

**RULES REVIEW COMMISSION MEETING
MINUTES
April 20, 2017**

The Rules Review Commission met on Thursday, April 20, 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, Jay Hemphill, Jeff Hyde, Jeff Poley, and Stephanie Simpson.

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

The meeting was called to order at 10:04 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 March 16, 2017 meeting. There were none and the minutes were approved as distributed.

The OAH's CFO Gayle Lemons presented the new Commissioners Classification and Compensation policies adopted by the State.

FOLLOW UP MATTERS

Board of Agriculture

02 NCAC 09C .0507, .0703; 09G .2005, .2008; 09J .0101, .0102; 09K .0101, .0103, .0105, .0106, .0107, .0108, .0109, .0113, .0114, .0203, .0204, .0205, .0206, .0207, .0208, .0209, .0210, .0211, .0212, .0213, .0214; 09O .0101, and .0107 - The rewritten rules were unanimously approved.

Upon review of 02 NCAC 09C .0507, the Commission approved the rewritten rule contingent upon receiving a modification of the language replacing "should" with "shall" on line 23 of this Rule. The rule with the pertinent language was received after the adjournment of the meeting.

Anita MacMullan, representing the Food and Drug Protection Division of the Board of Agriculture, addressed the Commission.

Commission for Mental Health, Developmental Disabilities and Substance Abuse Services

10A NCAC 27H .0202, .0203, .0204, .0205, .0206, and .0207 - The agency is addressing the objections from the March meeting. No action was required by the Commission.

Department of Insurance

11 NCAC 05A .0105, .0201, .0301, .0603, .0703, and .0704 – The rewritten rules were unanimously approved.

11 NCAC 05A 0501, .0505, .0508, and .0511 - The agency requested additional time to address the objections from the January meeting. No action was required by 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.

Board of Massage and Bodywork Therapy

21 NCAC 30 .0903 and .0906 – There has been no response by the agency on these Rules pursuant to G.S. 150B-21.12. No action was required by the Commission.

Board of Podiatry Examiners

21 NCAC 52 .0201 and .0207 - The rewritten rules were unanimously approved.

LOG OF FILINGS (PERMANENT RULES)**Commission for Public Health**

10A NCAC 41A .0302 was unanimously approved.

Environmental Management Commission 15A NCAC 02N, 02O

All rules were unanimously approved.

Marine Fisheries Commission

All rules were unanimously approved.

Environmental Management Commission 15A NCAC 13B

15A NCAC 13B .0840 was unanimously approved.

Board of Certified Public Accountant Examiners

All rules were unanimously approved.

Robert N. Pulliam, CPA, addressed the Commission.

Frank Trainor with the agency addressed the Commission.

Locksmith Licensing Board

The Commission extended the period of review for 21 NCAC 29 .0102, .0201, .0204, .0205, .0206, .0401, .0404, .0502, .0503, .0504, .0702, .0703, .0802, .0803, .0804, .0805, and .0806 in accordance with G.S. 150B-21.10. They did so in response to a request from the agency to extend the period to allow the agency to complete requested technical changes and submit the rewritten rules at a later meeting.

The Commission objected to Rule 21 NCAC 29 .0402 based upon lack of statutory authority and ambiguity.

Specifically, the Commission found that the Board lacks statutory authority to refuse to license applicants based solely upon past convictions. The Rule addresses the use of criminal convictions to determine if the applicant may be licensed. In Subparagraph (g)(1) of the Rule, it states that an applicant with any Class A or B felony conviction is ineligible for licensure. Further, the Rule states that a licensed locksmith who is convicted of a Class A or B felony shall be subject to immediate revocation of licensure. However, G.S. 74F-18(c) states that a conviction cannot automatically bar licensure. The Board does not have authority to write a rule that contradicts the statute.

Further, G.S. 74F-15 allows the Board to deny or refuse to renew, suspend, or revoke a license if the licensee is convicted or pleads guilty or no contest to any of the crimes listed in G.S. 74F-18. However, the Board does not have authority to take these actions without considering the factors in G.S. 74F-18.

In addition, G.S. 74F-18(c) lists seven factors that the Board is required to consider to determine whether the applicant may be disqualified based upon criminal conviction. This Rule addresses some of the factors in Paragraphs (d) and (h), but not all of them.

In addition, those Paragraphs state that the Board only “may” consider the factors, when the Board is required to do so pursuant to G.S. 74F-18(c). If the Board is implementing the statutory factors without listing them in Rule, the Rule is unclear as written as it addresses some, but not all, of the factors required by statute.

The Commission further found that Paragraph (h) of the Rule is unclear as written, as it says the Board may also consider additional factors to determine the present fitness of a person who has been convicted of a crime that relates to the duties and responsibilities of a locksmith. The Rule does not state what those crimes are. G.S. 74F-18(a)(2) defines criminal history as “A history of conviction of [a crime] that bears on an applicant’s fitness for licensure to practice locksmithing.” Given the language of Paragraph (h), it is unclear if Paragraph (c) of the Rule is addressing crimes that do not affect the fitness for licensure, and therefore, Paragraph (c) is in excess of the Board’s statutory authority.

In addition, since Paragraph (c) of the Rule appears to encompass every level of felony and misdemeanor in the State, it is unclear what crimes the Board is referring to in Paragraph (h). However, for these crimes, the Board states that it “may” consider what appears to be four of the seven statutory factors, as well as two additional factors that are not in statute.

The Commission objected to Rule 21 NCAC 29 .0601 based upon lack of statutory authority and ambiguity.

Specifically, the Commission found that the Board lacks statutory authority to require some of the additional information set forth in the Rule in a petition for rulemaking. In the text of the rule, the agency is requiring that a petitioner submit the effect of a proposed new rule or amendment on existing rules or decisions, practices likely to be affected, and an identification of the persons or class of persons most likely to be affected by the proposal in Subparagraphs (a)(5), (6), and (7) of the Rule. The Commission found that the agency does not have statutory authority to require these items from a petitioner, as they are beyond the authority conferred by G.S. 150B-20.

The Commission further found that Subparagraphs (a)(5) or (a)(6) of the Rule may have been intended to address the “effect of the proposed new rule or amendment of the proposed change” expressly allowed by G.S. 150B-20(a). However, as the Rule is written, this is not clear. In addition, (a)(6), which addresses “practices likely to be affected” is unclear as written.

The Commission also found that Paragraph (b), which states that “The Board may request additional information” is unclear, as it does not state how the information will be requested, to whom the request will be made, or under what circumstances the request will be made.

Board of Pharmacy

All rules were unanimously approved.

EXISTING RULES REVIEW

DHHS/Commission for MH/DD/SAS

10A NCAC 27I .0400, .0500 - The Commission unanimously approved the report as submitted by the agency.

10A NCAC 27I .0600 - The Commission unanimously approved the report as submitted by the agency.

10A NCAC 28A - The Commission unanimously approved the report as submitted by the agency.

Department of Environmental Quality

15A NCAC 01C - The Commission unanimously approved the report as submitted by the agency.

Environmental Management Commission

15A NCAC 13A - The Commission unanimously approved the report as submitted by the agency.

15A NCAC 13B .0100-.0800, .1000-.1400, .1600-.1700 – The Commission unanimously approved the report as submitted by the agency.

15A NCAC 13C - The Commission unanimously approved the report as submitted by the agency.

DHHS/Division of Aging

10A NCAC 06Q - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than June 30, 2019 pursuant to G.S. 150B-21.3A(d)(2).

Social Services Commission

10A NCAC 06R, 06S, 06T, 67, 68, 69, 72 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than June 30, 2019 pursuant to G.S. 150B-21.3A(d)(2).

Department of Insurance

11 NCAC 16 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than September 30, 2018 pursuant to G.S. 150B-21.3A(d)(2).

Department of Public Safety

14B NCAC 01 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than October 31, 2018 pursuant to G.S. 150B-21.3A(d)(2).

14B NCAC 05 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than October 31, 2018 pursuant to G.S. 150B-21.3A(d)(2).

14B NCAC 07 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than October 31, 2018 pursuant to G.S. 150B-21.3A(d)(2).

Alcoholic Beverage Control Commission

14B NCAC 15B - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than May 31, 2018 pursuant to G.S. 150B-21.3A(d)(2).

Wildlife Resources Commission

15A NCAC 10F .0102, .0301, .0302, .0320, .0321, .0330, .0333, .0353, .0366 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than December 31, 2018 pursuant to G.S. 150B-21.3A(d)(2).

15A NCAC 10H .0101, .0901, .0903, .0904, .1106, .1201, .1202, .1203, .1204, .1205, .1206, .1207 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than December 31, 2019 pursuant to G.S. 150B-21.3A(d)(2).

15A NCAC 10H .0301, .0302, .0303, .0304, .1004 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than July 31, 2018 pursuant to G.S. 150B-21.3A(d)(2).

Well Contractors Certification Commission

Pursuant to 26 NCAC 05. 0205, the agency requested a waiver of 26 NCAC 05 .0211 for the report for 15 NCAC 27.

The waiver request was unanimously approved. The Commission rescheduled the date of review for the report, and amended 26 NCAC 05 .0211. The Commission will review the agency's report at its May 2017 meeting.

Interpreter and Transliterater Licensing Board

Pursuant to 26 NCAC 05. 0205, the agency requested a waiver of 26 NCAC 05 .0211 for the report for 21 NCAC 25.

The waiver request was unanimously approved. The Commission rescheduled the date of review for the report, and amended 26 NCAC 05 .0211. The Commission will review the agency's report at its May 2017 meeting.

Midwifery Joint Committee

Pursuant to 26 NCAC 05. 0205, the agency requested a waiver of 26 NCAC 05 .0211 for the report for 21 NCAC 33.

The waiver request was unanimously approved. The Commission rescheduled the date of review for the report, and amended 26 NCAC 05 .0211. The Commission will review the agency's report at its November 2017 meeting.

Board of Nursing

Pursuant to 26 NCAC 05. 0205, the agency requested a waiver of 26 NCAC 05 .0211 for the report for 21 NCAC 36.

The waiver request was unanimously approved. The Commission rescheduled the date of review for the report, and amended 26 NCAC 05 .0211. The Commission will review the agency's report at its November 2017 meeting.

Housing Finance Agency

The agency requested an extension of the filing deadline pursuant to 26 NCAC 05 .0204 for the report 24 NCAC 01.

The Commission approved the request, with Commissioner Doran voting against.

COMMISSION BUSINESS

The Commission amended Rule 26 NCAC 05 .0211 to reflect changes in the periodic review schedule.

The Chair gave an update on the recent Order Granting Summary Judgment in the matter of the *Ambulatory Surgical Center Association v. Industrial Commission*.

The meeting adjourned at 11:31 a.m.

The next regularly scheduled meeting of the Commission is Thursday, May 18th 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:


Gerth Dunklin, Chair

April 20, 2017

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
CATHERINE BLUM	DEQ-DMF
Tina Hlabse	NCDH&CS
Loretta Bunch	Dept. of Insurance
Anita Mac Mullau	NCDH&CS
Joanne Rutkofsky	NC DHHS / DPH
Andrew Morgan	DMF XJ
Tracy Steadman	NCBPE
Bob Brooks	CPA Board
David Nance	CPA Board
Frank Trammor	" "
Jennifer Everett	DEQ
Craig Beonby	DEQ
Bob MARTIN	DPH
Robert Pulliam CPA	Guest - CPA Board
Rosemary Pulliam	Guest
Jessica Mantie	DEQ-DWM
Andria Merritt	DEQ-DWM
Ruth Strasser	DEQ-DWM
E. Ann Christian	AMTA-NC
CASEY HOWARD	NCHFA
Angela Ellis	NC BON

April 20, 2017

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Meredith Harris	NCBON
Barden Culbreth	NCLLB
C. J. Dantes	NCBA
Carrie Hollis	OSBM
Kim Caulk	DEQ
J. L. W. R. R. R.	NCIC
Margaret McDonald	NC DPS



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Street address:
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April 20, 2017

Lynne Berry, Rulemaking Coordinator
Department of Health and Human Services
Division of Aging
2501 Mail Service Center
Raleigh, North Carolina 27699-2501

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **10A NCAC 06Q**

Dear Ms. Berry:

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 April 20, 2017 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the following two rules identified on the attached printout shall be readopted by the agency no later than June 30, 2019: 10A NCAC 06Q .0101, .0201. The remaining rules identified on the report will be readopted by the Social Services Commission.

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

Sincerely,

Abigail M. Hammond
Commission Counsel

cc: Carlotta Dixon, Rulemaking Coordinator for Social Services Commission

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

Rules Division
919/431-3000
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Judges and
Assistants
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Clerk's Office
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Rules Review
Commission
919/431-3000
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Civil Rights
Division
919/431-3036
fax: 919/431-3103

An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
August 18, 2016
APO Review: September 06, 2016
Social Services Commission
Total: 101**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>10A NCAC 06Q .0101</u>	Necessary with substantive public interest
<u>10A NCAC 06Q .0201</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0101</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0102</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0201</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0302</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0304</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0305</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0401</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0403</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0501</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0502</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0503</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0504</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0506</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0508</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0509</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0601</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0801</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0802</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0804</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0806</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0902</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0904</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0101</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0102</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0203</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0204</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0301</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0302</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0402</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0403</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0404</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0405</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0501</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0508</u>	Necessary with substantive public interest

10A	NCAC 69	<u>.0405</u>	Necessary with substantive public interest
10A	NCAC 69	<u>.0406</u>	Necessary with substantive public interest
10A	NCAC 69	<u>.0501</u>	Necessary with substantive public interest
10A	NCAC 69	<u>.0502</u>	Necessary with substantive public interest
10A	NCAC 69	<u>.0503</u>	Necessary with substantive public interest
10A	NCAC 69	<u>.0504</u>	Necessary with substantive public interest
10A	NCAC 69	<u>.0505</u>	Necessary with substantive public interest
10A	NCAC 69	<u>.0506</u>	Necessary with substantive public interest
10A	NCAC 69	<u>.0507</u>	Necessary with substantive public interest
10A	NCAC 69	<u>.0508</u>	Necessary with substantive public interest
10A	NCAC 69	<u>.0601</u>	Necessary with substantive public interest
10A	NCAC 69	<u>.0602</u>	Necessary with substantive public interest
10A	NCAC 69	<u>.0603</u>	Necessary with substantive public interest
10A	NCAC 69	<u>.0604</u>	Necessary with substantive public interest
10A	NCAC 69	<u>.0605</u>	Necessary with substantive public interest
10A	NCAC 72	<u>.0101</u>	Necessary with substantive public interest
10A	NCAC 72	<u>.0102</u>	Necessary with substantive public interest
10A	NCAC 72	<u>.0201</u>	Necessary with substantive public interest
10A	NCAC 72	<u>.0202</u>	Necessary with substantive public interest
10A	NCAC 72	<u>.0203</u>	Necessary with substantive public interest
10A	NCAC 72	<u>.0301</u>	Necessary with substantive public interest



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April 20, 2017

Carlotta Dixon, Rulemaking Coordinator
Department of Health and Human Services
Social Services Commission
2501 Mail Service Center
Raleigh, North Carolina 27699-2501

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 10A NCAC 06R, 06S, 06T, 67, 68, 69, 72

Dear Ms. Dixon:

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 April 20, 2017 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 June 30, 2019, with the following exceptions: 10A NCAC 06Q .0101, .0201 will be readopted by the Division of Aging.

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

Sincerely,

Abigail M. Hammond
Commission Counsel

cc: Lynne Berry, Rulemaking Coordinator for Division of Aging

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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An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
August 18, 2016
APO Review: September 06, 2016
Social Services Commission
Total: 101**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>10A NCAC 06Q .0101</u>	Necessary with substantive public interest
<u>10A NCAC 06Q .0201</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0101</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0102</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0201</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0302</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0304</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0305</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0401</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0403</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0501</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0502</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0503</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0504</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0506</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0508</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0509</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0601</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0801</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0802</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0804</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0806</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0902</u>	Necessary with substantive public interest
<u>10A NCAC 06R .0904</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0101</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0102</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0203</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0204</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0301</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0302</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0402</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0403</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0404</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0405</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0501</u>	Necessary with substantive public interest
<u>10A NCAC 06S .0508</u>	Necessary with substantive public interest

<u>10A</u>	<u>NCAC 69</u>	<u>.0405</u>	Necessary with substantive public interest
<u>10A</u>	<u>NCAC 69</u>	<u>.0406</u>	Necessary with substantive public interest
<u>10A</u>	<u>NCAC 69</u>	<u>.0501</u>	Necessary with substantive public interest
<u>10A</u>	<u>NCAC 69</u>	<u>.0502</u>	Necessary with substantive public interest
<u>10A</u>	<u>NCAC 69</u>	<u>.0503</u>	Necessary with substantive public interest
<u>10A</u>	<u>NCAC 69</u>	<u>.0504</u>	Necessary with substantive public interest
<u>10A</u>	<u>NCAC 69</u>	<u>.0505</u>	Necessary with substantive public interest
<u>10A</u>	<u>NCAC 69</u>	<u>.0506</u>	Necessary with substantive public interest
<u>10A</u>	<u>NCAC 69</u>	<u>.0507</u>	Necessary with substantive public interest
<u>10A</u>	<u>NCAC 69</u>	<u>.0508</u>	Necessary with substantive public interest
<u>10A</u>	<u>NCAC 69</u>	<u>.0601</u>	Necessary with substantive public interest
<u>10A</u>	<u>NCAC 69</u>	<u>.0602</u>	Necessary with substantive public interest
<u>10A</u>	<u>NCAC 69</u>	<u>.0603</u>	Necessary with substantive public interest
<u>10A</u>	<u>NCAC 69</u>	<u>.0604</u>	Necessary with substantive public interest
<u>10A</u>	<u>NCAC 69</u>	<u>.0605</u>	Necessary with substantive public interest
<u>10A</u>	<u>NCAC 72</u>	<u>.0101</u>	Necessary with substantive public interest
<u>10A</u>	<u>NCAC 72</u>	<u>.0102</u>	Necessary with substantive public interest
<u>10A</u>	<u>NCAC 72</u>	<u>.0201</u>	Necessary with substantive public interest
<u>10A</u>	<u>NCAC 72</u>	<u>.0202</u>	Necessary with substantive public interest
<u>10A</u>	<u>NCAC 72</u>	<u>.0203</u>	Necessary with substantive public interest
<u>10A</u>	<u>NCAC 72</u>	<u>.0301</u>	Necessary with substantive public interest



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Raleigh, NC 27609-6285

April 20, 2017

Loretta Peace-Bunch, Rulemaking Coordinator
Department of Insurance
1201 Mail Service Center
Raleigh, NC 27699-1201

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **11 NCAC 16**

Dear Ms. Peace-Bunch:

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 April 20, 2017 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 September 30, 2018.

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

Sincerely,

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

An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
December 15, 2016
APO Review: January 03, 2017**

**Insurance, Department of
Total: 34**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>11 NCAC 16 .0101</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0103</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0105</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0106</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0107</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0108</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0201</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0202</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0203</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0204</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0205</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0206</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0207</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0208</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0401</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0402</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0403</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0501</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0502</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0503</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0504</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0601</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0602</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0603</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0604</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0605</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0606</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0607</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0701</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0702</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0703</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0704</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0705</u>	Necessary with substantive public interest
<u>11 NCAC 16 .0801</u>	Necessary with substantive public interest



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

April 20, 2017

Margaret McDonald, Rulemaking Coordinator
Department of Public Safety
4201 Mail Service Center
Raleigh, NC 27699-4201

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **14B NCAC 01C, 05, 07A, 07C**

Dear Mrs. McDonald:

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 April 20, 2017 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 October 31, 2018.

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

Sincerely,

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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An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
December 15, 2016
APO Review: January 03, 2017**

**Public Safety, Department of
Total: 39**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>14B NCAC 01C .0401</u>	Necessary with substantive public interest
<u>14B NCAC 01C .0402</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0201</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0202</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0203</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0204</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0205</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0206</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0207</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0208</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0301</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0302</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0303</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0304</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0305</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0306</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0307</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0310</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0311</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0401</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0402</u>	Necessary with substantive public interest
<u>14B NCAC 05 .0501</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0104</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0105</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0106</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0107</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0108</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0109</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0110</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0111</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0112</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0113</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0114</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0115</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0116</u>	Necessary with substantive public interest
<u>14B NCAC 07A .0118</u>	Necessary with substantive public interest

<u>14B</u>	<u>NCAC</u>	<u>07A</u>	<u>.0119</u>	Necessary with substantive public interest
<u>14B</u>	<u>NCAC</u>	<u>07C</u>	<u>.0101</u>	Necessary with substantive public interest
<u>14B</u>	<u>NCAC</u>	<u>07C</u>	<u>.0102</u>	Necessary with substantive public interest

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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

April 20, 2017

Robert Hamilton, Rulemaking Coordinator
ABC Commission
400 East Tryon Road
Raleigh, North Carolina 27610

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **14B NCAC 15B**

Dear Mr. Hamilton:

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 April 20, 2017 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 May 31, 2018.

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

Sincerely,

Abigail M. Hammond
Commission Counsel

cc: Renee Metz

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

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

Judges and
Assistants
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fax: 919/431-3100

Clerk's Office
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fax: 919/431-3100

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

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

An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
June 16, 2016
APO Review: August 20, 2016**

**Alcoholic Beverage Control Commission
Total: 2**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>14B NCAC 15B .0102</u>	Necessary with substantive public interest
<u>14B NCAC 15B .1003</u>	Necessary with substantive public interest



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

April 20, 2017

Carrie Ruhlman, Rulemaking Coordinator
Wildlife Resources Commission
1701 Mail Service Center
Raleigh, NC 27699-1701

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **15A NCAC 10F, 10H**

Dear Mrs. Ruhlman:

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 April 20, 2017 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 as follows:

- 15A NCAC 10H .0301, .0302, .0303, .0304, .1004 no later than July 31, 2018
- 15A NCAC 10F .0102, .0301, .0302, .0320, .0321, .0330, .0333, .0353, .0366 no later than December 31, 2018
- 15A NCAC 10H .0101, .0901, .0903, .0904, .1106, .1201, .1202, .1203, .1204, .1205, .1206, .1207 no later than December 31, 2019

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

Sincerely,

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

An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
November 17, 2016
APO Review: December 06, 2016
Wildlife Resources Commission
Total: 26**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>15A NCAC 10F .0102</u>	Necessary with substantive public interest
<u>15A NCAC 10F .0301</u>	Necessary with substantive public interest
<u>15A NCAC 10F .0302</u>	Necessary with substantive public interest
<u>15A NCAC 10F .0320</u>	Necessary with substantive public interest
<u>15A NCAC 10F .0321</u>	Necessary with substantive public interest
<u>15A NCAC 10F .0330</u>	Necessary with substantive public interest
<u>15A NCAC 10F .0333</u>	Necessary with substantive public interest
<u>15A NCAC 10F .0353</u>	Necessary with substantive public interest
<u>15A NCAC 10F .0366</u>	Necessary with substantive public interest
<u>15A NCAC 10H .0101</u>	Necessary with substantive public interest
<u>15A NCAC 10H .0301</u>	Necessary with substantive public interest
<u>15A NCAC 10H .0302</u>	Necessary with substantive public interest
<u>15A NCAC 10H .0303</u>	Necessary with substantive public interest
<u>15A NCAC 10H .0304</u>	Necessary with substantive public interest
<u>15A NCAC 10H .0901</u>	Necessary with substantive public interest
<u>15A NCAC 10H .0903</u>	Necessary with substantive public interest
<u>15A NCAC 10H .0904</u>	Necessary with substantive public interest
<u>15A NCAC 10H .1004</u>	Necessary with substantive public interest
<u>15A NCAC 10H .1106</u>	Necessary with substantive public interest
<u>15A NCAC 10H .1201</u>	Necessary with substantive public interest
<u>15A NCAC 10H .1202</u>	Necessary with substantive public interest
<u>15A NCAC 10H .1203</u>	Necessary with substantive public interest
<u>15A NCAC 10H .1204</u>	Necessary with substantive public interest
<u>15A NCAC 10H .1205</u>	Necessary with substantive public interest
<u>15A NCAC 10H .1206</u>	Necessary with substantive public interest
<u>15A NCAC 10H .1207</u>	Necessary with substantive public interest