

**RULES REVIEW COMMISSION MEETING
MINUTES
January 19, 2017**

The Rules Review Commission met on Thursday, January 19, 2017, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Bobby Bryan, Margaret Currin, Jeanette Doran, Garth Dunklin, Jeff Hyde, and Jeff Poley.

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

The meeting was called to order at 10:03 a.m. with Chairman Dunklin presiding.

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

APPROVAL OF MINUTES

Chairman Dunklin asked for any discussion, comments, or corrections concerning the minutes of the December 15, 2016 meeting. There were none and the minutes were approved as distributed.

FOLLOW UP MATTERS

Department of Insurance

All rewritten rules were unanimously approved with the following exceptions:

The Commission objected to 11 NCAC 05A .0105, .0501, and .0505 based upon lack of statutory authority and failure to comply with G.S. 150B-21.9(a)(1). The Commission found that the content of the rules pertains to actions within the statutory authority of the State Fire and Rescue Commission.

11 NCAC 05A .0501 was further objected to by the Commission, as it is unclear whether the rate making authority vested in the Commissioner of Insurance by G.S. 58-40-25(4) was being implemented in Rule 05A .0501 by the State Fire Marshall. The Commission further objected to this Rule based upon lack of statutory authority and failure to comply with G.S. 150B-21.9(a)(1), as it appears as though the State Fire Marshal is determining eligibility for death benefits provided by Article 12A of Chapter 143 of the General Statutes. The statutory authority for implementation of Article 12A of Chapter 143 of the General Statutes is exclusively within the jurisdiction of the Industrial Commission.

11 NCAC 05A .0505 was further objected to by the Commission, as it is unclear if the State Fire Marshal has changed the statutory requirements set forth in G.S. 58-86-25 by using different terms and requirements than those set forth in the statute, creating unclear and ambiguous content in this Rule in violation of G.S. 150B-21.9(a)(2).

The Commission objected to 11 NCAC 05A .0201, and .0301 based upon a lack of necessity. 11 NCAC 05A .0201 recites G.S. 58-80-1. 11 NCAC 05A .0301 recites G.S. 58-84-40. G.S. 150B-19(4) prohibits an agency from adopting a rule that "repeats the content of a law." Therefore, these Rules fail to comply with G.S. 150B-21.9(a)(3). 11 NCAC 05A .0301 was further objected to by the Commission, as it is unclear if the State Fire Marshal has changed the statutory requirements set forth in G.S. 58-84-40, creating unclear and ambiguous content in this Rule in violation of G.S. 150B-21.9(a)(2).

The Commission objected to 11 NCAC 05A .0508 based upon a lack of clarity, as it is unclear whether the rate making authority vested in the Commissioner of Insurance by G.S. 58-36-10(3) is being implemented in this Rule by the State Fire Marshall. In the alternative, if the State Fire Marshal is implementing the rate making authority set forth in G.S. 58-36-10(3), the Commission objected to this Rule for lack of statutory authority and failure to comply with G.S. 150B-21.9(a)(1).

The Commission objected to 11 NCAC 05A .0511 based upon a lack of clarity, as it is unclear whether the rate making authority vested in the Commissioner of Insurance by G.S. 58-40-25(2) is being implemented in this Rule by the State Fire Marshall. In the alternative, if the State Fire Marshal is implementing the rate making authority set forth in G.S. 58-40-25(2), the Commission objected to this Rule for lack of statutory authority and failure to comply with G.S. 150B-21.9(a)(1).

The Commission objected to 11 NCAC 05A .0603 based upon a lack of clarity, as it is unclear whether the rate making authority vested in the Commissioner of Insurance by G.S. 58-36-10(3) is being implemented in this Rule by the State Fire Marshall. In the alternative, if the State Fire Marshal is implementing the rate making authority set forth in G.S. 58-36-10(3), the Commission objected to this Rule for lack of statutory authority and failure to comply with G.S. 150B-21.9(a)(1). The Commission further objected to this Rule for imposing a penalty set forth in Paragraph (d) of the Rule that is not authorized by the cited statutory authority, and therefore lacks statutory authority and fails to comply with G.S. 150B-21.9(a)(1). The Commission further objected to this Rule based upon a lack of clarity, as the Rule references an application not identified by name and not providing any information on how to obtain the application, creating unclear and ambiguous content in this Rule in violation of G.S. 150B-21.9(a)(2). The Commission further objected to this Rule for referencing an application that is outside the rulemaking process and is not implementing a process prescribed by a rule or statute, and therefore fails to comply with G.S. 150B-21.9(a)(4).

The Commission objected to 11 NCAC 05A .0703 based upon a lack of clarity, as the Rule references an application not identified by name and not providing any information on how to obtain the application, creating unclear and ambiguous content in this Rule in violation of G.S. 150B-21.9(a)(2). The Commission further objected to this Rule for referencing an application that is outside the rulemaking process and is not implementing a process prescribed by a rule or statute, and therefore fails to comply with G.S. 150B-21.9(a)(4). The Commission further objected to this Rule for imposing a penalty set forth in Paragraph (d) of the Rule that is not authorized by the cited statutory authority, and therefore lacks statutory authority and fails to comply with G.S. 150B-21.9(a)(1).

The Commission objected to 11 NCAC 05A .0704 based upon a lack of necessity and that the language in the Rule is unclear and ambiguous. This Rule duplicates, by the use of a contradictory statement, one of the requirements set forth in Rule 11 NCAC 05A .0703. G.S. 58-87-5(a)(2) states when an applicant must match funds and 11 NCAC 05A .0703(f)(3) indicates what an applicant that must match funds shall file with the State Fire Marshal. This Rule is unclear and ambiguous in light of the requirements set forth in 11 NCAC 05A .0703(f)(3), and restates requirements set forth in 11 NCAC 05A .0703(f)(3), creating unclear and ambiguous content in this Rule in violation of G.S. 150B-21.9(a)(2). G.S. 150B-19(4) prohibits an agency from adopting a rule that “repeats the content of a...rule.” Therefore, this Rule fails to comply with G.S. 150B-21.9(a)(3).

Loretta Peace-Bunch, with the agency, addressed the Commission.

Manufactured Housing Board

11 NCAC 08 .0904 – The agency is addressing the objection from the November meeting. No action was required by the Commission.

Commissioner Poley was not present.

LOG OF FILINGS (PERMANENT RULES)

Industrial Commission

04 NCAC 10A .0108 was unanimously approved.

Commissioner Poley was not present during the vote or discussion concerning the Rule.

HHS - Division of Mental Health, Developmental Disabilities and Substance Abuse Services
All rules were unanimously approved.

Commissioner Poley was not present during the vote or discussion concerning these Rules.

Commission for Mental Health, Developmental Disabilities and Substance Abuse Services

The Commission extended the period of review for these Rules in accordance with G.S. 150B-21.10. They did so in response to a request from the rulemaking coordinator to extend the period in order to allow the agency an opportunity to review and approve the technical changes, as well as address potential objections regarding the proposed rules.

Commissioner Poley was not present during the vote or discussion concerning these Rules.

Social Services Commission

The Commission extended the period of review for these Rules in accordance with G.S. 150B-21.10. They did so in order to allow the Social Services Commission to complete requested technical changes and submit the rewritten rules at a later meeting.

Commissioner Poley was not present during the vote or discussion concerning these Rules.

Coastal Resources Commission

15A NCAC 07H .0306 was unanimously approved.

Commissioner Poley was not present during the vote or discussion concerning the Rule.

Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors

All rules were unanimously approved.

Commissioner Poley was not present during the vote or discussion concerning these Rules.

State Human Resources Commission

The Commission extended the period of review for these Rules in accordance with G.S. 150B-21.10. They did so in response to a request from the rulemaking coordinator to extend the period in order to allow the agency additional time to make technical changes.

Prior to the review of the rules from the State Human Resources Commission, Commissioner Doran recused herself and did not participate in any discussion or vote concerning the rules because she is a state employee.

Commissioner Poley was not present during the vote or discussion concerning these Rules.

EXISTING RULES REVIEW

Board of Agriculture

02 NCAC 48C - The Commission unanimously approved the report as submitted by the agency.

02 NCAC 48D - The Commission unanimously approved the report as submitted by the agency.

Commissioner Poley was not present during the vote or discussion concerning the reports.

Plant Conservation Board

02 NCAC 48F – The Commission unanimously approved the report as submitted by the agency.

Commissioner Poley was not present during the vote or discussion concerning the report.

Board of Agriculture

02 NCAC 52B - The Commission unanimously approved the report as submitted by the agency.
02 NCAC 52C - The Commission unanimously approved the report as submitted by the agency.
02 NCAC 52D - The Commission unanimously approved the report as submitted by the agency.
02 NCAC 52E - The Commission unanimously approved the report as submitted by the agency.
02 NCAC 52F – The Commission unanimously approved the report as submitted by the agency.
02 NCAC 52G – The Commission unanimously approved the report as submitted by the agency.
02 NCAC 52H – The Commission unanimously approved the report as submitted by the agency.
02 NCAC 52I – The Commission unanimously approved the report as submitted by the agency.

Commissioner Poley was not present during the vote or discussion concerning the reports.

Soil and Water Conservation Commission

02 NCAC 59D – The Commission unanimously approved the report as submitted by the agency.
02 NCAC 59H – The Commission unanimously approved the report as submitted by the agency.

Commissioner Poley was not present during the vote or discussion concerning the reports.

Commissioner Currin was not present during the vote or discussion concerning the reports.

Commission for Mental Health

10A NCAC 27E - The Commission unanimously approved the report as submitted by the agency.
10A NCAC 27F – The Commission unanimously approved the report as submitted by the agency.
10A NCAC 27H - The Commission unanimously approved the report as submitted by the agency.

Commissioner Currin was not present during the vote or discussion concerning the reports.

Soil and Water Conservation Commission

02 NCAC 59 - As reflected in the attached letter, the Commission voted to extend the readoption of these Rules from March 31, 2017 to no later than August 31, 2017 pursuant to G.S. 150B-21.3A(c)(2)g.

Board of Agriculture

02 NCAC 60 - As reflected in the attached letter, the Commission voted to extend the readoption of these Rules from March 31, 2017 to no later than December 31, 2017 pursuant to G.S. 150B-21.3A(c)(2)g.

2017 STATE MEDICAL FACILITIES PLAN

The Commission found that the Department of Health and Human Services and the State Health Coordinating Council complied with G.S. 131E-176(25) in the adoption of the 2017 Plan.

COMMISSION BUSINESS

The Commissioners discussed the complaint filed in the North Carolina Ambulatory Surgical Center Association v. North Carolina Industrial Commission.

The Commission's Bylaws require that elections be held at the January meeting.

Prior to the election and pursuant to its bylaws, the Commission voted to allow the Chairman and 1st Vice-Chairman to be eligible for reelection for a third term.

The following members were elected as officers:

Garth Dunklin was re-elected Chairman.

Jeff Hyde was re-elected 1st Vice-Chairman.

Stephanie Simpson was re-elected 2nd Vice Chair.

The meeting adjourned at 11:23 a.m.

The next regularly scheduled meeting of the Commission is Thursday, February 16th at 10:00 a.m.

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

Respectfully Submitted,

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:

Garth Dunklin, Chair

DRAFT

January 19, 2017

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
Loretta Bunch	NC DOI
Tina Hlabse	NCDA&CS
Jennifer Everett	DEQ
Lendall Bourdon	NC Industrial Commission
Pam Bennett	NC D+HSR
Charlotte R Stewart	NCHFA
Sheena Cobrand	NC Dept Commerce - DES
Brian Ralston	NCIC
Denise Baker	NC DMH 100/104
Maryanne	OSHR
Dale Dawson	SBEPHFSC
Eric Hall	"
Sharon Pittman	"
DIXIE	DSS



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January 26, 2017

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

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **02 NCAC 59**

Dear Ms. Waggett:

At its meeting on January 19, 2017, the Rules Review Commission considered the Soil and Water Conservation Commission's request to extend the schedule for the readoption of the above-referenced rules. As reflected in the attached letter dated November 19, 2015, the rules set forth in 02 NCAC 59C, 02 NCAC 59E, and 02 NCAC 59G were scheduled to be readopted by the agency no later than March 31, 2017.

Pursuant to G.S. 150B-21.3A(d)(2) and the agency's request to extend the readoption date, these rules shall be readopted by the agency no later than August 31, 2017.

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

Sincerely,

A handwritten signature in blue ink that reads "Abigail M. Hammond".

Abigail M. Hammond
Commission Counsel

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

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

Judges and
Assistants
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Rules Review
Commission
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November 19, 2015

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

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 02 NCAC 37, 59, 60

Dear Mrs. Waggett:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the November 19, 2015 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than March 31, 2017.

Please note that the rules set forth in 02 NCAC 59D and 02 NCAC 59H are not subject to this readoption date. 02 NCAC 59D and 02 NCAC 59H are scheduled for a separate periodic review date of January 2017.

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

Sincerely,

A handwritten signature in blue ink that reads "Abigail M. Hammond".

Abigail M. Hammond
Commission Counsel

cc: Tina Hlabse

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**RRC DETERMINATION
PERIODIC RULE REVIEW
July 01, 2015 through June 30, 2016
Agriculture, Board of
Total: 58**

RRC Determination: Necessary with substantive public interest

Rule	Determination	APO Review Date
02 NCAC 37 .0201	Necessary with substantive public interest	September 19, 2015
02 NCAC 37 .0203	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0101	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0201	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0202	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0205	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0302	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0401	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0402	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0603	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0604	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0605	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0701	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0702	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0804	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0805	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0901	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1003	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1004	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1005	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1006	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1007	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1008	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1009	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1010	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1011	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1012	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1013	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1014	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1015	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1016	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1017	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1018	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1019	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1020	Necessary with substantive public interest	September 19, 2015

<http://rais/reports/RRC/periodicRuleReview.pl?Type=RRCDetermination&Determination=Necessary%20with%20substantive%20public%20interest&bc...> 1/2

11/5/2015

RRC Determination - Periodic Rule Review

02 NCAC 60B .1021	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1022	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1023	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1024	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1025	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1026	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1027	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1028	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1029	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1030	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1031	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1032	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0101	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0102	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0201	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0202	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0203	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0204	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0205	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0206	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0207	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0208	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0209	Necessary with substantive public interest	September 19, 2015

11/5/2015

RRC Determination - Periodic Rule Review

02 NCAC 60B .1021	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1022	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1023	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1024	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1025	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1026	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1027	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1028	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1029	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1030	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1031	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1032	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0101	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0102	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0201	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0202	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0203	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0204	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0205	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0206	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0207	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0208	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0209	Necessary with substantive public interest	September 19, 2015

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**RRC DETERMINATION
PERIODIC RULE REVIEW
July 01, 2015 through June 30, 2016
Soil and Water Conservation Commission
Total: 12**

RRC Determination: Necessary with substantive public interest

Rule	Determination	APO Review Date
02 NCAC 59C .0303	Necessary with substantive public interest	September 19, 2015
02 NCAC 59E .0101	Necessary with substantive public interest	September 19, 2015
02 NCAC 59E .0102	Necessary with substantive public interest	September 19, 2015
02 NCAC 59E .0103	Necessary with substantive public interest	September 19, 2015
02 NCAC 59E .0104	Necessary with substantive public interest	September 19, 2015
02 NCAC 59E .0105	Necessary with substantive public interest	September 19, 2015
02 NCAC 59F .0106	Necessary with substantive public interest	September 19, 2015
02 NCAC 59G .0101	Necessary with substantive public interest	September 19, 2015
02 NCAC 59G .0102	Necessary with substantive public interest	September 19, 2015
02 NCAC 59G .0103	Necessary with substantive public interest	September 19, 2015
02 NCAC 59G .0104	Necessary with substantive public interest	September 19, 2015
02 NCAC 59G .0105	Necessary with substantive public interest	September 19, 2015



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January 26, 2017

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

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **02 NCAC 60**

Dear Ms. Waggett:

At its meeting on January 19, 2017, the Rules Review Commission considered the Board of Agriculture's request to extend the schedule for the readoption of the above-referenced rules. As reflected in the attached letter dated November 19, 2015, the rules set forth in 02 NCAC 60 were scheduled to be readopted by the agency no later than March 31, 2017.

Pursuant to G.S. 150B-21.3A(d)(2) and the agency's request to extend the readoption date, these rules shall be readopted by the agency no later than December 31, 2017.

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

Sincerely,

A handwritten signature in blue ink that reads "Abigail M. Hammond".

Abigail M. Hammond
Commission Counsel

Administration 919/431-3000 fax: 919/431-3100	Rules Division 919/431-3000 fax: 919/431-3104	Judges and Assistants 919/431-3000 fax: 919/431-3100	Clerk's Office 919/431-3000 fax: 919/431-3100	Rules Review Commission 919/431-3000 fax: 919/431-3104	Civil Rights Division 919/431-3036 fax: 919/431-3103
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November 19, 2015

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

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 02 NCAC 37, 59, 60

Dear Mrs. Waggett:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the November 19, 2015 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than March 31, 2017.

Please note that the rules set forth in 02 NCAC 59D and 02 NCAC 59H are not subject to this readoption date. 02 NCAC 59D and 02 NCAC 59H are scheduled for a separate periodic review date of January 2017.

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

Sincerely,

A handwritten signature in blue ink that reads "Abigail M. Hammond".

Abigail M. Hammond
Commission Counsel

cc: Tina Hlabse

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**RRC DETERMINATION
PERIODIC RULE REVIEW
July 01, 2015 through June 30, 2016
Agriculture, Board of
Total: 58**

RRC Determination: Necessary with substantive public interest

Rule	Determination	APO Review Date
02 NCAC 37 .0201	Necessary with substantive public interest	September 19, 2015
02 NCAC 37 .0203	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0101	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0201	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0202	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0205	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0302	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0401	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0402	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0603	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0604	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0605	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0701	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0702	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0804	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0805	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .0901	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1003	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1004	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1005	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1006	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1007	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1008	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1009	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1010	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1011	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1012	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1013	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1014	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1015	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1016	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1017	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1018	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1019	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1020	Necessary with substantive public interest	September 19, 2015

<http://rais/reports/RRC/periodicRuleReview.pl?Type=RRCDetermination&Determination=Necessary%20with%20substantive%20public%20interest&bCo...> 1/2

11/5/2015

RRC Determination - Periodic Rule Review

02 NCAC 60B .1021	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1022	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1023	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1024	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1025	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1026	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1027	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1028	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1029	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1030	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1031	Necessary with substantive public interest	September 19, 2015
02 NCAC 60B .1032	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0101	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0102	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0201	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0202	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0203	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0204	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0205	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0206	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0207	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0208	Necessary with substantive public interest	September 19, 2015
02 NCAC 60C .0209	Necessary with substantive public interest	September 19, 2015

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**RRC DETERMINATION
PERIODIC RULE REVIEW
July 01, 2015 through June 30, 2016
Soil and Water Conservation Commission
Total: 12**

RRC Determination: Necessary with substantive public interest

Rule	Determination	APO Review Date
02 NCAC 59C .0303	Necessary with substantive public interest	September 19, 2015
02 NCAC 59E .0101	Necessary with substantive public interest	September 19, 2015
02 NCAC 59E .0102	Necessary with substantive public interest	September 19, 2015
02 NCAC 59E .0103	Necessary with substantive public interest	September 19, 2015
02 NCAC 59E .0104	Necessary with substantive public interest	September 19, 2015
02 NCAC 59E .0105	Necessary with substantive public interest	September 19, 2015
02 NCAC 59F .0106	Necessary with substantive public interest	September 19, 2015
02 NCAC 59G .0101	Necessary with substantive public interest	September 19, 2015
02 NCAC 59G .0102	Necessary with substantive public interest	September 19, 2015
02 NCAC 59G .0103	Necessary with substantive public interest	September 19, 2015
02 NCAC 59G .0104	Necessary with substantive public interest	September 19, 2015
02 NCAC 59G .0105	Necessary with substantive public interest	September 19, 2015