

**RULES REVIEW COMMISSION MEETING
MINUTES
July 21, 2016**

The Rules Review Commission met on Thursday, July 21, 2016, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Danny Earl Britt, Jr., Bobby Bryan, Margaret Currin, Jeanette Doran, Garth Dunklin, Jay Hemphill, Jeff Hyde, Jeff Poley, and Paul Powell.

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

The meeting was called to order at 10:01 a.m. with Chairman Dunklin presiding.

Chairman Dunklin recognized outgoing Commissioner Choi for her service.

Commissioner Choi addressed the Commission.

Chairman Dunklin administered the oath of office to new Commissioner Paul Powell.

Chairman Dunklin read into the record the following statement of economic interest for:

Paul Powell, which stated there was no actual conflict of interest. However, there is the potential for a conflict of interest because he is Vice President and General Manager for R.H. Barringer Distributing Company, a distributor of beverages; including beer. He also serves as a Board Advisor to the North Carolina Beer and Wine Wholesalers Association. The Alcoholic Beverage Control Commission could present rules for approval by the Commission; therefore, Mr. Powell has a potential for a conflict of interest. Mr. Powell should exercise appropriate caution in the performance of his public duties. This could include recusing himself to the extent that those interests would influence or could reasonably appear to influence his actions.

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 June 16, 2016 meeting. There were none and the minutes were approved as distributed.

FOLLOW UP MATTERS

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 Barber Examiners

21 NCAC 06B .0101, .0103, .0301, .0302, .0305, .0308; 06C .0501, .0909; 06H .0102 and 06N .0110 were unanimously approved. These rules were submitted earlier than the deadline set forth in G.S. 150B-21.12(b) for the Commission's review.

21 NCAC 06B .0105, .0503, .0505; 06C .0202, .0203; 06F .0110, .0116; 06G .0106; 06I .0101, .0105; 06J .0101; 06K .0104; 06L .0118, .0119; 06N .0103, .0104, .0106, .0108; 06O .0120; 06Q .0101, .0103, and .0104 will be reviewed at a later meeting pursuant to G.S. 150B-21.12(b), following the Board's next regularly scheduled meeting.

LOG OF FILINGS (PERMANENT RULES)

Sheriffs Education and Training Standards Commission

12 NCAC 10B .0601 was unanimously approved.

Environmental Management Commission

15A NCAC 02B .0311 was unanimously approved.

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

Parks and Recreation Authority

15A NCAC 12K .0103 was unanimously approved.

Department of Revenue

17 NCAC 06C .0117 was unanimously approved.

Board of Dental Examiners

All rules were unanimously approved.

LOG OF RULES (TEMPORARY RULES)

Wildlife Resources Commission

15A NCAC 10F .0330 was unanimously approved.

EXISTING RULES REVIEW

Department of Commerce

04 NCAC 01 – The Commission unanimously approved the report as submitted by the agency.

Prior to the review of the report from the Department of Commerce, Commissioner Doran recused herself and did not participate in any discussion or vote concerning the report because she is employed at the Department of Commerce, Division of Employment Security.

Department of Transportation

19A NCAC 02 – The Commission unanimously approved the report as submitted by the agency.

Credit Union Division

The agency requested a waiver of 26 NCAC 05 .0211 for the report for 04 NCAC 06.

The waiver request was approved. The Commission rescheduled the date of review for the report, and amended 26 NCAC 05 .0211. The Commission will review the agency's report at its August 18, 2016 meeting.

Prior to the review of the report from the Credit Union Division, Commissioner Hemphill recused himself and did not participate in any discussion or vote concerning the report because of a potential conflict of interest.

Social Services Commission/Division of Aging

The agency requested a waiver of 26 NCAC 05 .0203(c) pursuant to 26 NCAC 05 .0204 for the report for 10A NCAC 06.

The waiver request was approved, with Commissioners Doran and Hemphill voting against.

The Commission will review the report at its August 18, 2016 meeting.

Lynne Berry, with the Division of Aging, addressed the Commission.

Hearing Aid Dealers and Fitters Board

The agency requested a waiver of 26 NCAC 05 .0211 for the report for 21 NCAC 22.

The waiver request was approved. The Commission rescheduled the date of review for the report, and amended 26 NCAC 05 .0211. The Commission will review the agency's report at its August 18, 2016 meeting.

COMMISSION BUSINESS

The Commission unanimously voted to publish proposed amendments to 26 NCAC 05 .0205, to address requests from agencies to have existing rule reports reviewed earlier.

Staff gave the Commission a brief legislative update.

Commissioner Dunklin informed the Commission that oral arguments at the Court of Appeals are scheduled for August 9, 2016 in the lawsuit by the State Board of Education against the Rules Review Commission.

The meeting adjourned at 10:55 a.m.

The next regularly scheduled meeting of the Commission is Thursday, August 18th 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

July 21, 2016

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
ERICA GARNER	NC WRC
Dennis Seavers	BBE
Shawn Middlebrooks	DNER
Ashley Snyder	DWCR
Brittany Johnson	NC DOR
Ly Kalph	NC DOR
Bea Orjema	NC DOE
Paul Powell	
Jennifer Everett	DEQ
Tim Johnson	DNER / DPR
Dan Schlaier	CEM
Emelyn Hawthorn	CEM
John Hoaman	NCDOC-DES
Elizabeth Kontis	DEP
Nancy Deuna	NC DOJ
Tom Key	NCCHS
Lynn Berry	DAAS