

G.S. 150B-21.3A Report for CHAPTER 34, BOARD OF FUNERAL SERVICE									
Agency - Licensing Boards and Commissions									
Comment Period - 2/8/2017 - 4/21/2017									
Date Submitted to APO - Filled in by RRC staff									
Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
SUBCHAPTER 34A - BOARD FUNCTIONS	SECTION .0100 - GENERAL PROVISIONS	21 NCAC 34A .0101	AGENCY NAME AND ADDRESS	Amended Eff. July 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34A .0103	PETITION FOR NOMINATION	Amended Eff. January 1, 2009	Unnecessary	No		No	Unnecessary
		21 NCAC 34A .0104	VOTING RECORDS	Amended Eff. January 1, 2009	Unnecessary	No		No	Unnecessary
		21 NCAC 34A .0106	REQUESTS FOR REASONS FOR ADOPTION OF RULE	Amended Eff. August 1, 1988	Unnecessary	No		No	Unnecessary
		21 NCAC 34A .0107	REQUESTS FOR PROMULGATION: AMENDMENT OR REPEAL	Amended Eff. July 1, 2004	Unnecessary	No		No	Unnecessary
		21 NCAC 34A .0108	REQUESTS FOR DECLARATORY RULING	Amended Eff. January 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34A .0109	ADMINISTRATIVE HEARING PROCEDURES	Amended Eff. July 1, 2004	Unnecessary	No		No	Unnecessary
		21 NCAC 34A .0117	FORM OF SUBPOENA	Amended Eff. August 1, 2004	Unnecessary	No		No	Unnecessary
		21 NCAC 34A .0118	FORM OF SUBPOENA TO PRODUCE DOCUMENT OR OBJECT	Amended Eff. August 1, 2004	Unnecessary	No		No	Unnecessary
		21 NCAC 34A .0121	NOTICE MAILING LIST	Readopted Eff. September 27, 1977	Unnecessary	No		No	Unnecessary
		21 NCAC 34A .0122	CHARACTER AFFIDAVIT FORM	Amended Eff. August 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34A .0123	CONSUMER COMPLAINT FORM	Amended Eff. August 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34A .0124	SOLICITATION	Amended Eff. February 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34A .0125	FINGERPRINTS	Eff. August 2, 1993	Unnecessary	No		No	Unnecessary
		21 NCAC 34A .0126	COMPLAINTS; PRELIMINARY DETERMINATIONS	Amended Eff. February 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34A .0127	FILING OF DOCUMENTS	Eff. January 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0200 - FEES AND OTHER PAYMENTS	21 NCAC 34A .0201	FEES AND OTHER PAYMENTS	Amended Eff. August 20, 2014	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 34A .0202	WORTHLESS CHECKS	Recodified from 21 NCAC 34 .0125 Eff. February 7, 1991	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34A .0203	REPORT TO GENERAL ASSEMBLY	Eff. September 1, 2010	Unnecessary	No		No	Unnecessary
		21 NCAC 34B .0102	TRAINEESHIP	Amended Eff. December 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
SUBCHAPTER 34B - FUNERAL SERVICE		21 NCAC 34B .0103	AUTHORIZED PRACTICE: SUPERVISION	Amended Eff. January 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0104	CHANGE IN EMPLOYMENT	Amended Eff. December 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0105	FUNERAL DIRECTOR TRAINEE APPLICATION FORM	Amended Eff. November 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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		21 NCAC 34B .0106	EMBALMER TRAINEE APPLICATION FORM	Amended Eff. November 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0107	FUNERAL SERVICE TRAINEE APPLICATION FORM	Eff. November 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0109	EFFECTIVE DATE OF CERTIFICATE	Readopted Eff. September 27, 1977	Unnecessary	No		No	Unnecessary
		21 NCAC 34B .0110	REPORTS ON WORK	Amended Eff. November 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0120	TRAINEE FINAL AFFIDAVIT FORM	Amended Eff. January 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0121	EXPIRATION NOTICE	Amended Eff. November 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0126	FUNERAL DIRECTING AND FUNERAL SERVICE TRAINING	Eff. June 1, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0200 - EXAMINATIONS	21 NCAC 34B .0202	APPLICATIONS	Amended Eff. January 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0203	APPLICATION FORM FOR FUNERAL DIRECTOR'S LICENSE	Amended Eff. November 1, 2004	Unnecessary	No		No	Unnecessary
		21 NCAC 34B .0204	APPLICATION FORM FOR EMBALMER'S LICENSE	Amended Eff. November 1, 2004	Unnecessary	No		No	Unnecessary
		21 NCAC 34B .0205	APPLICATION FORM FOR FUNERAL SERVICE LICENSE	Amended Eff. November 1, 2004	Unnecessary	No		No	Unnecessary
		21 NCAC 34B .0208	PASSING SCORE	Amended Eff. November 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0210	REQUEST FOR REVIEW OF EXAMINATION	Amended Eff. November 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0211	NATIONAL BOARD CERTIFICATE	Amended Eff. February 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0212	DISABILITIES OF APPLICANTS FOR EXAMINATIONS	Eff. November 1, 1994	Unnecessary	Yes If yes, include the citation to the federal law	42 U.S.C. 12101 et seq.	No	Unnecessary
		21 NCAC 34B .0213	EXPIRATION OF TEST SCORES	Eff. February 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0300 - LICENSING	21 NCAC 34B .0301	ISSUANCE OF LICENSE: EXPIRATION	Readopted Eff. September 27, 1977	Unnecessary	No		No	Unnecessary
		21 NCAC 34B .0302	LICENSE CERTIFICATE FOR PRACTICE OF FUNERAL DIRECTING	Amended Eff. November 1, 2004	Unnecessary	No		No	Unnecessary
		21 NCAC 34B .0303	LICENSE CERTIFICATE FOR PRACTICE OF EMBALMING	Amended Eff. November 1, 2004	Unnecessary	No		No	Unnecessary
		21 NCAC 34B .0304	LICENSE CERTIFICATE FOR PRACTICE OF FUNERAL SERVICE	Amended Eff. November 1, 2004	Unnecessary	No		No	Unnecessary
		21 NCAC 34B .0305	CHANGE OF LICENSE REQUEST	Amended Eff. November 1, 2004	Unnecessary	No		No	Unnecessary
		21 NCAC 34B .0308	RENEWALS: NOTICES	Amended Eff. November 1, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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		21 NCAC 34B .0309	LICENSE RENEWAL FORM	Amended Eff. November 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0310	PRACTICE OF FUNERAL SERVICE OR FUNERAL DIRECTING NOT AS AN OWNER, EMPLOYEE OR AGENT OF A LICENSED FUNERAL ESTABLISHMENT	Eff. February 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 34B .0311	SPECIAL PROCEDURES FOR LICENSING OF ACTIVE MILITARY PERSONNEL	Eff. October 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0312	MEMBERS REQUIRED BEFORE LICENSING	Eff. February 1, 1976	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0400 – CONTINUING EDUCATION	21 NCAC 34B .0401	ESTABLISHMENT AND APPROVAL OF COURSES	Amended Eff. November 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0404	CONTINUING EDUCATION CARD	Amended Eff. November 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0405	APPLICATION FORM FOR APPROVAL OF COURSE	Amended Eff. November 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0406	APPLICATION FORM FOR APPROVAL OF SPONSOR	Eff. July 1, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0407	DEFINITIONS	Amended Eff. March 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0408	CONTINUING EDUCATION PROGRAM	Amended Eff. January 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0409	COURSE ACCREDITATION STANDARDS	Amended Eff. March 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0410	ACCREDITATION OF SPONSORS AND PROGRAMS	Eff. July 1, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0411	GENERAL COURSE APPROVAL	Amended Eff. March 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0412	ACCREDITED SPONSORS	Eff. July 1, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0413	ACCREDITATION OF PRERECORDED PROGRAMS AND LIVE PROGRAMS BROADCAST TO REMOTE LOCATIONS BY TELEPHONE, SATELLITE, OR VIDEO CONFERENCING EQUIPMENT	Amended Eff. September 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0414	ACCREDITATION OF COMPUTER-BASED CE	Amended Eff. January 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0415	COMPUTATION OF CREDIT	Eff. December 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0500 - OUT-OF-STATE LICENSEES	21 NCAC 34B .0501	APPLICATION FOR LICENSE	Amended Eff. September 1, 1979	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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		21 NCAC 34B .0502	APPLICATION FORM FOR LICENSE BY OUT-OF STATE LICENSEES	Amended Eff. November 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0507	COURTESY CARDS	Amended Eff. September 1, 1979	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0508	APPLICATION FORM FOR COURTESY CARD	Amended Eff. November 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0510	COURTESY CARD RENEWAL FORM	Amended Eff. November 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0600 - FUNERAL ESTABLISHMENTS	21 NCAC 34B .0605	PERMITS: TRANSFER OF OWNERSHIP OF ESTABLISHMENT	Amended Eff. September 1, 1979	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0608	APPLICATION FORM FOR FUNERAL ESTABLISHMENT PERMIT	Amended Eff. December 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0610	FUNERAL ESTABLISHMENT PERMIT RENEWAL FORM	Amended Eff. December 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0611	PART-TIME EMPLOYEES AND INDEPENDENT CONTRACTORS	Amended Eff. August 1, 1988	Unnecessary	No		No	Unnecessary
		21 NCAC 34B .0612	PART-TIME AND INDEPENDENT CONTRACTORS AFFIDAVIT	Amended Eff. November 1, 2004	Unnecessary	No		No	Unnecessary
		21 NCAC 34B .0613	DISCLOSURE STATEMENTS	Amended Eff. September 1, 1979	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0615	FUNERAL ESTABLISHMENT INSPECTION FORM	Amended Eff. January 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0616	BODY IDENTIFICATION TAGS	Eff. September 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0700 - PREPARATION OF DEAD BODIES	21 NCAC 34B .0702	STORAGE IN PREPARATION ROOM	Amended Eff. September 1, 1979	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0703	DISPOSAL OF REFUSE: VENTILATION	Amended Eff. July 1, 1991	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0704	SANITATION IN PREPARATION OF BODIES	Amended Eff. September 1, 1979	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34B .0706	REGISTRATION OF EMBALMING FACILITY LOCATED OUTSIDE OF A FUNERAL ESTABLISHMENT	Eff. September 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
SUBCHAPTER 34C - CREMATORIES	SECTION .0100 – GENERAL PROVISIONS	21 NCAC 34C .0101	ELECTION TO CREMATORY AUTHORITY	Amended Eff. April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34C .0102	FORM OF DOCUMENTS	Amended Eff. July 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34C .0103	APPLICATION FORM FOR CREMATORY LICENSE	Amended Eff. August 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34C .0104	CREMATORY LICENSE CERTIFICATE	Amended Eff. August 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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		21 NCAC 34C .0105	CREMATORY INSPECTION FORM	Amended Eff. August 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0200 - EQUIPMENT AND PROCESSING	21 NCAC 34C .0201	HOLDING FACILITY; CREMATION UNIT; PROCFSOR	Recodified from Rule .0202 Eff. July 7, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34C .0202	REFRIGERATION	Amended Eff. July 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34C .0205	LABELS	Amended Eff. July 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34C .0206	CLEANLINESS	Eff. July 1, 1991	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0300 - AUTHORIZATIONS, REPORTS, RECORDS	21 NCAC 34C .0302	WAIVER FORM	Amended Eff. August 1, 2004	Unnecessary	No		No	Unnecessary
		21 NCAC 34C .0303	RECORDS OF CREMATION AND DELIVERY	Amended Eff. September 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34C .0305	MONTHLY REPORTS	Amended Eff. February 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 34C .0306	RETENTION OF RECORDS	Amended Eff. January 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
SUBCHAPTER 34D - PRENEED FUNERAL CONTRACTS	SECTION .0100 - GENERAL PROVISIONS	21 NCAC 34D .0101	APPROVAL OF CONTRACT FORMS	Amended Eff. January 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34D .0102	REFUND OF CONTRACT FEES	Eff. May 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34D .0103	INSURANCE-FUNDED CONTRACTS	Eff. May 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34D .0105	CONTRACT COPIES TO BE FILED	Eff. August 2, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 34D .0106	TRANSFER OF TRUST PRENEED CONTRACTS TO ANOTHER JURISDICTION	Eff. January 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0200 – LICENSING	21 NCAC 34D .0201	PRENEED FUNERAL ESTABLISHMENT LICENSE	Amended Eff. February 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34D .0202	PRENEED SALES LICENSE	Amended Eff. January 1, 1996	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34D .0203	SURETY BONDS	Eff. October 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0300 - OPERATIONS	21 NCAC 34D .0301	RECORD AND BOOKKEEPING REQUIREMENTS	Amended Eff. November 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34D .0302	ANNUAL REPORT	Amended Eff. September 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34D .0303	CERTIFICATE OF PERFORMANCE	Amended Eff. February 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 34D .0304	TRANSFER OF TRUST FUNDS	Eff. May 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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	SECTION .0400 - PRENEED RECOVERY FUND	21 NCAC 34D .0401	DEFINITIONS	Eff. May 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34D .0402	APPLICATION FOR REIMBURSEMENT	Amended Eff. November 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34D .0403	PROCESSING APPLICATIONS	Amended Eff. November 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 34D .0404	SUBROGATION	Eff. May 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest

From: Bob Burns
To: [Christina Cress](#)
Subject: Comments
Date: Wednesday, February 08, 2017 3:48:48 PM

all looks concise.

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Bob Burns NCFS 1935

Funeral Director/Embalmer

Pollock~Best Funerals & Cremations - 2015 Neuse Blvd - New Bern, NC 28560

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From: [Christina Cress](#)
To: ["Paul Harris"](#)
Cc: [Catherine Lee](#)
Subject: RE: RRC report
Date: Wednesday, May 03, 2017 11:49:00 AM
Attachments: [21 NCAC 34 - NC Board of Funeral Service.pdf](#)

Mr. Harris,

Good morning, and thank you for your e-mail. Admittedly, I am a bit confused by your question, but I hope you will find the below information helpful and responsive.

The Board was previously scheduled to have its G.S. 150B-21.3A report reviewed by the Rules Review Commission in June 2018, pursuant to the original schedule codified at 26 NCAC 05 .0211. However, the Board voted at its February 8, 2017 meeting to request from the RRC a waiver of 26 NCAC 05 .0211 in favor of having the Board's G.S. 150B-21.3A report reviewed by the RRC at an earlier time. The Board's request for a waiver was unanimously approved by the RRC at its February 16, 2017 Board meeting. Accordingly, the RRC rescheduled the date of review for the Board's G.S. 150B-21.3A report to the Rules Review Commission meeting scheduled for June 15, 2017.

Also at its February meeting, the Board voted to approve initial classifications of its rules – attached please find a copy of the Board's initial report for your convenience. Following the Board's vote on February 8, 2017, Board staff posted a link to the report on the NCBFS website and disseminated the report to the Board's e-mail distribution list. The report was also posted on the RRC's website. The Board held a public comment period on the its initial rule classifications from February 8, 2017 through April 21, 2017. Now that the public comment period has expired, the next step in the periodic review process is for the Board to vote on final rule classifications at its meeting next Wednesday, May 10. Board staff will then submit the Board's final report to the Rules Review Commission for review at the RRC's June 15, 2017 meeting.

Please feel free to give me a call on my direct dial (919-715-0905) should you wish to discuss further.

Thank you.

Christina D. Cress
General Counsel
NC Board of Funeral Service
1033 Wade Ave., Suite 108
Raleigh, NC 27605
919-733-9380 (phone)
919-733-8271 (fax)

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change. If you disagree with Board Staff's opinion, you may have the right to request a declaratory ruling from, or hearing before, the Board pursuant to Chapter 150B of the N.C. General Statutes.

From: Paul Harris [mailto:paul@regulatorysupportservices.com]

Sent: Wednesday, May 03, 2017 11:11 AM

To: Christina Cress

Subject: RRC report

Good Morning Ms. Cress:

It appears the RRC delayed expedited review of the Board's G.S. 150B-21.3A report. Is that an unusual occurrence and if so did RRC provide a reason for the delay?

Has the Board decided to begin repeal of rules deemed unnecessary? Is Board action contingent on the RRC's review or can the Board begin the process of repeal?

Best Regards,

Paul Harris, President

Regulatory Support Services, Inc.

PO Box 3130

Durham, NC 27715

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