REQUEST FOR TECHNICAL CHANGE

AGENCY: N.C. BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

DEADLINE FOR RECEIPT: TUESDAY, JULY 19, 2011

RULE CITATION: 21 NCAC 56 -- ALL RULES SUBMITTED

***NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.***

The staff of the Rules Review Commission has completed its opinion review of the rule or set of rules your agency filed with us for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved.

In reviewing the rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.1.

*Unless you have already provided this and I have just failed to see it, you need to provide some (brief is acceptable) explanation for how you determined (as indicated in box 7B on the submission form) that these rules have an estimated additional cost of less than $500,000.*

*Please don’t forget to add “with changes” to all the rules for which changes are requested below.*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and submit it along with two copies and an electronic copy to our office at 1711 New Hope Church Rd., Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: N.C. BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

DEADLINE FOR RECEIPT: TUESDAY, JULY 19, 2011

RULE CITATION: 21 NCAC 56 .0501

The staff of the Rules Review Commission has completed its opinion review of the rule or set of rules your agency filed with us for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved.

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*Bobby said he struggle with the best way of wording (a)(3)(C). I understand his struggle. Based on what you all have come up with, and how I understand the rule, let me make a further suggestion and see if you like this:*

Until June 30, 2016, an associate degree in an engineering related curriculum with an additional two years of progressive engineering experience is considered equivalent to an engineering or related science curriculum of four or more years other than one approved by the Board and may be used until that date as a basis for admission to the principles and practice of engineering examination. Once admitted to the examination an applicant may continue to re-take the examination until required to submit a new application as set out in Rules .0503 and .0603. After June 30, 2016 an associate degree may no longer be used as a basis for admission to that examination.

*In (a)(3)(C) line 29 I would change “can” to “may.”*

*In that same paragraph in line 30 change “becomes no longer available” to “is no longer available” or “shall no longer be used.”*

*In (a)(3)(D) line 35 delete “equivalency” as redundant and unnecessary.*

*In that same paragraph on page 2 line 3 it seems to me that “categories” should be changed to “the category of” or at least that “of” should be added after “categories.”*

*In (b)(4)(D) page 3 there is no specification of how much experience may be credited for teaching.*

*Further down the page I believe the paragraph beginning at line 8, “Full-time engineering faculty members …,” should probably be a new sub-paragraph (5), and then change (5) in line 13 to (6).*

*In that paragraph line add “shall” before “be granted.”*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: N.C. BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

DEADLINE FOR RECEIPT: TUESDAY, JULY 19, 2011

RULE CITATION: 21 NCAC 56 .0505

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*In (a) line 10 if I understand the requirement I would delete the comma following “convictions.”*

*In that same line please delete “minor” as unnecessary since you added the definition.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: N.C. BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

DEADLINE FOR RECEIPT: TUESDAY, JULY 19, 2011

RULE CITATION: 21 NCAC 56 .0606

The staff of the Rules Review Commission has completed its opinion review of the rule or set of rules your agency filed with us for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved.

In reviewing the rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.1.

*In (a) line 10 if I understand the requirement I would delete the comma following “convictions.”*

*In that same line please delete “minor” as unnecessary since you added the definition.*

*The deletion of “professional land surveyor” in (c) line 16 is not properly formatted. Please see 26 NCAC 02C .0405(b)(1). If this is deleting language that was not included in the original proposed text but was going to be added and is now not being added, then simply remove the language as if it were never there.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: N.C. BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

DEADLINE FOR RECEIPT: TUESDAY, JULY 19, 2011

RULE CITATION: 21 NCAC 56 .0701

The staff of the Rules Review Commission has completed its opinion review of the rule or set of rules your agency filed with us for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved.

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*In (a) lines 7, 11 – 12 and any other place it may occur please make “Rules of professional conduct” begin with either all capital or all lowercase letters.*

*In (c) at the end of (1) – (3) change the period to a semicolon. After the semicolon at the end of (3) add the word “and” with no further punctuation.*

*In (c)(4) page 2 line 4 there is no close parenthesis symbol. It appears that the parenthetical expression might end on the next line after “Rule 21 NCAC 56 .1106,” (be sure to skip a space after the chapter number before starting the rule number). If it does, change the comma after the rule number to the close parenthesis symbol.*

*In that same paragraph line 6 delete or define “complete.”*

*Further in that paragraph line 9 delete or define “clearly.”*

*In (d) page 2 at the end of (1) – (3) change the period to a semicolon. After the semicolon at the end of (3) add the word “and” with no further punctuation.*

*In (e) at the end of (1) – (6) change the period to a semicolon. After the semicolon at the end of (6) add the word “and” with no further punctuation.*

*In (e)(1) page 2 line 32 delete or define “promptly.” If there is no specific deadline that can be attached and the board is going to use its discretion to determine whether the licensee acted “promptly” then it seems to me the standards the board is going to be used could be set out here in some form.*

*In (f) page 3 at the end of (1) – (3) change the period to a semicolon. After the semicolon at the end of (3) add the word “and” with no further punctuation. Actually, there is no punctuation at the end of (f)(3).*

*In (g) lines 31 and 32 I believe the rule would “sound” better if “and lawful” were changed to “and in a lawful” to parallel “in an ethical” earlier in the sentence. Another option would be to put “in an ethical and lawful manner” together. I also believe, but not as strongly, that in those same two lines “as required by the Rules of Professional Conduct (21 NCAC 56 .0701)” would sound better if it read “as required by this Rule [or ‘this Rule of Professional Conduct’]” without referring to the rule citation.*

*In (g) at the end of (1) change the period to a semicolon. After the semicolon at the end of (1) add the word “and” with no further punctuation.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: N.C. BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

DEADLINE FOR RECEIPT: TUESDAY, JULY 19, 2011

RULE CITATION: 21 NCAC 56 .0804

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*In (c) line 8 please change “prescribed” to “provided” and delete that word in line 9 as unnecessary. I also believe it would now read better to change “the” fee to “a” fee.*

*In (e) line 18 please observe the correct format for a rule citation. There are spaces between the title number, NCAC, chapter number and rule number. You used the correct format in line 16.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: N.C. BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

DEADLINE FOR RECEIPT: TUESDAY, JULY 19, 2011

RULE CITATION: 21 NCAC 56 .1103

The staff of the Rules Review Commission has completed its opinion review of the rule or set of rules your agency filed with us for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved.

In reviewing the rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.1.

*It seems to me that if (c) is an “exception to required certification,” then (a) and (b) must be the rules for required certification. In that case I would change “not conforming to Paragraph (c) of this Rule in (a) line 4 and (b) line 21 to “not subject to the exceptions in (c) of this rule,” or “except as set out in Paragraph (c) of this rule, drawings [etc] shall conform to … .“*

*In (a)(6) page 1 line 16 delete or define “exempt.”*

*In (a) line 17 please observe the correct format for a rule citation.*

*In (b) line 20 delete the comma following “other documents.”*

*In (b)(5) line 31 change “of the sole” to “of a sole.”*

*In that same paragraph line 32 delete “exempt” as unnecessary since you’ve specified the type of sole proprietorship you are referring to.*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and submit it along with two copies and an electronic copy to our office at 1711 New Hope Church Rd., Raleigh, North Carolina 27609.

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Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: N.C. BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

DEADLINE FOR RECEIPT: TUESDAY, JULY 19, 2011

RULE CITATION: 21 NCAC 56 .1301

The staff of the Rules Review Commission has completed its opinion review of the rule or set of rules your agency filed with us for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved.

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*In (a) line 5 delete “if necessary” or specify the standards that make it “necessary” for the board to make such an investigation. It seems to me that the board must investigate any allegation that someone makes of a practice that might violate the rules or statutes. There must be some investigation to determine whether the practice took place or whether, if it did occur, it violates the practice act or rules.*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and submit it along with two copies and an electronic copy to our office at 1711 New Hope Church Rd., Raleigh, North Carolina 27609.

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REQUEST FOR TECHNICAL CHANGE

AGENCY: N.C. BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

DEADLINE FOR RECEIPT: TUESDAY, JULY 19, 2011

RULE CITATION: 21 NCAC 56 .1602

The staff of the Rules Review Commission has completed its opinion review of the rule or set of rules your agency filed with us for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved.

In reviewing the rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.1.

*In (a) line 4 delete or define either “to make adequate investigation” or “to determine.” It seems to me that if one is making a determination that one has made an investigation to make that determination. One way of looking at this requirement is that “adequate” is unnecessary since the rule already requires that the surveyor “spend the necessary time and effort.” That “necessary time and effort” is what the surveyor uses to “determine if there are … irregularities.” The rule is somewhat redundant in requiring both “investigation” and “determination.” I would delete or change all the references to “investigations” to simply making “determinations.” Besides doesn’t it sound better to have a professional surveyor licensed to “determine” things than merely to “investigate” them?*

*In (a) line 6 delete or define “nearby.” It seems to me that the term is unnecessary. Does it matter how near or far the “closed or verified traverses” are if they are useful in making the survey? If it does matter, then it is necessary to give some indication of what constitutes the allowed “nearby” ones.*

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Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: N.C. BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

DEADLINE FOR RECEIPT: TUESDAY, JULY 19, 2011

RULE CITATION: 21 NCAC 56 .1605

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*At the end of (b) line 25 you need to close the quotation.*

*In (b) would you want to add any indication for the signature date, signature line, necessity for seal or any other information of that sort or is this or similar information included in any certification?*

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DEADLINE FOR RECEIPT: TUESDAY, JULY 19, 2011

RULE CITATION: 21 NCAC 56 .1606

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*In (f) page 1 line 31 delete “applicable” since it appears you qualify the “applicable” items in sub-paragraphs (1) – (11). In the alternative delete the redundant “as applicable” in the sub-paragraphs.*

*Also in (f) at the end of (1) – (10) change the periods to semicolons. After the semicolon at the end of (10) add the word “and” with no further punctuation.*

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RULE CITATION: 21 NCAC 56 .1607

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*In (b) at the end of (1) – (8) change the periods to semicolons. After the semicolon at the end of (8) add the word “and” with no further punctuation.*

*In (b) line 23 remove the quotation mark following “survey:’” and move it to the end of line 32 at the end of the underscore.*

*In (b) would you want to add any indication for the signature date, signature line, necessity for seal or any other information of that sort or is this or similar information included in any certification?*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: N.C. BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

DEADLINE FOR RECEIPT: TUESDAY, JULY 19, 2011

RULE CITATION: 21 NCAC 56 .1608

The staff of the Rules Review Commission has completed its opinion review of the rule or set of rules your agency filed with us for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved.

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*Please explain to me what is meant by “relative accuracy.” Reference is made in (b) to the “relative accuracy standards found in Rules .1601 through .1607 of this Chapter.” However to me it seems that the accuracy standards in those rules are not relative but absolute. I’m looking forward to an education on this.*

*In (a) at the end of (1) line 18 change the period to a semicolon.*

*In (c) at the end of (1) – (3) change the commas to semicolons. (Grammatically I believe the commas are correct, but since you use semicolons in (a), and that is the punctuation used most often in these sorts of lists, I believe that for consistency it would be better to use a semicolon.)*

*In (c)(1) line 35 correct the formatting for the change in rule number.*

*In (d) would you want to add any indication for the signature date, signature line, necessity for seal or any other information of that sort or is this or similar information included in any certification?*

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DEADLINE FOR RECEIPT: TUESDAY, JULY 19, 2011

RULE CITATION: 21 NCAC 56 .1705

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*In (e) line 13 please observe the correct format for a rule citation.*

*In (f), last sentence, the same provision for webinar attendance and credit is found as in rule .1703(3). It should be deleted either here or there; I believe here is better since .1703 seems to be the more general requirements.*

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RULE CITATION: 21 NCAC 56 .1707

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*In (2) line 9 reference is made to a licensee “licensed and in good standing” and then in line 10 refers to that same licensee parenthetically as one “(whose license is not suspended or revoked).” It seems to me that these two descriptions are quite close to the same description or at least meaning. If the parenthetical expression is intended to be a definition for “good standing” then it should be moved closer to the term it is meant to modify.*

*Please rewrite the sentence to avoid this (almost) redundancy or lack of clarity.*

*In (2) lines 13 and 14 delete the sentence: “Request must be made … of this Rule.” The very next sentence specifies the requirements for making the request. If there is anything in (3) that is not in (2) and needs to be included, then copy that into (2).*

*In (2) the sub-items require another level of text. Please see 26 NCAC 02C .0108(6) for the proper formatting of this rule.*

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DEADLINE FOR RECEIPT: TUESDAY, JULY 19, 2011

RULE CITATION: 21 NCAC 56 .1713

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*In (b) at the end of (1) – (7) change the periods to semicolons. After the semicolon at the end of (7) add the word “and” with no further punctuation.*

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