Commission Review Log of Permanent Rule Filings November 22, 2019 through December 20, 2019

ADMINISTRATION, DEPARTMENT OF

The rules in Subchapter 35A concern the state employees combined campaign including process and organization (.0100); application process and schedule (.0200); and general provisions (.0300).

<u>Definitions</u> Repeal	01	NCAC 35A .0101
Purpose Readopt/Repeal	01	NCAC 35A .0102
Organization of the Campaign Readopt/Repeal	01	NCAC 35A .0103
Applications Readopt/Repeal	01	NCAC 35A .0201
Content of Applications Readopt/Repeal	01	NCAC 35A .0202
Review and Schedule Readopt/Repeal	01	NCAC 35A .0203
Response Readopt/Repeal	01	NCAC 35A .0204
Agreements Readopt/Repeal	01	NCAC 35A .0205
Other Solicitation Prohibited Readopt/Repeal	01	NCAC 35A .0301
Coercive Activities Prohibited Readopt/Repeal	01	NCAC 35A .0302
Methods of Giving and Terms of Contribution Readopt/Repeal	01	NCAC 35A .0304
<u>Campaign Literature</u> Repeal	01	NCAC 35A .0305
<u>Designation Campaign</u> Readopt/Repeal	01	NCAC 35A .0306
<u>Distribution of Undesignated Funds</u> Readopt/Repeal	01	NCAC 35A .0307
<u>Campaign Operation</u> Repeal	01	NCAC 35A .0309
The rules in Subchapter 35B concern the state employees combined campaig (.0100); application process and schedule (.0200); and general provisions (.03		luding organization
<u>Definitions</u> Adopt	01	NCAC 35B .0101
Purpose and Organization Adopt	01	NCAC 35B .0102
Statewide Campaign Chair Adopt	01	NCAC 35B .0103
SECC Advisory Committee	01	NCAC 35B .0104

Adopt				
Statewide Campaign Organization Adopt	01	NCAC 3	85B	.0105
Campaign Solicitation Organization Adopt	01	NCAC 3	85B	.0106
Contract Adopt	01	NCAC 3	85B	.0107
Campaign Literature Adopt	01	NCAC 3	85B	.0108
Applications Adopt	01	NCAC 3	85B	.0201
Content of Applications Adopt	01	NCAC 3	85B	.0202
Criteria for Applicants Adopt	01	NCAC 3	85B	.0203
Application Review Process Adopt	01	NCAC 3	85B	.0204
Operating Requirements Adopt	01	NCAC 3	85B	.0301
Authorized Solicitation Methods Adopt	01	NCAC 3	85B	.0302
Revocation of Eligibility Adopt	01	NCAC 3	85B	.0303
Terms of Contributions/Designated Campaign Adopt	01	NCAC 3	85B	.0304
Distribution of Undesignated Funds Adopt	01	NCAC 3	85B	.0305

NATURAL AND CULTURAL RESOURCES, DEPARTMENT OF

The rules in Chapter 13 concern parks and recreation areas.

The rules in Subchapter 13F concern the natural and scenic rivers program including criteria for classification and designation (.0200); and criteria for management (.0300).

Criteria for Designation	07	NCAC 13F	.0202
Readopt without Changes			
Management of Natural River Areas Readopt without Changes	07	NCAC 13F	.0303
Management of Scenic River Areas Readopt without Changes	07	NCAC 13F	.0304

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

The rules in Chapter 9 are from the Criminal Justice Education and Training Standards Commission. This Commission has primary responsibility for setting statewide education, training, employment, and retention standards for criminal justice personnel (not including sheriffs).

The rules in Subchapter 9B cover minimum standards for: employment (.0100); schools and training programs (.0200); criminal justice instructors (.0300); completion of training (.0400); school directors (.0500); and certification of post-secondary criminal justice education programs (.0600).

General Instructor Certification12NCAC 09B .0302AmendCertification of Diversion Investigator and Supervisors12NCAC 09B .0314Adopt

The rules in Chapter 9 are from the Criminal Justice Education and Training Standards Commission. The rules in Subchapter 9E relate to the law enforcement officers' in-service training program.

<u>Minimum Training Specifications: Annual In-Service Training</u>
12 NCAC 09E .0105
Amend

ALCOHOLIC BEVERAGE CONTROL COMMISSION

The rules in Chapter 15 are from the Alcoholic Beverage Control Commission.

The rules in Subchapter 15B concern retail beer, wine, mixed beverages, brownbagging, advertising, and special permits. The rules include definitions and permit application procedures (.0100); general rules affecting retailers and brownbagging permittees (.0200); malt beverages and the wine retailer/wholesaler relationship (.0300); additional requirements for brownbagging permittees (.0400); additional requirements for mixed beverages permittees (.0500); special requirements for convention centers, community theatres, sports clubs, and nonprofit and political organizations (.0600); special occasions permits (.0700); culinary permits (.0800); wine and beer tastings (.0900); advertising (.1000); and effect of administrative action, fines, and offers in compromise (.1100).

General Prohibitions 14B NCAC 15B .1004 Amend

15A NCAC 04A .0101

SEDIMENTATION CONTROL COMMISSION

Offices of the Sedimentation Control Commission

Amend

The rules in Subchapter 4A concern the organization of the sedimentation control commission.

Definitions Readopt with Changes	15A	NCAC	04A	.0105
The rules in Subchapter 4B concern erosion and sediment control.				
Protection of Property Readopt with Changes	15A	NCAC	04B	.0105
Basic Erosion and Sedimentation Control Plan Objectives Readopt with Changes	15A	NCAC	04B	.0106
Mandatory Standards for Land-Disturbing Activity Readopt with Changes	15A	NCAC	04B	.0107
<u>Design and Performance Standard</u> Readopt with Changes	15A	NCAC	04B	.0108
Storm Water Outlet Protection Readopt with Changes	15A	NCAC	04B	.0109
Borrow and Waste Areas	15A	NCAC	04B	.0110

Readopt with Changes	
Access and Haul Roads Readopt without Changes	15A NCAC 04B .011
Operations in Lakes or Natural Watercourses	15A NCAC 04B .011
Readopt with Changes	10/ NO/ 040 .011
Responsibility for Maintenance Readopt without Changes	15A NCAC 04B .011
<u>Additional Measures</u> Readopt with Changes	15A NCAC 04B .011
<u>Approval of Plans</u> Readopt with Changes	15A NCAC 04B .011
Inspections and Investigations Readopt with Changes	15A NCAC 04B .012
Design Standards in Sensitive Watersheds Readopt with Changes	15A NCAC 04B .012
Buffer Zone Requirements Readopt with Changes	15A NCAC 04B .012
Application Fee Readopt with Changes	15A NCAC 04B .012
Plan Approval Certificate Readopt with Changes	15A NCAC 04B .012
Erosion Control Plan Expiration Date Readopt with Changes	15A NCAC 04B .012
Emergencies Readopt with Changes	15A NCAC 04B .013
<u>Self-Inspections</u> Readopt with Changes	15A NCAC 04B .013
<u>Design Standards for the Upper Neuse River Basin</u> Readopt with Changes	15A NCAC 04B .013
The rules in Subchapter 4C concern sedimentation control civil penalties.	
<u>Who May Assess</u> Readopt with Changes	15A NCAC 04C .010
<u>Criteria</u> Readopt with Changes	15A NCAC 04C .010
<u>Procedures: Notices</u> Readopt with Changes	15A NCAC 04C .010
Requests for Administrative Hearing Readopt/Repeal	15A NCAC 04C .010
<u>Administrative Hearing</u> Repeal	15A NCAC 04C .011
<u>Further Remedies</u> Repeal	15A NCAC 04C .011
The rules in Subchapter 0D concern local ordinances.	
Model Ordinance	15A NCAC 04D .010
Readopt/Repeal	

The rules in Subchapter 4E concern rulemaking procedures including general provisions (.0100); petitions for rulemaking (.0200); rulemaking hearings (.0400); and declaratory rulings (.0500).

General Purpose Repeal	15A	NCAC	04E	.0101
<u>Definitions</u> Repeal	15A	NCAC	04E	.0102
Copies of Rules Amend	15A	NCAC	04E	.0104
Form and Content of Petition Amend	15A	NCAC	04E	.0201
<u>Disposition of Petitions</u> Repeal	15A	NCAC	04E	.0203
Written Submissions Repeal	15A	NCAC	04E	.0403
Statement for Reasons of Decisions Repeal	15A	NCAC	04E	.0405
Record of Proceedings Repeal	15A	NCAC	04E	.0406
Declaratory Rules: Generally Amend	15A	NCAC	04E	.0501
Procedure for Requesting Declaratory Rulings Amend	15A	NCAC	04E	.0502
<u>Disposition of Request</u> Amend	15A	NCAC	04E	.0503
Record of Decision Repeal	15A	NCAC	04E	.0504

COASTAL RESOURCES COMMISSION

The rules in Subchapter 7H are the state guidelines for areas of environmental concern (AECs) including introduction and general comments (.0100); the estuarine system (.0200); ocean hazard areas (.0300); public water supplies (.0400); natural and cultural resource areas (.0500); development standards (.0600); general permits for construction or maintenance of bulkheads and the placement of riprap for shoreline protection in estuarine and public trust waters (.1100); piers, docks and boat houses in estuarine and public trust waters (.1200); general permit to construct boat ramps along estuarine and public trust shorelines and into estuarine and public trust waters (.1300); groins in estuarine and public trust waters (.1400); excavation within or connecting to existing canals, channels, basins, or ditches in estuarine waters, public trust waters, and estuarine shoreline AECs (.1500); aerial and subaqueous utility lines with attendant structures in coastal wetlands, estuarine waters, public trust waters and estuarine shorelines (.1600); emergency work requiring a CAMA or a dredge and fill permit (.1700); beach bulldozing landward of the mean high-water mark in the ocean hazard AEC (.1800); temporary structures within the estuarine and ocean hazard AECs (.1900); authorizing minor modifications and repair to existing pier/mooring facilities in estuarine and public trust waters and ocean hazard areas (.2000); construction of sheetpile sill for shoreline protection in estuarine and public trust waters (.2100); construction of freestanding moorings in established waters and public trust areas (.2200); replacement of existing bridges and culverts in estuarine waters, estuarine shorelines, public trust areas and coastal wetlands (.2300); placement of riprap for wetland protection in estuarine and public trust waters (.2400); replacement of structures; the reconstruction of primary or frontal dune systems; and the maintenance excavation of existing canals, basins, channels, or ditches, damaged, destroyed, or filled in by hurricanes or tropical storms (.2500); construction of wetland, stream and buffer mitigation sites by the

North Carolina Ecosystem Enhancement Program or the North Carolina Wetlands Restoration Program (.2600); and the construction of riprap sills for wetland enhancement in estuarine and public trust waters (.2700).

AECs Within Ocean Hazard Areas Amend	15A NCAC 07H .0304
General Identification and Description of Landforms Amend	15A NCAC 07H .0305
<u>Use Standards for Ocean Hazard Areas: Exceptions</u> Amend	15A NCAC 07H .0309
<u>Use Standards for State Ports Inlet Management Areas</u> Adopt	15A NCAC 07H .0313
Purpose Amend	15A NCAC 07H .1901
Approval Procedures Amend	15A NCAC 07H .1902
General Conditions Amend	15A NCAC 07H .1904
Specific Conditions Amend	15A NCAC 07H .1905

WILDLIFE RESOURCES COMMISSION

The rules in Subchapter 10F cover motorboats and water safety including boat registration (.0100); safety equipment and accident reports (.0200); and local water safety regulations covering speed limits, no-wake restrictions, restrictions on swimming and other activities, and placement of markers for designated counties or municipalities (.0300).

<u>Carolina Beach</u>	15A NCAC 10F .0306
Amend	
Northampton and Warren Counties	15A NCAC 10F .0336
Amend	

The rules in Subchapter 10H concern activities regulated by the Commission including controlled hunting preserves for domestically raised game birds (.0100), holding wildlife in captivity (.0300), commercial trout ponds (.0400), fish propagation (.0700), falconry (.0800), game bird propagators (.0900), taxidermy (.1000), furbearer propagation (.1100), controlled fox hunting preserves (.1200), and reptiles and amphibians (.1300).

General Requirements Readopt with Changes	15A NCAC 10H .0101
Establishment and Operation Amend	15A NCAC 10H .0102
<u>Labeling of Harvested Birds</u> Amend	15A NCAC 10H .0103
Quality of Birds Released Amend	15A NCAC 10H .0104
Records and Reporting Requirements Amend	15A NCAC 10H .0105
Hunting License Required Amend	15A NCAC 10H .0106

Revocation of License to Operate	15A NCAC 10H .0107
Amend	
Feeding of Stocked Birds	15A NCAC 10H .0108
Amend	
Quail Call-Pen Traps	15A NCAC 10H .0109
Amend	
Supplement Feeding	15A NCAC 10H .0110
Repeal	

DENTAL EXAMINERS, BOARD OF

The rules in Subchapter 16W concern public health hygienists.

<u>Direction Defined</u>	21	NCAC 16W .0101
Amend		
<u>Dental Access Shortage Areas</u> Adopt	21	NCAC 16W .0104

ELECTRICAL CONTRACTORS, BOARD OF EXAMINERS OF

The rules in Chapter 18B are from the Board of Electrical Contractors including general provisions (.0100); examinations and qualifications (.0200); terms and definitions applicable to licensing (.0300); licensing requirements (.0400); reciprocal licensing agreements with other states (.0700); special restricted licenses (.0800); violations and contested case hearings (.0900); forms, certificates, and publications of the board (.1000); and continuing education courses and requirements (.1100).

Apprentice Training Adopt	21	NCAC 18B .0212
Electrical Installation: Project: Project Value-Limitation Amend	21	NCAC 18B .0303
Annual License Fees Amend	21	NCAC 18B .0404
School, Hospital and Nonprofit Electrical Contractors and Adopt	21	NCAC 18B .0408
Applicants Convicted of Crimes Repeal	21	NCAC 18B .0901

MEDICAL BOARD/PERFUSION ADVISORY COMMITTEE

The rules in Subchapter 32V are rules covering licensure of perfusionists and the practice of perfusion. Perfusion primarily concerns operating cardiopulmonary bypass systems during cardiac surgery cases.

Qualifications for License Amend	21	NCAC 32V .0103
Practice During a Disaster Amend	21	NCAC 32V .0111

PSYCHOLOGY BOARD

The rules in Chapter 54 are from the Board of Psychology and cover general provisions (.1600); application for licensure (.1700); education (.1800); examination (.1900); supervision (.2000); renewal

(.2100); professional corporations (.2200); administrative hearing procedures (.2300); rulemaking procedures (.2400); rulemaking hearings (.2500); declaratory rulings, (.2600); health services provider certification (.2700); and ancillary services (.2800).

Board Address and Forms Readopt with Changes	21	NCAC 54	.1602
Fees Readopt with Changes	21	NCAC 54	.1605
Waiver of Compliance with Rules Readopt without Changes	21	NCAC 54	.1606
<u>Delegation of Authority</u> Readopt without Changes	21	NCAC 54	.1607
Ethical Violations Readopt without Changes	21	NCAC 54	.1608
Termination of Practice Readopt without Changes	21	NCAC 54	.1609
<u>Practice By Psychologists who are not Residents of North</u> Readopt with Changes	21	NCAC 54	.1610
Practice by Postdoctoral Trainees Readopt with Changes	21	NCAC 54	.1611
Criminal History Record Check Readopt with Changes	21	NCAC 54	.1612
Information Required Readopt with Changes	21	NCAC 54	.1701
Foreign Degree Application Policy Readopt with Changes	21	NCAC 54	.1702
Temporary Licenses Readopt with Changes	21	NCAC 54	.1703
Issuance of License Readopt with Changes	21	NCAC 54	.1705
Reapplication Readopt with Changes	21	NCAC 54	.1706
Senior Psychologist Readopt with Changes	21	NCAC 54	.1707
Psychological Associate Readopt with Changes	21	NCAC 54	.1802
<u>Licensed Psychologist</u> Readopt with Changes	21	NCAC 54	.1803
Examinations Readopt with Changes	21	NCAC 54	.1901
Retaking the National Examination Readopt with Changes	21	NCAC 54	.1903
Failure to Appear for the National Examination Readopt with Changes	21	NCAC 54	.1904
Supervisor Readopt with Changes	21	NCAC 54	.2001
Nature of Supervision Readopt with Changes	21	NCAC 54	.2002
Definition of Face to Face Supervision	21	NCAC 54	.2005

<u>Psychological Associate Activities</u> Readopt with Changes	21	NCAC 54	
Applicants and Other Nonlicensed Individuals	21	NCAC 54	
Readopt without Changes	21	NCAC 54	
<u>Psychological Associate</u> Readopt with Changes	21	NCAC 54	
<u>Licensed Psychologist</u> Readopt with Changes	21	NCAC 54	•
License Renewal Form	21	NCAC 54	
Readopt with Changes Second Notice	21	NCAC 54	
Readopt without Changes	21	NCAC 54	•
<u>Reinstatement</u>	21	NCAC 54	
Readopt with Changes			
Continuing Education Readent with Changes	21	NCAC 54	
Readopt with Changes Certificate of Registration	21	NCAC 54	
Readopt with Changes	21	NOAC 34	•
Renewal of Certificate of Registration Readopt without Changes	21	NCAC 54	
Right to Hearing Readopt/Repeal	21	NCAC 54	
Request for Hearing	21	NCAC 54	
Readopt/Repeal	0.4	NOAO 54	
<u>Granting or Denying Hearing Requests</u> Readopt/Repeal	21	NCAC 54	
Notice of Hearing	21	NCAC 54	
Readopt with Changes Who Shall Hear Contested Cases	21	NCAC 54	
Readopt without Changes			
<u>Disqualification of Board Member</u> Readopt without Changes	21	NCAC 54	
Failure to Appear Readopt without Changes	21	NCAC 54	
Subpoenas	21	NCAC 54	
Readopt without Changes	24	NCAC 54	
Presiding Officer Readopt without Changes	21	NCAC 54	•
Petition for Rulemaking Hearings Readopt without Changes	21	NCAC 54	
Disposition of Petition	21	NCAC 54	
Readopt without Changes Request for Declaratory Ruling	21	NCAC 54	
Readopt without Changes	21		•
Health Services Activities Readopt with Changes	21	NCAC 54	
Display of Certificate	21	NCAC 54	

HSP-P Requirements Readopt with Changes	21	NCAC 54	.2704
HSP-PP Requirements Readopt with Changes	21	NCAC 54	.2705
HSP-PA Requirements Readopt with Changes	21	NCAC 54	.2706
Scope Readopt without Changes	21	NCAC 54	.2801
<u>Titles</u> Readopt without Changes	21	NCAC 54	.2802
Employment and Supervision of Unlicensed Individuals Readopt without Changes	21	NCAC 54	.2803
Qualifications and Training Readopt without Changes	21	NCAC 54	.2804
Services Appropriate for Ancillary Services Personnel Readopt without Changes	21	NCAC 54	.2805
Services Not Appropriate for Unlicensed Individuals Readopt without Changes	21	NCAC 54	.2806

SOCIAL WORK CERTIFICATION AND LICENSURE BOARD

The rules in Chapter 63 deal with Social Work Certification including general rules (.0100); certification (.0200); examinations (.0300); renewal of certification (.0400); ethical guidelines (.0500); disciplinary procedures (.0600); adoption of rules (.0700); and professional corporations and limited liability companies.

Petition for Predetermination
Adopt

21 NCAC 63 .0215

STATE HUMAN RESOURCES COMMISSION

The rules in Subchapter 1E cover employee benefits including general leave provisions (.0100); vacation leave (.0200); sick leave (.0300); workers compensation leave (.0700); military leave (.0800); holidays (.0900); miscellaneous leave (.1000); other types of leave without pay (.1100); community involvement (.1200); the voluntary shared leave program (.1300); family and medical leave (.1400); child involvement leave (.1500); community services leave (.1600); administrative leave (.1700) and incentive leave (.1800).

Separation: Payment of Vacation Leave Amend

25 NCAC 01E .0210