

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Natural and Cultural Resources

RULE CITATION: 07 NCAC 14A .0101

DEADLINE FOR RECEIPT: Tuesday, August 10, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In Item (4), please remove the comma after "person"

In Items (5) and (6), please capitalize "department"

Why is G.S. 143B-10(j) included as authority? Are you specifically referring to (j)(2)? If so, please confirm that the Governor has approved this Rule.

Why is G.S. 143B-135.205 included as authority? Did the counsel recommend these changes to the secretary?

Please note that I do not have concerns regarding your authority for these Rules as G.S. 143B-135.204 clearly gives authority to the Secretary. I'm only trying to understand why the other citations were included.

To the extent that you keep anything other than G.S. 143B-135.204 in the History Note, please put them in numerical order.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 27, 2021

1 07 NCAC 14A. 0101 is amended with changes as published in 35:22 NCR 2405 as follows:

2

3 **07 NCAC 14A .0101 DEFINITIONS**

4 As used in this Chapter:

5 (1) "Council" means the North Carolina Zoological Park Council;

6 (2) "Department" means the North Carolina Department of ~~Environment, Health, and Natural~~ and
7 Cultural Resources;

8 (3) "Foot Path or Trail" means any path or trail maintained for pedestrians;

9 (4) "Owner" means any person, owning, leasing, or having the exclusive use of property;

10 (5) "Zoo", "Park", and "Zoological Parks" mean those lands, facilities, programs, and other assets
11 (including animals and plants) owned, controlled, or operated by the department for the use of the
12 North Carolina Zoological Park;

13 (6) "Permits" means any written license issued by or under authority of the department permitting the
14 performance of a specified act or acts;

15 (7) "Person" means any natural person, corporation, partnership, association, or governmental unit;
16 and

17 (8) "Secretary" means the Secretary of the Department of ~~Environment, Health, and Natural~~ and
18 Cultural Resources.

19

20 *History Note: Authority G.S. 143B 10(j); 143B-135.205; 143B-135.204(a);*

21 *Eff. February 1, 1976;*

22 *Amended Eff. July 1, 1979;*

23 *Transferred w/change from T15.12E Eff. August 1, 1982;*

24 *Amended Eff. August 2, 1993; September 1, 1988; November 1, 1984; October 1, 1984;*

25 *Transferred from 15A NCAC 22A .0101 Eff. April 1, 2017;*

26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff.*

27 *May 1, 2018;*

28 *Amended Eff. September 01, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Natural and Cultural Resources

RULE CITATION: 07 NCAC 14B .0401

DEADLINE FOR RECEIPT: Tuesday, August 10, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Please consider removing the “and” in between “designated representative” and law enforcement so that it reads:

No ~~one~~, except Zoo employees ~~or officers of the law~~ designated by the Director or his or her designated ~~representative and~~ representative, law enforcement officials with jurisdictional authority, or other persons as defined in G.S. 14-269(b) and G.S. 14-415.27, may carry or possess firearms ~~or airguns~~ airguns, bows and arrows, slingshots or deadly weapons of any kind as defined in G.S. 14-269 within the Zoo.

Please add a comma after slingshots.

Why is G.S. 143B-10(j) included as authority? Are you specifically referring to (j)(2)? If so, please confirm that the Governor has approved this Rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 27, 2021

1 07 NCAC 14B .0401 is readopted with changes as published in 35:22 NCR 2405 as follows:

2

3 **07 NCAC 14B .0401 FIREARMS**

4 No ~~one~~, except Zoo employees ~~or officers of the law~~ designated by the Director or his or her designated
5 representative and law enforcement officials with jurisdictional authority, or other persons as defined in G.S. 14-
6 269(b) and G.S. 14-415.27, may carry or possess firearms ~~or airguns~~ airguns, bows and arrows, slingshots or deadly
7 weapons of any kind as defined in G.S. 14-269 within the Zoo.

8

9 *History Note: Authority G.S. ~~113-264(a); 143B-10(j); 143B-135.204(a);~~*

10 *Eff. February 1, 1976;*

11 *Transferred w/change from T15.12E Eff. August 1, 1982;*

12 *Amended Eff. October 1, 1984;*

13 *Transferred from 15A NCAC 22B .0401 Eff. April 1, ~~2017-2017;~~*

14 *Readopted September 01, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Natural and Cultural Resources

RULE CITATION: 07 NCAC 14B .0504

DEADLINE FOR RECEIPT: Tuesday, August 10, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

What is the law regarding the disposal of stray animals as referenced on line 8?

Why is G.S. 143B-10(j) included as authority? Are you specifically referring to (j)(2)? If so, please confirm that the Governor has approved this Rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 27, 2021

1 07 NCAC 14B .0504 is readopted with changes as published in 35:22 NCR 2405 as follows:

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3 **07 NCAC 14B .0504 ANIMALS AT LARGE**

4 A person shall not cause or permit any animal owned by ~~him,~~ him or her, in his or her custody, or under his or her
5 control to enter the ~~park,~~ perimeter fence of the Zoo, except as permitted by applicable federal and state law for
6 service animals assisting individuals with disabilities. All animals on Zoo property outside of the perimeter fence
7 must be leashed, harnessed, or otherwise controlled by the person in custody of the animal. ~~Each animal.~~ Animals
8 found at large may be seized and disposed of as provided by ~~local~~ law covering disposal of stray animals on public
9 property.

10

11 *History Note: Authority G.S. ~~113-264(a);~~ 143B 10(j); 143B-135.204(a);*

12 *Eff. February 1, 1976;*

13 *Transferred w/change from T15.12E Eff. August 1, 1982;*

14 *Transferred from 15A NCAC 22B .0504 Eff. April 1, ~~2017-2017;~~*

15 *Readopted September 01, 2021.*

1 07 NCAC 14B .0602 is repealed with changes as published in 35:22 NCR 2405 as follows:

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3 **07 NCAC 14B .0602 PHOTOGRAPHS**

4

5 *History Note: Authority G.S. ~~113-264(a)~~; 143B 10(j); 143B-135.204(a);*

6 *Eff. February 1, 1976;*

7 *Transferred w/change from T15.12E Eff. August 1, 1982;*

8 *Amended Eff. October 1, 1984;*

9 *Transferred from 15A NCAC 22B .0602 Eff. April 1, 2017;*

10 *Repealed Eff. September 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Natural and Cultural Resources

RULE CITATION: 07 NCAC 14B .0605

DEADLINE FOR RECEIPT: Tuesday, August 10, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Is (c) necessary? Would this not be addressed in the written agreement (which seems to be a contract)? If it is necessary, please say who shall do what. A suggestion is something like "No person or group shall violate the terms and conditions of the written agreement. Violations of the terms or conditions shall result in revocation by the Director or his or her designee."

Why is G.S. 143B-10(j) included as authority? Are you specifically referring to (j)(2)? If so, please confirm that the Governor has approved this Rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 27, 2021

1 07 NCAC 14B .0605 is readopted with changes as published in 35:22 NCR 2405 as follows:

2
3 **07 NCAC 14B .0605 ~~MEETINGS AND EXHIBITIONS~~ USE OF FACILITIES AND GROUNDS**

4 ~~A person shall not hold any meeting or exhibition, perform any ceremony or make any speech unless he has written~~
5 ~~authorization from the director.~~ (a) Any person or group requesting to rent; commercially photograph, film or make
6 other recordings; or otherwise use any of the Zoo's buildings or grounds for a private purpose shall obtain prior
7 written permission from the Zoo Director, or his or her designee, for use of the building or grounds. For the purposes
8 of this Rule, "a private purpose" includes activities which are outside of the daily operations of the Zoo. Prior to the
9 approved use, the user shall enter into a written agreement setting forth the terms of the use of the requested facility
10 or grounds.

11 (b) In determining whether to approve the use, the Zoo Director, or his or her designee, shall consider the following
12 factors:

13 (1) the reason for the use;

14 (2) the availability of the requested facilities or grounds, or portion thereof;

15 (3) the impact of the use on the operations of the Zoo, including the impact to public access and
16 animal safety and health;

17 (4) the impact of the use on the Zoo's resources, facilities and grounds; and

18 (5) whether the use would be detrimental to the purposes or mission of the Zoo.

19 (c) Violation of the terms and conditions of the agreement issued in accordance with this Rule is prohibited and shall
20 result in revocation by the Director or his or her designee.

21
22 *History Note: Authority G.S. ~~131F~~;143B-10(j); 143B-135.204(a);*

23 *Eff. February 1, 1976;*

24 *Transferred w/change from T15.12E Eff. August 1, 1982;*

25 *Amended Eff. November 1, 1984;*

26 *Transferred from 15A NCAC 22B .0605 Eff. April 1, ~~2017~~2017;*

27 *Readopted September 01, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Natural and Cultural Resources

RULE CITATION: 07 NCAC 14B .0606

DEADLINE FOR RECEIPT: Tuesday, August 10, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On line 4, please change "and/or" to either "and" or "or", whichever is applicable. I think here "or" is applicable.

Please consider breaking this Rule up into multiple Paragraphs. A suggestion is the following:

(a) ~~A No person and/or organization shall not solicit alms, donations, or contributions, contributions; distribute literature or other objects; or proselytize within the Park, except that persons soliciting for a religious organization of which they are a member or a charitable purpose, and persons engaged in fundraising activities sponsored by the Zoological Society for the purpose of supporting the Zoo or Society shall not be subject to this prohibition. In order to solicit for charitable purposes under this Rule, a person must be in compliance with the provisions of the North Carolina Charitable Solicitations Licensure Act, G.S. Chapter 131C, in accordance with a signed agreement issued pursuant to Rule .0605 of this Section. [Section of]~~

(b) This Rule shall not apply to any persons engaged in fundraising activities sponsored by the North Carolina Zoological Society for the purpose of supporting the Zoo [and] in accordance with any agreements mutually approved by the Zoo and the North Carolina Zoological Society.

Why is G.S. 143B-10(j) included as authority? Are you specifically referring to (j)(2)? If so, please confirm that the Governor has approved this Rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 27, 2021

1 07 NCAC 14B .0606 is readopted with changes as published in 35:22 NCR 2405 as follows:

2

3 **07 NCAC 14B .0606 ALMS AND CONTRIBUTIONS**

4 ~~A No person and/or organization shall not solicit alms, donations, or contributions, contributions; distribute literature~~
5 ~~or other objects; or proselytize within the Park, except that persons soliciting for a religious organization of which~~
6 ~~they are a member or a charitable purpose, and persons engaged in fundraising activities sponsored by the~~
7 ~~Zoological Society for the purpose of supporting the Zoo or Society shall not be subject to this prohibition. In order~~
8 ~~to solicit for charitable purposes under this Rule, a person must be in compliance with the provisions of the North~~
9 ~~Carolina Charitable Solicitations Licensure Act, G.S. Chapter 131C, in accordance with a signed agreement issued~~
10 ~~pursuant to Rule .0605 of this Section or any persons engaged in fundraising activities sponsored by the North~~
11 ~~Carolina Zoological Society for the purpose of supporting the Zoo and in accordance with any agreements mutually~~
12 ~~approved by the Zoo and the North Carolina Zoological Society.~~

13

14 *History Note: Authority G.S. ~~131F~~;143B-10(j); 143B-135.204(a);*
15 *Eff. February 1, 1976;*
16 *Transferred w/change from T15.12E Eff. August 1, 1982;*
17 *Amended Eff. November 1, 1984; October 1, 1984;*
18 *Transferred from 15A NCAC 22B .0606 Eff. April 1, ~~2017~~,2017;*
19 *Readopted September 01, 2021.*

1 07 NCAC 14B .0607 is repealed with changes as published in 35:22 NCR 2405 as follows:

2

3 **07 NCAC 14B .0607 SOLICITING DONATIONS: DISTRIBUTING LITERATURE: GIFTS**

4

5 *History Note: Authority G.S. ~~131F~~; 143B-10(j); 143B-135.204(a);*

6 *Eff. November 1, 1984;*

7 *Transferred from 15A NCAC 22B .0607 Eff. April 1, 2017;*

8 *Repealed Eff. September 01, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Natural and Cultural Resources

REGULATION: 07 NCAC 14B .0706

DEADLINE FOR RECEIPT: Tuesday, August 10, 2021

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff's recommendation.

In reviewing this rule, the staff recommends the following technical changes be made:

This rule does not appear to be subject to Article 2A of the APA pursuant to G.S. 150B-1(d)(27). Is there a reason that this rule was published and submitted for RRC review as opposed to the Codifier pursuant to G.S. 150B-21.21(b)?

Please retype the rule accordingly and return it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27617.

Amber May
Commission Counsel
Date submitted to agency: July 27, 2021

