

**RULES REVIEW COMMISSION MEETING  
MINUTES  
December 17, 2015**

The Rules Review Commission met on Thursday, December 17, 2015, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Bobby Bryan, Anna Choi, Margaret Currin, Jeanette Doran, Garth Dunklin, Jeff Poley, and Stephanie Simpson.

Staff members present were Commission Counsels Abigail Hammond, Amber Cronk May, Amanda Reeder, and Jason Thomas; and Julie Brincefield, Alex Burgos, and Dana Vojtko.

The meeting was called to order at 10:05 a.m. with Chairman Dunklin presiding.

Chairman Dunklin read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearances of conflicts of interest.

**APPROVAL OF MINUTES**

Chairman Dunklin asked for any discussion, comments, or corrections concerning the minutes of the November 19, 2015 meeting. There were none and the minutes were approved as distributed.

**FOLLOW UP MATTERS**

**Child Care Commission**

10A NCAC .2001, .2002, .2003, .2004, and .2005 – The Commission voted to continue the extension for the period of review for the above-referenced rules in accordance with G.S. 150B-21.10.

**Property Tax Commission**

17 NCAC 11 .0216 and .0217 – The agency is addressing the objections from the October meeting by publishing a Notice of Text in the North Carolina Register. No action was required by the Commission.

**Board of Massage and Bodywork Therapy**

21 NCAC 30 .1001, .1002, .1003, .1004, .1005, .1006, .1007, .1008, .1009, .1010, .1011, .1012, .1013, .1014, and .1015 – Pursuant to G.S. 150B-21.2(a)(2), the Board requested that the rules be returned to it. No action was required by the Commission.

**LOG OF FILINGS (PERMANENT RULES)**

**Pesticide Board**

02 NCAC 09L .1009 was unanimously approved.

**Board of Crop Seed Improvement**

02 NCAC 29B .0103 was unanimously approved.

**Board of Agriculture**

All rules were unanimously approved.

**Industrial Commission**

All rules were unanimously approved.

**911 Board**

The Board requested a waiver of 26 NCAC 05 .0108. The Commission denied the request, with Commissioner Simpson voting in favor.

The Commission extended the period of review for these rules in accordance with G.S. 150B-21.10. The Commission did so because the Board did not submit rewritten rules in the timeframe set forth in

26 NCAC 05 .0108. Therefore, the Commission did not have before it all information necessary to approve or object to the rules.

Richard Bradford, with the Attorney General's Office representing the agency, addressed the Commission.

#### **Medical Care Commission**

10A NCAC 13O .0301 was unanimously approved.

Prior to the discussion of the rule from the Medical Care Commission, Commissioner Poley recused himself and did not participate in any discussion or vote concerning the rule because he represents the Medical Care Commission from time to time.

#### **Radiation Protection Commission**

All rules were unanimously approved.

#### **Environmental Management Commission**

The Commission extended the period of review on these rules in accordance with G.S. 150B-21.10 and G.S. 150B-21.13. The Commission extended the period of review in response to a request from the Environmental Management Commission to allow additional time for review of technical change requests.

#### **Board of Cosmetic Art Examiners**

All rules except 21 NCAC 14T .0302 were unanimously approved.

The Commission objected to 21 NCAC 14T .0302, finding that the Board failed to comply with the Administrative Procedure Act. Specifically, the Commission found that changing the requirement that cosmetology schools have an additional station per every five students as published in the North Carolina Register on August 17, 2015, to a requirement that schools have an additional station per every two students following public comment, resulted in a substantial change.

The Board of Cosmetic Art Examiners requested the Commission to waive 26 NCAC 05 .0108(a) and review the rewritten version of 21 NCAC 14T .0302 at the December meeting. The Commission granted the request, with Commission Doran voting against, therefore; the final rewritten version of 21 NCAC 14T .0302 was reviewed.

Upon review of 21 NCAC 14T .0302, the Commission approved the rewritten rule contingent upon receiving 21 NCAC 14T .0302 with the published language of requiring an additional station per every five students. The Rule with the pertinent language was subsequently received.

Lynda Elliot with the agency addressed the Commission.

#### **Irrigation Contractors Licensing Board**

All rules were unanimously approved.

#### **Medical Board**

All rules were unanimously approved.

#### **Board for Licensing of Soil Scientists**

21 NCAC 69 .0104 was unanimously approved.

#### **LOG OF RULES (TEMPORARY RULES)**

Prior to the discussion of the temporary rules, Commissioner Choi announced she would not participate in any discussion or vote concerning the Temporary Rules.

#### **Department of Natural and Cultural Resources**

All rules were unanimously approved.

Ramona Bartos with the agency addressed the Commission.

#### **Landscape Contractors' Licensing Board**

All rules were unanimously approved with the following exceptions:

21 NCAC 28B .0803 and .0805 were withdrawn at the request of the agency.

The approved final rewritten version of 21 NCAC 28B .0804 was renumbered to 21 NCAC 28B .0803, and 21 NCAC 28B .0806 was renumbered to 21 NCAC 28B .0804

Prior to the discussion of the temporary rules from the Landscape Contractors' Licensing Board, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rules because her law firm provides legal representation to the Board, including actively assisting with the drafting of these temporary rules.

Anna Choi, the attorney representing the agency, addressed the Commission.

#### **EXISTING RULES REVIEW**

##### **Environmental Management Commission**

15A NCAC 02D – The Commission unanimously approved the report as submitted by the agency.

15A NCAC 02Q – The Commission unanimously approved the report as submitted by the agency.

#### **COMMISSION BUSINESS**

Commissioners concluded the discussion regarding consistency in review of rules pursuant to G.S. 150B-2(8a)d.

Chairman Dunklin appointed Commissioners Currin and Doran to review the permanent rules scheduled to be filed by OAH for RRC review at the February meeting.

The meeting adjourned at 11:28 a.m.

The next regularly scheduled meeting of the Commission is Thursday, January 21, 2016 at 10:00 a.m.

There is a digital recording of the entire meeting available from the Office of Administrative Hearings /Rules Division.

Respectfully Submitted,

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Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:

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Garth Dunklin, Chair

**December 2015**

Rules Review Commission  
Meeting  
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Name	Agency
Jon Granger	DHHS
Jenny Rollins	DHHS
Christy Britt	DHHS
Richard Bradford	Attorney General - 911 Board
Nadine Pfeiffer	DHSR
Teresa Bank	411 Board Rulemaking Coord
Jennifer Everett	DEQ
Kathy Turner	DHHS/DHSR
Meredith Henderson	NC Industrial Commission
Kendall Borden	NC Industrial Commission
Jesse Guse	DHHS/DHSR
Richard Taylor	NC 911 Board
Margaret Robertson	NCDCS
Henry Patterson	Patterson Haskins LLP
Mike Abraszewski	DENR
Marcus Souza	NCMB
RAMONA BARTOS	NC NDCR / Hst Proj office
MUTHA WILDS	NC DNCR / SHPO
TIM SIMMONS	NC DCR / SHPO
Connie Hayes	NC Landscape Contractor License Bd
Victor Fama	Atty

Rules Review Commission  
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Name	Agency
Math Calder	NC Cap Can
Lynda Elliott	NC Board of Cosmetic Arts.
Laura Sylkeera	NC 911 Bd
Josh Davis	DNCR
Calvin Kirven	NCLCLB
Ann Wall	SOS
Joelle Burleson	NCDEQ DAQ
Sheik Holman	NCDEQ DAQ
Rana Badwan	NC Irrigation Contractors' Board