



**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

May 27, 2020

Christina Waggett  
Rulemaking Coordinator, Pesticide Board  
**Sent via email only: christina.waggett@ncagr.gov**

Re: Objection to Rule 02 NCAC 09L .1913 and Extension of the Period of Review for Rules 02 NCAC 09L .0101-.0103; .0308, .0310, .0317, .0318; .0402; .0502-.0505, .0509, .0515, .0516, .0519, .0520, .0522-.0527, .0529; .0602, .0603; .0701-.0703, .0705, .0707; .0810; .1001-.1003, .1005, .1006, .1009; .1102-.1105, .1107-.1109, .1111; .1201, .1202; .1302, .1303, .1305, .1306; .1401, .1402, .1404; .1805, .1806; .1901, .1902, .1905-.1909; .1914; .2001-.2004; and .2201-.2203

Dear Ms. Waggett:

At its May meeting, the Rules Review Commission objected to 02 NCAC 09L .1913 in accordance with G.S. 150B-21.10.

The Commission objected to Rule 02 NCAC 09L .1913 for lack of clarity and lack of necessity. The Rule is repetitive of the effective date contained in the history note and is therefore unnecessary. The Rule also does not specify whether the term “these Rules” refers to the rules of this Section or the rules of this Subchapter, making it unclear.

Please respond to this objection in accordance with the provisions of G.S. 150B-21.12.

At its meeting, the Rules Review Commission also extended the period of review for Rules 02 NCAC 09L .0101-.0103; .0308, .0310, .0317, .0318; .0402; .0502-.0505, .0509, .0515, .0516, .0519, .0520, .0522-.0527, .0529; .0602, .0603; .0701-.0703, .0705, .0707; .0810; .1001-.1003, .1005, .1006, .1009; .1102-.1105, .1107-.1109, .1111; .1201, .1202; .1302, .1303, .1305, .1306; .1401, .1402, .1404; .1805, .1806; .1901, .1902, .1905-.1909; .1914; .2001-.2004; and .2201-.2203. The Commission did so in response to a request from the agency to extend the period in order to allow the agency to address the requested technical changes and submit the revised rules at a later meeting.

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

Rules Division  
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Judges and  
Assistants  
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Clerk's Office  
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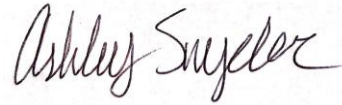
Civil Rights  
Division  
919/431-3036  
fax: 919/431-3103

An Equal Employment Opportunity Employer

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to the rule 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,

A handwritten signature in dark ink, reading "Ashley Snyder". The signature is written in a cursive, flowing style. The first name "Ashley" is written in a larger, more prominent script, and "Snyder" follows in a similar but slightly smaller script. The signature is positioned above the printed name and title.

Ashley Snyder  
Commission Counsel



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May 22, 2020

Karen Brinson Bell  
Executive Director, Board of Elections  
**Sent via email only to: Karen.Bell@ncsbe.gov**

Re: 08 NCAC 01 .0106

Dear Ms. Bell:

At its meeting on May 21, 2020, the Rules Review Commission declined to approve the above-captioned temporary rule in accordance with G.S. 150B-21.1(b) and G.S. 150B-21.9.

The Commission determined that the Rule did not meet the criteria to qualify as a temporary rule under G.S. 150B-21.1(a). Specifically, the Commission found that the agency failed to show that adherence to notice and hearing requirements required for permanent rulemaking were contrary to the public interest for this amendment, such that immediate adoption would be required.

Further, the Commission objected to this Rule based on lack of statutory authority as set forth in G.S. 150B-21.9(a)(1). Specifically, the Commission found that the agency does not have the authority to expand the definition of "natural disaster" as proposed in Part (b)(1)(H) of the Rule.

The Commission also found Part (b)(1)(H) contained unclear language. As such, the Commission also objected based upon ambiguity, as set forth in G.S. 150B-21.9(a)(2).

In addition, the Commission found that the agency failed to provide notice to the public that the language in Paragraph (d) would be added to the Rule. As such, the Commission objected for lack of notice required by G.S. 150B-21.1(a3).

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Please respond to this letter in accordance with the provisions of G.S. 150B-21.1(b1) or (b2). If you have any questions regarding the Commission's action, please let me know.

Sincerely,



Amanda J. Reeder  
Commission Counsel

cc: Katelyn Love, General Counsel, Board of Elections



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May 21, 2020

Melissa Vuotto  
North Carolina Real Estate Commission  
**Sent via email only to: [Melissa@ncrec.gov](mailto:Melissa@ncrec.gov)**

Re: Extension of the Period of Review for Rule 21 NCAC 58H .0401

Dear Ms. Vuotto:

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 public comments received regarding this Rule.

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 May  
Commission Counsel

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May 22, 2020

Carl Martin, Rulemaking Coordinator  
Building Code Council  
**Sent via email only: [carl.martin@doi.gov](mailto:carl.martin@doi.gov)**

Re: Residential Code, N1106.2 (R406.2);  
Energy Conservation Code, R202; and  
Energy Conservation Code R406.2.

Dear Mr. Martin:

At its meeting on May 21, 2020, the Rules Review Commission objected to the above-captioned rules in accordance with G.S. 150B-21.10.

The RRC objected to these Rules for failure to comply with the APA. Specifically, the agency stated that no fiscal note was required for these Rules in its Notice of Text, published May 15, 2019. Pursuant to G.S. 150B-21.9(a), following a request from the public, the RRC sent the rules to the Office of State Budget Management (OSBM) to determine if these rules created a substantial economic impact. In a letter dated May 11, 2020, OSBM stated that fiscal note was required for these three rules.

Therefore, 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.

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,

Amanda J. Reeder  
Commission Counsel

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