

**RULES REVIEW COMMISSION MEETING
MINUTES
August 17, 2017**

The Rules Review Commission met on Thursday, August 17, 2017, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Andrew P. Atkins, Bobby Bryan, Margaret Currin, Jeanette Doran, Garth Dunklin, Jeff Hyde, Jeff Poley, and Paul Powell.

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

The meeting was called to order at 10:02 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 discussed modifications to the July 20, 2017 minutes made after initial posting of the draft on the website regarding the readoption deadlines for the Board of Agriculture 02 NCAC 37, and the Alcoholic Beverage Control Commission 14B NCAC 15A.

Chairman Dunklin asked for any discussion, comments, or corrections concerning the minutes of the July 20, 2017 meeting. There were no additional modifications and the minutes were approved as distributed.

FOLLOW UP MATTERS

Commission for Mental Health, Developmental Disabilities and Substance Abuse Services

10A NCAC 27H .0202, .0203, .0204, .0205, and .0206 – The agency is addressing the objections from the March and June meetings. No action was required by the Commission.

Department of Insurance

11 NCAC 05A .0501, .0505, .0508, and .0511 - The rewritten rules were unanimously approved.

Social Services Commission

10A NCAC 70I .0101, .0201, .0202, .0302, .0305, .0306, .0308, .0405, .0503, .0504, .0506, .0601, .0604, .0609, .0613, and .0614 - The agency is addressing the objection to Rule .0308, and extension for the rest of the rules from the July meeting. No action was required by the Commission.

Social Services Commission

10A NCAC 97B .0401, .0402, .0403; 97C .0104, .0106, .0108, .0109, and .0111 - The agency is addressing the objections from the July meeting. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Pre-Reviewed Rules

Tobacco Trust Fund Commission

All rules were unanimously approved.

Department of 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 works with the Board of Review.

Department of Natural and Cultural Resources

All rules were unanimously approved.

Department of Public Safety - Boxing Authority

All rules were unanimously approved.

Board of Funeral Service

All rules were unanimously approved.

Non Pre-Reviewed Rules

Department of Administration

01 NCAC 04A .0201 was unanimously approved.

Board of Agriculture

All rules were unanimously approved.

Child Care Commission

The Commission extended the period of review for the rules in accordance with G.S. 150B-21.10. They did so in response to a request from the agency to extend the period of review in order to allow the agency to complete requested technical changes and submit the rewritten rules at a later meeting.

Dedra Alston, the rulemaking coordinator with the agency, addressed the Commission.

Environmental Management Commission

15A NCAC 02D .0530 was unanimously approved.

Coastal Resources Commission

All rules were unanimously approved.

Cemetery Commission

21 NCAC 07D .0101 was unanimously approved.

Board of Examiners of Electrical Contractors

All rules were unanimously approved.

Building Code Council

All rules were unanimously approved.

EXISTING RULES REVIEW**Department of Environmental Quality**

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

Apprenticeship and Training Council

04 NCAC 22 – Pursuant to S.L. 2017-57, the Council was transferred from the Department of Commerce to the NC Community Colleges Systems Office, effective July 1, 2017. As community colleges are exempt from G.S. 150B Article 2A pursuant to G.S. 150B-1(g), these rules are no longer subject to the existing rules review in G.S. 150B-21.3A. No action was required by the Commission.

Social Services Commission

10A NCAC 70A - The Commission unanimously approved the report as submitted by the agency.

10A NCAC 70B - The Commission unanimously approved the report as submitted by the agency.

10A NCAC 70C - The Commission unanimously approved the report as submitted by the agency.

10A NCAC 70D -The agency did not conduct the review and all rules contained in the report expired on August 17, 2017 pursuant to G.S. 150B-21.3A(d)(1). No action was required by the Commission.
10A NCAC 70E - The Commission unanimously approved the report as submitted by the agency.
10A NCAC 70F - The Commission unanimously approved the report as submitted by the agency.
10A NCAC 70G - The Commission unanimously approved the report as submitted by the agency.
10A NCAC 70H - The Commission deferred review pursuant to Rule 26 NCAC 05 .0210 because it had a question regarding an apparent discrepancy in the report.
10A NCAC 70J - The Commission unanimously approved the report as submitted by the agency.
10A NCAC 70L - The Commission unanimously approved the report as submitted by the agency.
10A NCAC 70N - The Commission unanimously approved the report as submitted by the agency.
10A NCAC 70O - The Commission unanimously approved the report as submitted by the agency.

NC Alarm Systems Licensing Board

14B NCAC 17 - The Commission unanimously approved the report as submitted by the agency.

NC Appraisal Board

21 NCAC 57 - The Commission unanimously approved the report as submitted by the agency.

Department of Natural and Cultural Resources

07 NCAC 02 - As reflected in the attached letter, the Commission voted to schedule re-adoption of this Rule no later than April 30, 2018 pursuant to G.S. 150B-21.3A(d)(2).

Well Contractors Certification Commission

15A NCAC 27 – As reflected in the attached letter, the Commission voted to schedule re-adoption of these Rules no later than February 28, 2018 pursuant to G.S. 150B-21.3A(d)(2).

Board of Dietetics/Nutrition

21 NCAC 17 - As reflected in the attached letter, the Commission voted to schedule re-adoption of these Rules no later than July 31, 2019 pursuant to G.S. 150B-21.3A(d)(2).

Department of Administration

The agency requested a waiver of 26 NCAC 05 .0211 for the reports for 01 NCAC 38, 39, 40, 43, and 44.

The waiver request was unanimously approved. The Commission rescheduled the date of review for the reports, and amended 26 NCAC 05 .0211. The Commission will review the agency's reports at its February 2018 meeting.

John Maddrey, General Counsel with the agency, addressed the Commission.

Board of Pharmacy

The agency requested a waiver of 26 NCAC 05 .0211 for the report for 21 NCAC 46.

The waiver request was unanimously 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 September 21, 2017 meeting.

COMMISSION BUSINESS

The Commission held an election to fill the vacancy for the 2nd Vice Chairman.

Jeanette Doran was elected to 2nd Vice Chairman.

The Chairman gave a brief update on S16 and HB162.

The meeting adjourned at 10:50 a.m.

The next regularly scheduled meeting of the Commission is Thursday, September 21st 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

DRAFT

August 17, 2017

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Jeff Conder	Tobacco Trust Fund Commission
Kristin Hicks	Agonomic
Derek Wagner	Dept of Ag
William Upchurch	TTFC
JOHN F. MADREY	DEPARTMENT OF ADMINISTRATION
BARRY GUPTON	NCDOI/NCBCC
Jennifer Everett	DEQ DEQ
S. Middlebrooks	DNCR
Richard Harrison	NCDOJ - TTFC
Angel Gray	NCSBI
Tamara Lewis	NCSBI
Sheena Cobrand	Dept. of Commerce - Employment Security
Christina McLaurin	NC Board of Funeral Service
Dick Nix	DHHS/NCDEE
Nathan Morris	NC Cemetery Commission
Reed Fountain	NCBCC
Tricia Angoli	OSWP
Joelle Burleson	NCDEQ - DAQ
Patrick Knowlson	NCDEQ - DAQ
M. Craven	ASUB (APS)



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

August 17, 2017

Shawn Middlebrooks, Rulemaking Coordinator
Department of Natural and Cultural Resources
4601 Mail Service Center
Raleigh, North Carolina 27699

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **07 NCAC 02**

Dear Mr. Middlebrooks:

Attached to this letter is the rule subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this rule was discussed at the August 17, 2017 Rules Review Commission meeting regarding the scheduling of this rule for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rule identified on the attached printout shall be readopted by the agency no later than April 30, 2018.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Abigail M. Hammond".

Abigail M. Hammond
Commission Counsel

cc: Ashley Snyder, Agency Legal Specialist

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fax: 919/431-3100

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An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
May 18, 2017
APO Review: July 22, 2017**

**Natural and Cultural Resources, Department of
Total: 1**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>07 NCAC 02H .0303</u>	Necessary with substantive public interest



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August 17, 2017

Jennifer Everett, Rulemaking Coordinator
Department of Environment Quality
Well Contractors Certification Commission
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 15A NCAC 27

Dear Ms. Everett:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, these rules were discussed at the August 17, 2017 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than February 28, 2018.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Abigail M. Hammond".

Abigail M. Hammond
Commission Counsel

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An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
May 18, 2017
APO Review: July 22, 2017**

**Well Contractors Certification Commission
Total: 5**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>15A NCAC 27 .0110</u>	Necessary with substantive public interest
<u>15A NCAC 27 .0301</u>	Necessary with substantive public interest
<u>15A NCAC 27 .0410</u>	Necessary with substantive public interest
<u>15A NCAC 27 .0420</u>	Necessary with substantive public interest
<u>15A NCAC 27 .0440</u>	Necessary with substantive public interest



STATE OF NORTH CAROLINA
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August 17, 2017

Charla Burill, Rulemaking Coordinator
North Carolina Board of Dietetics/Nutrition
140 Preston Executive Drive, Suite 205-C
Cary, North Carolina 27513

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 21 NCAC 17

Dear Mrs. Burill:

Attached to this letter is the rule subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this rule was discussed at the August 17, 2017 Rules Review Commission meeting regarding the scheduling of this rule for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rule identified on the attached printout shall be readopted by the agency no later than July 31, 2019.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Abigail M. Hammond".

Abigail M. Hammond
Commission Counsel

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An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
September 15, 2016
APO Review: October 04, 2016
Dietetics/Nutrition, Board of
Total: 6**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>21 NCAC 17 .0101</u>	Necessary with substantive public interest
<u>21 NCAC 17 .0104</u>	Necessary with substantive public interest
<u>21 NCAC 17 .0105</u>	Necessary with substantive public interest
<u>21 NCAC 17 .0107</u>	Necessary with substantive public interest
<u>21 NCAC 17 .0109</u>	Necessary with substantive public interest
<u>21 NCAC 17 .0303</u>	Necessary with substantive public interest