



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6700

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

January 17, 2019

Chrissy Waggett
Soil and Water Conservation Commission
Sent via email only to: Christina.Waggett@ncagr.gov

Re: Extension of the Period of Review for Rules 02 NCAC 59D .0101 - .0110 and 59H .0101 - .0108

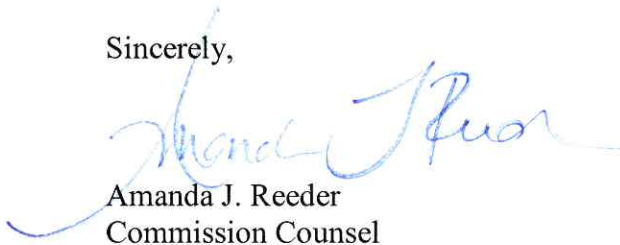
Dear Mrs. Waggett:

At its meeting this morning, the Rules Review Commission extended the period of review for the above-captioned rules in accordance with G.S. 150B-21.10. They did so in response to a request from the Soil and Water Conservation Commission to extend the period in order to allow the agency to address the requested technical changes and submit the rewritten rules at a later meeting.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days.

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

Sincerely,



Amanda J. Reeder
Commission Counsel

cc: Tien Cheng, Department of Agriculture

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

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

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January 17, 2019

Kathie Trotter, Rulemaking Coordinator
Commission for the Blind
Sent via email only: Kathie.trotter@dhhs.nc.gov

Re: 10A NCAC 63C .0203 and .0601

Dear Ms. Trotter:

At its meeting yesterday, the Rules Review Commission continued its objection to the above-captioned rules in accordance with G.S. 150B-21.12.

The Commission continued its objection to Rule .0601, Paragraphs (a)(8) ("business consultation"), and (a)(9) ("consultation to support operations"), because the indicated terms are unclear and ambiguous.

The Commission continued its objection to Rule .0203, Paragraph (d)(6), because it effectively incorporates the ambiguous terms in Rule .0601 that are identified above.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,

/s/ Jason Thomas
Commission Counsel

Cc: Cynthia Speight (cynthia.speight@dhhs.nc.gov)

Administration	Rules Division	Judges and	Clerk's Office	Rules Review	Civil Rights
919/431-3000	919/431-3000	Assistants	919/431-3000	Commission	Division
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January 17, 2019

Jennifer Everett
Department of Transportation
Sent via email only to: Jennifer.everett@ncdenr.gov

Re: Extension of the Period of Review for Rules 15A NCAC 07H .0209, .0308, .1704, and .1705

Dear Ms. Everett:

At its meeting this morning, the Rules Review Commission extended the period of review for the above-captioned rules in accordance with G.S. 150B-21.10. They did so in response to a request from the Coastal Resources Commission to extend the period in order to allow the agency to address the requested technical changes and submit the rewritten rules at a later meeting.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days.

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

Sincerely,

Amber C. May
Commission Counsel

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January 17, 2019

Helen Landi
Department of Transportation
Sent via email only to: rulemaking@ncdot.gov

Re: Extension of the Period of Review for Rules 19A NCAC 02D .0408, 02E .0412, .0418, .0419, .0420, .0421, and .1006

Dear Ms. Landi:

At its meeting this morning, the Rules Review Commission extended the period of review for the above-captioned rules in accordance with G.S. 150B-21.10. They did so in response to a request from the Department of Transportation to extend the period in order to allow the agency to address the requested technical changes and submit the rewritten rules at a later meeting.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days.

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

Sincerely,

Amber C. May
Commission Counsel

cc: Hannah Jernigan

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January 17, 2019

Barden Culbreth, Rulemaking Coordinator
Substance Abuse Professional Practice Board
Sent via email only: Barden@ncsappb.org

Re: Objection to Rules 21 NCAC .0203, .0205, .0208, .0211, .0212, and .0305

Dear Mr. Culbreth:

At its meeting today, the Rules Review Commission objected to the above-captioned rules in accordance with G.S. 150B-21.10.

The Commission objected to Rule 21 NCAC 68 .0203 based upon lack of statutory authority and failure to comply with the APA. Specifically, in Subparagraph (a)(4) of this Rule, the Board proposed to charge a \$200 registration fee. However, G.S. 90-113.38(b1) limits the registration fee to \$150. The Commission found that the Board does not have authority to exceed the amount set by statute. In addition, when the Board noticed this Rule in the October 15, 2018 Register, it proposed that the fee be \$150. The agency raised the amount of the registration fee by \$50 after publication. The Commission found that this change after publication constituted a substantial change as defined in G.S. 150B-21.2(g), and therefore, the agency failed to comply with the APA.

The Commission objected to Rules 21 NCAC 68 .0205, .0211, .0212, and .0305 based upon lack of statutory authority to charge a higher registration fee than allowed by statute.

The Commission objected to Rule 21 NCAC 68 .0208 for lack of statutory authority. Specifically, the Commission objected to Subparagraphs (c)(2) and (c)(3) of the Rule, in which the Board set the ratio of supervision at one hour of supervision for every 80 to 160 hours of practice, with the amount of supervision decreasing the longer the individual has been practicing. G.S. 90-113.37A(b) sets the ratio of supervision to work at 40 hours. The Commission found that the Board does not have the authority to alter the statutory requirement.

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Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amanda J. Reeder", is written over the typed name.

Amanda J. Reeder
Commission Counsel