AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

In general as to all of these rules, please note:

<u>Forms</u>: under the APA an agency need not promulgate forms as rules if the substantive contents of forms are set forth in either Rules or law. If a rule requires the use of a form, the substantive contents of the form must be set forth in either Rules or law or, alternatively, the form must be promulgated as a rule. In addition, the rule should also state, with specificity, where the form may be obtained.

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

Jason S. Thomas Commission Counsel Date submitted to agency: December 9, 2015





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:				
The North Carolina Landscape C	ontractors' Licensing Board			
2. Rule citation & name:				
	DCATION OF BOARD			
3. Action: X Adoptio	n Amendment	Repeal		
4. Was this an Emergency Ru	e: Yes Effective date: X No			
5. Provide dates for the follow	ing actions as applicable:			
	e submitted to OAH: October 15, 20			
b. Proposed Temporary Rul	e published on the OAH website: ^C	October 21, 2015		
c. Public Hearing date: Nove				
d. Comment Period: October				
196	0B-21.1(a3)(2): October 15, 2015			
f. Adoption by agency on: De	cember 3, 2015			
g. Proposed effective date of and G.S. 150B-21.3]: Janua		ctive date established by G.S. 150B	- 21.1(b)	
h. Rule approved by RRC as	a permanent rule [See G.S. 150B-	21.3(b2)]:		
6. Reason for Temporary Acti	on. Attach a copy of any cited law	, regulation, or document necessar	y for the review.	
	en threat to the public health, safe recent act of the General Assembly			
Effective date: August 1		5		
A recent change in federal or state budgetary policy. Effective date of change:				
A recent federal regulation.				
Cite: Effective date:				
A recent court order.				
Cite order:	Plan			
Other:	1 1411.			
Explain:				
Because of the recent effective date of	f SL 2014-103, s.3(b), August 1, 2015, th	ne N. C. Landscape Contractors Licensing	Board is adopting tempora	ary
rules necessary to regulate licensees	who provide landscape contracting servic	ces governed by these laws.	No R	-
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			HINGS	-
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7. Why is adherence to notice and hearing requirements cont	trary to the public interest and the immediate adoption of the		
rule is required?	, and provide and the miniculate adoption of the		
All landscape contractors who wish to conduct landscaping contracting work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must now be licensed by the Board and are required to maintain licensure. This recently established licensing Board does not yet have rules in place to implement these statutes. The Board has adopted temporary rules to remedy this situation and will begin the permanent rulemaking process in a timely manner.			
2			
<i>b</i>			
8. Rule establishes or increases a fee? (See G.S. 12-3.1)			
State constantes of mercases a rec. (See 0.5. 12-5.1)			
Yes			
Agency submitted request for consultation on:			
Consultation not required. Cite authority:			
🖾 No			
0. Bula making Counting	T		
9. Rule-making Coordinator: Calvin Kirven	10. Signature of Agency Head*:		
Phone:			
919-266-8070	Dellelen		
E-Mail:			
info@nclclb.com	* If this function has been delegated (reassigned) pursuant		
	to G.S. 143B-10(a), submit a copy of the delegation with		
Agency contact, if any:	this form. Typed Name:		
-geney contact, it uny.	Scott Makey		
Phone:	Title:		
	Chairman		
E-Mail:	E-Mail: scott@oldmillstream.com		
	I		
RULES REVIEW COMMISSION USE ONLY			
Action taken: Sut	omitted for RRC Review:		
Date returned to agency:			
Print			
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Reset

1 2 21 NCAC 28B .0101 is adopted under temporary procedures as follows:

3 21 NCAC 28B .0101 NAME AND LOCATION OF BOARD

- 4 (a) Unless otherwise directed, all communications shall be addressed to the North Carolina Landscape Contractors'
- 5 Licensing Board ("Board") at 3901 Barrett Drive, Suite 202, Raleigh, North Carolina 27609. Applications and other
- 6 information are available on the Board's website: www.nclblc.com.
- 7 (b) The Board office is open from 9:00 a.m. until 5:00 p.m., Monday through Friday.
- 8 (c) The Board office is closed on State and Federal holidays.
- 9
- 10 *History Note: Authority G.S* 89D-14; 89D-15(2);
- 11 *Temporary Adoption Eff. January 1, 2016.*
- 12





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:
The North Carolina Landscape Contractors' Licensing Board
2. Rule citation & name:
21 NCAC 28B .0102 MEETINGS
3. Action: Adoption Amendment Repeal
4. Was this an Emergency Rule: Yes Effective date:
5. Provide dates for the following actions as applicable:
a. Proposed Temporary Rule submitted to OAH: October 15, 2015
b. Proposed Temporary Rule published on the OAH website: October 21, 2015
c. Public Hearing date: November 5, 2015
d. Comment Period: October 22, 2015 to November 20, 2015
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015
f. Adoption by agency on: December 3, 2015
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 1, 2016
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.
 A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: SL2014-103, s.3(b). Effective date: August 1, 2015 A recent change in federal or state budgetary policy. Effective date of change: A recent federal regulation. Cite: Effective date: A recent court order. Cite order:
State Medical Facilities Plan.
Explain: Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Board is adopting temporary rules necessary to regulate licensees who provide landscape contracting services governed by these laws.
HOLOF MIZ: 26

7. Why is adherence to notice and hearing requireme	ents contrary to the public interest and the immediate adoption of the
rule is required?	
All landscape contractors who wish to conduct landscaping contractors	racting work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must
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timely manner.	les to remedy this situation and will begin the permanent rulemaking process in a
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8 Pulo establishes or increases a full (C. C.C. 10.1	
8. Rule establishes or increases a fee? (See G.S. 12-3.)	1)
Yes Yes	
Agency submitted request for consultation on:	
Consultation not required. Cite authority:	
🛛 No	
9. Rule-making Coordinator:	10. Signature of Agency Head*:
Calvin Kirven	10. Signature of Agency Head":
Phone:	NA LAA
919-266-8070	1) (1)
	- ROUDER
E-Mail:	* If this function has been delegated (reassigned) pursuant
info@nclclb.com	to G.S. 143B-10(a), submit a copy of the delegation with
	this form.
Agency contact, if any:	
Agency contact, if any:	Typed Name:
	Scott Makey
Phone:	Title:
	Chairman
E-Mail:	E-Mail: scott@oldmillstream.com
RULES REVIEW COMMISSION USE O	NI Y
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terion taxen.	Submitted for RRC Review:
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1 21 NCAC 28B .0102 is adopted under temporary procedures as follows:

3 21 NCAC 28B .0102 MEETINGS

- 4 (a) Regular meetings of the Board will be held at the Board office or other location chosen by the Chairman.
- 5 Additional meetings may be held at such other times and places as the Board deems necessary.
- 6 (b) The Board shall hold an annual meeting every January. At that meeting, the Board shall elect a chairman, a
- 7 vice chairman, a secretary-treasurer, and such other officers as may be deemed necessary by the Board.
- 8

2

9 *History Note:* Authority G.S. 89D-14; 89D-15(2);

- 10 *Temporary Adoption Eff. January 1, 2016.*
- 11





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:	
The North Carolina Landscape Contractors' Licensing Board	
2. Rule citation & name:	
21 NCAC 28B .0103 PRACTICE OF LANDSCAPE CONTRACTING	
3. Action: 🛛 Adoption 🗌 Amendment 🗌 Repeal	
4. Was this an Emergency Rule: Yes Effective date:	
5. Provide dates for the following actions as applicable:	
a. Proposed Temporary Rule submitted to OAH: October 15, 2015	
b. Proposed Temporary Rule published on the OAH website: October 21, 2015	
c. Public Hearing date: November 5, 2015	
d. Comment Period: October 22, 2015 to November 20, 2015	
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015	
f. Adoption by agency on: December 3, 2015	
g. Proposed effective date of temporary rule [if other than effective date established by G.S. and G.S. 150B-21.3]: January 1, 2016	150B- 21.1(b)
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:	
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document nec	essary for the review.
 A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. 	
Cite: SL2014-103, s.3(b).	
Effective date: August 1, 2015	
A recent change in federal or state budgetary policy.	
Effective date of change: A recent federal regulation.	
Cite:	
Effective date:	£1.
Cite order:	
State Medical Facilities Plan.	
Other:	A US
Explain:	
Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Lice rules necessary to regulate licensees who provide landscape contracting services governed by these laws.	ensing Board is adopting temporary
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	5 26

7. Why is adherence to notice and hearing requirements cont	trary to the public interest and the immediate adoption of the
rule is required?	any to the public interest and the miniculate adoption of the
All landscape contractors who wish to conduct landscaping contracting we now be licensed by the Board and are required to maintain licensure. This implement these statutes. The Board has adopted temporary rules to rem timely manner.	s recently established licensing Board does not yet have rules in place to
 8. Rule establishes or increases a fee? (See G.S. 12-3.1) Yes Agency submitted request for consultation on: 	
Consultation not required. Cite authority:	
⊠ No	
9. Rule-making Coordinator:	10. Signature of Agency Head*:
Calvin Kirven	10. Signature of Agency Head":
Phone:	
919-266-8070	Kollin/
E-Mail:	
info@nclclb.com	* If this function has been delegated (reassigned) pursuant
	to G.S. 143B-10(a), submit a copy of the delegation with
Agency contact, if any:	this form.
Agency contact, if any:	Typed Name:
Phone:	Scott Makey
i none.	Title: Chairman
E-Mail:	
	E-Mail: scott@oldmillstream.com
RULES REVIEW COMMISSION USE ONLY	
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	since to kee kevew.
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Date returned to agency:	
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Temporary	Rule	0500 -	11/2014
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1 21 NCAC 28B .0103 is adopted under temporary procedures as follows:

3 21 NCAC 28B .0103 PRACTICE OF LANDSCAPE CONTRACTING

- 4 An individual who is "readily available to exercise supervision over the landscape construction and contracting
- 5 work" as set forth in G.S. 89D-12(a) and G.S. 89D-17(f) is an individual who is physically located no more than 100
- 6 miles from where the construction or contract project is located or who is available electronically with the ability to
- 7 <u>view the construction or contract project.</u>
- 8

2

9 *History Note: Authority G.S 89D-12(a); 89D-15(2);*

- 10 *Temporary Adoption Eff. January 1, 2016.*
- 11

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0201

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL</u>: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

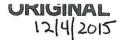
Line 4 – please see general note, above, regarding forms.

Line 10 – replace "any criminal convictions" with "all crimes of which the applicant has been convicted"

Line 11 – delete "The supporting" and replace "any criminal convictions" with "all crimes of which the applicant has been convicted"

Line

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





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:
The North Carolina Landscape Contractors' Licensing Board
2. Rule citation & name:
21 NCAC 28B .0201 APPLICATIONS FOR LICENSURE
3. Action: Adoption Amendment Repeal
4. Weg this on Francesco Duly, D. V
4. Was this an Emergency Rule: Yes Effective date:
5. Provide dates for the following actions as applicable:
a. Proposed Temporary Rule submitted to OAH: October 15, 2015
b. Proposed Temporary Rule published on the OAH website: October 21, 2015
c. Public Hearing date: November 5, 2015
d. Comment Period: October 22, 2015 to November 20, 2015
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015
f. Adoption by agency on: December 3, 2015
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 1, 2016
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
n. Rule approved by RRC as a permanent rule [see G.S. 150B-21.5(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.
A serious and unforeseen threat to the public health, safety or welfare.
The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: SL2014-103, s.3(b). Effective date: August 1, 2015
A recent change in federal or state budgetary policy.
Effective date of change:
A recent federal regulation. Cite:
Effective date:
A recent court order.
Cite order: State Medical Facilities Plan.
Other:
Explain: Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Board is adopting temporary
rules necessary to regulate licensees who provide landscape contracting services governed by these laws.
GS 26
0.

7. Why is adherence to notice and hearing requirements con	trary to the public interest and the immediate adoption of the
rule is required?	
All landscape contractors who wish to conduct landscaping contracting w now be licensed by the Board and are required to maintain licensure. Th implement these statutes. The Board has adopted temporary rules to rer timely manner.	ork as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must is recently established licensing Board does not yet have rules in place to medy this situation and will begin the permanent rulemaking process in a
а. С	
8. Rule establishes or increases a fee? (See G.S. 12-3.1)	
Yes	
Agency submitted request for consultation on:	
Consultation not required. Cite authority:	
constitution not required. Che authority.	
🖾 No	
Confident (Space)	
9. Rule-making Coordinator: Calvin Kirven	10. Signature of Agency Head*:
Phone:	
919-266-8070	12211.1m
E-Mail:	
info@nclclb.com	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with
-	this form.
Agency contact, if any:	Typed Name:
ne va 🤉 🔅 ni he vedu prejektor 🔸 ben	Scott Makey
Phone:	Title:
E M. U	Chairman
E-Mail:	E-Mail: scott@oldmillstream.com
DUI ES DEVIEW COMMISSION LES ONTRE	
RULES REVIEW COMMISSION USE ONLY Action taken:	
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- 1 2
- 21 NCAC 28B .0201 is adopted under temporary procedures as follows:
- 3 21 NCAC 28B .0201 APPLICATIONS FOR LICENSURE
- 4 (a) All applicants for licensure or examination shall submit an application to the Board. The application form shall
- 5 <u>be available on the Board website or may be obtained by contacting the Board office. The application shall require</u>
- 6 <u>the following:</u>
- 7 (1) The Social Security Number of applicant;
- 8 (2) The applicant's contact information;
- 9 (3) The name of business under which licensee will be operating, if any;
- 10 <u>(4)</u> Information about any criminal convictions;
- 11 (5) The supporting documentation regarding any criminal convictions;
- 12 (6) Information indicating whether the applicant has any disciplinary history with any other 13 occupational licensing, registration or certification board or agency;
- 14 (7) Contact information for three personal references;
- 15 (8) Contact information for two professional references;
- 16 (9) The corporate surety bond or an irrevocable letter of credit as prescribed by G.S. 89D-16 (a)(4);
- 17 (10) The application fee as set forth in Rule .0601 of this Subchapter.
- 18 (b) Once an applicant has submitted a complete application and has been determined to have met the minimum
- 19 qualifications set forth in G.S. 89D-16(a), the Board will notify the applicant that the applicant is permitted to take
- 20 an examination. Prior to taking the examination, the applicant shall submit an examination fee as set out in this
 21 Subchapter.
- 22 (c) All applications shall be notarized. Incomplete applications shall not be processed. Application fees are non-
 - 23 <u>refundable.</u>
 - 24
 - 25 History Note: Authority G.S. 89D-15(2); 89D-15(4); 89D-16; 89D-2;
 - 26 *Temporary Adoption Eff. January 1, 2016.*

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0202

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4 – please see general note, above, regarding forms.

Line 13 – revise this using the language you used in .0201(a)(9) (line 16) if that is what you mean.

Line 16 – delete "Supporting" and replace "any criminal convictions" with "all crimes of which the applicant has been convicted"

Line 17 – delete "any"

Line 22 – insert "the Board shall issue a license to the" before "applicant" and delete "shall be licensed"

Line 23 – do you intend to require that the application be notarized (see .0201(c))?

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





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:
The North Carolina Landscape Contractors' Licensing Board
2. Rule citation & name:
21 NCAC 28B .0202 RECIPROCITY
3. Action: Adoption Amendment Repeal
4. Was this an Emergency Rule: Yes Effective date:
5. Provide dates for the following actions as applicable:
a. Proposed Temporary Rule submitted to OAH: October 15, 2015
b. Proposed Temporary Rule published on the OAH website: October 21, 2015
c. Public Hearing date: November 5, 2015
d. Comment Period: October 22, 2015 to November 20, 2015
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015
f. Adoption by agency on: December 3, 2015
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B-21.1(b) and G.S. 150B-21.3]: January 1, 2016
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.
 A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: SL2014-103, s.3(b). Effective date: August 1, 2015 A recent change in federal or state budgetary policy. Effective date of change: A recent federal regulation. Cite: Effective date: A recent court order. Cite order: State Medical Facilities Plan. Other:
Explain: Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Board is adopting temporary rules necessary to regulate licensees who provide landscape contracting services governed by these laws.
GS 26

7. Why is adherence to notice and hearing requirements contr	ary to the public interest and the immediate adoption of the			
rule is required?				
All landscape contractors who wish to conduct landscaping contracting work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must now be licensed by the Board and are required to maintain licensure. This recently established licensing Board does not yet have rules in place to implement these statutes. The Board has adopted temporary rules to remedy this situation and will begin the permanent rulemaking process in a timely manner.				
8. Rule establishes or increases a fee? (See G.S. 12-3.1)				
Yes				
Agency submitted request for consultation on:				
Consultation not required. Cite authority:				
9. Rule-making Coordinator:	10. Signature of Agency Head*:			
Calvin Kirven				
Phone: 919-266-8070	1 22 M. Sen /			
919-266-8070 E-Mail:	* If this function has been delegated (reassigned) pursuant			
info@nclclb.com	to G.S. 143B-10(a), submit a copy of the delegation with			
	this form.			
Agency contact, if any:	Typed Name: Scott Makey			
Phone:	Title:			
	Chairman			
E-Mail:	E-Mail: scott@oldmillstream.com			
RULES REVIEW COMMISSION USE ONLY				
	bmitted for RRC Review:			
Date returned to agency:				
Print				
Save				

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- 1 2
- 21 NCAC 28B .0202 is adopted under temporary procedures as follows:

3 21 NCAC 28B.0202 RECIPROCITY

- 4 (a) All applicants for licensure by reciprocity shall submit an application to the Board. The application form shall be
- 5 available on the Board website or may be obtained by contacting the Board office located as described in Rule .0101

6 of this Subchapter.

- 7 (b) All applications shall include the following:
- 8 (1) The license by reciprocity application fee as set forth in Rule .0601 of this Subchapter;
- 9 (2) Documentation establishing that the applicant holds an active license, certification, or registration 10 as a landscape contractor in another state or country;
- 11(3)Information indicating whether the applicant has any disciplinary history with any other12occupational licensing, registration or certification board or agency;
- 13 (4) The corporate surety bond as set forth in Rule .0601 of this Subchapter;
- 14 (5) Contact information for three personal references;
- 15 (6) Contact information for two professional references; and
- 16 (7) Supporting documentation regarding any criminal convictions.
- 17 If there is any evidence to show that the applicant has been disciplined in any jurisdiction where the applicant is
- 18 currently or has been licensed, certified, or registered or that the applicant has committed any acts that would
- 19 constitute a violation under G.S. 89D-22, the applicant shall not be licensed by reciprocity.
- 20 (c) Once an applicant has submitted a complete application and the Board has determined that the requirements for
- 21 licensure, certification, or registration in the applicant's home jurisdiction are substantially equivalent to the
- 22 requirements in G.S. 89D-16, the applicant shall be licensed.
- 23 (d) Incomplete applications shall not be processed. Application fees are non-refundable.
- 24

26

- 25 History Note: Authority G.S. 89D-15(2); 89D-15(3); 89D-15(4); 89D-16; 89D-19; 89D-22;
 - Temporary Adoption Eff. January 1, 2016.

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0203

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 7 – as to the application, please see general note, above, regarding forms.

Line 9 – replace "G.S. 93B-15.1(a)(1) and (2)" with "G.S. 93B-15.1(a)(1), (2), and (3)"

Line 9 – delete "; and" and end this line with a period.

Lines 10-12 – delete these lines entirely

Line 19 – replace "G.S. 93B-15.1(b)(1) and (2)" with "G.S. 93B-15.1(b)(1), (2), (3), and (4)"

Line 19 – delete "; and" and end this line with a period.

Lines 20-24 – delete these lines entirely

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





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:			
The North Carolina Landscape Contractors' Licensing Board			
2. Rule citation & name:			
21 NCAC 28B .0203 MILITARY-TRAINED APPLICANT; MILITARY SPOUSE			
3. Action: Adoption Amendment Repeal			
4. Was this an Emergency Rule: Yes Effective date:			
5. Provide dates for the following actions as applicable:			
a. Proposed Temporary Rule submitted to OAH: October 15, 2015			
b. Proposed Temporary Rule published on the OAH website: October 21, 2015			
c. Public Hearing date: November 5, 2015			
d. Comment Period: October 22, 2015 to November 20, 2015			
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015			
f. Adoption by agency on: December 3, 2015			
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150] and G.S. 150B-21.3]: January 1, 2016	3- 21.1(b)		
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:			
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessa	ry for the r	eview.	
 A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: SL2014-103, s.3(b). Effective date: August 1, 2015 A recent change in federal or state budgetary policy. Effective date of change: A recent federal regulation. Cite: Effective date: A recent court order. Cite order: State Medical Facilities Plan. Other: 			
Explain:			
Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensin rules necessary to regulate licensees who provide landscape contracting services governed by these laws.	g Board is ad	opting terr	porary
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	trary to the public interest and the immediate adoption of the		
rule is required? All landscape contractors who wish to conduct landscaping contracting work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must now be licensed by the Board and are required to maintain licensure. This recently established licensing Board does not yet have rules in place to implement these statutes. The Board has adopted temporary rules to remedy this situation and will begin the permanent rulemaking process in a timely manner.			
	2 2		
8. Rule establishes or increases a fee? (See G.S. 12-3.1)			
 Yes Agency submitted request for consultation on: Consultation not required. Cite authority: 			
⊠ No			
9. Rule-making Coordinator: Calvin Kirven	10. Signature of Agency Head*:		
Phone: 919-266-8070	RSULQ_		
E-Mail:	* If this function has been delegated (reassigned) pursuant		
info@nclclb.com	to G.S. 143B-10(a), submit a copy of the delegation with this form.		
Agency contact, if any:	Typed Name: Scott Makey		
Phone:	Title: Chairman		
	E-Mail: scott@oldmillstream.com		
RULES REVIEW COMMISSION USE ONLY Action taken: State	ubmitted for RRC Review:		
Date returned to agency:			
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21 NCAC 28B .0203 is adopted under temporary procedures as follows:

3 21 NCAC 28B .0203 MILITARY-TRAINED APPLICANT; MILITARY SPOUSE

- 4 (a) Licensure for a military-trained applicant. Upon receipt of a request for licensure pursuant to G.S. 93B-15.1
- 5 from a military-trained applicant, the Board shall issue a license to the applicant who satisfies the following 6 conditions:
- 7 (1) submission of a complete application for licensure;
- 8 (2) submission of an application fee in accordance with Rule .0601 of this Subchapter; and
 - (3) providing documentation to satisfy conditions set out in G.S. 93B-15.1(a)(1) and (2); and
- 10
 (4) providing documentation that the applicant has not committed any act in any jurisdiction that

 11
 would constitute grounds for refusal, suspension, or revocation of a license in North Carolina at

 12
 the time the act was committed.

13 (b) Licensure for a military spouse. Upon receipt of a request for licensure pursuant to G.S. 93B-15.1 from a

14 military spouse, the Board shall issue a license to the applicant who satisfies the following conditions:

- 15 (1) submission of a complete Application for Licensure;
- 16 (2) submission of a license fee in accordance with G.S. 89D-21(a);
- 17(3)submission of written documentation demonstrating that the applicant is married to an active18member of the U.S. military; and
- 19 (4) providing documentation to satisfy conditions set out in G.S. 93B-15.1(b)(1) and (2);
- 20
 (5) providing documentation that the applicant has not committed any act in any jurisdiction that

 21
 would constitute grounds for refusal, suspension, or revocation of a license in North Carolina at

 22
 the time the act was committed; and
- 23 (6) is in good standing and has not been disciplined by the agency that had jurisdiction to issue the
 24 license, certification, or permit.
- 26 History Note: Authority G.S. 89D-15(2); 89D-15(4); 89D-21; 93B-15.1;
- 27 <u>Temporary Adoption Eff. January 1, 2016.</u>

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0204

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 8 – delete the comma after "dissolution"

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





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:			
The North Carolina Landscape Contractors' Licensing Board			
2. Rule citation & name:			1
21 NCAC 28B .0204 MAINTAIN CURRENT INFORMATION			
3. Action: X Adoption Amendment Repeal			
4 Was this an Encourse Dula V V Effective L			4
4. Was this an Emergency Rule: Yes Effective date: X No			
5. Provide dates for the following actions as applicable:			1
a. Proposed Temporary Rule submitted to OAH: October 15, 2015			
b. Proposed Temporary Rule published on the OAH website: October 21, 2015			
c. Public Hearing date: November 5, 2015			
d. Comment Period: October 22, 2015 to November 20, 2015			
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015			
f. Adoption by agency on: December 3, 2015			
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B-2]	1.1(b)		
and G.S. 150B-21.3]: January 1, 2016			
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:			
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for	or the revie	ew.	1
 A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: SL2014-103, s.3(b). Effective date: August 1, 2015 A recent change in federal or state budgetary policy. Effective date of change: A recent federal regulation. Cite: 			
Effective date:			ľ
A recent court order.			
Cite order: State Medical Facilities Plan.	T	201	r miqu
Other:	6	5	
	≦ <u>Ω</u>	3	
Explain: Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Bo		1	
rules necessary to regulate licensees who provide landscape contracting services governed by these laws.		IN 12: 27	

7. Why is adherence to notice and hearing requirements con	ntrary to the public interest and the immediate adoption of the
All landscape contractors who wish to conduct landscaping contracting v now be licensed by the Board and are required to maintain licensure. The	vork as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must nis recently established licensing Board does not yet have rules in place to medy this situation and will begin the permanent rulemaking process in a
8. Rule establishes or increases a fee? (See G.S. 12-3.1)	
Yes	
Agency submitted request for consultation on: Consultation not required. Cite authority:	
No No	
9. Rule-making Coordinator:	10. Signature of Agency Head*:
Calvin Kirven Phone:	
919-266-8070	Letter /
E-Mail: info@nclclb.com	* If this function has been delegated (reassigned) pursuant
200 	to G.S. 143B-10(a), submit a copy of the delegation with this form.
Agency contact, if any:	Typed Name: Scott Makey
Phone:	Title: Chairman
E-Mail:	E-Mail: scott@oldmillstream.com
RULES REVIEW COMMISSION USE ONLY	
	ubmitted for RRC Review:
Date returned to agency:	
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3 21 NCAC 28B .0204

21 NCAC 28B .0204 is adopted under temporary procedures as follows:

- 4 (a) Every licensee shall keep the Board advised of the licensee's current mailing address, phone number, email
- 5 address, and the name or names under which the licensee is practicing. If any change occurs, the licensee shall
- 6 notify the Board in writing of the change within 60 days.
- 7 (b) Upon the dissolution of a professional relationship, the member or members thereof shall notify the Board in
- 8 writing concerning such dissolution, and of the succeeding status and addresses of the individuals or firm.

MAINTAIN CURRENT INFORMATION

- 9 (c) Upon the lapse of a surety bond or revocation of a letter of credit prescribed in G.S. 89D-16(a)(4), a licensee
- 10 shall notify the Board in writing. If a licensee fails to renew the surety bond or obtain a new letter of credit within
- 11 thirty days after the lapse or revocation, the license shall be revoked.
- 12 (d) Failure to notify the Board of the changes described in Paragraphs (a), (b), or (c) of this Rule shall constitute a
- 13 violation of G.S. 89D-22.
- 14
- 15 History Note: Authority G.S. 89D-15(2), 89D-15(11); 89D-16(a)(4); 89D-17(h); 89D-22(8);
- 16 Temporary Adoption Eff. January 1, 2016.

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0301

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL</u>: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 13-14 – delete "Supporting" and replace "any criminal convictions occurring" with "all crimes of which the applicant has been convicted"

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





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:			
The North Carolina Landscape Contractors' Licensing Board			
2. Rule citation & name: 21 NCAC 28B .0301 LICENSE RENEWAL; WAIVER			
3. Action: Adoption Amendment Repeal			
4. Was this an Emergency Rule: Yes Effective date:			
5. Provide dates for the following actions as applicable:			
a. Proposed Temporary Rule submitted to OAH: October 15, 2015			
b. Proposed Temporary Rule published on the OAH website: October 21, 2015			
c. Public Hearing date: November 5, 2015			
d. Comment Period: October 22, 2015 to November 20, 2015			
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015			
f. Adoption by agency on: December 3, 2015			
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- and G.S. 150B-21.3]: January 1, 2016	21.1(b)		
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:			
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary	for the revi	iew.	
 A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: SL2014-103, s.3(b). Effective date: August 1, 2015 A recent change in federal or state budgetary policy. Effective date of change: A recent federal regulation. Cite: Effective date: A recent court order. Cite order: 			
State Medical Facilities Plan. Other:	DA		
Explain:	Z	1	interesting to the second s
Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing	Board is adopt	ing tempo	rary
rules necessary to regulate licensees who provide landscape contracting services governed by these laws.	OF ARIN GS	PM 12: 27	

7. Why is adherence to notice and hearing requirements of	contrary to the public interest and the immediate adoption of the	
All landscape contractors who wish to conduct landscaping contractin now be licensed by the Board and are required to maintain licensure. implement these statutes. The Board has adopted temporary rules to	ng work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must This recently established licensing Board does not yet have rules in place to premedy this situation and will begin the permanent rulemaking process in a	
timely manner.		
8. Rule establishes or increases a fee? (See G.S. 12-3.1)		
2000 - 20000 - 20000 - 2000 - 2000 - 2000 - 2000 - 2000 - 2000 - 2000 -		
X Yes	amh an 00, 0045	
Agency submitted request for consultation on: September 29, 2015 Consultation not required. Cite authority:		
No No		
9. Rule-making Coordinator: Calvin Kirven	10. Signature of Agency Head*:	
Phone:	DAMO	
919-266-8070	Kollder /	
E-Mail:	* If this function has been delegated (reassigned) pursuant	
info@nclclb.com	to G.S. 143B-10(a), submit a copy of the delegation with	
Agency contact, if any:	this form. Typed Name:	
	Scott Makey	
Phone:	Title: Chairman	
E-Mail:	E-Mail: scott@oldmillstream.com	
RULES REVIEW COMMISSION USE ONLY Action taken:		
	Submitted for RRC Review:	
Date returned to agency:		
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- 1
- 21 NCAC 28B .0301 is adopted under temporary procedures as follows:
- 2

3 21 NCAC 28B .0301 LICENSE RENEWAL; WAIVER

- 4 (a) All licensees seeking renewal shall submit annually to the Board a renewal application. The deadline for
- 5 submission is August 1 in the renewal year. Applications shall be postmarked or received by the Board no later than
- 6 August 1. If August 1 falls on a Saturday or Sunday, the application shall be postmarked or received no later than
- 7 the following Monday. The application form is available on the Board website or may be obtained by contacting the
- 8 Board office.
- 9 (b) All renewal applications shall include the following:
- 10 (1) The application fee set forth in Rule .0601 of this Subchapter;
- 11
 (2)
 Documentation showing that the licensee has met the Board's continuing education requirements

 12
 as set forth in section .0400; and
- 13 (3) Supporting documentation regarding any criminal convictions occurring since the previous
 14 licensure or renewal.
- 15 (c) Incomplete applications shall not be processed. Application fees are non-refundable.
- 16 (d) An individual who is serving in the Armed Forces of the United States shall receive an extension of time to pay
- 17 the license renewal fee upon submission of the following to the Board:
- 18 (1) Written request for waiver; and
- 19(2)Documentation that the licensee is serving in the Armed Forces of the United States and is eligible20for an extension of time to file a tax return pursuant to G.S. 105-249.2.
- 21 22 *History Note: Authority G.S. 89D-15(2); 89D-15(4); 89D-20; 93B-15; 105-249.;.*
 - 23 *Temporary Adoption Eff. January 1, 2016.*
 - 24

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0302

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4 – replace "expired" with "been revoked"

Line 8 – revise this using the language you used in .0201(a)(9) (line 16) if that is what you mean.

Lines 10-11 – delete "Supporting" and replace "any criminal convictions occurring" with "all crimes of which the applicant has been convicted"

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





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:			
The North Carolina Landscape Contractors' Licensing Board			
2. Rule citation & name:			
21 NCAC 28B .0302 REINSTATEMENT			
3. Action: Adoption Amendment Repeal			
4. Was this an Emergency Rule: Yes Effective date:			
5. Provide dates for the following actions as applicable:			
a. Proposed Temporary Rule submitted to OAH: October 15, 2015			
b. Proposed Temporary Rule published on the OAH website: October 21, 2015			
c. Public Hearing date: November 5, 2015			
d. Comment Period: October 22, 2015 to November 20, 2015		1	
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015			
f. Adoption by agency on: December 3, 2015			
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B-21 and G.S. 150B-21.3]: January 1, 2016	.1(b)		
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:			
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary fo	r the review	w.	
 A serious and unforeseen threat to the public health, safety or welfare. X The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: SL2014-103, s.3(b). Effective date: August 1, 2015 A recent change in federal or state budgetary policy. Effective date of change: A recent federal regulation. Cite: Effective date: A recent court order. Cite order: State Medical Facilities Plan. Other: 			
Explain: Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Board is adopting temporary rules necessary to regulate licensees who provide landscape contracting services governed by these laws.			
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Temporary Rule 0500 – 11/2014	ŝ	27	

7. Why is adherence to notice and hearing requirements con rule is required?	ntrary to the public interest and the immediate adoption of the
I now be licensed by the board and are required to maintain licensure. If	work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must his recently established licensing Board does not yet have rules in place to
implement these statutes. The Board has adopted temporary rules to re timely manner.	medy this situation and will begin the permanent rulemaking process in a
14	
6.	
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8. Rule establishes or increases a fee? (See G.S. 12-3.1)	
Yes	
Agency submitted request for consultation on:	
Consultation not required. Cite authority:	
and an one wathority.	
🛛 No	
1 Pulo making Coordinatory	
9. Rule-making Coordinator: Calvin Kirven	10. Signature of Agency Head*:
Phone:	0000
919-266-8070	Kell les
E-Mail:	* If this function has been delegated (reassigned) pursuant
info@nclclb.com	to G.S. 143B-10(a), submit a copy of the delegation with
	this form.
Agency contact, if any:	Typed Name:
	Scott Makey
Phone:	Title:
E-Mail:	Chairman
E-Mail:	E-Mail: scott@oldmillstream.com
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	dominica for KKC Review.
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1 21 NCAC 28B .0302 is adopted under temporary procedures as follows: 2 3 21 NCAC 28.0302 REINSTATEMENT 4 (a) Any licensee whose license has expired for no more than one year may request reinstatement by the Board. The 5 licensee shall submit the following to the Board: 6 (1) Application for Reinstatement; 7 Reinstatement fee as set forth in Rule .0601 of this Subchapter; (2) 8 (3) Corporate surety bond or irrevocable letter of credit pursuant to G.S. 89D-16(a)(4); 9 Documentation showing that the licensee has met the Board's continuing education requirements; (4) 10 Supporting documentation regarding any criminal convictions occurring since the previous (5) 11 application or renewal was filed with the Board; and 12 Attestation that the licensee has not engaged in the practice of landscape construction or (6) 13 contracting after the notice of revocation was issued. 14 (b) Any licensee whose license is suspended for failure to obtain continuing education as required by G.S. 89D-15 20(b) and this Subchapter may request reinstatement pursuant to G.S. 89D-20(b). 16 17 Authority G.S. 89D-15(2); 89D-15(4); 89D-2; *History Note:* 18 Temporary Adoption Eff. January 1, 2016. 19 20





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:			
The North Carolina Landscape Contra	ctors' Licensing Board		
2. Rule citation & name:			
21 NCAC 28B .0401 GENERAL			
3. Action: 🛛 Adoption	Amendment	🗌 Repeal	
4. Was this an Emergency Rule:	Yes Effective date:		
	No Effective date.		
E Provide dates for the full and a second	P 11		
 Provide dates for the following a a. Proposed Temporary Rule sub 		5	
b. Proposed Temporary Rule put		Luber 21, 2015	
c. Public Hearing date: November			
d. Comment Period: October 22, 20			
e. Notice pursuant to G.S. 150B-2			
f. Adoption by agency on: Decemb	er 3, 2015		
g. Proposed effective date of temp	orary rule [if other than effect	tive date established by G.S. 150B-	· 21.1(b)
and G.S. 150B-21.3]: January 1, 2	2016		
h. Rule approved by RRC as a pe	rmanent rule [See G.S. 150B-2	:1.3(b2)]:	
6 Reason for Temporary Action	ttach a conv of one site I low		
6. Reason for Temporary Action. A	titach a copy of any cited law,	regulation, or document necessary	for the review.
A serious and unforeseen threat to the public health, safety or welfare.			
The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: SL2014-103, s.3(b).			
Effective date: August 1, 2015			
A recent change in federal or state budgetary policy.			
Effective date of change:			
A recent federal regulation. Cite:			
Effective date:			
A recent court order.			
Cite order:			
State Medical Facilities Plan Other:	•		, 20 .
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Explain:			
Because of the recent effective date of SL 2	2014-103, s.3(b), August 1, 2015, the	N. C. Landscape Contractors Licensing	Board is adopting temporary
rules necessary to regulate licensees who p	rovide landscape contracting service	s governed by these laws.	I C I
			E P
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7. Why is adherence to notice and hearing nominant of the state of the			
7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?			
All landscape contractors who wish to conduct landscaping contracting work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must now be licensed by the Board and are required to maintain licensure. This recently established licensing Board does not yet have rules in place to implement these statutes. The Board has adopted temporary rules to remedy this situation and will begin the permanent rulemaking process in a timely manner.			
8. Rule establishes or increases a fee? (See G.S. 12-3.1)			
□ Yes			
Agency submitted request for consultation on: Consultation not required. Cite authority:			
🖾 No			
9. Rule-making Coordinator:	10. Signature of Agency Head*:		
Calvin Kirven Phone:	60122		
919-266-8070 E-Mail:	* If this function has been delegated (reassigned) pursuant		
info@nclclb.com	to G.S. 143B-10(a), submit a copy of the delegation with this form.		
Agency contact, if any:	Typed Name: Scott Makey		
Phone:	Title: Chairman		
E-Mail:	E-Mail: scott@oldmillstream.com		
RULES REVIEW COMMISSION USE ONLY Action taken:			
Sub	mitted for RRC Review:		
Date returned to agency:			
Print			

1 2 21 NCAC 28B .0401 is adopted under temporary procedures as follows:

3 21 NCAC 28B .0401 GENERAL

4	To ensure cont	inuing efforts on the part of licensed contractors to remain current with new developments in
5	landscape techn	ology and to encourage better business practices and safety in the profession, continuing education is
6	required as a co	ondition of license renewal. A licensee shall submit, as a part of his or her renewal application,
7	evidence that he	e or she has met the Board's continuing education requirements. Renewal applications that do not
8	contain this info	rmation shall be deemed incomplete.
9		
10	History Note:	Authority G.S. 89D-15(2); 89D-15(4); 89D-15(12); 89D-20;
11		Temporary Adoption Eff. January 1, 2016.
12		

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0402

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4 – delete "be required to"

Line 10 – insert a comma after "89D-11(3)"





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:			
The North Carolina Landscape Contractors' Licensing Board			
2. Rule citation & name:			
21 NCAC 28B .0402 CONTINUING EDUCATION UNITS			
3. Action: X Adoption Amendment Repeal			
4. Was this an Emergency Rule: Yes Effective date:			
5. Provide dates for the following actions as applicable:			
a. Proposed Temporary Rule submitted to OAH: October 15, 2015			
b. Proposed Temporary Rule published on the OAH website: October 21, 2015			
c. Public Hearing date: November 5, 2015			
d. Comment Period: October 22, 2015 to November 20, 2015			
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015			
f. Adoption by agency on: December 3, 2015			
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21. and G.S. 150B-21.3]: January 1, 2016	1(b)		
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:			
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for	the revie		
 A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: SL2014-103, s.3(b). Effective date: August 1, 2015 A recent change in federal or state budgetary policy. Effective date of change: A recent federal regulation. Cite: Effective date: A recent court order. Cite order: State Medical Facilities Plan. Other: 		~2	
Explain:	A	2015	6. august
Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Board rules necessary to regulate licensees who provide landscape contracting services governed by these laws.	dis adoptin		ary
	HEARINGS	-4 PN 12: 27	

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the				
rule is required?				
All landscape contractors who wish to conduct landscaping contracting work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must now be licensed by the Board and are required to maintain licensure. This recently established licensing Board does not yet have rules in place to implement these statutes. The Board has adopted temporary rules to remedy this situation and will begin the permanent rulemaking process in a timely manner.				
۵.				
8. Rule establishes or increases a fee? (See G.S. 12-3.1)				
 Yes Agency submitted request for consultation on: Consultation not required. Cite authority: 				
🖾 No				
9. Rule-making Coordinator: Calvin Kirven	10. Signature of Agency Head*:			
Phone: 919-266-8070	DLV Q.			
E-Mail:	Perony			
info@nclclb.com	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.			
Agency contact, if any:	Typed Name: Scott Makey			
Phone:	Title: Chairman			
E-Mail:	E-Mail: scott@oldmillstream.com			
RULES REVIEW COMMISSION USE ONLY Action taken:				
Action taken:	bmitted for RRC Review:			
Date returned to agency:				
Print				
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- 1 2
- 21 NCAC 28B .0402 is adopted under temporary procedures as follows:
- 3 21 NCAC 28B .0402 CONTINUING EDUCATION UNITS
- 4 (a) A licensee shall be required to complete seven continuing education units (CEUs) during the year preceding
- 5 renewal. Beginning with renewals filed after August 1, 2016, at least three of the seven CEUs must be technical
- 6 credits and at least two of the seven CEUs must be business credits. If the information provided to the Board is
- 7 unclear, the Board may request additional information from a licensee in order to assure compliance with continuing
- 8 <u>education requirements.</u>
- 9 (b) For the purposes of this Rule, "technical credits" are defined as credits relating directly to the subject matter of
- 10 landscape contracting as described in G.S. 89D-11(3) and "business credits" are defined as credits relating to general
- 11 business practices, including business planning, contracts, liability exposure, human resources, basic accounting,
- 12 <u>financial statements, and safety.</u>
- 13 (c) CEUs shall be determined as follows:
- 14

Type of Qualifying Activity	Minimum time required for	
	<u>1 CEU</u>	
Live course	50 minutes	
Online course	50 minutes	
Volunteer work	<u>3 hours</u>	
Trade Shows, Field Days, and	4 hours	
Tours		
Board Member Service	<u>1 hour</u>	
Teaching or instructing	<u>1 hour</u>	
In-house or Green Industry	<u>1 hour</u>	
<u>training</u>		

15

- 16 (d) No more than five CEU credits will be given for qualifying volunteer work or board member service in one
- 17 year. No more than two CEU credits will be given for qualifying teaching or instructing in one year.
- 18 (e) Credit shall not be given in increments of less than .5 CEUs. Breaks in courses shall not be counted towards
- 19 <u>CEU credit.</u>
- 20 (f) Requests for pre-approval shall be submitted at least 45 days prior to the first day of the course or event.
- 21
- 22 History Note: Authority G.S. 89D-15(2); 89D-15(4); 89D-15(12); 89D-20(b);
 - Temporary Adoption Eff. January 1, 2016.
- 23 24

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0403

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 11 – replace "all submit" with "submit all"

12/4/2015



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:		And a second		
The North Carolina Landscape Con	tractors' Licensing Board			
2. Rule citation & name:				
21 NCAC 28B .0403 CONTINUING EL	UCATION RECORDS; AUDIT			
3. Action: X Adoption	Amendmen	t 🗌 Repea	ป	
4. Was this an Emergency Rule:	Yes Effective d	ate:		
	X No			
5. Provide dates for the followin	g actions as applicable:			
a. Proposed Temporary Rule s	ubmitted to OAH: October	15, 2015		
b. Proposed Temporary Rule p	oublished on the OAH web	ite: October 21, 2015		
c. Public Hearing date: Novemb				
d. Comment Period: October 22				
e. Notice pursuant to G.S. 1501		15		
f. Adoption by agency on: Dece				
g. Proposed effective date of te and G.S. 150B-21.3]: January	mporary rule [if other tha 1, 2016	effective date establishe	d by G.S. 150B- 21.1(b)	
h. Rule approved by RRC as a	permanent rule [See G.S.]	50B-21.3(b2)]:		
6. Reason for Temporary Action	. Attach a copy of any cite	d law, regulation, or docu	iment necessary for the	review.
 6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: SL2014-103, s.3(b). Effective date: August 1, 2015 A recent change in federal or state budgetary policy. 				
Effective date of change: A recent federal regulation				
Cite:	п.			
Effective date: A recent court order.				
Cite order:				2
State Medical Facilities Pl	an.		A	5
Other:)M	081
Explain:			6	
Because of the recent effective date of S	L 2014-103, s.3(b), August 1, 20	015, the N. C. Landscape Cont	tractors Licensing Board is a	
rules necessary to regulate licensees wh	o provide landscape contracting	services governed by these la	ws.	
			05	27

7 Why is adherance to notice and hearing the	
rule is required?	trary to the public interest and the immediate adoption of the
	ork as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must is recently established licensing Board does not yet have rules in place to nedy this situation and will begin the permanent rulemaking process in a
8. Rule establishes or increases a fee? (See G.S. 12-3.1)	
Yes Agency submitted request for consultation on:	
Consultation not required. Cite authority:	
2. E	
X No	
9. Rule-making Coordinator: Calvin Kirven	10. Signature of Agency Head*:
Phone:	NUI A
919-266-8070	Ks Meders
E-Mail:	* If this function has been delegated (reassigned) pursuant
info@nclclb.com	to G.S. 143B-10(a), submit a copy of the delegation with
Agency contact, if any:	this form.
	Typed Name: Scott Makey
Phone:	Title:
E-Mail:	Chairman
D-mail.	E-Mail: scott@oldmillstream.com
RULES REVIEW COMMISSION USE ONLY	
· · · · · ·	omitted for RRC Review:
이 이 것은 것을 알려 놓았는 것은 것을 생각했다. 관계	
Date returned to agency:	
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1 21 NCAC 28B .0403 is adopted under temporary procedures as follows: 2 3 CONTINUING EDUCATION RECORDS; AUDIT 21 NCAC 28B .0403 4 (a) A licensee shall maintain records of attendance at continuing education programs for which CEUs have been 5 approved for two years following the renewal approval date to which the CEUs were applied. 6 (b) Compliance with annual CEU requirements shall be determined through an audit process conducted by the 7 Board. Licensees selected for auditing shall provide the Board with the following documentation of the CEU 8 activities claimed for the renewal period: 9 (1)Attendance verification records; and 10 Information regarding course content, instructors, and sponsoring organization. (2)11 (c) Licensees selected for audit shall all submit requested information to the Board within 21 calendar days after the 12 date the licensee was notified by the Board of the audit. 13 14 History Note: Authority G.S. 89D-15(2); 89D-15(4); 89D-15(12); 89D-20(b); 15 Temporary Adoption Eff. January 1, 2016. 16 17

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0404

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 6 – as to the "written request," please see general note, above, regarding forms if a form will be required here.

Lines 9-10 – delete these lines entirely.

Lines 16-17 – On what basis will the Board decide whether a waiver is "appropriate"? State the bases or factors in the rule.

Line 19 – On what basis will the Board decide whether, on "a case-by-case basis," to grant a waiver? State the bases or factors in the rule.





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:				
The North Carolina Landscape Contractors' Licensing Board				
2. Rule citation & name:				
21 NCAC 28B .0404 EXTENSION OF TIME				
3. Action: Adoption Amendment Repeal				
4. Was this an Emergency Rule: Yes Effective date:				
5. Provide dates for the following actions as applicable:				
a. Proposed Temporary Rule submitted to OAH: October 15, 2015				
b. Proposed Temporary Rule published on the OAH website: October 21, 2015				
c. Public Hearing date: November 5, 2015				
d. Comment Period: October 22, 2015 to November 20, 2015				
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015				
f. Adoption by agency on: December 3, 2015				
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 1, 2016				
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:				
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.				
 b. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: SL2014-103, s.3(b). Effective date: August 1, 2015 A recent change in federal or state budgetary policy. Effective date of change: A recent federal regulation. Cite: Effective date: A recent court order. Cite order: State Medical Facilities Plan. Other: 				
Explain:				
Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Board Beadopting temporary rules necessary to regulate licensees who provide landscape contracting services governed by these laws.				

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required? All landscape contractors who wish to conduct landscaping contracting work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must now be licensed by the Board and are required to maintain licensure. This recently established licensing Board does not yet have rules in place to implement these statutes. The Board has adopted temporary rules to remedy this situation and will begin the permanent rulemaking process in a timely manner.			
8. Rule establishes or increases a fee? (See G.S. 12-3.1)			
Yes Agency submitted request for consultation on: Consultation not required. Cite authority:			
No No			
9. Rule-making Coordinator: Calvin Kirven Phone:	10. Signature of Agency Head*:		
919-266-8070	Kell day		
E-Mail: info@nclclb.com	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.		
Agency contact, if any: Phone:	Typed Name: Scott Makey Title:		
E-Mail:	Chairman E-Mail: scott@oldmillstream.com		
RULES REVIEW COMMISSION USE ONLY			
	Submitted for RRC Review:		
Date returned to agency:			
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1	21 NCAC 28B .0404 is adopted under temporary procedures as follows:	
2		
3	21 NCAC 28B .0404 EXTENSION OF TIME	
4	(a) The Board shall grant a licensee an extension of time to complete CEU requirements during a period of	service
5	in the Armed Forces of the United States upon submission of the following to the Board:	
6	(1) Written request for an extension; and	
7	(2) Documentation that the licensee is serving in the Armed Forces of the United States and is	eligible
8	for an extension of time to file a tax return pursuant to G.S. 105-249.2.	
9	Upon providing the documentation, the licensee shall be granted an extension of time to o	otain the
10	CEUs required during that renewal period.	
11	(b) The Board shall grant a licensee an extension of time or waiver to obtain CEU requirements if he or s	<u>he has a</u>
12	disability or illness that prevents him or her from complying with CEU requirements. In order to receive the	waiver,
13	a licensee shall provide the Board with the following:	
14	(1) Written request for waiver; and	
15	(2) Documentation that describes the disability or illness and explains how the disability of	r illness
16	prevents the licensee from complying with the Board's CEU requirements. If the Board de	ems the
17	waiver appropriate, the licensee shall be granted an extension of time in which to ob	tain the
18	required CEUs.	
19	(c) All other requests for extensions of time to obtain CEU credits shall be determined on a case-by-case by	asis. To
20	be considered for an extension of time, a licensee shall submit the following:	
21	(1) Written request for extension; and	
22	(2) Documentation that supports the reason for the extension.	
23	(d) The Board shall grant a waiver of CEU requirements upon submission of documentation that a license	see is in
24	active duty while serving in the Armed Forces and is or has been deployed for at least eight months du	ring the
25	twelve-month period during which CEUs were required.	
26	(e) An extension granted under Paragraphs (b) or (c) of this Rule shall not exceed one year.	
27		
28	History Note: Authority G.S. 89D-15(2); 89D-15(4); 89D-15(12); 89D-20(b); 93B-15; 105-249.2;	
29	Temporary Adoption Eff. January 1, 2016.	
30		

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0405

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 5 – as to the "application," please see general note, above, regarding forms if a form will be required here.

Line 7 – insert a comma after "date(s)"

Line 7 – what "board meetings" do you mean – only the Landscape Contractor's Licensing Board? Please specify.

Lines 10 – Insert "a" after "and"

Line 20 – replace "materials/handouts" with "materials or handouts"





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:	
The North Carolina Landscape Contra	actors' Licensing Board
2. Rule citation & name:	
21 NCAC 28B .0405 REQUESTS FOR A	\PPROVAL
3. Action: X Adoption	Amendment Repeal
4. Was this an Emergency Rule:	☐ Yes Effective date: X No
5. Provide dates for the following	actions as applicable:
a. Proposed Temporary Rule sul	bmitted to OAH: October 15, 2015
b. Proposed Temporary Rule pu	blished on the OAH website: October 21, 2015
c. Public Hearing date: November	· 5, 2015
d. Comment Period: October 22, 2	2015 to November 20, 2015
e. Notice pursuant to G.S. 150B-	8) SQ(2) 8
f. Adoption by agency on: Decem	
g. Proposed effective date of tem and G.S. 150B-21.3]: January 1,	porary rule [if other than effective date established by G.S. 150B- 21.1(b) 2016
h. Rule approved by RRC as a p	ermanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action.	Attach a copy of any cited law, regulation, or document necessary for the review.
 A serious and unforeseen th The effective date of a recercite: SL2014-103, s.3(b). Effective date: August 1, 2019 A recent change in federal of effective date of change: A recent federal regulation. Cite: Effective date: A recent court order. 	or state budgetary policy.
Cite order:	
State Medical Facilities Pla	n.
Other:	
Explain:	
Because of the recent effective date of SL	2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Board is adopting temporary
rules necessary to regulate licensees who	provide landscape contracting services governed by these laws.
	SS SE
	28

7. Why is adherence to notice and hearing requireme rule is required?	ents contrary to the public interest and the immediate adoption of the
All landscape contractors who wish to conduct landscaping contra now be licensed by the Board and are required to maintain license	racting work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must sure. This recently established licensing Board does not yet have rules in place to less to remedy this situation and will begin the permanent rulemaking process in a
8. Rule establishes or increases a fee? (See G.S. 12-3.)	1)
Yes	
Agency submitted request for consultation on:	
Consultation not required. Cite authority:	
🛛 No	
9. Rule-making Coordinator:	10. Signature of Agency Head*:
Calvin Kirven	
Phone: 919-266-8070	D
E-Mail:	* If this function has been deleased (manine 1)
info@nclclb.com	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with
1	this form.
Agency contact, if any:	Typed Name: Scott Makey
Phone:	Title:
E-Mail:	Chairman
L-Man.	E-Mail: scott@oldmillstream.com
RULES REVIEW COMMISSION USE C	DNLY
Action taken:	Submitted for RRC Review:
Date returned to agency:	
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1	21 NCAC 28B .0405 is adopted under temporary procedures as follows:
2	
3	21 NCAC 28B .0405 REQUESTS FOR APPROVAL
4	(a) All requests for CEU approval shall include the following:
5	(1) An application for Continuing Education Credit;
6	(2) The number of Continuing Education Units (CEUs) requested; and
7	(3) The Location, date(s) and time (s) of course, activity, or board meetings attended or to be attended.
8	(b) For live and online courses and teaching or instructing activity, in addition to the requirements of Paragraph (a)
9	of this Rule, all requests shall include the following:
10	(1) The course title(s) and description of course content;
11	(2) The name and educational or professional credentials of the instructor;
12	(3) The duration of the course or activity; and
13	(4) An attestation that the course provider will maintain attendance records for one year after the date
14	of the course.
15	(c) For volunteer work, requests for approval shall, in addition to the requirements of Paragraph (a) of this Rule,
16	include the following:
17	(1) A description of activity performed or to be performed; and
18	(2) The time spent or to be spent performing volunteer activity.
19	(d) For trade shows, field days, and tours, requests for approval shall, in addition to the requirements of Paragraph
20	(a) of this Rule, include materials/handouts promoting or obtained during the event.
21	(e) For in-house or Green Industry training, requests for approval shall include the following, in addition to the
22	requirements of Paragraph (a) of this Rule:
23	(1) A description of training provided; and
24	(2) The name(s) of training instructors.
25	(f) For the purposes of this Rule, "Green Industry" is defined as greenhouse, nursery, floriculture, sod, Christmas
26	tree producers, and related industry trades.
27	
28	History Note: Authority G.S. 89D-15(2); 89D-15(4); 89D-20(b);
29	Temporary Adoption Eff. January 1, 2016.
30	
31	
32	

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0501

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 5 – insert "in value" after "(\$5,000.00)" (note that this is the term use in line 13)..

Lines 7, 9-19 and 21 – begin each line with "The" or "A" as appropriate.

Line 11 – insert "the" before "proposal"

Line 12 – insert "the" before "work"

Line 17 - insert "the" before "party"

Line 19 – delete the comma after "Board"

Line 22 - replace "pertinent" with "applicable"

Line 27 – "reported" by whom – who is required to make this report?

Line 29 – replace "per N.C. 811 law" with "pursuant to the N.C. 811 law, G.S. 87-115 et seq."

Line 30 – what is a "safe work site"? What factors, standards, or definition give meaning to this phrase?





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:			
The North Carolina Landscape Contractors	Licensing Board		
2. Rule citation & name:			
21 NCAC 28B .0501 GENERAL			
3. Action: X Adoption	Amendment	🗌 Repeal	
4. Was this an Emergency Rule: Ye			
5. Provide dates for the following action			
a. Proposed Temporary Rule submitt			
b. Proposed Temporary Rule publish		bber 21, 2015	
c. Public Hearing date: November 5, 20			
d. Comment Period: October 22, 2015 to			
e. Notice pursuant to G.S. 150B-21.1(
f. Adoption by agency on: December 3,			
g. Proposed effective date of temporal and G.S. 150B-21.3]: January 1, 2016	ry rule [if other than effectiv	ve date established by G.S. 150	B- 21.1(b)
h. Rule approved by RRC as a perma	nent rule [See G.S. 150B-21	.3(b2)]:	
6. Reason for Temporary Action. Attac	h a copy of any cited law, r	egulation, or document necessa	ry for the review.
 A serious and unforeseen threat The effective date of a recent act Cite: SL2014-103, s.3(b). Effective date: August 1, 2015 A recent change in federal or sta Effective date of change: A recent federal regulation. Cite: Effective date: A recent court order. Cite order: State Medical Facilities Plan. Other: 	to the public health, safety of of the General Assembly or	or welfare.	20
Explain:	100 041		
Because of the recent effective date of SL 2014- rules necessary to regulate licensees who provide	103, s.3(b), August 1, 2015, the Net Indexcape contracting services	I. C. Landscape Contractors Licensin governed by these laws.	Board is adopting temporary

now be licensed by the Board and are required to maintain licens	racting work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must sure. This recently established licensing Board does not yet have rules in place to les to remedy this situation and intends will begin the permanent rulemaking process
· · · · · · · · · · · · · · · · · · ·	
8. Rule establishes or increases a fee? (See G.S. 12-3.)	1)
Ves	
Agency submitted request for consultation on:	
Consultation not required. Cite authority:	
No No	
	10 Signature of Agency Hood*:
9. Rule-making Coordinator: Calvin Kirven	10. Signature of Agency Head*:
9. Rule-making Coordinator: Calvin Kirven Phone:	10. Signature of Agency Head*:
9. Rule-making Coordinator: Calvin Kirven	Relling
9. Rule-making Coordinator: Calvin Kirven Phone: 919-266-8070	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with
9. Rule-making Coordinator: Calvin Kirven Phone: 919-266-8070 E-Mail: info@nclclb.com	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.
9. Rule-making Coordinator: Calvin Kirven Phone: 919-266-8070 E-Mail: info@nclclb.com Agency contact, if any:	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with
9. Rule-making Coordinator: Calvin Kirven Phone: 919-266-8070 E-Mail: info@nclclb.com	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Scott Makey Title:
9. Rule-making Coordinator: Calvin Kirven Phone: 919-266-8070 E-Mail: info@nclclb.com Agency contact, if any:	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Scott Makey Title: Chairman
9. Rule-making Coordinator: Calvin Kirven Phone: 919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone: E-Mail:	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation win this form. Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com
9. Rule-making Coordinator: Calvin Kirven Phone: 919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone: E-Mail: RULES REVIEW COMMISSION USE C	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation win this form. Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com
9. Rule-making Coordinator: Calvin Kirven Phone: 919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone: E-Mail:	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation withis form. Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com
9. Rule-making Coordinator: Calvin Kirven Phone: 919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone: E-Mail: RULES REVIEW COMMISSION USE C	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation wi this form. Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com
9. Rule-making Coordinator: Calvin Kirven Phone: 919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone: E-Mail: RULES REVIEW COMMISSION USE C	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation wi this form. Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com
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1 2 21 NCAC 28B .0501 is adopted under temporary procedures as follows:

3 21 NCAC 28B .0501 **GENERAL** 4 (a) Prior to commencing work, services performed by a licensed landscape contractor ("licensed contractor") that 5 exceed five thousand dollars (\$5,000.00) shall be described in writing and provided to the client or customer. This 6 agreement may be authored by either party. This document shall contain: 7 Business name, license number, business address, and telephone number of the licensed (1)8 contractor; 9 (2)Name and address of client or customer; 10 Address or location of work to be performed, if different from the client or customer's address; (3) 11 (4) Date of proposal; 12 (5) Description of work to be performed; 13 (6) Total value in lump sum or time and material price; 14 Estimated time of completion; (7)15 (8) Terms of payment; 16 (9) Terms of warranty (if any); 17 (10)Terms of maintenance, including party responsible for maintenance; 18 (11)Signature of all parties by authorized individuals; 19 (12)Statement that the licensed contractor is licensed by the Board, and the current address and phone 20 number of the Board; and 21 <u>(1</u>3) Date of signing. 22 (b) All work performed by a licensed contractor shall meet all pertinent building codes, local ordinances, and 23 project specifications. All work performed by a licensed contractor shall meet manufacturer's specifications. 24 (c) If project plans or specifications prepared by someone other than the licensed contractor do not meet pertinent 25 codes and ordinances, the licensed contractor shall bring this to the attention of the client or customer. 26 (d) If the licensed contractor observes a condition while the work is being performed that requires attention beyond 27 the original scope of work, the condition shall be reported to an immediate supervisor, the owner, or the person 28 responsible for authorizing the work. 29 (e) The licensed contractor shall call for utility location services per N.C. 811 law. 30 (f) The licensed contractor shall maintain a safe work site. 31 32 *History Note:* Authority G.S. 89D-15(2); 89D-15(16); 33

Temporary Adoption Eff. January 1, 2016.

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0502

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Page 1, line 9 – replace "sufficient" with "sufficiently" and delete "ease of"

Page 1, line 10 – insert a comma after "health" and delete "measured at"

Page 1, line 11 – revise to read "Scarify the sidewalls of the planting pit."

Page 1, line 15 – replace "on" with "from"

Page 1, lines 26-27 – what "specific objective" would justify the use of amendments? If you mean to authorize the use of amendments to make the backfill similar to the soil at the planting site, say so. If instead you wish to authorize the use of amendments to meet other objectives, please state what objectives are acceptable or at least provide factors helpful in describing such objectives.





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:
The North Carolina Landscape Contractors' Licensing Board
2. Rule citation & name:
21 NCAC 28B .0502 PLANTING
3. Action: X Adoption Amendment Repeal
4. Was this an Emergency Rule: Yes Effective date:
5. Provide dates for the following actions as applicable:
a. Proposed Temporary Rule submitted to OAH: October 15, 2015
b. Proposed Temporary Rule published on the OAH website: October 21, 2015
c. Public Hearing date: November 5, 2015
d. Comment Period: October 22, 2015 to November 20, 2015
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015
f. Adoption by agency on: December 3, 2015
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 1, 2016
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.
 A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: SL2014-103, s.3(b). Effective date: August 1, 2015 A recent change in federal or state budgetary policy. Effective date of change: A recent federal regulation. Cite: Effective date: A recent court order. Cite order: State Medical Facilities Plan.
Other:
Explain:
Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Board is adopting temporary rules necessary to regulate licensees who provide landscape contracting services governed by these laws.
EAPINGS

7. Why is adherence to notice and hearing requirements cont	rary to the public interest and the immediate adoption of the
rule is required?	324 Sector Construction of the control of the co
All landscape contractors who wish to conduct landscaping contracting we now be licensed by the Board and are required to maintain licensure. This implement these statutes. The Board has adopted temporary rules to rem timely manner.	s recently established licensing Board does not yet have rules in place to
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а.	
8. Rule establishes or increases a fee? (See G.S. 12-3.1)	
Yes	
Agency submitted request for consultation on:	
Consultation not required. Cite authority:	
No No	
9. Rule-making Coordinator:	10. Signature of Agency Head*:
Calvin Kirven Phone:	
919-266-8070	$V \times V $
E-Mail:	Joe Veran
info@nclclb.com	* If this function has been delegated (reassigned) pursuant
	to G.S. 143B-10(a), submit a copy of the delegation with this form.
Agency contact, if any:	Typed Name:
ingeney contact, it any.	Scott Makey
Phone:	Title:
	Chairman
E-Mail:	E-Mail: scott@oldmillstream.com
RULES REVIEW COMMISSION USE ONLY	
Action taken: Su	bmitted for RRC Review:
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Date returned to agency:	
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1	21 NCAC 28B .0	502 is adopted under temporary procedures as follows:
2 3	21 NCAC 28B .0	9502 PLANTING
4	When planting, th	ne licensed contractor shall:
5	<u>(1)</u>	Avoid potential planting conflicts with utilities and sight lines.
6	(2)	Protect plant material from physical damage and desiccation during transport.
7	(3)	Maintain plants during landscape construction.
8	<u>(4)</u>	Consider the cultural requirements of individual plants.
9	<u>(5)</u>	Excavate the plant hole sufficient to ensure ease of plant establishment and to promote long-term
10		health typically measured at two times the width of the plant ball or container size.
11	<u>(6)</u>	Sidewalls of planting pit shall be scarified.
12	<u>(7)</u>	Set plants in an upright, plumb position, unless design intent dictates otherwise.
13	<u>(8)</u>	Set plants on a firm, solid base.
14	<u>(9)</u>	Remove all strings, twine, and strapping from around the trunk of trees.
15	(10)	Remove the top third to top half of burlap or other wrapping material on the rootball of balled and
16		burlapped trees.
17	(11)	Remove top third to top half of wire baskets on balled and burlapped trees or bend basket wire
18		back to be flush with the side of the ball.
19	(12)	Set the plant so that the top of root ball is at or slightly above surrounding soil and does not exceed
20		four inches above the surrounding soil.
21	(13)	Prior to planting, insure that the trunk flare of a tree is not covered with soil, is at or above the
22		surrounding finished grade, and that no soil has been placed on top of the root ball.
23	(14)	Prior to planting containerized plants, manage the rootball to mitigate problems such as circling
24		roots. Acceptable mitigation methods shall include slicing the rootball, shaving the rootball, or
25		redirecting roots.
26	<u>(15)</u>	Utilize backfill soil that is similar to the soil at the planting site or is amended to meet a specific
27		objective.
28	<u>(16)</u>	Not firm backfill to a density that inhibits root growth.
29	<u>(17)</u>	Install backfill soil in such a manner that it is settled in layered sections to limit future settling.
30	<u>(18)</u>	Not utilize screened soil as the sole material for backfill.
31	<u>(19)</u>	When mulching plants, maintain a mulch depth that is beneficial to the health of the plants.
32	<u>(20)</u>	When mulch is applied, apply mulch so that it does not touch a tree trunk or root flare.
33	<u>(21)</u>	Water plants thoroughly and immediately after planting.
34	(22)	Notify client of his or her responsibility to water plants following installation.
35	(23)	Stake trees only when required due to high winds, extreme slopes, or soft soils;
36		(a) If trees are staked, the guys shall not be installed so as to provide pressure on the trunk.
37		(b) Guys in contact with the tree shall be of a material that will not damage the tree.

1	(24)	Provide plants that are true to name and species.
2	(25)	Provide plants that are healthy and in good condition.
3	(26)	Prune any broken limbs.
4	(27)	Prune co-dominant leaders in shade trees that typically have dominant leaders.
5	(28)	If a condition is observed while the work is being performed that is detrimental to the long-term
6		health of the plant, the condition shall be reported to the customer or client, an immediate
7		supervisor, the owner, or person responsible for authorizing the work.
8		
9	History Note:	Authority G.S. 89D-15(2); 89D-15(16);
10		Temporary Adoption Eff. January 1, 2016.
11		
12		
13		
14		
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17		

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0503

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 13 – replace "and" with "or" if this is what you mean

Line 15 – delete the comma after "slopes"





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:	
The North Carolina Landscape Contractors' Licensing Board	
2. Rule citation & name: 21 NCAC 28B .0503 TURF	
3. Action: X Adoption Amendment Repeal	
4. Was this an Emergency Rule: Yes Effective date:	
5. Provide dates for the following actions as applicable:	
a. Proposed Temporary Rule submitted to OAH: October 15, 2015	
b. Proposed Temporary Rule published on the OAH website: October 21, 2015	
c. Public Hearing date: November 5, 2015	
d. Comment Period: October 22, 2015 to November 20, 2015	
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015	
f. Adoption by agency on: December 3, 2015	
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B-2 and G.S. 150B-21.3]: January 1, 2016	1.1(b)
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:	
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for	or the review.
 A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: SL2014-103, s.3(b). Effective date: August 1, 2015 A recent change in federal or state budgetary policy. Effective date of change: A recent federal regulation. Cite: Effective date: A recent court order. Cite order: State Medical Facilities Plan. Other: 	
Explain:	22
Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Bo rules necessary to regulate licensees who provide landscape contracting services governed by these laws.	And States adopting Emporary

7. Why is adherence to notice and hearing requirements con	trary to the public interest and the immediate adoption of the
rule is required?	
now be licensed by the Board and are required to maintain licensure. The	rork as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must is recently established licensing Board does not yet have rules in place to
implement these statutes. The Board has adopted temporary rules to rer timely manner.	nedy this situation and will begin the permanent rulemaking process in a
×	
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8. Rule establishes or increases a fee? (See G.S. 12-3.1)	
Yes	
Agency submitted request for consultation on:	
Consultation not required. Cite authority:	
X No	
9. Rule-making Coordinator:	10. Signature of Agency Head*:
Calvin Kirven Phone:	
919-266-8070	Kall In
E-Mail:	
info@nclclb.com	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with
U	this form.
Agency contact, if any:	Typed Name:
	Scott Makey
Phone:	Title:
E Maile	Chairman
E-Mail:	E-Mail: scott@oldmillstream.com
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21 NCAC 28B .0503 is adopted under temporary procedures as follows:

2		
3	21 NCAC 28B	.0503 TURF
4	When establishi	ng turf, the licensed contractor shall:
5	(1)	Notify the owner or the construction manager whether there is adequate time to establish the
6		specified turf from seed within the construction schedule and prior to finish of the job;
7	(2)	Prior to lawn installation, loosen soil to a minimum depth of three inches;
8	(3)	Confirm that all lawn seed meets the standards of the NC Seed Law of 1963, as set forth in G.S.
9		<u>106, Art. 31;</u>
10	(4)	Evenly distribute seed;
11	(5)	Apply seed at manufacturer's recommended rates;
12	(6)	Roll or rake after seeding to insure good soil contact;
13	(7)	Install sod within 36 hours of harvesting unless weather conditions and turf types dictate a shorter
14		timeframe;
15	(8)	Lay sod strips in a staggered pattern, horizontal to slopes, and with tight seams;
16	(9)	Roll sod after installation to provide good soil contact;
17	(10)	Distribute sprigs evenly;
18	(11)	Insure that sprigs and sod plugs are in good contact with the soil;
19	(12)	Water lawn areas thoroughly and immediately after installation; and
20	(13)	Notify client of his or her responsibility to water turf following installation.
21		
22	History Note:	Authority G.S. 89D-15(2); 89D-15(16);
23		Temporary Adoption Eff. January 1, 2016.

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0504

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 5 – replace "shall be" with "is"

Line 8 - insert "applicable" before "local"





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:
The North Carolina Landscape Contractors' Licensing Board
2. Rule citation & name:
21 NCAC 28B .0504 FINISH GRADE
3. Action: X Adoption Amendment Repeal
4. Was this an Emergency Rule: Yes Effective date:
5. Provide dates for the following actions as applicable:
a. Proposed Temporary Rule submitted to OAH: October 15, 2015
b. Proposed Temporary Rule published on the OAH website: October 21, 2015
c. Public Hearing date: November 5, 2015
d. Comment Period: October 22, 2015 to November 20, 2015
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015
f. Adoption by agency on: December 3, 2015
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 1, 2016
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.
 A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: SL2014-103, s.3(b). Effective date: August 1, 2015 A recent change in federal or state budgetary policy. Effective date of change: A recent federal regulation. Cite: Effective date: A recent court order. Cite order:
State Medical Facilities Plan. Other:
Explain: Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Board is adopting temporary rules necessary to regulate licensees who provide landscape contracting services governed by these laws.

rule is required?	uirements contrary to the public interest and the immediate adoption of th
now be licensed by the Board and are required to mainta	ng contracting work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) mu in licensure. This recently established licensing Board does not yet have rules in place orary rules to remedy this situation and will begin the permanent rulemaking process in a
- 45	
 8. Rule establishes or increases a fee? (See G.S Yes 	
 Yes Agency submitted request for consultation Consultation not required. Cite authority No 	i on: :
 Yes Agency submitted request for consultation Consultation not required. Cite authority No 9. Rule-making Coordinator: Calvin Kirven 	i on:
 Yes Agency submitted request for consultation Consultation not required. Cite authority No 9. Rule-making Coordinator: Calvin Kirven Phone: 919-266-8070 	i on: :
 Yes Agency submitted request for consultation Consultation not required. Cite authority No 9. Rule-making Coordinator: Calvin Kirven Phone: 	10. Signature of Agency Head*: * If this function has been delegated (reassigned) pursus to G.S. 143B-10(a), submit a copy of the delegation
 Yes Agency submitted request for consultation Consultation not required. Cite authority No 9. Rule-making Coordinator: Calvin Kirven Phone: 919-266-8070 E-Mail: 	10. Signature of Agency Head*: * If this function has been delegated (reassigned) pursua to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name:
 Yes Agency submitted request for consultation Consultation not required. Cite authority No 9. Rule-making Coordinator: Calvin Kirven Phone: 919-266-8070 E-Mail: info@nclclb.com 	10. Signature of Agency Head*: * If this function has been delegated (reassigned) pursua to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name: Scott Makey Title:
 Yes Agency submitted request for consultation Consultation not required. Cite authority No 9. Rule-making Coordinator: Calvin Kirven Phone: 919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: 	10. Signature of Agency Head*: * If this function has been delegated (reassigned) pursua to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name: Scott Makey Title: Chairman
 Yes Agency submitted request for consultation Consultation not required. Cite authority No No Second Se	10. Signature of Agency Head*: * If this function has been delegated (reassigned) pursus to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com
 Yes Agency submitted request for consultation Consultation not required. Cite authority No 9. Rule-making Coordinator: Calvin Kirven Phone: 919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone: 	10. Signature of Agency Head*: * If this function has been delegated (reassigned) pursuato to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com
 ☐ Yes Agency submitted request for consultation Consultation not required. Cite authority ☑ No 9. Rule-making Coordinator: Calvin Kirven Phone: 919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone: E-Mail: RULES REVIEW COMMISSION 	10. Signature of Agency Head*: * If this function has been delegated (reassigned) pursua to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com
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 ☐ Yes Agency submitted request for consultation Consultation not required. Cite authority ☑ No 9. Rule-making Coordinator: Calvin Kirven Phone: 919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone: E-Mail: RULES REVIEW COMMISSION 	10. Signature of Agency Head*: * If this function has been delegated (reassigned) pursua to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com

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1	21 NCAC 28B .0504 is adopted under temporary procedures as follows:	
2		
3	21 NCAC 28B .	0504 FINISH GRADE
4	When grading, the licensed contractor shall:	
5	<u>(1)</u>	Grade the surface such that the finish grade shall be smooth and free of depressions and debris;
6	(2)	Insure positive water flow through the site, away from structures, and in such a manner that there
7		is no puddling or ponding; and
8	<u>(3)</u>	Comply with all local and national building codes and ordinances regarding slopes and drainage.
9		
10	History Note:	Authority G.S. 89D-15(2); 89D-15(16);
11		Temporary Adoption Eff. January 1, 2016.

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0505

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4 – revise as follows: "The licensed contractor shall be permitted to perform design and consultation work as defined in..."





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:			
The North Carolina Landscape Contractors' Licensing Board			
2. Rule citation & name: 21 NCAC 28B .0505 DESIGN AND CONSULTATION			
3. Action: Adoption Amendment Repeal			
4. Was this an Emergency Rule: Yes Effective date:			
5. Provide dates for the following actions as applicable:			
a. Proposed Temporary Rule submitted to OAH: October 15, 2015			
b. Proposed Temporary Rule published on the OAH website: October 21, 2015			
c. Public Hearing date: November 5, 2015			
d. Comment Period: October 22, 2015 to November 20, 2015			
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015			
f. Adoption by agency on: December 3, 2015			
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B-21.1(b) and G.S. 150B-21.3]: January 1, 2016			
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:			
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.			
 A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: SL2014-103, s.3(b). 			
Effective date: August 1, 2015			
A recent change in federal or state budgetary policy. Effective date of change:			
A recent federal regulation.			
Cite: Effective date:			
A recent court order.			
Cite order:			
State Medical Facilities Plan.			
Other:			
Explain:			
Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Board is adopting temporary			
rules necessary to regulate licensees who provide landscape contracting services governed by these laws.			

7. Why is adherence to notice and hearing requirements con-	trary to the public interest and the immediate adoption of the
rule is required?	
All landscape contractors who wish to conduct landscaping contracting w	ork as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must
now be licensed by the Board and are required to maintain licensure. This	is recently established licensing Board does not yet have rules in place to
implement these statutes. The Board has adopted temporary rules to ren timely manner.	nedy this situation and will begin the permanent rulemaking process in a
	a.
8. Rule establishes or increases a fee? (See G.S. 12-3.1)	
o. Rule establishes of increases a fee: (See G.S. 12-5.1)	
Agency submitted request for consultation on:	
Consultation not required. Cite authority:	
No No	
9. Rule-making Coordinator:	10. Signature of Agency Head*:
Calvin Kirven	10. Signature of Agency Heau":
Phone:	
919-266-8070	
E-Mail:	* If this function has been delegated (reassigned) pursuant
info@nclclb.com	to G.S. 143B-10(a), submit a copy of the delegation with
(1000) (1000)	this form.
Agency contact, if any:	
regency contact, if any.	Typed Name:
Dhamas	Scott Makey
Phone:	Title:
	Chairman
E-Mail:	E-Mail: scott@oldmillstream.com
RULES REVIEW COMMISSION USE ONLY	
Action taken:	bmitted for RRC Review:
Date returned to agency:	
Date returned to agency:	
Date returned to agency:	
Date returned to agency: Print Save	

.

Reset

Temporary Rule 0500 - 11/2014

1	21 NCAC 28B .0505 is adopted under temporary procedures as follows:
2	
3	21 NCAC 28B .0505 DESIGN AND CONSULTATION
4	(a) With regard to design and consultation, the licensed contractor shall be permitted to perform work as defined in
5	G.S. 89D-11(3) and G.S. 89D-12 on the following project sites:
6	(1) A single family residential project of any size;
7	(2) A non-single family project under one acre in total area;
8	(3) A residential, institutional, or commercial project over one acre in total area that involves only
9	planting and mulching; and
10	(4) Any other project not prohibited by, or specifically exempted from, the provisions of G.S. 83A,
11	<u>G.S. 89A, or G.S. 89C.</u>
12	(b) Additionally, the licensed contractor shall:
13	(1) Obtain direct knowledge of site conditions by visiting the site;
14	(2) Insure that designs meet all applicable state and local codes and standards; and
15	(3) Consider the cultural requirements of individual plants.
16	
17	History Note: Authority G.S. 89D-11(3); 89D-15(2); 89D-15(16);
18	Temporary Adoption Eff. January 1, 2016.
19	

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0506

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 5 – replace "per" with "in accordance with"

Line 9 – please remove extra spaces or tab(s)

Line 11 – what does "includes provisions for" mean – "provide a means for" or "has sufficient capacity for" or something else?





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:		
The North Carolina Landscape C	Contractors' Licensing Board	
2. Rule citation & name:		
21 NCAC 28B .0506 DRAINAGE S		
3. Action: 🛛 Adoptio	on Amendment Repeal	
4. Was this an Emergency Rul		
4. Was this an Emergency Ku	Ile: Yes Effective date:	
7 D 11 1 2 2 2 2 2		
5. Provide dates for the follow		
	le submitted to OAH: October 15, 2015	
	le published on the OAH website: October 21, 2015	
c. Public Hearing date: Nove		
d. Comment Period: October		
e. Notice pursuant to G.S. 15	50B-21.1(a3)(2): October 15 2015	
f. Adoption by agency on: De	ecember 3, 2015	
g. Proposed effective date of	f temporary rule [if other than effective date established by G.S. 150B- 21.1(b)	
and G.S. 150B-21.3]: Janua	ary 1, 2016	
h. Rule approved by RRC as	s a permanent rule [See G.S. 150B-21.3(b2)]:	
6. Reason for Temporary Acti	ion. Attach a copy of any cited law, regulation, or document necessary for the review.	-
The effective date of a r	en threat to the public health, safety or welfare. recent act of the General Assembly or of the U.S. Congress.	
Cite: SL2014-103, s.3(b).	one in the second constraints and the second s	
Effective date: August 1,		
Effective date of change	eral or state budgetary policy. ze:	
A recent federal regular		
Cite:		
Effective date:		
Cite order:		
State Medical Facilities	s Plan.	
U Other:		
Explain:	201	
Because of the recent effective date o	of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Board is adopting temporar who provide landscape contracting services governed by these laws.	-
recessary to regulate incensees	who provide landscape contracting services governed by these laws. $\leq \bigcirc$	
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7. Why is adherence to notice and hearing requirements co	ontrary to the public interest and the immediate adoption of the
I now be licensed by the Board and are required to maintain licensure. T	work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must This recently established licensing Board does not yet have rules in place to emedy this situation and will begin the permanent rulemaking process in a
A 11	
8. Rule establishes or increases a fee? (See G.S. 12-3.1)	
☐ Yes	
Agency submitted request for consultation on: Consultation not required. Cite authority:	
No No	
9. Rule-making Coordinator:	10. Signature of Agency Head*:
Calvin Kirven Phone:	DOW
919-266-8070	- Reling
E-Mail: info@nclclb.com	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with
	this form.
Agency contact, if any:	Typed Name: Scott Makey
Phone:	Title:
E-Mail:	Chairman E-Mail: scott@oldmillstream.com
RULES REVIEW COMMISSION USE ONLY Action taken:	Submitted for RRC Review:
Date returned to agency:	
Print	방법에 넣는 것은 것을 했다.
FINI	

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1	21 NCAC 28B .0	0506 is adopted under temporary procedures as follows:
2		
3	21 NCAC 28B.	0506 DRAINAGE SYSTEMS AND CISTERNS
4	Licensed contract	ctors shall:
5	(1)	Install drainage systems and cisterns per state and local codes and ordinances;
6	(2)	Install drainage conveyances in such a way that there is a positive flow;
7	(3)	Install drainage systems with measures that allow cleaning of the system;
8	(4)	Install drainage systems with adequate structural integrity so as to prevent crushing of the drainage
9		system;
10	(5)	Install French drain systems to drain to daylight or into existing storm drainage; and
11	(6)	Insure that cisterns and closed drywells include provisions for excess water overflow.
12		
13	History Note:	Authority G.S. 89D-15(2); 89D-15(16);
14		Temporary Adoption Eff. January 1, 2016.
15		

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0507

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 7 – what does "proper" mean – "appropriate," "within design specifications," or something else?

Line 15 – move "to the client" immediately after "literature" and replace "for" with "about"





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:
The North Carolina Landscape Contractors' Licensing Board
2. Rule citation & name:
21 NCAC 28B .0507 LOW-VOLTAGE LIGHTING; POOLS
3. Action: X Adoption Amendment Repeal
4. Was this an Emergency Rule: Yes Effective date:
5. Provide dates for the following actions as applicable:
a. Proposed Temporary Rule submitted to OAH: October 15, 2015
b. Proposed Temporary Rule published on the OAH website: October 21, 2015
c. Public Hearing date: November 5, 2015
d. Comment Period: October 22, 2015 to November 20, 2015
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015
f. Adoption by agency on: December 3, 2015
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 1, 2016
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.
A serious and unforeseen threat to the public health, safety or welfare.
★ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: SL2014-103, s.3(b). Effective date: August 1, 2015
A recent change in federal or state budgetary policy.
Effective date of change:
A recent federal regulation. Cite:
Effective date:
A recent court order.
Cite order:
State Medical Facilities Plan. Other:
Explain:
Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Board's adopting temporary rules necessary to regulate licensees who provide landscape contracting services governed by these laws.
rules necessary to regulate licensees who provide landscape contracting services governed by these laws.

7 Why is adherence to notice and bearing mentioned	
7. Why is adherence to notice and hearing requirements co	ntrary to the public interest and the immediate adoption of the
how be licensed by the Board and are required to maintain licensure. T	work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must his recently established licensing Board does not yet have rules in place to emedy this situation and will begin the permanent rulemaking process in a
8. Rule establishes or increases a fee? (See G.S. 12-3.1)	
Yes Agency submitted request for consultation on: Consultation not required. Cite authority:	
🖾 No	8
9. Rule-making Coordinator: Calvin Kirven	10. Signature of Agency Head*:
Phone: 919-266-8070	NUL Luy
E-Mail: info@nclclb.com	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.
Agency contact, if any:	Typed Name: Scott Makey
Phone:	Title: Chairman
E-Mail: RULES REVIEW COMMISSION USE ONLY	E-Mail: scott@oldmillstream.com
	submitted for RRC Review:
Date returned to agency:	
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1. .

1	21 NCAC 28B .	0507 is adopted under temporary procedures as follows:
2		
3	21 NCAC 28B.	0507 LOW-VOLTAGE LIGHTING; POOLS
4	(a) When install	ing low-voltage landscape lighting systems, the licensed contractor shall:
5	(1)	Insure that all wire connections are waterproof;
6	(2)	Only use weather-proof fixtures;
7	<u>(</u> 3)	Supply proper lamps with all fixtures;
8	(4)	Insure that the total lamp wattage of each circuit does not exceed the National Electrical Code
9		(NEC) standard for the size of wire being used;
10	(5)	Not load a wire to more than 80 percent of the wire's capacity;
11	(6)	Connect all exterior low-voltage wiring to a ground fault circuit interrupter (GFCI) circuit;
12	(7)	Mount transformers a minimum of 18 inches above grade;
13	(8)	Perform a post-installation inspection to verify that the lighting system is fully operational as
14		intended; and
15	<u>(9)</u>	Provide literature for the lighting components that lists proper lamps for fixtures to the client.
16	(b) All garden p	bools shall be installed per all regional and local codes.
17		
18	History Note:	Authority G.S. 89D-15(2); 89D-15(16);
19		Temporary Adoption Eff. January 1, 2016.
20		

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0508

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL</u>: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Please note that Rule 26 NCAC 02C .0108(9) requires numbers one through nine to be spelled out. Throughout this Rule, single-digit numbers do not follow .0108(9). It is perhaps preferred here to use numerals, but you will need to seek a waiver from the Codifier to do so.

Lines 8-11 – Subparagraphs (5) and (6) fail to address a case where a wall is precisely five feet from a structure. Perhaps change one of them to "5 feet or more" or "5 feet or less" or something similar?

Line 13 – what does "adequate" mean? What standard or factors would be applied to determine adequacy?

Lines 14 and 16 - replace "well compacted" with "well-compacted"





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:
The North Carolina Landscape Contractors' Licensing Board
2. Rule citation & name:
21 NCAC 28B .0508 WALLS
3. Action: X Adoption Amendment Repeal
4. Was this an Emergency Rule: Yes Effective date:
5. Provide dates for the following actions as applicable:
a. Proposed Temporary Rule submitted to OAH: October 15, 2015
b. Proposed Temporary Rule published on the OAH website: October 21, 2015
c. Public Hearing date: November 5, 2015
d. Comment Period: October 22, 2015 to November 20, 2015
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015
f. Adoption by agency on: December 3, 2015
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 1, 2016
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.
 A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: SL2014-103, s.3(b). Effective date: August 1, 2015 A recent change in federal or state budgetary policy. Effective date of change: A recent federal regulation. Cite: Effective date: A recent court order. Cite order: State Medical Facilities Plan. Other:
Explain: Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Board is adopting temporary rules necessary to regulate licensees who provide landscape contracting services governed by these laws.

7. Why is adherence to notice and hearing requirements conrule is required?	ntrary to the public interest and the immediate adoption of the
All landscape contractors who wish to conduct landscaping contracting v	vork as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must is recently established licensing Board does not yet have rules in place to medy this situation and will begin the permanent rulemaking process in a
8. Rule establishes or increases a fee? (See G.S. 12-3.1)	
n. S	
Agency submitted request for consultation on:	
Consultation not required. Cite authority:	
🖾 No	
9. Rule-making Coordinator:	10. Signature of Agency Head*:
Calvin Kirven	10. Signature of Agency Head.":
Phone: 919-266-8070	11/21
E-Mail:	* If this function has been delegated (reassigned) pursuant
info@nclclb.com	to G.S. 143B-10(a), submit a copy of the delegation with
Agency contact, if any:	this form. Typed Name:
	Scott Makey
Phone:	Title:
E-Mail:	Chairman E-Mail: scott@oldmillstream.com
RULES REVIEW COMMISSION USE ONLY Action taken:	ibmitted for RRC Review:
Julion lakon. Di	iomined for KRC Review;
Date returned to agency:	
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1	21 NCAC 28B .	0508 is adopted with changes under temporary procedures as follows:
2		
3	21 NCAC 28B .	0508 WALLS
4	(a) When instal	ling retaining walls, the licensed contractor shall:
5	(1)	Adhere to all pertinent codes.
6	<u>(2)</u>	Adhere to manufacturer's or design professionals specifications.
7	<u>(3)</u>	Bury the first course of a retaining wall.
8	(4)	Insure that a retaining wall over 5 feet in height is designed by a professional engineer licensed
9		<u>under G.S. 89C.</u>
10	(5)	Insure that a retaining wall closer than 5 feet from a structure, regardless of height, is designed by
11		a professional engineer licensed under G.S. 89C.
12	(6)	Not construct dry-laid stone walls of a height more than 3 feet above grade.
13	(7)	Include adequate sub-drainage systems behind the wall.
14	(8)	Construct on a level, well compacted base of granular material at least 6 inches deep.
15	(9)	Place backfill behind retaining walls in lifts no greater than 6 inches before compacted (each lift
16		shall be well compacted).
17	(10)	-[Insure that when constructing terracing walls not designed by an NC licensed design professional,
18		the horizontal separation between walls shall be at least 50 feet or to current code.
19	(11) (10) Prevent excessive runoff from passing over a retaining wall.
20	(12)	<u>[Limit construction of vertically set timber walls to 4 feet in height.]</u>
21	(13) (11	Construct vertically-set timber walls with above-ground heights equal to or less than the depth of
22		timbers below grade
23	(14) (12) Install deadmen every fourth course on 8 feet centers when constructing horizontally-set timber
24		retaining walls with staggered joints.
25	(15) (13) Stagger the joints when constructing dry-laid stone walls. If successive vertical joints occur, the
26		licensed contractor shall avoid running vertical joints more than two courses.
27	(b) When instal	ling freestanding walls, the licensed contractor shall:
28	(1)	Install footings for masonry and cast-in-place concrete freestanding walls of reinforced concrete.
29		The top of the footing shall be at least 1 foot below grade.
30	(2)	Reinforce freestanding walls as needed to prevent displacement from wind loads.
31	(3)	Insure that moisture is prevented from entering a cavity wall during construction.
32	(4)	Insure that segmental wall construction meets segmental wall manufacturer's specifications.
33		
34	History Note:	Authority G.S. 89D-15(2); 89D-15(16);
υ.		
35		Temporary Adoption Eff. January 1, 2016.

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0509

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL</u>: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 6, 7, 8, and 15 – what does "appropriate," "suitable," and "sufficient" mean? What standard or factors would be applied to determine propriety, suitability, and sufficiency?

Line 7 - replace "well compacted" with "well-compacted"

Line 11 – what does "drop below" mean? Do you mean "if air the temperature ... is less than 35 degrees Fahrenheit"?





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:			
The North Carolina Landscape Contractors' Licensing Board			
2. Rule citation & name:			
21 NCAC 28B .0509 PAVING			
3. Action: Adoption Amendment Repeal			
4. Was this an Emergency Rule: Yes Effective date:			
5. Provide dates for the following actions as applicable:			
a. Proposed Temporary Rule submitted to OAH: October 15, 2015			
b. Proposed Temporary Rule published on the OAH website: October 21, 2015			
c. Public Hearing date: November 5, 2015			
d. Comment Period: October 22, 2015 to November 20, 2015			
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015			
f. Adoption by agency on: December 3, 2015			
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 1, 2016			
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:			
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.			
 A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: SL2014-103, s.3(b). 			
Effective date: August 1, 2015			
A recent change in federal or state budgetary policy. Effective date of change:			
A recent federal regulation.			
Cite:			
Effective date: A recent court order.			
Cite order:			
State Medical Facilities Plan.			
Other:			
Explain:			
Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Board is adopting temp rules necessary to regulate licensees who provide landscape contracting services governed by these laws.	orary		
These necessary to regulate licensees who provide landscape contracting services governed by these laws.	42 .doo		
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rile is required? All undergee contracting work as defined in N.C. Gan. Stat. §880-11 (effective August 1, 2016) must now be indended by the Board has adopted temporary rules to remedy this situation and will begin the permanent rulemaking process in a tempy memore. 8. Rule establishes or increases a fee? (See G.S. 12-3.1) 9. Yes: Agreey submitted request for consultation on: Consultation not required. Cite authority: Ø No 9. Rule-making Coordinator: Agreey submitted request for consultation on: Consultation not required. Cite authority: Ø No 9. Rule-making Coordinator: Agreey submitted request for consultation on: Consultation not required. Cite authority: Ø No 9. Rule-making Coordinator: Agreey submitted request for consultation on: Consultation not required. Cite authority: Ø No 9. Rule-making Coordinator: Phone: 10. Signature of Agency Head*: This form. To physical terms Phone: Phone: Phone: Phone: Phone: Phone: Phone: Phone: Phone:	7. Why is adherence to notice and hearing requirements co	ontrary to the public interest and the immediate adoption of the
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□ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☑ No 9. Rule-making Coordinator: Cakin Kiven Phone: 919-266-8070 E-Mail: info@nciclb.com 10. Signature of Agency Head*: White Signature of	now be licensed by the Board and are required to maintain licensure. implement these statutes. The Board has adopted temporary rules to	This recently established licensing Board does not yet have rules in place to
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□ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☑ No 9. Rule-making Coordinator: Cakin Kiven Phone: 919-266-8070 E-Mail: info@nciclb.com 10. Signature of Agency Head*: White Signature of		
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No 9. Rule-making Coordinator: Calvin Kirven Phone: 919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone: Chaiman Phone: Chaiman E-Mail: Typed Name: Scott Makey Title: Phone: Chaiman E-Mail: Chaiman E-Mail: Chaiman E-Mail: Date returned to agency: Print	Consultation not required. Cite authority:	
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Calvin Kirven Phone: 919-266-8070 Image: Calvin Kirven E-Mail: info@nclclb.com info@nclclb.com * If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copt of the delegation with this form. Agency contact, if any: Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com RULES REVIEW COMMISSION USE ONLY Submitted for RRC Review: Action taken: Submitted for RRC Review: Date returned to agency: Print	🛛 No	
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info@nclclb.com to G.S. 143B-10(a), submit a copy of the delegation with this form. Agency contact, if any: Typed Name: Scott Makey Scott Makey Title: Chairman E-Mail: E-Mail: scott@oldmillstream.com RULES REVIEW COMMISSION USE ONLY Action taken: Date returned to agency: Submitted for RRC Review:	E-Mail:	* If this function has been deleasted (as in 1)
Agency contact, if any: Typed Name: Scott Makey Phone: Title: Chairman E-Mail: E-Mail: scott@oldmillstream.com RULES REVIEW COMMISSION USE ONLY Submitted for RRC Review: Action taken: Submitted for RRC Review:	info@nclclb.com	" If this function has been delegated (reassigned) pursuant to $C \ge 143B \cdot 10(a)$, submit a contrast the delegation with
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Phone: Scott Makey Title: Chairman E-Mail: E-Mail: scott@oldmillstream.com RULES REVIEW COMMISSION USE ONLY Action taken: Submitted for RRC Review: Date returned to agency: Print	Agency contact, if any:	
Phone: Title: Chairman E-Mail: E-Mail: scott@oldmillstream.com RULES REVIEW COMMISSION USE ONLY Action taken: Submitted for RRC Review: Date returned to agency: Print		
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Print	Action taken:	Submitted for RRC Review:
Print		
	Date returned to agency:	
Save	Print	
	Save	

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1	21 NCAC 28B .	0509 is adopted under temporary procedures as follows:
2		
3	21 NCAC 28B	.0509 PAVING
4	When paving, th	ne licensed contractor shall:
5	(1)	Follow manufacturer's recommendations and specifications;
6	(2)	Choose paving materials that are appropriate for the project;
7	(3)	Install paving on a suitable, well compacted base;
8	(4)	Install paved surfaces with slopes sufficient to allow for surface drainage and to prevent ponding;
9	(5)	Install reinforcement in concrete slabs so that the reinforcement is suspended within the concrete
10		and not resting on the base course;
11	(6)	Not pour concrete if air temperatures, away from artificial heat or in the shade, drop below 35
12		degrees Fahrenheit;
13	(7)	Not pour concrete if the air temperature in the shade is 90 degrees Fahrenheit and rising or if the
14		concrete temperature is greater than 95 degrees Fahrenheit;
15	(8)	Use a suitable vibratory compacting device to set unit pavers and after joints are swept; and
16	(9)	Utilize an edge restraint on unit paver installations.
17		
18	History Note:	Authority G.S. 89D-15(2); 89D-15(16);
19		Temporary Adoption Eff. January 1, 2016.
20		

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0510

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line4 – what does "unless to achieve artistic intent" mean? Delete this phrase unless you can define it or explain what factors would help determine whether such an intent would modify the requirements of this Rule.





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:				
The North Carolina Landscape C	ntractors' Licensing	Board		
2. Rule citation & name: 21 NCAC 28B.0510 PRUNING				
3. Action: 🛛 Adoptio		Amendment	Repeal	
4. Was this an Emergency Rul	n: □Yes I ⊠No	Effective date:		
5. Provide dates for the follow	ng actions as appl	icable:		
a. Proposed Temporary Rule				
b. Proposed Temporary Rul		OAH website: Octob	er 21, 2015	
c. Public Hearing date: Nove				
d. Comment Period: October				
e. Notice pursuant to G.S. 15 f. Adoption by agency on: De		102013		
		·		
and G.S. 150B-21.3]: Janua	y 1, 2016	other than effective	date established by G.S. 150B	- 21.1(b)
h. Rule approved by RRC as	a permanent rule	[See G.S. 150B-21.3	(b2)]:	
6. Reason for Temporary Acti	n. Attach a copy	of any cited law, reg	ulation, or document necessary	y for the review.
	1 N S			
A serious and unforesed The effective date of a r Cite: SL2014-103, s.3(b).	n threat to the pull ecent act of the Ge	eneral Assembly or	welfare. of the U.S. Congress.	
Effective date: August 1,	2015			
A recent change in fede		ary policy		
Effective date of chang		ary poincy.		
A recent federal regula	ion.			
Cite:				
Effective date: A recent court order.				
Cite order:				
State Medical Facilities	Plan.			
Other:				
Explain:				2
Because of the recent effective date of	SL 2014-103, s.3(b)	August 1, 2015, the N.	C. Landscape Contractors Licensing	Board is adopting temporary
rules necessary to regulate licensees	vho provide landscape	e contracting services g	overned by these laws.	
				Z I C P
				I PART
				ARINGS
				J w čš

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required? All landscape contractors who wish to conduct landscaping contracting work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must now be licensed by the Board and are required to maintain licensure. This recently established licensing Board does not yet have rules in place to implement these statutes. The Board has adopted temporary rules to remedy this situation and will begin the permanent rulemaking process in a		
timely manner. 8. Rule establishes or increases a fee? (See G.S. 12-3.1)		
Yes Agency submitted request for consultation on: Consultation not required. Cite authority:		
No No		
9. Rule-making Coordinator: Calvin Kirven Phone: 919-266-8070 E-Mail: info@nclclb.com	10. Signature of Agency Head*: * If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.	
Agency contact, if any: Phone:	Typed Name: Scott Makey Title: Chairman	
E-Mail:	E-Mail: scott@oldmillstream.com	
RULES REVIEW COMMISSION USE ONLY Action taken: Sul	omitted for RRC Review:	
Date returned to agency:		
Print Save		

1	21 NCAC 28B .	0510 is adopted under temporary procedures as follows:
2		
3	21 NCAC 28B .	0510 PRUNING
4	<u>When pruning, u</u>	inless to achieve artistic intent, a licensed contractor shall:
5	<u>(1)</u>	Use sharp tools;
6	(2)	When making a pruning cut that removes a branch at its point of origin, make the cut close to the
7		trunk or parent branch without cutting into the branch bark ridge or branch collar or leaving a stub;
8	(3)	Not flush cut;
9	<u>(4)</u>	Not top trees;
10	(5)	Remove branches in such a manner as to avoid damage to other parts of the plant or to other plants
11		or property; and
12	(6)	Precut branches that are too large to support with one hand to avoid splitting the wood or tearing
13		the bark.
14		
15	History Note:	Authority G.S. 89D-15(2); 89D-15(16);
16		Temporary Adoption Eff. January 1, 2016.

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0511

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4 – insert a comma after "grass"

Line 5 – replace "During the preconstruction phase of the job" with "Prior to construction" if that is what you mean.

Line 5 – delete "lead"

Line 6 – replace "if" with "whether"

Line 7 – delete ", providing clear expectations"

Line 11 – insert "the" before "rates"

Line 12 – insert a comma after "crop"

Line 12 – do you mean "seasonably" or "seasonally"?

Line 14 – insert "a" after "when"

Line 16 – replace the semicolon with a comma and insert "and" before "cultipack"





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:				-
The North Carolina Landscape Contractor	s' Licensing Board			
2. Rule citation & name:				
21 NCAC 28B .0511 WILDFLOWER, NATIVE	and the second design of the s			
3. Action: X Adoption	Amendment	L Repeal		
4. Was this an Emergency Rule: 🗌 Y	es Effective date:	and the second		
5 Descride dates for the fallening at	12 1.1			
5. Provide dates for the following action a. Proposed Temporary Rule submit		5		
b. Proposed Temporary Rule publish		Stober 21, 2013		
c. Public Hearing date: November 5, 20				
d. Comment Period: October 22, 2015				
e. Notice pursuant to G.S. 150B-21.1				
f. Adoption by agency on: December 3	, 2015			
g. Proposed effective date of tempora and G.S. 150B-21.3]: January 1, 2016	ary rule [if other than effec	tive date established by G.S. 150	B- 21.1(b)	
and G.S. 1506-21.5]: January 1, 2010	2			
h. Rule approved by RRC as a perm	anent rule [See G.S. 150B-2	21.3(b2)]:		
6. Reason for Temporary Action. Atta	ach a copy of any cited law,	regulation, or document necessa	ry for the revie	w.
			•	
A serious and unforeseen threa The effective date of a recent ac	t to the public health, safety at of the General Assembly	y or welfare. or of the U.S. Congress		
Cite: SL2014-103, s.3(b).		or of the close congress.		
Effective date: August 1, 2015				
A recent change in federal or st Effective date of change:	ate budgetary policy.			
A recent federal regulation.				
Cite:				
Effective date:				
A recent court order. Cite order:				
State Medical Facilities Plan.				
Other:				
E			P	2015
Explain: Because of the recent effective date of SL 201	4 102 c 2(b) August 1 2015 th		6	1
rules necessary to regulate licensees who prov	ide landscape contracting service	es governed by these laws.	ig Board is adoptin	ig temporary
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 7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required? All landscape contractors who wish to conduct landscaping contracting work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must now be licensed by the Board and are required to maintain licensure. This recently established licensing Board does not yet have rules in place to implement these statutes. The Board has adopted temporary rules to remedy this situation and will begin the permanent rulemaking process in a 		
timely manner. 8. Rule establishes or increases a fee? (See G.S. 12-3.1)		
 8. Rule establishes or increases a fee? (See G.S. 12-3.1) Yes Agency submitted request for consultation on: Consultation not required. Cite authority: No 		
9. Rule-making Coordinator: Calvin Kirven Phone: 919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone: E-Mail:	10. Signature of Agency Head*: * If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com	
Date returned to agency:	bmitted for RRC Review:	
Print Save		

1	21 NCAC 28B .	0511 is adopted under temporary procedures as follows:
2		
3	21 NCAC 28B .	0511 WILDFLOWER, NATIVE GRASS, AND NO-MOW SEED ESTABLISHMENT
4	When establishi	ng wildflower, native grass or no-mow seeding, a licensed contractor shall:
5	<u>(1)</u>	During the preconstruction phase of the job, inform the owner or construction manager of the lead
6		time required to establish native bunch grasses and forbs from seed and if this lead time is
7		compatible with the construction schedule, providing clear expectations.
8	(2)	Confirm the suitability of the specified seed for the project.
9	(3)	Select seed that is regionally appropriate and of the geographic ecotype for the location of the
10		project.
11	(4)	Use pure live seed (PLS) rates for seeding. If bulk seed is utilized, adjust rates accordingly.
12	<u>(5)</u>	Use a temporary cover, nurse crop or mulch when seeding that is non-allelopathic and seasonably
13		appropriate.
14	<u>(6)</u>	Use highest seed rates on slopes greater than 30 degrees or when dormant seeding schedule is
15		utilized.
16	<u>(7)</u>	Employ a seeding method that buries seed less than one-quarter inch in depth; cultipack or roll
17		after seed distribution.
18		
19	History Note:	Authority G.S. 89D-15(2); 89D-15(16);
20		Temporary Adoption Eff. January 1, 2016.





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:		
The North Carolina Landscape Contractors' Licensing Board		
2. Rule citation & name:		
21 NCAC 28B .0601 FEE SCHEDULE		
3. Action: Adoption Amendment Repeal		
4. Was this an Emergency Rule: Yes Effective date:		
No Sheetive date:		
5. Provide dates for the following actions as applicable:		
a. Proposed Temporary Rule submitted to OAH: ^{October 15, 2015}		
b. Proposed Temporary Rule published on the OAH website: October 21, 2015		
c. Public Hearing date: November 5, 2015		
d. Comment Period: October 22, 2015 to November 20, 2015		
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015		
f. Adoption by agency on: December 3, 2015		
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21	.1(b)	
and G.S. 150B-21.3]: January 1, 2016		
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:		
inter en e e e e e e e e e e e e e e e e e		
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for	or the revie	ew.
A serious and unforeseen threat to the public health, safety or welfare.		
☑ The effective date of a recent act of the General Assembly or of the U.S. Congress.		
Cite: SL2014-103, s.3(b). Effective date: August 1, 2015		
A recent change in federal or state budgetary policy.		
Effective date of change:		
A recent federal regulation. Cite:		
Effective date:		
A recent court order.		
Cite order: State Medical Facilities Plan.		
Other:		2
	A	015
Explain: Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Bo		
rules necessary to regulate licensees who provide landscape contracting services governed by these laws.		
	TT C	in i
	22	P
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	2710-234	N

7. Why is adherence to notice and hearing requirements cont	rary to the public interest and the immediate adoption of the
rule is required?	
All landscape contractors who wish to conduct landscaping contracting we now be licensed by the Board and are required to maintain licensure. This implement these statutes. The Board has adopted temporary rules to rem timely manner.	s recently established licensing Board does not vet have rules in place to
	a ⁻¹
	6.0 s
8. Rule establishes or increases a fee? (See G.S. 12-3.1)	
☐ Yes	
Agency submitted request for consultation on:	
Consultation not required. Cite authority:	
No No	
9. Rule-making Coordinator:	10. Signature of Agency Head*:
Calvin Kirven	
Phone:	D O M O
919-266-8070	Kollder
E-Mail:	* If this function has been delegated (reassigned) pursuant
info@nclclb.com	to G.S. 143B-10(a), submit a copy of the delegation with
	this form.
Agency contact, if any:	Typed Name:
Phone:	Scott Makey Title:
Thone.	Chairman
E-Mail:	E-Mail: scott@oldmillstream.com
RULES REVIEW COMMISSION USE ONLY	
	bmitted for RRC Review:
· "你们我们不知道我们的你们的?""你们不是你们的?"	
Date returned to agency:	
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Reset

1	21 NCAC 28B .0601is adopted under temporary procedures as follows:
2	
3	21 NCAC 28B .0601 FEE SCHEDULE
4	(a) The Board shall charge the following fees:
5	(1) Application: \$75.00;
6	(2) Examination: \$150.00;
7	(3) License fee: \$60.00;
8	(4) License renewal: \$60.00;
9	(5) Late renewal: \$25.00;
10	(6) Reinstatement: \$100.00;
11	(7) License by reciprocity: \$100.00;
12	(8) Duplicate license: \$25.00.
13	(b) If the Board elects to use a testing service for the preparation, administration, or grading of examinations, the
14	Board shall charge the applicant the actual cost of the examination services and a prorated portion of the
15	examination fee.
16	(c) All fees charged by the Board are non-refundable.
17	
18	History Note: Authority G.S. 89D-15(2); 89D-15(10); 89D-21;
19	Temporary Adoption Eff. January 1, 2016.
20	
21	

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0701

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4 – Please see general note, above, regarding forms.

Line 5 – Please state the web address of the "online complaint process."

Line 5 – replace "shall" with "will" if you are stating the Board's policy.

Line 10 – insert a comma after "staff"

Line 10 – what forms the basis for the "recommendation"? What standards or factors would be applied in forming this recommendation?





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:
The North Carolina Landscape Contractors' Licensing Board
2. Rule citation & name:
21 NCAC 28B .0701 COMPLAINTS; INVESTIGATIONS
3. Action: X Adoption Amendment Repeal
A Was this on Emergency Dates Diverse Effective later
4. Was this an Emergency Rule: Yes Effective date:
5. Provide dates for the following actions as applicable:
a. Proposed Temporary Rule submitted to OAH: October 15, 2015
b. Proposed Temporary Rule published on the OAH website: October 21, 2015
c. Public Hearing date: November 5, 2015
d. Comment Period: October 22, 2015 to November 20, 2015
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015
f. Adoption by agency on: December 3, 2015
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b)
and G.S. 150B-21.3]: January 1, 2016
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6 December Tempenen Action Attach a serve from it allow and the serve for the second
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.
A serious and unforeseen threat to the public health, safety or welfare.
The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: SL2014-103, s.3(b).
Effective date: August 1, 2015
A recent change in federal or state budgetary policy.
Effective date of change: A recent federal regulation.
Cite:
Effective date:
A recent court order.
Cite order: State Medical Facilities Plan.
Other:
Explain:
Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Board is adopting temporary rules necessary to regulate licensees who provide landscape contracting services governed by these laws.
NGS 12: 32
S 32

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the			
rule is required?			
All landscape contractors who wish to conduct landscaping contracting work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must now be licensed by the Board and are required to maintain licensure. This recently established licensing Board does not yet have rules in place to implement these statutes. The Board has adopted temporary rules to remedy this situation and will begin the permanent rulemaking process in a timely manner.			
*			
8. Rule establishes or increases a fee? (See G.S. 12-3.1)			
□ Yes			
Agency submitted request for consultation on:			
Consultation not required. Cite authority:			
No No			
9. Rule-making Coordinator:	10. Signature of Agency Head*:		
Calvin Kirven	DOND		
Phone: 919-266-8070	K S S .		
E-Mail:	* If this function has been delegated (reassigned) pursuant		
info@nclclb.com	to G.S. 143B-10(a), submit a copy of the delegation with		
	this form.		
Agency contact, if any:	Typed Name:		
	Scott Makey Title:		
Phone:	Chairman		
E-Mail:	E-Mail: scott@oldmillstream.com		
RULES REVIEW COMMISSION USE ONLY			
Action taken: S	ubmitted for RRC Review:		
Date returned to agency:			
같은 비행을 통고 있는 것 같은 것이 많을 것 같아. 사람들을 물			
Print			

1

21 NCAC 28B .0701is adopted under temporary procedures as follows:

2

3 21 NCAC 28B .0701 COMPLAINTS; INVESTIGATIONS

- 4 (a) All complaints filed with the Board shall be filed either on a form provided by the Board or via the Board's
- 5 <u>online complaint process. All complaints must contain the complainant's contact information. The Board shall not</u>
- 6 investigate anonymous complaints. Incomplete complaints will not be investigated.
- 7 (b) Initial review of a complaint will be conducted by Board staff. If further review and investigation is warranted,
- 8 the Board will assign an investigator who will conduct an investigation.
- 9 (c) Upon completion of the investigation, the investigator's report will be forwarded to a designated Board member
- 10 and Board staff who will make a recommendation to the full Board as to whether the case should be dismissed or
- 11 whether further action by the Board is warranted.
- 12
- 13 History Note: Authority G.S. 89D-15(2); 89D-15(6); 89D-15(7);
- 14 Temporary Adoption Eff. January 1, 2016.
- 15





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:			
The North Carolina Landscape Contractors' Licensing Board			
2. Rule citation & name:			
21 NCAC 28B .0801 PROBABLE CAUSE			
3. Action: X Adoption Amendment Repeal			
4. Was this an Emergency Rule: Yes Effective date:			
× No			
5. Provide dates for the following actions as applicable:			
a. Proposed Temporary Rule submitted to OAH: October 15, 2015			
b. Proposed Temporary Rule published on the OAH website: October 21, 2015			
c. Public Hearing date: November 5, 2015			
d. Comment Period: October 22, 2015 to November 20, 2015			
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015			
f. Adoption by agency on: December 3, 2015			
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 1, 2016			
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:			
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.			
A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress.			
Cite: SL2014-103, s.3(b).			
Effective date: August 1, 2015 A recent change in federal or state budgetary policy.			
Effective date of change:			
A recent federal regulation.			
Cite:			
Effective date: A recent court order.			
Cite order:			
State Medical Facilities Plan.			
Other:			
Explain:			
Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Board is adopting temporary			
rules necessary to regulate licensees who provide landscape contracting services governed by these laws.			

rule is required?	ents contrary to the public interest and the immediate adoption of the	
All landscape contractors who wish to conduct landscaping contracting work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must now be licensed by the Board and are required to maintain licensure. This recently established licensing Board does not yet have rules in place to mplement these statutes. The Board has adopted temporary rules to remedy this situation and will begin the permanent rulemaking process in a imely manner.		
8. Rule establishes or increases a fee? (See G.S. 12-3	3.1)	
Yes		
Agency submitted request for consultation on: Consultation not required. Cite authority:		
Consultation not required. Cite authority.		
No No		
	10. Signature of Agency Head*:	
9. Rule-making Coordinator: Calvin Kirven	10. Signature of Agency Head.	
Phone:		
	RSUL	
919-266-8070 E-Mail:	* If this function has been delegated (reassigned) pursual	
919-266-8070 E-Mail:	* If this function has been delegated (reassigned) pursual to G.S. 143B-10(a), submit a copy of the delegation	
919-266-8070	* If this function has been delegated (reassigned) pursual to G.S. 143B-10(a), submit a copy of the delegation this form.	
919-266-8070 E-Mail:	to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name:	
919-266-8070 E-Mail: info@nclclb.com Agency contact, if any:	to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name: Scott Makey	
919-266-8070 E-Mail: info@nclclb.com	to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name: Scott Makey Title:	
919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone:	to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name: Scott Makey Title: Chairman	
919-266-8070 E-Mail: info@nclclb.com Agency contact, if any:	to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name: Scott Makey Title:	
919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone: E-Mail:	to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com	
919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone: E-Mail: RULES REVIEW COMMISSION USE	to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com	
919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone: E-Mail:	to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com	
919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone: E-Mail: RULES REVIEW COMMISSION USE	to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com	
919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone: E-Mail: RULES REVIEW COMMISSION USE	to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com	
919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone: E-Mail: RULES REVIEW COMMISSION USE	to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com	
919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone: E-Mail: RULES REVIEW COMMISSION USE	to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com	
919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone: E-Mail: RULES REVIEW COMMISSION USE	to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com	
919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone: E-Mail: RULES REVIEW COMMISSION USE Action taken:	to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com	
919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone: E-Mail: RULES REVIEW COMMISSION USE	to G.S. 143B-10(a), submit a copy of the delegation this form. Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com	
919-266-8070 E-Mail: info@nclclb.com Agency contact, if any: Phone: E-Mail: RULES REVIEW COMMISSION USE Action taken:	Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com	

1.14

1	21 NCAC 28B	0801 is adopted under temporary procedures as follows:
2		
3	21 NCAC 28B	.0801 PROBABLE CAUSE
4	Upon a determi	nation that there is probable cause to believe a violation of G.S. 89D or the rules of this Subchapter
5	exists, the Boar	rd shall issue a Notice of Hearing pursuant to G.S. 150B-38(b) and (c). Any party served with a
6	Notice of Hearing	ng may file a written response pursuant to G.S. 150B-38(d).
7		
8	History Note:	Authority G.S. 89D-15(2); 89D-15(7); 89D-15(8); 150B-38;
9		Temporary Adoption Eff. January 1, 2016.
10		
11		

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0802

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 9 – replace "timely filed" with "timely"





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:	
The North Carolina Landscape Contractors' Licensing Board	
2. Rule citation & name: 21 NCAC 28B 0802 HEARINGS	
3. Action: Adoption Amendment Repeal	
4. Was this an Emergency Rule: ☐ Yes Effective date: X No	
5. Provide dates for the following actions as applicable:	-
a. Proposed Temporary Rule submitted to OAH: October 15, 2015	
b. Proposed Temporary Rule published on the OAH website: October 21, 2015	
c. Public Hearing date: November 5, 2015	
d. Comment Period: October 22, 2015 to November 20, 2015	
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015	
f. Adoption by agency on: December 3, 2015	
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 1, 2016	
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:	
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.	-
 A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: SL2014-103, s.3(b). Effective date: August 1, 2015 	
A recent change in federal or state budgetary policy.	
Effective date of change: A recent federal regulation.	
Cite:	
Effective date: A recent court order.	
Cite order:	
State Medical Facilities Plan.	
Other:	-
Explain:	-
Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Board is adopting temporar rules necessary to regulate licensees who provide landscape contracting services governed by these laws.	y
	1
	1 i
	6

rule is required? All landscape contractors who wish to conduct landscaping con now be licensed by the Board and are required to maintain licer	ents contrary to the public interest and the immediate adoption of the tracting work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must nsure. This recently established licensing Board does not yet have rules in place to ules to remedy this situation and will begin the permanent rulemaking process in a
 8. Rule establishes or increases a fee? (See G.S. 12-3 Yes Agency submitted request for consultation on: Consultation not required. Cite authority: No 	3.1)
9. Rule-making Coordinator: Calvin Kirven Phone: 919-266-8070 E-Mail: info@nclclb.com	10. Signature of Agency Head*: * If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.
Agency contact, if any: Phone: E-Mail:	Typed Name: Scott Makey Title: Chairman E-Mail: scott@oldmillstream.com
RULES REVIEW COMMISSION USE Action taken:	
Date returned to agency:	
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eks a give

- 17

Reset

1 2 21 NCAC 28B .0802 is adopted under temporary procedures as follows:

3 21 NCAC 28B .0802 HEARINGS

- 4 (a) Contested case hearings shall be conducted by a majority of the Board unless the Board requests the designation
- 5 of an administrative law judge pursuant to G.S. 150B-40(e). The Board chairman shall serve as the presiding officer
- 6 <u>unless he or she is absent or disqualified, in which case the vice-chairman shall preside. Hearings shall be conducted</u>

7 pursuant to G.S. 150B-40.

- 8 (b) An affidavit seeking disqualification of any Board member, if filed in good faith and in a timely manner, shall
- 9 <u>be ruled on by the remaining members of the Board. An affidavit is considered timely filed if it is filed:</u>
- 10 (1) Prior to the hearing; or
- 11(2)As soon after the commencement of the hearing as the affiant becomes aware of facts that give12rise to his or her belief that a Board member should be disqualified.

14 History Note: Authority G.S. 89D-15(2); 89D-15(8); 150B-38; 150B-40;

- 15 *Temporary Adoption Eff. January 1, 2016.*
- 16 17

13

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0803

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL</u>: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

What is the purpose of this Rule? To give notice that the Board will allow consent orders? Do you feel that you need to state this in light of the language in G.S. 150B-41? This Rule does not appear to meet the necessity requirement of G.S. 150B-21.9(a)(3).

Line 4 – replace "consider disposing" with "dispose"





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:		Γ
The North Carolina Landscape Contractors' Licensing Board		
2. Rule citation & name:		
21 NCAC 28B .0803 SETTLEMENT		_
3. Action: Adoption Amendment Repeal		
4. Was this an Emergency Rule: Yes Effective date:		-
 Provide Device Conductor, Barrison Statistics 		_
5. Provide dates for the following actions as applicable:		
a. Proposed Temporary Rule submitted to OAH: October 15, 2015		
b. Proposed Temporary Rule published on the OAH website: October 21, 2015		
c. Public Hearing date: November 5, 2015		
d. Comment Period: October 22, 2015 to November 20, 2015		
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 13, 2015		
f. Adoption by agency on: December 3, 2015		
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B-21.1(and G.S. 150B-21.3]: January 1, 2016	(b)	
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:		
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for t	the review.	
 A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: SL2014-103, s.3(b). Effective date: August 1, 2015 A recent change in federal or state budgetary policy. Effective date of change: A recent federal regulation. Cite: Effective date: A recent court order. Cite order: 		
State Medical Facilities Plan.		
Other:	70U	a. anti-
Explain:		and the second
Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Board rules necessary to regulate licensees who provide landscape contracting services governed by these laws.	is adopting temporar	y and a second s

7. Why is adherence to notice and hearing requirements contra	ary to the public interest and the immediate adoption of the
rule is required?	
All landscape contractors who wish to conduct landscaping contracting work now be licensed by the Board and are required to maintain licensure. This re implement these statutes. The Board has adopted temporary rules to remed timely manner.	ecently established licensing Board does not yet have rules in place to
8. Rule establishes or increases a fee? (See G.S. 12-3.1)	
Ves	
Agency submitted request for consultation on:	
Consultation not required. Cite authority:	
X No	
9. Rule-making Coordinator:	10. Signature of Agency Head*:
Calvin Kirven	NOL A
Phone:	1 PSV.len
919-266-8070 E-Mail:	* If this function has been delegated (reassigned) pursuant
info@nclclb.com	to G.S. 143B-10(a), submit a copy of the delegation with
-	this form.
Agency contact, if any:	Typed Name: Scott Makey
Phone:	Title:
	Chairman
E-Mail:	E-Mail: scott@oldmillstream.com
RULES REVIEW COMMISSION USE ONLY	- 그가 집에 알려 봐서 한 그가 비장 감사는 것 것 것이 없다.
Action taken: Sul	bmitted for RRC Review:
Date returned to agency:	
Date fetumed to agency.	
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1		
1	21 NCAC 28B .0	0803 is adopted under temporary procedures as follows:
2		
3	21 NCAC 28B .(0803 SETTLEMENT
4	The Board may	consider disposing of any contested matter by consent order agreed to by the petitioner and
5	respondent in th	at matter. The Board may approve or reject any proposal to dispose of a contested matter by
6	consent.	
7		
8	History Note:	Authority G.S. 89D-15(2); 89D-15(8); 150B-38; 150B-41(c);
9		Temporary Adoption Eff. January 1, 2016.
10		
11		

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0804

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL</u>: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 5 – delete "investigation or" – the Board has authority to issue subpoenas for discovery in accord with G.S. 150B-39(c), but not to issue subpoenas for "investigations."

Line 11 – what does "full" mean? Why do you need this word?





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:		
The North Carolina Landscape Contractors' Licensing Board		
2. Rule citation & name:		
21 NCAC 28B .0804 SUBPOENAS		
3. Action: X Adoption Amendment Repeal		
4. Was this an Emergency Rule: Yes Effective date:		
5. Provide dates for the following actions as applicable:		
a. Proposed Temporary Rule submitted to OAH: October 15, 2015		
b. Proposed Temporary Rule published on the OAH website: October 21, 2015		
c. Public Hearing date: November 5, 2015		
d. Comment Period: October 22, 2015 to November 20, 2015		
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015		
f. Adoption by agency on: December 3, 2015		
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 1, 2016		
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:		
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.		
A serious and unforeseen threat to the public health, safety or welfare.		
X The effective date of a recent act of the General Assembly or of the U.S. Congress.		
Cite: SL2014-103, s.3(b).		
Effective date: August 1, 2015 A recent change in federal or state budgetary policy.		
Effective date of change:		
A recent federal regulation.		
Cite: Effective date:		
A recent court order.		
Cite order:		
State Medical Facilities Plan.		
└ Other:		
Explain:		
Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Board is adopting temporary rules necessary to regulate licensees who provide landscape contracting services governed by these laws.		
So B		

7. Why is adherence to notice and hearing requirements con	ntrary to the public interest and the immediate adoption of the	
rule is required?	304 305 E	
All landscape contractors who wish to conduct landscaping contracting work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must now be licensed by the Board and are required to maintain licensure. This recently established licensing Board does not yet have rules in place to implement these statutes. The Board has adopted temporary rules to remedy this situation and will begin the permanent rulemaking process in a timely manner.		
15		
8. Rule establishes or increases a fee? (See G.S. 12-3.1)		
☐ Yes		
Agency submitted request for consultation on:		
Consultation not required. Cite authority:		
No No		
9. Rule-making Coordinator:	10. Signature of Agency Head*:	
Calvin Kirven	10. Signature of Agency field .	
Phone:		
919-266-8070	Kelling	
E-Mail:	* If this function has been delegated (reassigned) pursuant	
info@nclclb.com	to G.S. 143B-10(a), submit a copy of the delegation with	
	this form.	
Agency contact, if any:	Typed Name:	
	Scott Makey	
Phone:	Title: Chairman	
E M-II	E-Mail: scott@oldmillstream.com	
E-Mail:	E-IVIAII, Scott@oldminstream.com	
RULES REVIEW COMMISSION USE ONLY		
	Submitted for RRC Review:	
Action taken.	Submitted for Rice Review.	
Date returned to agency:		
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Reset

1 2 21 NCAC 28B .0804 is adopted under temporary procedures as follows:

-		
3	21 NCAC 28B .0804	SUBPOENAS

- 4 (a) Pursuant to G.S. 150B-39, the Board may issue subpoen as for the appearance of witnesses or the production of
- 5 documents or information, either at the hearing or for the purposes of investigation or discovery.
- 6 (b) After a notice of hearing in a contested case has been issued and served upon a licensee or, in a case concerning
- 7 an application for licensure, the applicant, the respondent may request subpoenas for the attendance of witnesses and
- 8 <u>the production of evidence.</u>
- 9 (c) Requests by a licensee or applicant for subpoenas shall be made in writing to the Board and shall include the
- 10 <u>following:</u>
- 11 (1) the full name and home or business address of all persons to be subpoenaed; and
- 12 (2) the identification of any documents or information being sought.
- 13 Upon submission of a written request containing the information in Subparagraphs (1) and (2) of this Paragraph, the
- 14 Board shall issue the subpoenas to the requesting party within three business days of the Board's receipt of the
- 15 <u>request.</u>
- 16 (d) Subpoenas shall be served by the party requesting the subpoena as provided by the Rules of Civil Procedure,
- 17 G.S. 1A, Rule 45. The cost of service, fees, and expenses of any witnesses or documents subpoenaed is prescribed
- 18 <u>by G.S. 150B-39.</u>
- 19
- 20 History Note: Authority G.S. 89D-15(2); 89D-15(8); 150B-39; 150B-40(c);
- 21 *Temporary Adoption Eff. January 1, 2016.*
- 22

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0805

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

What is the purpose of this Rule? It merely refers to G.S. 150B-42. This Rule does not appear to meet the necessity requirement of G.S. 150B-21.9(a)(3).





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:
The North Carolina Landscape Contractors' Licensing Board
2. Rule citation & name:
21 NCAC 28B .0805 DECISION OF THE BOARD
3. Action: X Adoption Amendment Repeal
4. Was this an Emergency Rule: Yes Effective date:
5. Provide dates for the following actions as applicable:
a. Proposed Temporary Rule submitted to OAH: October 15, 2015
b. Proposed Temporary Rule published on the OAH website: October 21, 2015
c. Public Hearing date: November 5, 2015
d. Comment Period: October 22, 2015 to November 20, 2015
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15, 2015
f. Adoption by agency on: December 3, 2015
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 1, 2016
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.
 A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: SL2014-103, s.3(b). Effective date: August 1, 2015 A recent change in federal or state budgetary policy.
Effective date of change: A recent federal regulation.
Cite: Effective date:
A recent court order.
Cite order: State Medical Facilities Plan.
Other:
Explain:
Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Board is adopting temporary rules necessary to regulate licensees who provide landscape contracting services governed by these laws.
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7. Why is adherence to notice and hearing requirements contra	ary to the public interest and the immediate adoption of the	
rule is required?	8	
All landscape contractors who wish to conduct landscaping contracting work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must now be licensed by the Board and are required to maintain licensure. This recently established licensing Board does not yet have rules in place to implement these statutes. The Board has adopted temporary rules to remedy this situation and will begin the permanent rulemaking process in a timely manner.		
8. Rule establishes or increases a fee? (See G.S. 12-3.1)		
 Yes Agency submitted request for consultation on: Consultation not required. Cite authority: 		
⊠ No		
9. Rule-making Coordinator: Calvin Kirven Phone:	10. Signature of Agency Head*:	
919-266-8070 E-Mail:	* If this function has been delegated (reassigned) pursuant	
info@nclclb.com	to G.S. 143B-10(a), submit a copy of the delegation with this form.	
Agency contact, if any: Phone:	Typed Name: Scott Makey Title:	
	Chairman E-Mail: scott@oldmillstream.com	
E-Mail:	P-man. sood@odministron.com	
RULES REVIEW COMMISSION USE ONLY Action taken: Sub	omitted for RRC Review:	
Action taken: Sur	SHIRE OF ARC REVIEW.	
Date returned to agency:		
Print		
Save		

Reset

1	21 NCAC 28B	0805 is adopted under temporary procedures as follows:
2		
3	21 NCAC 28B	.0805 DECISION OF THE BOARD
4	The form, conte	ent, and service of the Board's Final Decision in a contested case shall be prescribed by G.S. 150B-
5	42(a). The Fina	I Decision shall be served upon the parties as prescribed by that statute.
6		
7	History Note:	Authority G.S. 89D-15(2); 89D-15(8); 150B-42;
8		Temporary Adoption Eff. January 1, 2016.
9		

AGENCY: Landscape Contractor's Licensing Board

RULE CITATION: 21 NCAC 28B .0806

DEADLINE FOR RECEIPT: December 11, 2015

<u>NOTE WELL</u>: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 4-5 - At best, this Paragraph (a) restates G.S. 150B-3(c); at worst, it appears to violate other law by foreclosing hearings after the suspension. Either delete the Paragraph or replace it with "The Board may summarily suspend a license pursuant to G.S. 150B-3(c)."

Line 9 – delete this entire line. The Board cannot by rule decide an issue of law that is determined by a court of competent jurisdiction.





[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

1. Rule-Making Agency:
The North Carolina Landscape Contractors' Licensing Board
2. Rule citation & name:
21 NCAC 28B .0806 SUMMARY SUSPENSION
3. Action: X Adoption Amendment Repeal
4. Was this an Emergency Rule: Yes Effective date:
5. Provide dates for the following actions as applicable:
a. Proposed Temporary Rule submitted to OAH: October 15, 2015
b. Proposed Temporary Rule published on the OAH website: October 21, 2015
c. Public Hearing date: November 5, 2015
d. Comment Period: October 22, 2015 to November 20, 2015
e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 15 2015
f. Adoption by agency on: December 3, 2015
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 1, 2016
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.
 A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: SL2014-103, s.3(b). Effective date: August 1, 2015 A recent change in federal or state budgetary policy. Effective date of change: A recent federal regulation. Cite: Effective date: A recent court order. Cite order: State Medical Facilities Plan. Other:
Explain: Because of the recent effective date of SL 2014-103, s.3(b), August 1, 2015, the N. C. Landscape Contractors Licensing Board is adopting temporary rules necessary to regulate licensees who provide landscape contracting services governed by these laws.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required? All landscape contractors who wish to conduct landscaping contracting work as defined in N.C. Gen. Stat. §89D-11 (effective August 1, 2015) must now be licensed by the Board and are required to maintain licensure. This recently established licensing Board does not yet have rules in place to	
implement these statutes. The Board has adopted temporary rules to remedy this situation and will begin the permanent rulemaking process in a timely manner.	
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Yes Agency submitted request for consultation on:	
Consultation not required. Cite authority:	
⊠ No	
9. Rule-making Coordinator: Calvin Kirven	10. Signature of Agency Head*:
Phone: 919-266-8070	RSUlan
E-Mail: info@nclclb.com	* If this function has been delegated (reassigned) pursuant
	to G.S. 143B-10(a), submit a copy of the delegation with this form.
Agency contact, if any:	Typed Name: Scott Makey
Phone:	Title: Chairman
E-Mail:	E-Mail: scott@oldmillstream.com
RULES REVIEW COMMISSION USE ONLY Action taken:	mitted for RRC Review:
Date returned to agency:	
Print	

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- 1 2
- 21 NCAC 28B .0806 is adopted under temporary procedures as follows:

3 21 NCAC 28B .0806 SUMMARY SUSPENSION

- 4 (a) If the Board finds that the public health, safety, or welfare requires emergency action, pursuant to G.S. 150B-
- 5 <u>3(c)</u>, it may summarily suspend a license without a hearing or opportunity for the licensee to be heard.
- 6 (b) Upon the issuance of an order summarily suspending a license, the Board shall schedule a hearing to occur at
- 7 the earliest practicable date. The order of summary suspension shall remain in effect until the proceedings are
- 8 <u>determined.</u>
- 9 (c) An order of summary suspension is not a final agency decision.
- 10
- 11 Authority G.S. 89D-15(2); 89D-15(4); 150B-3(c);
- 12 Temporary Adoption Eff. January 1, 2016.
- 13