

**RULES REVIEW COMMISSION MEETING
MINUTES
August 20, 2015**

The Rules Review Commission met on Thursday, August 20, 2015, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Anna Choi, Margaret Currin, Jeanette Doran, Garth Dunklin, Jay Hemphill, Jeff Hyde, Stephanie Simpson, Ralph Walker, and Faylene Whitaker.

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

The meeting was called to order at 10:02 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.

APPROVAL OF MINUTES

Chairman Dunklin asked for any discussion, comments, or corrections concerning the minutes of the July 16, 2015 meeting. There were none and the minutes were approved as distributed.

FOLLOW UP MATTERS

Pesticide Board

02 NCAC 09L .0504, .0505, .0507, .0522, .1102, .1104, and .1108 - These Rules were withdrawn at the request of the agency. No action was required by the Commission.

Board of Electrolysis Examiners

21 NCAC 19 .0201, .0202, .0203, .0204, .0407, .0409, .0602, .0608, .0622, and .0702 - The Commission approved the rewritten rules.

21 NCAC 19 .0501 and .0701 - The Commission extended the period of review for these Rules.

Board of Massage and Bodywork Therapy

21 NCAC 30 .0201, .0701, .0702, .1001, .1002, .1003, .1004, .1005, .1006, .1007, .1008, .1009, .1010, .1011, .1012, .1013, .1014, and .1015 - The review of these Rules will occur at the September meeting. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Veterans Affairs Commission

The Commission voted to extend the period of review for these Rules in accordance with G.S. 150B-21.10. They did so in response to a request from the Veterans Affairs Commission to extend the period in order to allow the agency to make technical changes and submit the rewritten rules at a later meeting.

Prior to the discussion of the rules from the Veterans Affairs Commission, Commissioner Hemphill recused himself and did not participate in any discussion or vote concerning these rules because his private practice routinely involves veteran's rights.

State Board of Elections

All rules were unanimously approved.

Prior to the discussion of the rules from State Board of Elections, Commissioner Doran recused herself and did not participate in any discussion or vote concerning these rules because she has an open matter before the State Board of Elections.

Medical Care Commission

All rules were unanimously approved.

Environmental Management Commission, Subchapter 02B

The Commission objected to 15A NCAC 02B .0295, finding the agency failed to comply with the Administrative Procedure Act. Specifically, the Commission found that changing “are” to “may” in Subparagraph (l)(6) after publication constitutes a “substantial change” pursuant to G.S. 150B-21.2(g).

The Commission also objected based upon a lack of statutory authority. Specifically, the Commission found that Session Law 2014-95 required the agency to adopt a rule that was substantively identical to the recommended rule text contained in the April 10, 2014 Consolidated Buffer Mitigation Rule Stakeholder Report. The Commission found that the agency did not comply with the statutory mandate because it moved the language that was identified as an Alternative Buffer Mitigation Option in the stakeholder report (located in Paragraph (m)) to an accepted mitigation option in Paragraph (l) of the permanent rule. Therefore, the agency did not act within the statutory authority granted to it by the Session Law.

Karen Higgins with the agency addressed the Commission.

John Hutton with Wildlands Engineering addressed the Commission.

Between reviewing Permanent Rules, Chairman Dunklin introduced OAH extern Jerod Godwin.

Environmental Management Commission, Subchapters 02D and 02Q

All rules were unanimously approved.

Coastal Resources Commission

All rules were unanimously approved.

Veterinary Medical Board

21 NCAC 66 .0209 was unanimously approved.

Building Code Council

All rules were approved with the following exception:

The Commission objected to Rule 2011 NC Electrical Code/Raceways in Wet Locations Above Grade, 300.9 with Commissioners Choi, Currin, Doran, Dunklin, Hemphill, Hyde, and Whitaker voting to adopt staff's recommendation to object to the rule, and Commissioners Simpson and Walker voting against.

The Commission objected to the Rule for failure to comply with Part 2 of the Administrative Procedure Act, specifically by adopting a rule that differs substantially from a proposed rule published in the Register. The Council published a rule in the NC Register, Volume 29, Issue 18, and proposed the deletion of one sentence and the addition of one sentence. As adopted by the Council and submitted to the Rules Review Commission, the rule did not reflect any of the published proposed changes and added an exception with three requirements. The Commission found that the change made to the text of the rule from the content proposed in the Register to the content as adopted by the Council creates a substantial change pursuant to G.S. 150B-21.2(g).

Barry Gupton with the agency addressed the Commission.

EXISTING RULES REVIEW

Tobacco Trust Fund Commission

02 NCAC 57 - The Commission unanimously approved the report as submitted by the agency.

Medical Care Commission

10A NCAC 13H – These rules were repealed effective April 1, 2015. No action was required by the Commission.

Social Services Commission

10A NCAC 70I – At the July 2015 meeting, the Commission granted the motion for an extension of time, and rescheduled the reports to be reviewed at the March 2016 meeting. No action was required by the Commission.

10A NCAC 70K - At the July 2015 meeting, the Commission granted the motion for an extension of time, and rescheduled the reports to be reviewed at the March 2016 meeting. No action was required by the Commission.

Department of Transportation

19A NCAC 01 - The Commission unanimously approved the report as submitted by the agency.

19A NCAC 04 - The Commission unanimously approved the report as submitted by the agency.

19A NCAC 05 - The Commission unanimously approved the report as submitted by the agency.

19A NCAC 06 - The Commission unanimously approved the report as submitted by the agency.

Board of Agriculture

02 NCAC 09 - As reflected in the attached letter, the Commission voted for readoption of these rules pursuant to G.S. 150B-21.3A(c)(2) no later than November 30, 2016.

02 NCAC 38 - As reflected in the attached letter, the Commission voted for readoption of these rules pursuant to G.S. 150B-21.3A(c)(2) no later than November 30, 2016.

Prior to the discussion of the reports from the Board of Agriculture, Commissioner Whitaker recused herself and did not participate in any discussion or vote concerning the reports because they affect her business operation.

Department of Cultural Resources

07 NCAC 04 - As reflected in the attached letter, the Commission voted for readoption of these rules pursuant to G.S. 150B-21.3A(c)(2) no later than December 31, 2016.

Office of Information Technology Services

09 NCAC 06 - As reflected in the attached letter, the Commission voted for readoption of these rules pursuant to G.S. 150B-21.3A(c)(2) no later than April 30, 2016.

Child Care Commission

10A NCAC 09 - As reflected in the attached letter the Commission voted for readoption of these rules pursuant to G.S. 150B-21.3A(c)(2) no later than March 31, 2019 with Commissioners Choi, Currin, Dunklin, Hyde, Simpson, Walker, and Whitaker voting in favor of the adoption date, and Commissioners Doran and Hemphill voting against.

Jim Wellons, with the Attorney General's office representing the agency, addressed the Commission.

Commission for Mental Health

10A NCAC 26D - As reflected in the attached letter, the Commission voted for readoption of these rules pursuant to G.S. 150B-21.3A(c)(2) no later than December 31, 2018.

Coastal Resources Commission

15A NCAC 07B - As reflected in the attached letter, the Commission voted for readoption of these Rules pursuant to G.S. 150B-21.3A(c)(2) no later than February 29, 2016.

Department of Revenue

17 NCAC 06 - As reflected in the attached letter, the Commission voted for readoption of these Rules pursuant to G.S. 150B-21.3A(c)(2) no later than February 29, 2016.

COMMISSION BUSINESS

Staff gave the Commission a brief legislative update.

At 11:57 a.m., Chairman Dunklin ended the public meeting of the Rules Review Commission and called the meeting into closed session pursuant to G.S. 143-318.11(a)(3) to discuss the lawsuit filed by the State Board of Education against the Rules Review Commission, and the Commission's new authority to hire outside counsel pursuant to S.L. 2015-196.

The Commission came out of closed session and reconvened at 1:07 p.m. Upon reconvening the public meeting, Chairman Dunklin noted on the record that pursuant to S.L. 2015-196, the Rules Review Commission acted to engage outside counsel with connection to the lawsuit with the State Board of Education against the Rules Review Commission.

The meeting adjourned at 1:08 p.m.

The next regularly scheduled meeting of the Commission is Thursday, September 17th 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:

Garth Dunklin, Chair

August 2015

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Nadine Pfeiffer	DHSR
BARRY GUPTON	NCDOI - NCBCC
Sue Homewood	NCDWQ - DENR
Jennifer Everett	NC DENR
Richard Hamson	TTFC/NCDOJ
Thomas Mickey	NLCUMB
Azzye Conkey	DHSR
Janice W Davidson	NC DOR
Brittany Johnson	NC DOR
Susan Magus	NCBEE
John Hutton	Wildlands Engineering
Bill Teuslee	DOA
Steve Schliesser	DENR-DAQ
Joelle Burleson	DENR-DAQ
Sam Mayer	DENR-OGC
Karen Higgins	DENR-DWR
Raymond Hoke	RESTORATION Systems
Helen Landi	DOT
GEORGE MCCUE	STATE BOARD OF ELECTIONS
William Upchurch	TTFC
Brian Neeshy	State Board of Elections

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Josh Lawson	State Board of Elections
Margaret McDonald	NCDPS
Katie Horton	NCDPS
Jenod Godwin	External Hearing Division-OAH
Debra Alston	DCDEE
Jim Wellons	DOJ



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
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Raleigh, NC 27609-6285

August 21, 2015

Christina L. Waggett
Department of Agriculture & Consumer Services
1001 Mail Service Center
Raleigh, North Carolina 27699-1001

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **02 NCAC 09** and **02 NCAC 38**

Dear Ms. Waggett:

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 August 20, 2015 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 November 30, 2016.

Please note that the rules set forth in 02 NCAC 09L are not subject to this readoption date. 02 NCAC 09L is scheduled for a separate periodic review date of September 2018.

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

Sincerely,

Abigail M. Hammond
Commission Counsel

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**RRC DETERMINATION
PERIODIC RULE REVIEW
January 01, 2015 through June 30, 2015
Agriculture, Board of
Total: 69**

RRC Determination: Necessary with substantive public interest

Rule	Determination	APO Review Date
02 NCAC 09C .0501	Necessary with substantive public interest	March 22, 2015
02 NCAC 09C .0502	Necessary with substantive public interest	March 22, 2015
02 NCAC 09C .0503	Necessary with substantive public interest	March 22, 2015
02 NCAC 09C .0504	Necessary with substantive public interest	March 22, 2015
02 NCAC 09C .0505	Necessary with substantive public interest	March 22, 2015
02 NCAC 09C .0506	Necessary with substantive public interest	March 22, 2015
02 NCAC 09C .0507	Necessary with substantive public interest	March 22, 2015
02 NCAC 09C .0601	Necessary with substantive public interest	March 22, 2015
02 NCAC 09C .0701	Necessary with substantive public interest	March 22, 2015
02 NCAC 09C .0702	Necessary with substantive public interest	March 22, 2015
02 NCAC 09C .0703	Necessary with substantive public interest	March 22, 2015
02 NCAC 09E .0102	Necessary with substantive public interest	March 22, 2015
02 NCAC 09E .0103	Necessary with substantive public interest	March 22, 2015
02 NCAC 09G .0101	Necessary with substantive public interest	March 22, 2015
02 NCAC 09G .0103	Necessary with substantive public interest	March 22, 2015
02 NCAC 09G .2001	Necessary with substantive public interest	March 22, 2015
02 NCAC 09G .2002	Necessary with substantive public interest	March 22, 2015
02 NCAC 09G .2003	Necessary with substantive public interest	March 22, 2015
02 NCAC 09G .2004	Necessary with substantive public interest	March 22, 2015
02 NCAC 09G .2005	Necessary with substantive public interest	March 22, 2015
02 NCAC 09G .2006	Necessary with substantive public interest	March 22, 2015
02 NCAC 09G .2007	Necessary with substantive public interest	March 22, 2015
02 NCAC 09G .2008	Necessary with substantive public interest	March 22, 2015
02 NCAC 09G .2009	Necessary with substantive public interest	March 22, 2015
02 NCAC 09G .2010	Necessary with substantive public interest	March 22, 2015
02 NCAC 09H .0109	Necessary with substantive public interest	March 22, 2015
02 NCAC 09J .0101	Necessary with substantive public interest	March 22, 2015
02 NCAC 09J .0102	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0101	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0102	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0103	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0104	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0105	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0106	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0107	Necessary with substantive public interest	March 22, 2015

02 NCAC 09K .0108	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0109	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0112	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0113	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0114	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0201	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0202	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0203	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0204	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0205	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0206	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0207	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0208	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0209	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0210	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0211	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0212	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0213	Necessary with substantive public interest	March 22, 2015
02 NCAC 09K .0214	Necessary with substantive public interest	March 22, 2015
02 NCAC 09O .0101	Necessary with substantive public interest	March 22, 2015
02 NCAC 09O .0102	Necessary with substantive public interest	March 22, 2015
02 NCAC 09O .0103	Necessary with substantive public interest	March 22, 2015
02 NCAC 09O .0104	Necessary with substantive public interest	March 22, 2015
02 NCAC 09O .0105	Necessary with substantive public interest	March 22, 2015
02 NCAC 09O .0106	Necessary with substantive public interest	March 22, 2015
02 NCAC 09O .0107	Necessary with substantive public interest	March 22, 2015
02 NCAC 38 .0201	Necessary with substantive public interest	March 22, 2015
02 NCAC 38 .0202	Necessary with substantive public interest	March 22, 2015
02 NCAC 38 .0301	Necessary with substantive public interest	March 22, 2015
02 NCAC 38 .0401	Necessary with substantive public interest	March 22, 2015
02 NCAC 38 .0504	Necessary with substantive public interest	March 22, 2015
02 NCAC 38 .0601	Necessary with substantive public interest	March 22, 2015
02 NCAC 38 .0604	Necessary with substantive public interest	March 22, 2015
02 NCAC 38 .0701	Necessary with substantive public interest	March 22, 2015



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August 21, 2015

Joshua Davis
Department of Cultural Resources
4605 Mail Service Center
Raleigh, North Carolina 27699-4605

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **07 NCAC 04**

Dear Mr. Davis:

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 August 20, 2015 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 December 31, 2016.

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

Sincerely,

Abigail M. Hammond
Commission Counsel

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**RRC DETERMINATION
PERIODIC RULE REVIEW
January 01, 2015 through June 30, 2015
Cultural Resources, Department of
Total: 42**

RRC Determination: Necessary with substantive public interest

Rule	Determination	APO Review Date
07 NCAC 04R .0203	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0204	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0205	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0206	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0304	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0702	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0703	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0704	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0705	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0706	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0707	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0708	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0709	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0710	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0711	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0712	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0713	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0714	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0715	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0716	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0717	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0718	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0801	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0802	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0803	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0804	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0805	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0806	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0807	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .0808	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .1002	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .1003	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .1004	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .1005	Necessary with substantive public interest	July 26, 2015
07 NCAC 04R .1006	Necessary with substantive public interest	July 26, 2015

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8/21/2015

RRC Determination - Periodic Rule Review

<u>07 NCAC 04R .1007</u>	Necessary with substantive public interest	July 26, 2015
<u>07 NCAC 04R .1008</u>	Necessary with substantive public interest	July 26, 2015
<u>07 NCAC 04R .1009</u>	Necessary with substantive public interest	July 26, 2015
<u>07 NCAC 04R .1010</u>	Necessary with substantive public interest	July 26, 2015
<u>07 NCAC 04R .1011</u>	Necessary with substantive public interest	July 26, 2015
<u>07 NCAC 04R .1012</u>	Necessary with substantive public interest	July 26, 2015
<u>07 NCAC 04R .1013</u>	Necessary with substantive public interest	July 26, 2015



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Raleigh, NC 27609-6285

August 21, 2015

Teresa Bank
Office of Information Technology Services
PO Box 17209
Raleigh, North Carolina 27619-7209

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **09 NCAC 06**

Dear Ms. Bank:

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 August 20, 2015 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 April 30, 2016.

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

Sincerely,

Abigail M. Hammond
Commission Counsel

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**RRC DETERMINATION
PERIODIC RULE REVIEW
January 01, 2015 through June 30, 2015
Information Technology Services, Office of
Total: 8**

RRC Determination: Necessary with substantive public interest

Rule	Determination	APO Review Date
09 NCAC 06B .0301	Necessary with substantive public interest	April 25, 2015
09 NCAC 06B .0302	Necessary with substantive public interest	April 25, 2015
09 NCAC 06B .0314	Necessary with substantive public interest	April 25, 2015
09 NCAC 06B .0315	Necessary with substantive public interest	April 25, 2015
09 NCAC 06B .0316	Necessary with substantive public interest	April 25, 2015
09 NCAC 06B .0405	Necessary with substantive public interest	April 25, 2015
09 NCAC 06B .0701	Necessary with substantive public interest	April 25, 2015
09 NCAC 06B .0901	Necessary with substantive public interest	April 25, 2015



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Street address:
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August 21, 2015

Dedra Alston
Division of Child Development
2201 Mail Service Center
Raleigh, North Carolina 27699-2201

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 10A NCAC 09

Dear Ms. Alston:

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 August 20, 2015 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 March 31, 2019.

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

Sincerely,

Abigail M. Hammond
Commission Counsel

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Rules Division
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fax: 919/431-3104

Judges and
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**RRC DETERMINATION
PERIODIC RULE REVIEW
January 01, 2015 through June 30, 2015
Child Care Commission
Total: 151**

RRC Determination: Necessary with substantive public interest

Rule	Determination	APO Review Date
10A NCAC 09 .0102	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0201	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0204	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0205	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0301	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0302	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0304	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0401	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0403	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0501	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0505	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0508	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0509	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0510	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0511	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0512	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0601	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0602	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0603	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0604	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0605	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0606	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0701	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0702	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0703	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0704	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0705	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0707	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0708	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0709	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0710	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0711	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0712	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0713	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0714	Necessary with substantive public interest	May 23, 2015

<http://rats/Reports/RRC/periodicRuleReview.pl?sType=RRCdetermination&sDetermination=Necessary%20with%20substantive%20public%20interest&bCo...> 1/4

10A NCAC 09 .0801	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0802	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0803	Necessary with substantive public interest	May 23, 2015
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10A NCAC 09 .0806	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0901	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0902	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .0903	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .1001	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .1002	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .1003	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .1004	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .1301	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .1302	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .1303	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .1304	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .1401	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .1402	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .1403	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .1701	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .1702	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .1703	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .1705	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .1706	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .1716	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .1718	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .1719	Necessary with substantive public interest	May 23, 2015
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10A NCAC 09 .1903	Necessary with substantive public interest	May 23, 2015
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10A NCAC 09 .2201	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2202	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2203	Necessary with substantive public interest	May 23, 2015
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10A NCAC 09 .2205	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2206	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2207	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2208	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2209	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2213	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2318	Necessary with substantive public interest	May 23, 2015

10A NCAC 09 .2401	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2402	Necessary with substantive public interest	May 23, 2015
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10A NCAC 09 .2405	Necessary with substantive public interest	May 23, 2015
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10A NCAC 09 .2407	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2408	Necessary with substantive public interest	May 23, 2015
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10A NCAC 09 .2410	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2411	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2501	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2502	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2503	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2504	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2505	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2506	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2507	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2508	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2509	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2510	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2701	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2702	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2703	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2704	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2801	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2802	Necessary with substantive public interest	May 23, 2015
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10A NCAC 09 .2807	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2808	Necessary with substantive public interest	May 23, 2015
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10A NCAC 09 .2817	Necessary with substantive public interest	May 23, 2015
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10A NCAC 09 .2823	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2824	Necessary with substantive public interest	May 23, 2015
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10A NCAC 09 .2828	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2829	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2830	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2831	Necessary with substantive public interest	May 23, 2015

10A NCAC 09 .2901	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2902	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2903	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2904	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .2905	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .3001	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .3002	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .3003	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .3005	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .3006	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .3007	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .3008	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .3009	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .3010	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .3011	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .3012	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .3013	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .3014	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .3015	Necessary with substantive public interest	May 23, 2015
10A NCAC 09 .3016	Necessary with substantive public interest	May 23, 2015



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

August 21, 2015

Denise Baker
Division of Mental Health
3001 Mail Service Center
Raleigh, North Carolina 27699-3001

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 10A NCAC 26D

Dear Ms. Baker:

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 August 20, 2015 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 December 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

An Equal Employment Opportunity Employer

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**RRC DETERMINATION
PERIODIC RULE REVIEW
January 01, 2015 through June 30, 2015
Mental Health, Commission for
Total: 6**

RRC Determination: Necessary with substantive public interest

Rule	Determination	APO Review Date
<u>10A NCAC 26D .1104</u>	Necessary with substantive public interest	June 20, 2015
<u>10A NCAC 26D .1105</u>	Necessary with substantive public interest	June 20, 2015
<u>10A NCAC 26D .1202</u>	Necessary with substantive public interest	June 20, 2015
<u>10A NCAC 26D .1203</u>	Necessary with substantive public interest	June 20, 2015
<u>10A NCAC 26D .1204</u>	Necessary with substantive public interest	June 20, 2015
<u>10A NCAC 26D .1206</u>	Necessary with substantive public interest	June 20, 2015



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

August 21, 2015

Jennifer Everett
Department of Environment and Natural Resources
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **15A NCAC 07B**

Dear Ms. Everett:

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 August 20, 2015 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 February 29, 2016.

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

Sincerely,

A handwritten signature in cursive script that reads "Abigail M. Hammond".

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

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**RRC DETERMINATION
PERIODIC RULE REVIEW
January 01, 2015 through June 30, 2015
Coastal Resources Commission
Total: 4**

RRC Determination: Necessary with substantive public interest

Rule	Determination	APO Review Date
<u>15A NCAC 07B .0701</u>	Necessary with substantive public interest	August 22, 2015
<u>15A NCAC 07B .0702</u>	Necessary with substantive public interest	August 22, 2015
<u>15A NCAC 07B .0801</u>	Necessary with substantive public interest	August 22, 2015
<u>15A NCAC 07B .0802</u>	Necessary with substantive public interest	August 22, 2015



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

August 21, 2015

Janice Davidson
Department of Revenue
Post Office Box 871
Raleigh, North Carolina 27602

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 17 NCAC 06

Dear Ms. Davidson:

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 August 20, 2015 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 February 29, 2016.

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

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**RRC DETERMINATION
PERIODIC RULE REVIEW
January 01, 2015 through June 30, 2015
Revenue, Department of
Total: 34**

RRC Determination: Necessary with substantive public interest

Rule	Determination	APO Review Date
17 NCAC 06B .0104	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .0106	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .0107	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .0109	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .0112	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .0113	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .0114	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .0115	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .0116	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .3203	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .3204	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .3407	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .3501	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .3503	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .3513	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .3529	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .3718	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .3723	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .3804	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .3904	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .3905	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .4003	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .4005	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .4101	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .4102	Necessary with substantive public interest	July 26, 2015
17 NCAC 06B .4103	Necessary with substantive public interest	July 26, 2015
17 NCAC 06C .0110	Necessary with substantive public interest	July 26, 2015
17 NCAC 06C .0117	Necessary with substantive public interest	July 26, 2015
17 NCAC 06C .0123	Necessary with substantive public interest	July 26, 2015
17 NCAC 06C .0124	Necessary with substantive public interest	July 26, 2015
17 NCAC 06C .0126	Necessary with substantive public interest	July 26, 2015
17 NCAC 06C .0203	Necessary with substantive public interest	July 26, 2015
17 NCAC 06C .0204	Necessary with substantive public interest	July 26, 2015
17 NCAC 06D .0102	Necessary with substantive public interest	July 26, 2015

DRAFT