



STATE OF NORTH CAROLINA  
**OFFICE OF ADMINISTRATIVE HEARINGS**

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

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

November 19, 2012

Gretchen Aycock  
Department of Administration  
1301 Mail Service Center  
Raleigh, NC 27699-1301

Re: 01 NCAC 09 .0401, .0402, .0403, .0404, .0405, .0406

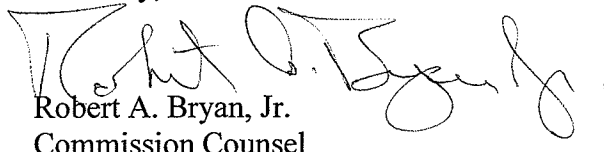
Dear Ms. Aycock:

At its November 15, 2012 meeting the Rules Review Commission objected to the above-captioned rules based on lack of statutory authority in accordance with G.S. 150B-21.10.

There is no authority cited for the Department of Administration to repeal these rules. It appears from the cited authority that the Governor's Office is the agency with rulemaking authority and nothing in the published notice implied that the Governor was repealing these rules.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,



Robert A. Bryan, Jr.  
Commission Counsel

RAB:tdc

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

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

**Permanent Repeal for Publication in the NCAC**

1 01 NCAC 09 .0401 - .0406 is repealed as published in 27:04 NCR 404 as follows:

2

3 **01 NCAC 09 .0401 PURPOSE**

4

5 *History Note: Authority G.S. 143-506.7;*

6 *Eff. December 3, 1980;*

7 *Transferred From T01:10 Eff. January 1, 1982;*

8 *Repealed Eff. December 1, 2012.*

9

10 **01 NCAC 09 .0402 DEFINITIONS**

11 **01 NCAC 09 .0403 ORGANIZATION**

12 **01 NCAC 09 .0404 CRITERIA FOR DESIGNATION OF GROWTH CENTERS**

13 **01 NCAC 09 .0405 APPLICATION FOR GROWTH CENTER DESIGNATION**

14 **01 NCAC 09 .0406 REVIEW OF APPLICATION**

15

16 *History Note: Authority G.S. 143-506.10;*

17 *Eff. December 3, 1980;*

18 *Transferred From T01:10 Eff. January 1, 1982;*

19 *Repealed Eff. December 1, 2012.*



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Gretchen Aycock  
Department of Administration  
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Re: 01 NCAC 11 .2102, .2102, .2103, .2104, .2105, .2111, .2116, .2201, .2202, .2203,  
.2204

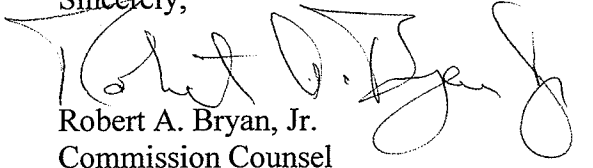
Dear Ms. Aycock:

At its November 15, 2012 meeting the Rules Review Commission objected to the above-captioned rules based on lack of statutory authority in accordance with G.S. 150B-21.10.

There is no authority cited for the Department of Administration to repeal these rules. It appears from the cited authority that the Human Relations Commission is the agency with rulemaking authority and nothing in the published notice implied that the Human Relations Commission was repealing these rules.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,

  
Robert A. Bryan, Jr.  
Commission Counsel

RAB:tdc

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Permanent Repeal for Publication in the NCAC

1 01 NCAC 11 .2102 - .2105, .2111, .2116, .2201 - .2204 is repealed as published in 27:04 NCR 404 as follows:

2

3 **01 NCAC 11 .2102 DEFINITIONS**

4

5 *History Note: Authority G.S. 41A-1; 41A-2;*  
6 *Eff. October 1, 1983;*  
7 *Amended Eff. March 1, 1989;*  
8 *Repealed Eff. December 1, 2012.*

9

10 **01 NCAC 11 .2103 COMPLAINTS: FORM: CONTENTS: FILING**

11 **01 NCAC 11 .2104 AMENDMENT OF COMPLAINT**

12 **01 NCAC 11 .2105 WITHDRAWAL OF COMPLAINT**

13

14 *History Note: Authority G.S. 41A-7;*  
15 *Eff. October 1, 1983;*  
16 *Amended Eff. February 1, 1989;*  
17 *Repealed Eff. December 1, 2012.*

18

19 **01 NCAC 11 .2111 INVESTIGATION: SUBPOENAS**

20

21 *History Note: Authority G.S. 41A-8;*  
22 *Eff. October 1, 1983;*  
23 *Amended Eff. March 1, 1989;*  
24 *Repealed Eff. December 1, 2012.*

25

26 **01 NCAC 11 .2116 CONCILIATION AGREEMENTS**

27

28 *History Note: Authority G.S. 41A-7;*  
29 *Eff. October 1, 1983;*  
30 *Amended Eff. February 1, 1989;*  
31 *Repealed Eff. December 1, 2012.*

32

33 **01 NCAC 11 .2201 DEFINITIONS**

34 **01 NCAC 11 .2202 FILING OF COMPLAINT**

35 **01 NCAC 11 .2203 NOTICE TO RESPONDENT**

36 **01 NCAC 11 .2204 INVESTIGATION: OPINION: AND CONCILIATION**

37

**Permanent Repeal for Publication in the NCAC**

38 *History Note: Authority G.S. 143-422.3;*  
39 *Eff. February 1, 1989;*  
40 *Repealed Eff. December 1, 2012.*



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November 19, 2012

Gretchen Aycock  
Department of Administration  
1301 Mail Service Center  
Raleigh, NC 27699-1301

Re: 01 NCAC 19A .0103

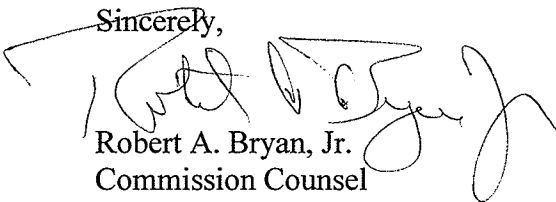
Dear Ms. Aycock:

At its November 15, 2012 meeting the Rules Review Commission objected to the above-captioned rule based on lack of statutory authority in accordance with G.S. 150B-21.10.

There is no authority cited for the Department of Administration to repeal this rule. It appears from the cited authority that the Youth Advisory Council is the agency with rulemaking authority and nothing in the published notice implied that the Youth Advisory Council was repealing this rule.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,

  
Robert A. Bryan, Jr.  
Commission Counsel

RAB:tdc

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**Permanent Repeal for Publication in the NCAC**

1 01 NCAC 19A .0103 is repealed as published in 27:04 NCR 404 as follows:

2

3 **01 NCAC 19A .0103 ELECTION OF YOUTH MEMBERS**

4

5 *History Note: Authority G.S. 143B-386 through 143B-388;*

6 *Eff. February 1, 1976;*

7 *Readopted Eff. February 27, 1979;*

8 *Repealed Eff. December 1, 2012*



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November 19, 2012

Gretchen Aycock  
Department of Administration  
1301 Mail Service Center  
Raleigh, NC 27699-1301

Re: 01 NCAC 22 – All Repeals

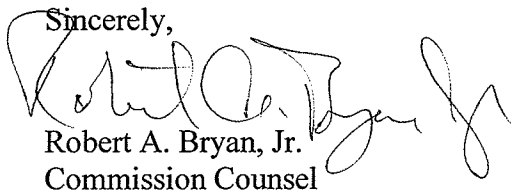
Dear Ms. Aycock:

At its November 15, 2012 meeting the Rules Review Commission objected to the above-captioned rules based on lack of statutory authority in accordance with G.S. 150B-21.10.

The authority for these rules, S.L. 1977-677, gives the Department the authority to adopt these rules but also authorizes joint adoption with the Commission for Health Services (now Commission for Public Health) and the Environmental Management Commission. Jointly adopted rules may only be revoked upon the concurrence of all three agencies. There is some evidence that these rules were originally jointly adopted. There is no authority cited for the Department to repeal these rules without the concurrence of the other agencies. Nothing in the published notice implied that the other agencies were concurring in the repeal of these rules.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,



Robert A. Bryan, Jr.  
Commission Counsel

RAB:tdc

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Permanent Repeal for Publication in the NCAC

1 01A NCAC 22 .0101-.0102, .0201- .0209, .0301-.0303, .0401 -.0403, .0501-.0506, .0601 -.0606, .0701 -.0704,  
2 .0801- .0802, .0901 -.0906, .1001 -.1002, .1101- .1103 is repealed as published in 27:04 NCR 404 as follows:

3

4 **01 NCAC 22 .0101 PURPOSE**

5 **01 NCAC 22 .0102 DEFINITIONS**

6

7 *History Note: Authority S.L. 1977, Ch. 677;*

8 *Eff. February 1, 1976;*

9 *Readopted Eff. February 27, 1979.*

10 *Amended Eff. August 1, 1988; January 1, 1980;*

11 *Repealed Eff. December 1, 2012.*

12

13 **01 NCAC 22 .0201 GENERAL**

14 **01 NCAC 22 .0202 POLLUTION CONTROL ACCOUNT**

15 **01 NCAC 22 .0203 WATER SUPPLY SYSTEMS ACCOUNT**

16 **01 NCAC 22 .0204 GRANT LIMITATIONS**

17 **01 NCAC 22 .0205 ELIGIBLE APPLICANTS**

18 **01 NCAC 22 .0206 ELIGIBLE PROJECTS AND PROJECT COSTS**

19 **01 NCAC 22 .0207 APPLICATIONS**

20 **01 NCAC 22 .0208 ENVIRONMENTAL ASSESSMENT**

21 **01 NCAC 22 .0209 DETERMINATION OF ELIGIBILITY**

22

23 *History Note: Authority S.L. 1977, Ch. 677; G.S. 133-24; S.L. 1981, Ch. 909, s.8, s.14;*

24 *Legislative Objection Lodged Eff. September 20, 1982;*

25 *Eff. February 1, 1976;*

26 *Readopted Eff. February 27, 1979;*

27 *Curative Amended Eff. October 28, 1982;*

28 *Amended Eff. August 1, 1988; July 1, 1987; October 1, 1982; January 1, 1980;*

29 *Repealed Eff. December 1, 2012.*

30

31 **01 NCAC 22 .0301 PUBLIC NOTICES**

32 **01 NCAC 22 .0302 HEARINGS**

33 **01 NCAC 22 .0303 CONSIDERATION OF INFORMATION PRESENTED AT HEARING**

34 **01 NCAC 22 .0401 GENERAL CRITERIA**

35 **01 NCAC 22 .0402 CRITERIA FOR WATER CONSERVATION**

36 **01 NCAC 22 .0403 CRITERIA FOR GRANT INCREASES**

37 **01 NCAC 22 .0501 WATER POLLUTION CONTROL NEEDS**

Permanent Repeal for Publication in the NCAC

38 01 NCAC 22 .0502 APPLICABLE CONDITIONS  
39 01 NCAC 22 .0503 SERVICE AREA NEED  
40 01 NCAC 22 .0504 FINANCIAL NEED OF APPLICANT  
41 01 NCAC 22 .0505 FISCAL RESPONSIBILITY OF THE APPLICANT  
42 01 NCAC 22 .0506 STATUS OF PROJECT  
43 01 NCAC 22 .0601 PUBLIC NEED  
44 01 NCAC 22 .0602 PUBLIC HEALTH NEED  
45 01 NCAC 22 .0603 FINANCIAL NEED OF THE APPLICANT  
46 01 NCAC 22 .0604 FISCAL RESPONSIBILITY OF THE APPLICANT

47

48 *History Note: Authority S.L. 1977, Ch. 677;*  
49 *Eff. February 1, 1976;*  
50 *Readopted Eff. February 27, 1979;*  
51 *Repealed Eff. December 1, 2012.*

52

53 01 NCAC 22 .0605 FINANCING OF THE PROJECT  
54 01 NCAC 22 .0606 STATUS OF PROJECT

55

56 *History Note: Authority S.L. 1977, Ch. 677;*  
57 *Eff. February 27, 1979;*  
58 *Repealed Eff. December 1, 2012.*

59

60 01 NCAC 22 .0701 PUBLIC NECESSITY: HEALTH: SAFETY AND WELFARE  
61 01 NCAC 22 .0702 COMPATIBILITY WITH STATE, REGIONAL AND LOCAL PLANNING  
62 01 NCAC 22 .0703 FINANCIAL CONSIDERATIONS  
63 01 NCAC 22 .0704 ENVIRONMENTAL ASSESSMENT

64

65 *History Note: Authority S.L. 1977, Ch. 677;*  
66 *Eff. February 1, 1976;*  
67 *Readopted Eff. February 27, 1979;*  
68 *Repealed Eff. December 1, 2012.*

69

70 01 NCAC 22 .0801 REVIEW PERIODS  
71 01 NCAC 22 .0802 ASSIGNMENT OF PRIORITIES  
72 01 NCAC 22 .0901 DETERMINATION OF GRANT AWARDS  
73 01 NCAC 22 .0902 CERTIFICATE OF ELIGIBILITY FOR GRANT AWARDS  
74 01 NCAC 22 .0903 FAILURE TO QUALIFY FOR GRANT AWARDS