



**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

March 19, 2015

Sent via email to mike@smvt.com:

Mike Tadych, Rulemaking Coordinator
North Carolina Acupuncture Licensing Board

Re: Extension of the Period of Review for Acupuncture Rules filed February 3, 2014

Dear Mr. Tadych:

At its March 19, 2015 meeting, the Rules Review Commission extended the period of review on the above-identified rules in accordance with G.S. 150B-21.10 and G.S. 150B-21.13. The Commission extended the period of review to allow the Acupuncture Licensing Board additional time to revise the rules in response to the technical change requests submitted on March 3, 2015.

If you have any questions regarding the Commission's action, please do not hesitate to contact me directly at (919) 431-3074.

Sincerely,

Amber Cronk May
Commission Counsel

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

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

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March 20, 2015

Barry Gupton
Building Code Council
Sent via electronic mail to barry.gupton@ncdoi.gov

Re: Objections to rules submitted by the Building Code Council
2012 NC Residential Code, Sections R101.2, R202, and R324
2012 NC Building Code, Chapter 36
2012 NC Fire Code, 4504.1
2012 NC Residential Code, N-1 and N-2 Table Examples
2012 NC Residential Code, N-1 and N-2 Tables
2012 NC Residential Code, AM106 and AM111 Tables
2012 NC Residential Code, Screen Enclosure

Dear Mr. Gupton:

At its meeting yesterday, the Rules Review Commission objected to the above-captioned rules in accordance with G.S. 150B-21.10.

The Commission objected to these rules for failure to comply with G.S. 150B. The Council published these Rules in the NC Register, Volume 29, Issue 4, stating that the amendments and adoptions would not become effective until January 1, 2016. The Council then proposed to have the rule changes become effective April 1, 2015. The Commission found that the change to the effective date made to the rules following publication creates a substantial change pursuant to G.S. 150B-21.2(g).

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 actions, please let me know.

Sincerely,

Amanda J. Reeder
Commission Counsel

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March 20, 2015

Barbara Geiger
Irrigation Contractor's Licensing Board
Sent via email to administrator@nciclb.org

Re: Objection to Rule 21 NCAC 23 .0105

Dear Ms. Geiger:

At its meeting yesterday, the Rules Review Commission objected to the above-captioned rule in accordance with G.S. 150B-21.10.

The Commission objected to the rule, finding the agency does not have statutory authority to promulgate the rule and that the text within the rule was ambiguous. Specifically, the Board fails to cite to any authority to for the agency to create a code of ethics. In addition, the rule text fails to fully or properly define terms used within the rule, such as "defamation" and "harassment." In addition, the Board does not say when the discipline will occur. Therefore, the rule is unclear and ambiguous.

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 actions, please let me know.

Sincerely,

Amanda J. Reeder
Commission Counsel

cc: Tina Simpson, NC DOJ, Attorney for the Board

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March 20, 2015

VIA EMAIL ONLY: shari.g.howard@nc.gov

Shari G. Howard, Rulemaking Coordinator
State Human Resources Commission
116 West Jones Street
Raleigh, North Carolina 27603

Re: 25 NCAC 01C .0311; 25 NCAC 01E .1603; 25 NCAC 01H .1103; 25
NCAC 01J .1304

Dear Ms. Howard:

At its March 19, 2015 meeting, the Rules Review Commission objected to the above-identified rules in accordance with G.S. 150B-21.10.

The Commission objected to 25 NCAC 01C .0311, as the rule is not reasonably necessary to implement or interpret an enactment of the General Assembly, as required by G.S. 150B-21.9(a)(3). A majority of the rule is repetitive of G.S 126-25.

The Commission objected to 25 NCAC 01E .1603, as the rule is not within the authority delegated to the agency by the General Assembly, as required by G.S. 150B-21.9(a)(1). The rule caps a literacy program at 45 hours per year.

The Commission objected to 25 NCAC 01H .1103, as the rule is not reasonably necessary to implement or interpret an enactment of the General Assembly, as required by G.S. 150B-21.9(a)(3). A majority of the rule is repetitive of G.S 126-34.02.

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An Equal Employment Opportunity Employer

The Commission objected to 25 NCAC 01J .1304, as the rule is not within the authority delegated to the agency by the General Assembly, as required by G.S. 150B-21.9(a)(1). The rule subjects orders to the approval of the Office of State Human Resources.

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 actions, please let me know.

Sincerely,

Abigail M. Hammond
Commission Counsel

cc: Valerie Bateman – valerie.bateman@nc.gov