



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

June 20, 2019

Paris Penny
Social Services Commission
Sent via email only to: Paris.Penny@dhhs.nc.gov

Re: Extension of the Period of Review for All Rules Submitted in 10A NCAC 06R, 06S, and 06T

Dear Ms. Penny:

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 Social Services Commission to extend the period in order to allow the agency to address technical changes and Staff Opinions 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: Misty Piekaar-McWilliams, DHHS

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June 20, 2019

Paris Penny
Social Services Commission
Sent via email only to: Paris.Penny@dhhs.nc.gov

Re: Extension of the Period of Review for All Rules Submitted in 10A NCAC 67, 68, 69, and 72

Dear Ms. Penny:

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 Social Services Commission to extend the period in order to allow the agency to address technical changes and Staff Opinions 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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June 20, 2019

Charminique Williams, Rulemaking Coordinator
Department of Justice
Sent via email only: cdwilliams@ncdoj.gov

Re: Objection to Rules 12 NCAC 02I .0213 and .0306

Dear Ms. Williams:

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 02I .0213 for lack of statutory authority and ambiguity. Specifically, the RRC found that the Rule is ambiguous as it does not set forth the process by which the Attorney General or the designee will act to revoke or deny the summary suspension. Further, it is unclear whether this will be a summary action or if it will include a hearing. Finally, the RRC found that the agency lacks statutory authority to take this action if it is not taken in compliance with G.S. 150B, Article 3, as required by G.S. 74E-4(5).

The RRC objected to Rule 02I .0306 for failure to comply with the APA. Specifically, the agency stated that no fiscal note was required in its Notice of Text, published March 1, 2019. However, members of the regulated public stated that the adoption of this Rule would create a substantial economic impact. Pursuant to G.S. 150B-21.4(b1) and 150B-21.9(a)(4), the RRC found that the agency did not comply with the APA. The RRC will send this Rule to OSBM pursuant to G.S. 150B-21.9(a) for further review.

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.

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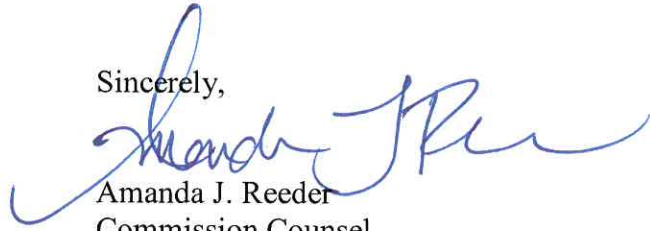
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Sincerely,

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

Amanda J. Reeder
Commission Counsel

cc: Randy Munn, Department of Justice



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June 20, 2019

Carrie Hollis
Office of State Budget and Management
Sent via email to Carrie.Hollis@osbm.nc.gov

RE: Rule 12 NCAC 02I .0306

Ms. Hollis:

At its meeting this morning, the Rules Review Commission voted pursuant to G.S. 150B-21.9 to ask the Office of State Budget and Management to determine if the above-referenced Rule has a substantial economic impact and therefore requires a fiscal note.

This Rule is an adoption and it imposes requirements regarding company police officer badges, patches, and advertising on vehicles. A copy of the Rule reflecting all requested technical changes is enclosed with this correspondence. At the Commission meeting, members of the public stated that the companies regulated by this Rule would have to spend money to comply with its requirements.

A response to this request pursuant to G.S. 150B-21.9 will assist the Commission in determining whether the agency adopted the Rule in accordance with the Administrative Procedure Act.

The Commission objected to the Rule at the meeting; as such, the Rule will remain under the Commission's review until the agency acts pursuant to G.S. 150B-21.12. The Commission is aware that there are multiple demands on your time, and respectfully requests a response as soon as you are able to do so.

Thank you for your assistance in this matter. Please let me know if I can be of any assistance or if you desire further information regarding the Commission's decision.

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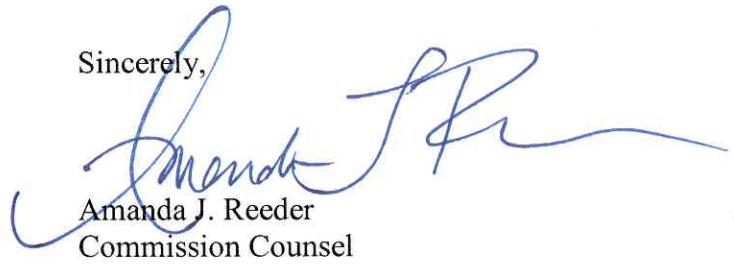
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Sincerely,

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

Amanda J. Reeder
Commission Counsel

cc: Charminique Williams, Rulemaking Coordinator

Enclosure Rule 12 NCAC 02I .0306



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July 12, 2019

Jennifer Everett, Rulemaking Coordinator
Environmental Management Commission
Sent via email only: Jennifer.Everett@ncdenr.gov

Re: Objection to Rules 15A NCAC 02B .0402-.0511; and 02H .0101-.0407 and .1201-.1206

Dear Ms. Everett:

At its meeting on June 20, 2019, the Rules Review Commission objected to the above-referenced rules in accordance with G.S. 150B-21.10.

The Commission objected to all rules based upon ambiguity, as reflected in the Requests for Technical Changes for each rule issued on April 4, 2019.

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,

Amber C. May
Commission Counsel

cc: Phillip Reynolds, NC DOJ
Mike Templeton, NC Department of Environmental Quality

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June 20, 2019

Jennifer Everett
Rulemaking Coordinator, EMC
Sent via email only to: Jennifer.Everett@ncdenr.gov

Re: Extension of the Period of Review for 15A NCAC 02C, Sections .0100 and .0200

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 agency to extend the period in order to allow the agency to address 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: Michael Rogers, DEQ

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June 20, 2019

Jennifer Everett
Rulemaking Coordinator, EMC
Sent via email only to: Jennifer.Everett@ncdenr.gov

Re: Extension of the Period of Review for 15A NCAC 02T .1601, .1602, .1604, .1605, .1606, .1607, and .1608

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 agency to extend the period in order to allow the agency to address 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: Michael Rogers, DEQ

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June 20, 2019

Jennifer Everett
Rulemaking Coordinator, EMC
Sent via email only to: Jennifer.Everett@ncdenr.gov

Re: Extension of the Period of Review for 15A NCAC 07J .0409

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 agency to extend the period in order to allow the agency to address technical changes and submit the revised 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: Roy Brownlow
Mike Lopazanski
Angela Willis
Christine Goebel

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June 20, 2019

Lars Nance
Rulemaking Coordinator, SHRC
Sent via email only to: Lars.Nance@nc.gov

Re: Extension of the Period of Review for 25 NCAC 01E .0210 and All Rules Submitted in 01I

Dear Mr. Nance:

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 agency to extend the period in order to allow the agency to address 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: Denise Mazza, OSHR

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