

**RULES REVIEW COMMISSION MEETING
MINUTES
February 18, 2016**

The Rules Review Commission met on Thursday, February 18, 2016, 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, Jay Hemphill, Jeff Hyde, and Jeff Poley.

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 10:04 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 January 21, 2016 meeting. There were none and the minutes were approved as distributed.

Commissioner Poley was not present during the vote.

FOLLOW UP MATTERS

911 Board

09 NCAC 06C .0105, .0106, .0107, and .0304 (renumbered to .0302) were unanimously approved.

09 NCAC 06C .0302 and .0303 were withdrawn at the request of the agency.

09 NCAC 06C .0111, .0112, .0113, .0114, .0205, and .0216 – The agency is addressing the objections from the January meeting by publishing a Notice of Text in the North Carolina Register. No action was required by the Commission.

Environmental Management Commission

15A NCAC 02L .0501, .0502, .0503, .0504, .0505, .0506, .0507, .0508, .0509, .0510, .0511, .0512, .0513, .0514, and .0515 - All rules were unanimously approved.

Coastal Resources Commission

15A NCAC 07L .0102, .0502, .0503, .0504, .0505, .0506, .0507, .0508, .0509, .0510, .0511, .0512, .0513, .0514, .0601, .0602, .0603, .0701, .0702, .0703, .0704, and .0705 - All rules were unanimously approved.

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 Chiropractic Examiners

21 NCAC 10 .0214 was unanimously approved.

The Commission continued the extension of review for 21 NCAC 10 .0208 in accordance with G.S. 150B-21.10.

21 NCAC 10 .0106 was withdrawn at the request of the agency.

LOG OF FILINGS (PERMANENT RULES)

Department of Commerce - Credit Union Division

All rules were unanimously approved.

Prior to the review of the rules from the Credit Union Division, Commissioner Doran recused herself and did not participate in any discussion or vote concerning the rules because she is a state employee with the Department of Commerce.

Prior to the review of the rules from the Credit Union Division, Commissioner Hemphill recused himself and did not participate in any discussion or vote concerning the rules because he has an apparent conflict of interest.

State Board of Elections

08 NCAC 17 .0106 was unanimously approved.

Department of Information Technology

All rules were unanimously approved.

Environmental Management Commission

All rules were unanimously approved.

The Commission received over 10 letters of objection in accordance with G.S. 150B-21.3(b2), requesting a delayed effective date and legislative review of the approved rules.

Department of Revenue

All rules were unanimously approved.

Board of Architecture

21 NCAC 02 .0302 was unanimously approved.

Prior to the review of the rules from the Board of Architecture, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rules because her law firm represents the Board in general matters.

Board of Dental Examiners

The Commission extended the period of review for the rules in accordance with G.S. 150B-21.10 and G.S. 150B-21.13. The Commission extended the period of review to allow the North Carolina Board of Dental Examiners additional time to revise the rules in response to the technical change requests.

Prior to the review of the rules from the Board of Dental Examiners, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rules because she participated in the review of these Rules with another client.

Board of Examiners of Fee-Based Practicing Pastoral Counselors

21 NCAC 45 .0401 was unanimously approved.

Board of Podiatry Examiners

21 NCAC 52 .0208 was unanimously approved.

Board of Recreational Therapy Licensure

All rules were unanimously approved.

Office of Administrative Hearings

All rules were unanimously approved.

Commissioner Currin presented these Rules to the Commission.

Building Code Council

All rules were unanimously approved.

LOG OF RULES (TEMPORARY RULES)

Commerce - Division of Employment Security

All rules were unanimously approved.

Prior to the review of the rules from the Division of Employment Security, Commissioner Doran recused herself and did not participate in any discussion or vote concerning the rules because she is a state employee with the Division of Employment Security.

Medical Care Commission

All rules were unanimously approved.

Prior to the review of the rules from the Medical Care Commission, Commissioner Poley recused himself and did not participate in any discussion or vote concerning these Rules because of a conflict with his law firm.

Coastal Resources Commission

The Commission objected to these Rules, with Commissioners Choi and Doran voting against the objection.

The Commission objected to the rules finding the agency did not have statutory authority to engage in temporary rulemaking after December 31, 2015.

Mary Lucasse, with the Attorney General's Office representing the agency, addressed the Commission.

EXISTING RULES REVIEW

Social Services Commission

10A NCAC 10 - The Commission unanimously approved the report as submitted by the agency.

DHHS - Vocational Rehabilitation Services

10A NCAC 89 - The Commission unanimously approved the report as submitted by the agency.

Department of Labor

13 NCAC 07 - The Commission unanimously approved the report as submitted by the agency.

13 NCAC 12 - The Commission unanimously approved the report as submitted by the agency.

Medical Board

21 NCAC 32 - The Commission unanimously approved the report as submitted by the agency.

Board of Examiners of Fee-Based Practicing Pastoral Counselors

21 NCAC 45 - The Commission unanimously approved the report as submitted by the agency.

Social Services Commission

The agency requested a waiver of 26 NCAC 05 .0211 pursuant to 26 NCAC 05 .0204 for the reports for 10A NCAC 70A-H.

The waiver request was approved. The Commission rescheduled the date of review for the reports, and amended 26 NCAC 05 .0211. The Commission will review the agency's report at its August 2017 meeting.

COMMISSION BUSINESS

Staff advised the Commissioners that the RRC rules that were reviewed at the January meeting have been published in the North Carolina Register, and the public hearing is scheduled for March 17, 2016 for public comments.

The Chair reminded the Commissioners about the upcoming oral arguments scheduled before the North Carolina Court of Appeals pertaining to the lawsuit filed by the State Board of Education against the Rules Review Commission.

The Chair issued a reminder to the Commissioners that the RRC will present at the Administrative Law Section's annual CLE, scheduled for April 8, 2016 from 9:30-10:30 a.m.

The meeting adjourned at 11:11 a.m.

The next regularly scheduled meeting of the Commission is Thursday, March 17th 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,

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:

Garth Dunklin, Chair

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Phil Prote	NC Div Voc Rehab
Frank Wiesner	NC LIC: Bd Gen. Cont.
Janice Davidson	NC DOR
Eric Wayne	NC DOR
CATHY EVANS	NC Board of Architecture
June Gilchrist	NC DOL
Alexi Gruber	NC DOJ
Debra Allen	NDEE
Jennifer Johnson	NDEE
Marcus Simiza	NCMB
Lynne Taylor	NCMB
Wanda Long	NCMB