

Burgos, Alexander N

Subject: FW: [External] Periodic Rule Review 21 NCAC 23
Attachments: 21 NCAC 23 - Necessary.pdf; Readoption Deadline Letter Irrigation Contractor's Licensing Board- 21 NCAC 23.pdf

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, November 26, 2024 11:28 AM
To: Ward, Alexander <award@ncdoj.gov>; administrator@nciclb.org; Margaret Geiger <nciclbadmin@nciclb.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Periodic Rule Review 21 NCAC 23

Good morning,

The Rules Review Commission today approved the agreed readoption deadline of December 1, 2026.

Please see the attached documents and let me know if you have any questions.

Thank you.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Ward, Alexander <Award@ncdoj.gov>
Sent: Thursday, November 14, 2024 12:59 PM
To: administrator@nciclb.org; Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Margaret Geiger <nciclbadmin@nciclb.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Periodic Rule Review 21 NCAC 23

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Burgos, Alexander N

From: Wiggs, Travis C
Sent: Thursday, November 14, 2024 4:45 PM
To: Ward, Alexander; administrator@nciclb.org; Margaret Geiger
Cc: Burgos, Alexander N
Subject: RE: [External] Periodic Rule Review 21 NCAC 23

The RRC will formally review and vote on your readoption deadline at its meeting on Tuesday, November 26, 2024, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite can be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get invites out to them as well.

Please let me know if you have any questions.

Thank you.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Ward, Alexander <Award@ncdoj.gov>
Sent: Thursday, November 14, 2024 3:05 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; administrator@nciclb.org; Margaret Geiger <nciclbadmin@nciclb.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Periodic Rule Review 21 NCAC 23

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Yes, the Board has officially agreed to the deadline of December 1, 2026. Thank you.



Alexander H. Ward
Assistant Attorney General
Services to State Agencies Section
N.C. Department of Justice
P.O. Box 629
Raleigh, NC 27602-0629
Phone: (919) 716-6839

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, November 14, 2024 3:02 PM
To: Ward, Alexander <Award@ncdoj.gov>; administrator@nciclb.org; Margaret Geiger <nciclbadmin@nciclb.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Periodic Rule Review 21 NCAC 23

Good afternoon,

Thank you for the email. The timeline below is sufficient if the Board has agreed, or will agree, to the suggested deadline of December 1, 2026. The RRC will need more details about your agency's readoption plan only if we don't have an agreement on the deadline.

Please be mindful of any relevant agency priorities that may impact the planned readoption timeline. Also, you are welcome to request a readoption deadline prior to December 1, 2026 if that is realistic for your agency. We are currently flexible with setting readoption deadlines since we're still early in the process. Our primary objective is to spread out the rules for readoption, across all State agencies, as best we can during the relevant 10-year period.

Please reply to confirm if the Board has officially agreed to the deadline of December 1, 2026. Thank you.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Ward, Alexander <Award@ncdoj.gov>
Sent: Thursday, November 14, 2024 12:59 PM
To: administrator@nciclb.org; Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Margaret Geiger <nciclbadmin@nciclb.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
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Good afternoon,

The North Carolina Irrigation Contractors' Licensing Board ("Board") held a regularly scheduled meeting yesterday, November 13, 2024. During this meeting, the Board approved the following plan to complete the readoption of its "necessary" rules pursuant to 26 NCAC 05 .0212(c) by the suggested deadline of December 1, 2026.

The Board meets quarterly and currently has four meetings scheduled for 2025. During the first meeting, as legal counsel, I intend to reiterate the general purpose and importance of rules and in particular the Periodic Rule Review and readoption process, as the Board will have multiple new members. The entire Board will then spend the next 3-4 meetings systematically reviewing all of its 35 rules, making any changes, considering any fiscal implications, etc. The Board intends to publish its rules in Spring of 2026, allowing plenty of time for a thorough review of all public comments and incorporate public input. This schedule would also allow the Board to have sufficient time to make substantive changes and re-publish, if necessary, before submission to the Rules Review Commission.

Please let me know if this message does not meet the requirements of 26 NCAC 05 .0212(b) and/or you would like any additional information.

Thank you,



Alexander H. Ward
Assistant Attorney General
Services to State Agencies Section
N.C. Department of Justice
P.O. Box 629
Raleigh, NC 27602-0629
Phone: (919) 716-6839

Please note messages to or from this address may be public records.

From: Barbara Geiger <administrator@nciclb.org>
Sent: Wednesday, October 2, 2024 9:56 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Lisa L. Deubler <info@nciclb.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ward, Alexander <AWard@ncdoj.gov>
Subject: Re: [External] Periodic Rule Review 21 NCAC 23

Got it. Sorry for my confusion. December 1, 2026 is good with us. Thanks.

Barbara

Barbara U. Geiger
administrator@nciclb.org
919/872-2229

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On Oct 2, 2024, at 9:38 AM, Wiggs, Travis C <travis.wiggs@oah.nc.gov> wrote:

Good morning,

Thank you for the email and the updated information. The deadline of December 1, 2024, is for your agency to submit the information required in 26 NCAC 05 .0212(a) to the RRC. December 1, 2026, is the suggested deadline for your agency to complete the readoption of all your "necessary" rules pursuant to 26 NCAC 05 .0212(c). Please see below and let me know if you have any questions.

26 NCAC 05 .0212 READOPTIONS:

(a) When setting a readoption deadline pursuant to G.S. 150B-21.3A(d)(2), an agency that is not a board or commission shall, within 60 days of receipt of the Commission's consultation request, submit to the Commission: (1) written documentation of the agency's planned timeline for readoption, providing planned dates for all steps required by G.S. 150B-21.2; and (2) written documentation of any of the agency's rulemaking priorities that the agency determines to be relevant to the timeline for readoption.

(b) A board or commission shall take the actions specified in Subparagraphs (a)(1) and (a)(2) of this Rule within 60 days of receipt of the Commission's consultation request, or within 10 days after the board or commission's next regularly scheduled meeting after receipt of the Commission's consultation request, whichever comes later.

(c) To meet the readoption deadline established pursuant to G.S. 150B-21.3A(d)(2) and Paragraphs (a) or (b) of this Rule, an agency, board, or commission shall: (1) adopt the rule, as defined in G.S. 150B-2(1a), by the date established pursuant to G.S. 150B-21.3A(d)(2) and Paragraph (a) or (b) of this Rule; and (2) file the rule with the Commission within 30 days of adoption.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Barbara Geiger <administrator@nciclb.org>
Sent: Tuesday, October 1, 2024 4:59 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Lisa L. Deubler <info@nciclb.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ward, Alexander <award@ncdoj.gov>
Subject: [External] Re: Periodic Rule Review 21 NCAC 23

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Thank you Travis. I feel sure that the Board will use the readoption deadline of December 1, 2024, as you suggest. I will be back in touch very soon to confirm. (note that your email below states December 1, 2026, but I'm pretty sure you meant 2024) 😊

Please note that Lisa Deubler is no longer with the Board. The Board Administrator is Margaret Geiger. The email address remains the same - info@nciclb.org.

I will be back in touch in the next day or so to confirm the readoption deadline.

Barbara

Barbara U. Geiger

administrator@nciclb.org
919/872-2229

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On Oct 1, 2024, at 4:09 PM, Wiggs, Travis C <travis.wiggs@oah.nc.gov> wrote:

Good afternoon,

The attached periodic review report has been finalized. The next step is to set a deadline for the readoption of these rules. Pursuant to G.S. 150B-21.3A and 26 NCAC 05 .0212, the RRC sets this deadline after consultation with the agency, and this email serves as the RRC's request for that consultation. Please review 26 NCAC 05 .0212 for the information required to be submitted to the RRC, and the deadlines for doing so.

The deadline for your agency to provide this information is December 2, 2024. As a starting point, I would recommend a December 1, 2026, readoption deadline, but I am open to considering a different recommendation based on the needs of your agency.

Let me know if you have any questions. Thank you.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: McGhee, Dana <dana.McGhee@oah.nc.gov>
Sent: Tuesday, October 1, 2024 9:58 AM
To: administrator@nciclb.org; Lisa L. Deubler <info@nciclb.org>
Cc: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: Periodic Rule Review 21 NCAC 23

The determinations in the attached periodic review reports for 21 NCAC 23 are effective today. Commission Counsel Travis Wiggs will reach out to you to discuss setting the readoption date for the rules in the reports.

Let me know if you have any questions.

Dana McGhee
Publications Coordinator
Office of Administrative Hearings
984-236-1937
dana.mcghee@oah.nc.gov

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