

Rules Review Commission  
Meeting  
Please Print Legibly

Name	Agency
Nadine Pfeiffer	DHSR
BARRY GUPTON	NCDOI - NCBC
Sue Homewood	NCDOQ - DENR
Jennifer Everett	NC DENR
Richard Harrison	TTFC/NCDOJ
Thomas Mickey	NCUMB
Aztec Conley	DHSR
Janice W Davidson	NC DOR
Brittany Johnson	NC DOR
Susan Magas	NCBEE
John Hutton	Wildlands Engineering
Bill Teuslee	DOA
Steve Schliesser	DENR-DAQ
Joelle Burleson	DENR-DAQ
Sam Hayes	DENR-OGC
Karen Higgins	DENR-DWR
Raymond Hoke	RESTORATION Systems
Helen Landi	DOT
GEORGE MCCUE	STATE BOARD OF ELECTIONS
William Upchurch	TTFC
Brian Neeshy	State Board of Elections

**August 2015**

Rules Review Commission  
Meeting  
Please Print Legibly

Name	Agency
Josh Lawson	State Board of Elections
Margaret McDonald	NCDPS
Katie Horton	NCDPS
Jenod Godwin	External Hearing Division-OAH
Debra Alston	DCDEE
Jim Wellons	DOJ



STATE OF NORTH CAROLINA  
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August 21, 2015

Christina L. Waggett  
Department of Agriculture & Consumer Services  
1001 Mail Service Center  
Raleigh, North Carolina 27699-1001

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **02 NCAC 09** and **02 NCAC 38**

Dear Ms. Waggett:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the August 20, 2015 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than November 30, 2016.

Please note that the rules set forth in 02 NCAC 09L are not subject to this readoption date. 02 NCAC 09L is scheduled for a separate periodic review date of September 2018.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond  
Commission Counsel

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919/431-3000  
fax: 919/431-3100

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**RRC DETERMINATION  
PERIODIC RULE REVIEW  
January 01, 2015 through June 30, 2015  
Agriculture, Board of  
Total: 69**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>	<b>APO Review Date</b>
<a href="#"><u>02 NCAC 09C .0501</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09C .0502</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09C .0503</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09C .0504</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09C .0505</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09C .0506</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09C .0507</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09C .0601</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09C .0701</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09C .0702</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09C .0703</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09E .0102</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09E .0103</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09G .0101</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09G .0103</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09G .2001</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09G .2002</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09G .2003</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09G .2004</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09G .2005</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09G .2006</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09G .2007</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09G .2008</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09G .2009</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09G .2010</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09H .0109</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09J .0101</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09J .0102</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09K .0101</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09K .0102</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09K .0103</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09K .0104</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09K .0105</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09K .0106</u></a>	Necessary with substantive public interest	March 22, 2015
<a href="#"><u>02 NCAC 09K .0107</u></a>	Necessary with substantive public interest	March 22, 2015



<a href="#">02 NCAC 09K .0108</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09K .0109</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09K .0112</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09K .0113</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09K .0114</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09K .0201</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09K .0202</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09K .0203</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09K .0204</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09K .0205</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09K .0206</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09K .0207</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09K .0208</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09K .0209</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09K .0210</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09K .0211</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09K .0212</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09K .0213</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09K .0214</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09O .0101</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09O .0102</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09O .0103</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09O .0104</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09O .0105</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09O .0106</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 09O .0107</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 38 .0201</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 38 .0202</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 38 .0301</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 38 .0401</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 38 .0504</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 38 .0601</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 38 .0604</a>	Necessary with substantive public interest	March 22, 2015
<a href="#">02 NCAC 38 .0701</a>	Necessary with substantive public interest	March 22, 2015



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August 21, 2015

Joshua Davis  
Department of Cultural Resources  
4605 Mail Service Center  
Raleigh, North Carolina 27699-4605

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 07 NCAC 04

Dear Mr. Davis:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the August 20, 2015 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than December 31, 2016.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond  
Commission Counsel

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# RRC DETERMINATION PERIODIC RULE REVIEW

## January 01, 2015 through June 30, 2015

### Cultural Resources, Department of

Total: 42

#### RRC Determination: Necessary with substantive public interest

Rule	Determination	APO Review Date
<a href="#">07 NCAC 04R .0203</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0204</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0205</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0206</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0304</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0702</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0703</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0704</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0705</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0706</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0707</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0708</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0709</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0710</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0711</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0712</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0713</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0714</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0715</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0716</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0717</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0718</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0801</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0802</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0803</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0804</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0805</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0806</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0807</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .0808</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .1002</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .1003</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .1004</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .1005</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .1006</a>	Necessary with substantive public interest	July 26, 2015

8/21/2015

RRC Determination - Periodic Rule Review

<a href="#">07 NCAC 04R .1007</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .1008</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .1009</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .1010</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .1011</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .1012</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">07 NCAC 04R .1013</a>	Necessary with substantive public interest	July 26, 2015



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August 21, 2015

Teresa Bank  
Office of Information Technology Services  
PO Box 17209  
Raleigh, North Carolina 27619-7209

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **09 NCAC 06**

Dear Ms. Bank:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the August 20, 2015 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than April 30, 2016.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond  
Commission Counsel

Administration  
919/431-3000  
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Clerk's Office  
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Rules Review  
Commission  
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**RRC DETERMINATION  
PERIODIC RULE REVIEW  
January 01, 2015 through June 30, 2015  
Information Technology Services, Office of  
Total: 8**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>	<b>APO Review Date</b>
<a href="#"><u>09 NCAC 06B .0301</u></a>	Necessary with substantive public interest	April 25, 2015
<a href="#"><u>09 NCAC 06B .0302</u></a>	Necessary with substantive public interest	April 25, 2015
<a href="#"><u>09 NCAC 06B .0314</u></a>	Necessary with substantive public interest	April 25, 2015
<a href="#"><u>09 NCAC 06B .0315</u></a>	Necessary with substantive public interest	April 25, 2015
<a href="#"><u>09 NCAC 06B .0316</u></a>	Necessary with substantive public interest	April 25, 2015
<a href="#"><u>09 NCAC 06B .0405</u></a>	Necessary with substantive public interest	April 25, 2015
<a href="#"><u>09 NCAC 06B .0701</u></a>	Necessary with substantive public interest	April 25, 2015
<a href="#"><u>09 NCAC 06B .0901</u></a>	Necessary with substantive public interest	April 25, 2015



STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:  
6714 Mail Service Center  
Raleigh, NC 27699-6714

Street address:  
1711 New Hope Church Rd  
Raleigh, NC 27609-6285

August 21, 2015

Dedra Alston  
Division of Child Development  
2201 Mail Service Center  
Raleigh, North Carolina 27699-2201

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 10A NCAC 09

Dear Ms. Alston:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the August 20, 2015 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than March 31, 2019.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond  
Commission Counsel

Administration  
919/431-3000  
fax: 919/431-3100

Rules Division  
919/431-3000  
fax: 919/431-3104

Judges and  
Assistants  
919/431-3000  
fax: 919/431-3100

Clerk's Office  
919/431-3000  
fax: 919/431-3100

Rules Review  
Commission  
919/431-3000  
fax: 919/431-3104

Civil Rights  
Division  
919/431-3036  
fax: 919/431-3103

An Equal Employment Opportunity Employer

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**RRC DETERMINATION  
PERIODIC RULE REVIEW  
January 01, 2015 through June 30, 2015  
Child Care Commission  
Total: 151**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>	<b>APO Review Date</b>
<a href="#">10A NCAC 09 .0102</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0201</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0204</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0205</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0301</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0302</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0304</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0401</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0403</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0501</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0505</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0508</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0509</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0510</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0511</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0512</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0601</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0602</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0603</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0604</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0605</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0606</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0701</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0702</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0703</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0704</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0705</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0707</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0708</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0709</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0710</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0711</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0712</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0713</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0714</a>	Necessary with substantive public interest	May 23, 2015



<a href="#">10A NCAC 09 .0801</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0802</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .0803</a>	Necessary with substantive public interest	May 23, 2015
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<a href="#">10A NCAC 09 .1001</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .1002</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .1003</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .1004</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .1301</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .1302</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .1303</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .1304</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .1401</a>	Necessary with substantive public interest	May 23, 2015
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<a href="#">10A NCAC 09 .1403</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .1701</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .1702</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .1703</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .1705</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .1706</a>	Necessary with substantive public interest	May 23, 2015
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<a href="#">10A NCAC 09 .1801</a>	Necessary with substantive public interest	May 23, 2015
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<a href="#">10A NCAC 09 .2101</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .2201</a>	Necessary with substantive public interest	May 23, 2015
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<a href="#">10A NCAC 09 .2209</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .2213</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .2318</a>	Necessary with substantive public interest	May 23, 2015

<a href="#">10A NCAC 09 .2401</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .2402</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .2403</a>	Necessary with substantive public interest	May 23, 2015
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<a href="#">10A NCAC 09 .2702</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .2703</a>	Necessary with substantive public interest	May 23, 2015
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<a href="#">10A NCAC 09 .2805</a>	Necessary with substantive public interest	May 23, 2015
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<a href="#">10A NCAC 09 .2821</a>	Necessary with substantive public interest	May 23, 2015
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<a href="#">10A NCAC 09 .2828</a>	Necessary with substantive public interest	May 23, 2015
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<a href="#">10A NCAC 09 .2830</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .2831</a>	Necessary with substantive public interest	May 23, 2015

<a href="#">10A NCAC 09 .2901</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .2902</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .2903</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .2904</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .2905</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .3001</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .3002</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .3003</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .3005</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .3006</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .3007</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .3008</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .3009</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .3010</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .3011</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .3012</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .3013</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .3014</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .3015</a>	Necessary with substantive public interest	May 23, 2015
<a href="#">10A NCAC 09 .3016</a>	Necessary with substantive public interest	May 23, 2015



STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:  
6714 Mail Service Center  
Raleigh, NC 27699-6714

Street address:  
1711 New Hope Church Rd  
Raleigh, NC 27609-6285

August 21, 2015

Denise Baker  
Division of Mental Health  
3001 Mail Service Center  
Raleigh, North Carolina 27699-3001

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 10A NCAC 26D

Dear Ms. Baker:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the August 20, 2015 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than December 31, 2018.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond  
Commission Counsel

Administration  
919/431-3000  
fax: 919/431-3100

Rules Division  
919/431-3000  
fax: 919/431-3104

Judges and  
Assistants  
919/431-3000  
fax: 919/431-3100

Clerk's Office  
919/431-3000  
fax: 919/431-3100

Rules Review  
Commission  
919/431-3000  
fax: 919/431-3104

Civil Rights  
Division  
919/431-3036  
fax: 919/431-3103

An Equal Employment Opportunity Employer

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**RRC DETERMINATION  
PERIODIC RULE REVIEW  
January 01, 2015 through June 30, 2015  
Mental Health, Commission for  
Total: 6**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>	<b>APO Review Date</b>
<a href="#"><u>10A NCAC 26D .1104</u></a>	Necessary with substantive public interest	June 20, 2015
<a href="#"><u>10A NCAC 26D .1105</u></a>	Necessary with substantive public interest	June 20, 2015
<a href="#"><u>10A NCAC 26D .1202</u></a>	Necessary with substantive public interest	June 20, 2015
<a href="#"><u>10A NCAC 26D .1203</u></a>	Necessary with substantive public interest	June 20, 2015
<a href="#"><u>10A NCAC 26D .1204</u></a>	Necessary with substantive public interest	June 20, 2015
<a href="#"><u>10A NCAC 26D .1206</u></a>	Necessary with substantive public interest	June 20, 2015



STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:  
6714 Mail Service Center  
Raleigh, NC 27699-6714

Street address:  
1711 New Hope Church Rd  
Raleigh, NC 27609-6285

August 21, 2015

Jennifer Everett  
Department of Environment and Natural Resources  
1601 Mail Service Center  
Raleigh, North Carolina 27699-1601

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **15A NCAC 07B**

Dear Ms. Everett:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the August 20, 2015 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than February 29, 2016.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond  
Commission Counsel

Administration  
919/431-3000  
fax: 919/431-3100

Rules Division  
919/431-3000  
fax: 919/431-3104

Judges and  
Assistants  
919/431-3000  
fax: 919/431-3100

Clerk's Office  
919/431-3000  
fax: 919/431-3100

Rules Review  
Commission  
919/431-3000  
fax: 919/431-3104

Civil Rights  
Division  
919/431-3036  
fax: 919/431-3103

An Equal Employment Opportunity Employer

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**RRC DETERMINATION  
PERIODIC RULE REVIEW  
January 01, 2015 through June 30, 2015  
Coastal Resources Commission  
Total: 4**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>	<b>APO Review Date</b>
<u>15A NCAC 07B .0701</u>	Necessary with substantive public interest	August 22, 2015
<u>15A NCAC 07B .0702</u>	Necessary with substantive public interest	August 22, 2015
<u>15A NCAC 07B .0801</u>	Necessary with substantive public interest	August 22, 2015
<u>15A NCAC 07B .0802</u>	Necessary with substantive public interest	August 22, 2015



STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:  
6714 Mail Service Center  
Raleigh, NC 27699-6714

Street address:  
1711 New Hope Church Rd  
Raleigh, NC 27609-6285

August 21, 2015

Janice Davidson  
Department of Revenue  
Post Office Box 871  
Raleigh, North Carolina 27602

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 17 NCAC 06

Dear Ms. Davidson:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the August 20, 2015 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than February 29, 2016.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond  
Commission Counsel

Administration  
919/431-3000  
fax: 919/431-3100

Rules Division  
919/431-3000  
fax: 919/431-3104

Judges and  
Assistants  
919/431-3000  
fax: 919/431-3100

Clerk's Office  
919/431-3000  
fax: 919/431-3100

Rules Review  
Commission  
919/431-3000  
fax: 919/431-3104

Civil Rights  
Division  
919/431-3036  
fax: 919/431-3103

An Equal Employment Opportunity Employer



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# RRC DETERMINATION PERIODIC RULE REVIEW

## January 01, 2015 through June 30, 2015

### Revenue, Department of

**Total: 34**

#### RRC Determination: Necessary with substantive public interest

Rule	Determination	APO Review Date
<a href="#">17 NCAC 06B .0104</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .0106</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .0107</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .0109</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .0112</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .0113</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .0114</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .0115</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .0116</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .3203</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .3204</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .3407</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .3501</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .3503</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .3513</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .3529</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .3718</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .3723</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .3804</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .3904</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .3905</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .4003</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .4005</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .4101</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .4102</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06B .4103</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06C .0110</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06C .0117</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06C .0123</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06C .0124</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06C .0126</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06C .0203</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06C .0204</a>	Necessary with substantive public interest	July 26, 2015
<a href="#">17 NCAC 06D .0102</a>	Necessary with substantive public interest	July 26, 2015

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