



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

March 19, 2020

Christina Waggett, Rulemaking Coordinator
Structural Pest Control Committee
Sent via email only to: christina.waggett@ncagr.gov

Re: Extension of the Period of Review for Rules 02 NCAC 34 .0302, .0309, .0328, .0331, .0501, .0502, .0503, .0504, .0505, .0506, .0602, .0703, and .1206

Dear Ms. Waggett:

At its meeting this morning, the Rules Review Commission extended the period of review for the above-captioned rule in accordance with G.S. 150B-21.10. They did so in response to a request from the Structural Pest Control Committee to extend the period in order to allow the agency to address the requested technical changes and submit the revised rule 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 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,

Ashley Snyder
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
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Clerk's Office
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March 19, 2020

Mariah Street, Rulemaking Coordinator
Department of Natural and Cultural Resources
Sent via email only: Mariah.Street@ncdcr.gov

Re: Objection to Rule 07 NCAC 13F .0202

Dear Ms. Street:

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

The Commission objected to the Rule based upon ambiguity.

Specifically, the Commission found that as reflected in the Request for Technical Changes, the Rule contains multiple terms, such as "high quality" [in Subparagraph (a)(2)] and "substantial evidence" [in Part (b)(3)(A)], that are ambiguous and therefore make the Rule unclear as written.

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,

Amanda J. Reeder
Commission Counsel

cc: Carol Tingley, DNCR

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March 19, 2020

Nadine Pfeiffer, Rulemaking Coordinator
Medical Care Commission
Sent via email only to: nadine.pfeiffer@dhhs.nc.gov

Re: Extension of the Period of Review for Rules 10A NCAC 13F .0202, .0204, .0208, .0209, .0212; and 13G .0202, .0204, .0208, .0209, .0212, and .0213

Dear Ms. Pfeiffer:

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

Amber May
Commission Counsel

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March 20, 2020

Loretta Peace-Bunch, Rulemaking Coordinator
Department of Insurance
Sent via email only: loretta.peace-bunch@ncdoi.gov

Re: Objection to Rule 11 NCAC 04 .0418

Dear Ms. Peace-Bunch:

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

The Commission objected this Rule for ambiguity in Subparagraph (b)(3) and Paragraph (d). Specifically, Subparagraph (b)(3) does not define or explain what qualifies as a “pricing guide.” In Paragraph (d), the process for calculating a car’s “actual cash value” is unclear as written.

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,

Ashley Snyder
Commission Counsel

cc: John Hoomani, john.hoomani@ncdoi.gov

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March 19, 2020

Jennifer Everett, Rulemaking Coordinator
Sedimentation Control Commission
Sent via email only: Jennifer.everett@ncdenr.gov

Re: Objection to Rules 15A NCAC 04C .0103 and .0106

Dear Ms. Everett:

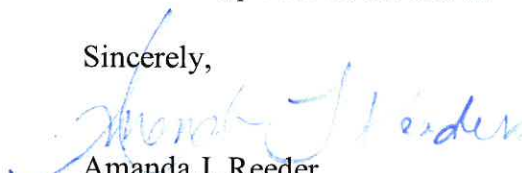
At its meeting today, the Rules Review Commission objected to the above-captioned rules in accordance with G.S. 150B-21.10.

The Commission objected to Rule 15A NCAC 04C .0103 based upon lack of necessity. Specifically, the Commission found that the Rule states that the Secretary may assess civil penalties. However, both of the statutes cited in the History Note for this Rule, G.S. 113A-55 and 113A-64, state that the Secretary assesses civil penalties. As this Rule simply repeats statute, the Commission determined that it is unnecessary.

The Commission objected to Rule 15A NCAC 04C .0106 for lack of statutory authority. Specifically, the Commission found that the Rule purported to set criteria the Secretary will use in assessing civil penalties, which were in addition to the criteria set forth in G.S. 113-64(a)(3). The Commission determined the agency does not have authority to create new criteria through rulemaking.

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,



Amanda J. Reeder
Commission Counsel

cc: Boyd Devane, DEQ
Phillip Reynolds, NC DOJ

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