

# Commission Review

## Log of Permanent Rule Filings

### February 23, 2021 through March 22, 2021

\* Approval Recommended, \*\* Objection Recommended, \*\*\* Other

#### PLANT CONSERVATION BOARD

The rules in Chapter 48 are from the Plant Conservation Board and cover plant industry.

The rules in Subchapter 48F concern plant conservation and include the endangered and threatened plant species lists and the list of species of special concern (.0300); collection, propagation and movement of endangered and threatened plant species (.0400); and forms (.0500).

<u>Protected Plant Species List</u>	02 NCAC 48F .0301
Amend*	

#### COMMERCE - EMPLOYMENT SECURITY, DIVISION OF

The rules in Subchapter 24D concern tax administration including account charge protests (.0100); request for noncharging of benefits payments (.0200); adequacy (.0300); voluntary election and payments (.0400); records (.0500); reports (.0600); transfer of experience rating to related entity successor account (.0700); agreements to compromise (.0800); special tax investigations (.0900); requests and hearings to review and redetermine tax rate (.1000); treasury offset program and employer setoff debt collection (.1100); seasonal pursuits (.1200); collection methods of employer debt (.1300); and records (.1400).

<u>Notice to Employer of Potential Charges</u>	04 NCAC 24D .0102
Amend*	
<u>Requirements for Requesting Noncharging of Benefit Payments</u>	04 NCAC 24D .0103
Repeal*	
<u>Time for Filing Requests for Noncharging</u>	04 NCAC 24D .0104
Repeal*	
<u>Determination on Requests for Noncharging</u>	04 NCAC 24D .0105
Repeal*	
<u>Appealing Denial or Request for Noncharging</u>	04 NCAC 24D .0106
Repeal*	
<u>Notice of Employer Quarterly Charges</u>	04 NCAC 24D .0201
Adopt*	
<u>Requirements for Filing Protests to List of Charges</u>	04 NCAC 24D .0202
Amend*	
<u>Grounds for Protesting List of Charges</u>	04 NCAC 24D .0203
Amend*	
<u>Time for Filing Protests and Appeals</u>	04 NCAC 24D .0206
Adopt*	

The rules in Subchapter 24F concern the board of review including general provisions (.0100); higher authority review of appeals decisions (.0200); and tax liability hearings (.0300).

<u>Telephone Hearings Before the Board of Review</u>	04 NCAC 24F .0303
Repeal*	

## **CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION**

The rules in Chapter 9 are from the Criminal Justice Education and Training Standards Commission. This Commission has primary responsibility for setting statewide education, training, employment, and retention standards for criminal justice personnel (not including sheriffs).

The rules in Subchapter 9B cover minimum standards for: employment (.0100); schools and training programs (.0200); criminal justice instructors (.0300); completion of training (.0400); school directors (.0500); and certification of post-secondary criminal justice education programs (.0600).

Responsibilities of the School Director 12 NCAC 09B .0202  
Amend\*

Criminal Justice Instructor Training 12 NCAC 09B .0209  
Amend\*

Evaluation for Training Waiver 12 NCAC 09B .0403  
Amend\*

The rules in Subchapter 9E relate to the law enforcement officers' in-service training program.

Minimum Training Specifications: Annual In-Service Training 12 NCAC 09E .0105  
Amend\*

The rules in Subchapter 9G are the standards for correction including scope, applicability and definitions (.0100); minimum standards for certification of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0200); certification of correctional officers, probation/parole officers, probation/parole officers intermediate and instructors (.0300); minimum standards for training of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0400); enforcement of rules (.0500); professional certification program (.0600); and forms (.0700).

Instructor Training 12 NCAC 09G .0414  
Amend\*

## **SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

The rules in Subchapter 10B govern the commission organization and procedure (.0100); enforcement rules (.0200); minimum standards for employment as a justice officer (deputy or jailer) (.0300); certification of justice officers (.0400); standards and accreditation for justice officers schools, training programs, and the instructors (.0500-.0900); certificate and awards programs for sheriffs, deputies, justice officers, jailers, reserve officers, and telecommunicators (.1000-.1700); in-service training (.2000); and firearms in-service training and re-qualification (.2100).

Terms and Conditions of Detention Officer Instructor Cert... 12 NCAC 10B .0905  
Amend\*

Terms and Conditions of a Limited Lecturer Certification 12 NCAC 10B .0909  
Amend\*

Terms and Conditions of Telecommunicator Instructor Certi... 12 NCAC 10B .0915  
Amend\*

## MARINE FISHERIES COMMISSION

The rules in Subchapter 3O cover various licenses (.0100); leases and franchises (.0200); license appeal procedures (.0300); Standard Commercial Fishing License Eligibility Board (.0400); and licenses, leases and franchises (.0500).

<u>Standards and Requirements for Shellfish Leases and Franc...</u> Readopt with Changes*	15A NCAC 03O .0201
<u>Shellfish Lease Applications</u> Readopt with Changes*	15A NCAC 03O .0202
<u>Marking Shellfish Leases and Franchises</u> Readopt with Changes*	15A NCAC 03O .0204

The rules in Subchapter 3R specify boundaries for various areas (.0100); and fishery management areas (.0200).

<u>Permanent Secondary Nursery Areas</u> Amend*	15A NCAC 03R .0104
<u>Special Secondary Nursery Areas</u> Readopt with Changes*	15A NCAC 03R .0105
<u>Oyster Sanctuaries</u> Amend*	15A NCAC 03R .0117

## WILDLIFE RESOURCES COMMISSION

The rules in Chapter 10 are promulgated by the Wildlife Resources Commission and concern wildlife resources and water safety.

The rules in Subchapter 10A cover general WRC practices and procedures including petitions for rulemaking (.0400); declaratory rulemaking (.0500); warning tickets (.1000); waivers (.1100); emergency powers (.1200); wildlife poacher reward fund (.1300); interstate wildlife violator compact (wcv) (.1400); and evidence (.1500).

<u>Emergency Closures and Waivers</u> Adopt*	15A NCAC 10A .1102
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The rules in Subchapter 10B are hunting and trapping rules and cover general hunting and wildlife provisions (.0100), hunting specific animals (.0200), trapping (.0300), and tagging furs (.0400).

<u>Wildlife Taken for Depredations</u> Amend*	15A NCAC 10B .0106
<u>Attendance of Traps</u> Readopt with Changes*	15A NCAC 10B .0110
<u>Permitted Archery Equipment</u> Amend*	15A NCAC 10B .0116
<u>Bear</u> Amend*	15A NCAC 10B .0202
<u>Deer (White Tailed)</u> Amend*	15A NCAC 10B .0203
<u>Wild Quail Management Areas</u> Adopt*	15A NCAC 10B .0227

The rules in Subchapter 10C cover inland fishing including jurisdictional issues involving the Marine Fisheries Commission (.0100); general rules (.0200); game fish (.0300); non-game fish (.0400); primary nursery areas (.0500); and anadromous fish spawning areas (.0600).

<u>Public Mountain Trout Waters</u> Amend*	15A NCAC 10C .0205
<u>Possession of Certain Fishes</u> Amend*	15A NCAC 10C .0211
<u>Largemouth Bass</u> Amend*	15A NCAC 10C .0305
<u>Striped Bass</u> Amend*	15A NCAC 10C .0314
<u>Trout</u> Amend*	15A NCAC 10C .0316
<u>Smallmouth Bass</u> Amend*	15A NCAC 10C .0321
<u>Alabama Bass and Spotted Bass</u> Amend*	15A NCAC 10C .0322
<u>Manner of Taking Nongame Fishes</u> Amend*	15A NCAC 10C .0401
<u>Taking Nongame Fishes for Bait or Personal Consumption</u> Readopt with Changes*	15A NCAC 10C .0402

The rules in Subchapter 10D are game lands rules.

<u>General Regulations Regarding Use</u> Amend*	15A NCAC 10D .0102
<u>Hunting on Game Lands</u> Amend*	15A NCAC 10D .0103

The rules in Subchapter 10F cover motorboats and water safety including boat registration (.0100); safety equipment and accident reports (.0200); and local water safety regulations covering speed limits, no-wake restrictions, restrictions on swimming and other activities, and placement of markers for designated counties or municipalities (.0300).

<u>Brunswick County</u> Amend*	15A NCAC 10F .0305
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The rules in Subchapter 10H concern activities regulated by the Commission including controlled hunting preserves for domestically raised game birds (.0100), holding wildlife in captivity (.0300), commercial trout ponds (.0400), fish propagation (.0700), falconry (.0800), game bird propagators (.0900), taxidermy (.1000), furbearer propagation (.1100), controlled fox hunting preserves (.1200), reptiles and amphibians (.1300), wildlife captivity and rehabilitation (.1400), wildlife and alligator control agents (.1500).

<u>Wildlife Control Agent License Eligibility and Requirements</u> Adopt*	15A NCAC 10H .1501
<u>Depredation Permits Issued by Wildlife Control Agents</u> Adopt*	15A NCAC 10H .1502
<u>Manner of Take</u> Adopt*	15A NCAC 10H .1503
<u>Records and Reporting Requirements</u> Adopt*	15A NCAC 10H .1504

<u>Wildlife Control Agent License Renewal and Revocation</u> Adopt*	15A NCAC 10H .1505
<u>Alligator Control Agent Certification Eligibility and Req...</u> Adopt*	15A NCAC 10H .1506
<u>Additional Permit Requirements for Alligator Control Agents</u> Adopt*	15A NCAC 10H .1507
<u>Alligator Control Agent Certification Eligibility and Req...</u> Adopt*	15A NCAC 10H .1508
<u>Alligator Control Agent Certification Renewal and Revocation</u> Adopt*	15A NCAC 10H .1509

The rules in Subchapter 10J cover wildlife conservation areas.

<u>Hunting on Wildlife Conservation Areas</u> Amend*	15A NCAC 10J .0103
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## **ENVIRONMENTAL MANAGEMENT COMMISSION**

The rules in Chapter 13 concern Solid Waste Management.

The rules in Subchapter 13B concern Solid Waste Management including general provisions (.0100); permits for solid waste management facilities (.0200); treatment and processing facilities (.0300); transfer stations (.0400); disposal sites (.0500); monitoring requirements (.0600); administrative penalty procedures (.0700); septage management (.0800); yard waste facilities (.0900); solid waste management loan program (.1000); scrap tire management (.1100); medical waste management (.1200); disposition of remains of terminated pregnancies (.1300); municipal solid waste compost facilities (.1400); standards for special tax treatment of recycling and resource recovery equipment and facilities (.1500); requirements for municipal solid waste landfill facilities (.1600); requirements for beneficial use of coal combustion products (.1700); and financial assurance requirements for solid waste management facilities (.1800).

<u>Definitions</u> Readopt/Repeal*	15A NCAC 13B .1701
<u>General Provisions for Structural Fill Facilities</u> Readopt/Repeal*	15A NCAC 13B .1702
<u>Notification for Structural Fill Facilities</u> Readopt/Repeal*	15A NCAC 13B .1703
<u>Siting for Structural Fill Facilities</u> Readopt/Repeal*	15A NCAC 13B .1704
<u>Design, Construction, and Operation for Structural Fill F...</u> Readopt/Repeal*	15A NCAC 13B .1705
<u>Closure of Structural Fill Facilities</u> Readopt/Repeal*	15A NCAC 13B .1706
<u>Recordation of Structural Fill Facilities</u> Readopt/Repeal*	15A NCAC 13B .1707
<u>Other Uses for Coal Combustion By-Products</u> Readopt/Repeal*	15A NCAC 13B .1708
<u>Storage and Containment of Coal Combustion By-Products</u> Readopt/Repeal*	15A NCAC 13B .1709
<u>Annual Reporting</u> Readopt/Repeal*	15A NCAC 13B .1710

## **MARINE FISHERIES COMMISSION**

The rules in Chapter 18 cover environmental aspects of health such as sanitation (18A), mosquito control (18B), water supplies (18C), and water treatment facility operators (18D). The rules in Subchapter 18A deal with sanitation and include handling, packing and shipping of crustacean meat (.0100) and shellfish (.0300 and .0400); operation of shellstock plants and reshippers (.0500); shucking and packing plants (.0600); depuration mechanical purification facilities (.0700); wet storage of shellstock (.0800); shellfish growing waters (.0900); summer camps (.1000); grade A milk (.1200); hospitals, nursing homes, rest homes, etc. (.1300); mass gatherings (.1400); local confinement facilities (.1500); residential care facilities (.1600); protection of water supplies (.1700); lodging places (.1800); sewage treatment and disposal systems (.1900); migrant housing (.2100); bed and breakfast homes (.2200); delegation of authority to enforce rules (.2300); public, private and religious schools (.2400); public swimming pools (.2500); restaurants, meat markets, and other food handling establishments (.2600); child day care facilities (.2800); restaurant and lodging fee collection program (.2900); bed and breakfast inns (.3000); lead poisoning prevention (.3100); tattooing (.3200); adult day service facilities (.3300); primitive camps (.3500); rules governing the sanitation of resident camps (.3600); and private drinking water well sampling (.3800).

<u>Floors</u>	15A NCAC 18A .0140
Readopt without Changes*	
<u>Walls and Ceilings</u>	15A NCAC 18A .0141
Readopt without Changes*	
<u>Lighting</u>	15A NCAC 18A .0142
Readopt without Changes*	
<u>Ventilation</u>	15A NCAC 18A .0143
Readopt without Changes*	
<u>Premises</u>	15A NCAC 18A .0146
Readopt with Changes*	
<u>Sewage Disposal</u>	15A NCAC 18A .0150
Readopt with Changes*	
<u>Employees' Personal Articles</u>	15A NCAC 18A .0154
Readopt with Changes*	
<u>Supply Storage</u>	15A NCAC 18A .0155
Readopt with Changes*	
<u>Separation of Operations</u>	15A NCAC 18A .0159
Readopt with Changes*	
<u>Raw Crustacea Receiving and Refrigeration</u>	15A NCAC 18A .0160
Readopt with Changes*	
<u>Cooked Crustacea Refrigeration</u>	15A NCAC 18A .0163
Readopt without Changes*	
<u>Delivery Window of Shelf</u>	15A NCAC 18A .0167
Readopt with Changes*	
<u>Freezing</u>	15A NCAC 18A .0169
Readopt without Changes*	
<u>Shipping</u>	15A NCAC 18A .0170
Readopt without Changes*	
<u>Whole Crustacea or Crustacea Products</u>	15A NCAC 18A .0171
Readopt with Changes*	

<u>Cooked Claw Shipping Conditions</u>	15A NCAC 18A .0172
Readopt with Changes*	
<u>Recall Procedure</u>	15A NCAC 18A .0179
Readopt with Changes*	
<u>Sampling and Testing</u>	15A NCAC 18A .0180
Readopt with Changes*	
<u>Hazard Analysis</u>	15A NCAC 18A .0188
Readopt without Changes*	
<u>HACCP Plan</u>	15A NCAC 18A .0189
Readopt with Changes*	
<u>Sanitation Monitoring</u>	15A NCAC 18A .0190
Readopt with Changes*	
<u>Standards for an Approved Shellfish Growing Area</u>	15A NCAC 18A .0431
Readopt/Repeal*	
<u>Laboratory Procedures</u>	15A NCAC 18A .0704
Readopt with Changes*	
<u>Definitions</u>	15A NCAC 18A .0901
Readopt with Changes*	
<u>Classification of Shellfish Growing Waters</u>	15A NCAC 18A .0902
Readopt with Changes*	
<u>Sanitary Survey</u>	15A NCAC 18A .0903
Readopt with Changes*	
<u>Approved Waters</u>	15A NCAC 18A .0904
Readopt with Changes*	
<u>Conditionally Approved Waters</u>	15A NCAC 18A .0905
Readopt with Changes*	
<u>Restricted Areas</u>	15A NCAC 18A .0906
Readopt with Changes*	
<u>Prohibited Waters</u>	15A NCAC 18A .0907
Readopt with Changes*	
<u>Unsurveyed Areas</u>	15A NCAC 18A .0908
Readopt/Repeal*	
<u>Buffer Zones</u>	15A NCAC 18A .0909
Readopt with Changes*	
<u>Reclassification</u>	15A NCAC 18A .0910
Readopt/Repeal*	
<u>Public Health Emergency</u>	15A NCAC 18A .0913
Readopt with Changes*	
<u>Laboratory Procedures</u>	15A NCAC 18A .0914
Readopt with Changes*	

## **TRANSPORTATION - MOTOR VEHICLES, DIVISION OF**

The rules in Chapter 3 concern the division of motor vehicles. T

he rules in Subchapter 3C concern vehicle registration including general provision (.0100); registrations (.0200); financial responsibility (.0300); motor vehicles operated for-hire (.0400); motor vehicles operated for hire (.0500); and international registration plan (.0600).

<u>Purpose</u>	19A NCAC 03C .0101
Readopt/Repeal*	
<u>Forms</u>	19A NCAC 03C .0102
Readopt without Changes*	
<u>Function</u>	19A NCAC 03C .0201
Readopt without Changes*	
<u>Titling and Registration of Branded Vehicles</u>	19A NCAC 03C .0202
Readopt without Changes*	
<u>Manufacturer's Certificate of Origin</u>	19A NCAC 03C .0220
Readopt without Changes*	
<u>Registration: Out-of-State Registered Vehicles</u>	19A NCAC 03C .0221
Readopt without Changes*	
<u>Registration: Custom Built Motor Vehicles and Trailers</u>	19A NCAC 03C .0222
Readopt without Changes*	
<u>Registration: Motor Homes: Etc.</u>	19A NCAC 03C .0223
Readopt without Changes*	
<u>Purchase Information</u>	19A NCAC 03C .0224
Readopt without Changes*	
<u>Class of License Plate</u>	19A NCAC 03C .0225
Readopt without Changes*	
<u>Registration: Buses to be Operated for Hire</u>	19A NCAC 03C .0226
Readopt without Changes*	
<u>Date First Operated</u>	19A NCAC 03C .0227
Readopt without Changes*	
<u>Title Only</u>	19A NCAC 03C .0228
Readopt without Changes*	
<u>Signature</u>	19A NCAC 03C .0229
Readopt without Changes*	
<u>Powers of Attorney: Guardians</u>	19A NCAC 03C .0230
Readopt without Changes*	
<u>Registration Information and Certified Records Fees</u>	19A NCAC 03C .0232
Readopt without Changes*	
<u>Leased Vehicles</u>	19A NCAC 03C .0233
Readopt without Changes*	
<u>Minors May Own Vehicles</u>	19A NCAC 03C .0234
Readopt without Changes*	
<u>Application for Duplicate Title</u>	19A NCAC 03C .0235
Readopt without Changes*	
<u>Penalty for Failure to Make Transfer Within 28 days</u>	19A NCAC 03C .0236
Readopt without Changes*	
<u>Display of License Plate Renewal Sticker</u>	19A NCAC 03C .0237
Readopt without Changes*	
<u>Van Pool License Plate</u>	19A NCAC 03C .0403
Readopt without Changes*	
<u>Original Registration: Staggered Registration System</u>	19A NCAC 03C .0404
Readopt without Changes*	
<u>Application for License</u>	19A NCAC 03C .0414
Readopt without Changes*	



<u>Golf Carts</u>	19A NCAC 03C .0419
Readopt without Changes*	
<u>Handicapped Placard</u>	19A NCAC 03C .0420
Readopt without Changes*	
<u>Vehicles Used for Passenger and Property Carrying</u>	19A NCAC 03C .0421
Readopt without Changes*	
<u>Self-Propelled Camping Vehicles</u>	19A NCAC 03C .0423
Readopt without Changes*	
<u>Trucks and Truck-Tractors (Private Property Carrying)</u>	19A NCAC 03C .0424
Readopt without Changes*	
<u>Special Mobile Equipment</u>	19A NCAC 03C .0425
Readopt without Changes*	
<u>Ten Day Temporary Registration Plate</u>	19A NCAC 03C .0426
Readopt without Changes*	
<u>Personalized Plates</u>	19A NCAC 03C .0427
Readopt without Changes*	
<u>Application for Replacement License or Validation Stickers</u>	19A NCAC 03C .0428
Readopt without Changes*	
<u>License Plate Transfer</u>	19A NCAC 03C .0429
Readopt without Changes*	
<u>Purchase of Out-Of-State Vehicles: Removal of Plates</u>	19A NCAC 03C .0431
Readopt without Changes*	
<u>Transporter's Registration</u>	19A NCAC 03C .0432
Readopt without Changes*	
<u>Driveway Registration</u>	19A NCAC 03C .0433
Readopt without Changes*	
<u>Highway Use Tax</u>	19A NCAC 03C .0436
Readopt without Changes*	
<u>For Hire Operations</u>	19A NCAC 03C .0501
Readopt without Changes*	
<u>For Hire Operations Defined</u>	19A NCAC 03C .0520
Readopt without Changes*	
<u>Taxicab</u>	19A NCAC 03C .0521
Readopt without Changes*	

The rules in Subchapter 03E concern international registration plan (IRP) section including registration of rental vehicles by nonresidents (.0300); international registration plan (.0400); and safety rules and registration (.0500).

<u>General Information</u>	19A NCAC 03E .0401
Readopt without Changes*	

## **ENVIRONMENTAL HEALTH SPECIALIST EXAMINERS, BOARD OF**

The rules in Chapter 62 are from the Board of Environmental Health Specialist Examiners including organization (.0100); rulemaking procedures (.0200); contested cases (.0300); rules of operation (.0400).

<u>Renewal</u>	21 NCAC 62 .0407
Amend*	

Specialized Training  
Amend\*

21 NCAC 62 .0411

## **STATE HUMAN RESOURCES COMMISSION**

The rules in Chapter 1 are from the State Personnel Commission. The rules in Subchapter 1C concern personnel administration including employment (.0100); general employment policies (.0200); personnel records and reports (.0300); appointment (.0400); work schedule (.0500); competitive service (.0600); secondary employment (.0700); requirements for teleworking programs (.0800); employee recognition programs (.0900); and separation (.1000).

Temporary Appointment  
Amend\*

25 NCAC 01C .0405

The rules in Subchapter 1E cover employee benefits including general leave provisions (.0100); vacation leave (.0200); sick leave (.0300); workers compensation leave (.0700); military leave (.0800); holidays (.0900); miscellaneous leave (.1000); other types of leave without pay (.1100); community involvement (.1200); the voluntary shared leave program (.1300); family and medical leave (.1400); child involvement leave (.1500); community services leave (.1600); administrative leave (.1700) and incentive leave (.1800).

Eligibility  
Amend\*

25 NCAC 01E .0908