

**RULES REVIEW COMMISSION MEETING
MINUTES
December 19, 2013**

The Rules Review Commission met on Thursday, December 19, 2013, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Anna Choi, Margaret Currin, Jeanette Doran, Garth Dunklin, Jay Hemphill, Jeff Hyde, Stephanie Simpson, Ralph Walker and Faylene Whitaker.

Staff members present were: Commission Counsels Joe DeLuca, Amanda Reeder, and Abigail Hammond; and Molly Masich, Dana Vojtko, Julie Brincefield, and Tammara Chalmers.

The meeting was called to order at 10:01 a.m. with Vice-Chairman Currin presiding. She read the notice required by NCGS 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearances of conflicts.

APPROVAL OF MINUTES

Vice-Chairman Currin asked for any discussion, comments, or corrections concerning the minutes of the November 21, 2013 meeting. There were none and the minutes were approved as distributed

LOG OF FILINGS

Vice-Chairman Currin presided over the review of the log of permanent rules.

NC Rural Electrification Authority

Frances Liles from the agency addressed the Commission.

The Commission objected to all the rules from the agency based on ambiguity. The rules as written are unclear and do not clearly state the purposes or procedures contemplated in the rules. In addition, the Commission objected to Rule 04 NCAC 08 .0210 for lack of statutory authority, as there does not appear to be any authority for the Rural Electrification Authority to investigate member complaints against Telephone Membership Corporations.

Commission for Public Health

All rules were unanimously approved.

Home Inspector Licensure Board

The Commission extended the period of review for all the rules from the board to allow the Home Inspector Licensure Board additional time to review staff's Requests for Technical Changes.

Environmental Management Commission

Joelle Bureson from the agency addressed the Commission.

All the rules were unanimously approved with the following exceptions:

15A NCAC 02D .1002 was approved contingent on receiving a technical change by 5:00 p.m. on Friday, December 20th. The technical change was subsequently received.

The Commission extended the period of review for 15A NCAC 02D .1003 in response to a request from the agency.

15A NCAC 02D .1104 and 15A NCAC 02Q .0711 have received 10 letters of objection and are now subject to legislative review.

Department of Environmental and Natural Resources

15A NCAC 12B .0901 was unanimously approved.

Commission for Public Health

15A NCAC 13B .0832 was unanimously approved.

Department of Secretary of State

Prior to the review of the rules from Department of Secretary of State, Commissioner Doran recused herself and did not participate in any discussion or vote concerning these rules because she is a registered lobbyist and the responsible officer of a lobbyist principal.

All rules were unanimously approved.

Board of Certified Public Accountant Examiners

Bob Brooks from the board addressed the Commission.

Prior to the review of the rules from the Board of Certified Public Accountant Examiners, Commissioner Choi recused herself and did not participate in any discussion or vote concerning these rules because her law firm provides legal services to this board.

All rules were unanimously approved.

Board of Cosmetic Art Examiners

All the rules were unanimously approved.

Board of Dental Examiners

Prior to the review of the rule from the Board of Dental Examiners, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rule because her law firm provides legal services to this board.

Prior to the review of the rule from the Board of Dental Examiners, Commissioner Simpson recused herself and did not participate in any discussion or vote concerning the rule because of a possible conflict concerning her husband's law firm.

21 NCAC 16H .0203 was unanimously approved.

Landscape Contractors Registration Board

21 NCAC 28 .0101 was unanimously approved.

Board of Occupational Therapy

Elizabeth Kirk from the board addressed the Commission.

The Commission objected to Rule 21 NCAC 38 .0301 based on ambiguity. As written, the Rule does not specify how a licensee may request an exemption, under what circumstance the Board will grant the request and how the Board will notify the licensee of its decision.

The Commission objected to Rule 21 NCAC 38 .0802 based upon a lack of statutory authority for the Board to require the \$50 fee proposed in Paragraph (f) in the Rule.

Social Work Certification and Licensure Board

Prior to the review of the rules from the Social Work Certification and Licensure Board, Commissioner Choi recused herself and did not participate in any discussion or vote concerning these rules because her law firm provides legal services to this board.

All rules were unanimously approved.

G.S 150B-19.1(h) RRC CERTIFICATION

Vice-Chairman Currin presided over the review of the log of RRC Certification.

Board of Agriculture

The Commission certified that the agency adhered to the principles in G.S. 150B-19.1 for proposed rules 02 NCAC 20B .0104 and 37 .0202.

Private Protective Services Board

The Commission certified that the agency adhered to the principles in G.S. 150B-19.1 for proposed rule 12 NCAC 07D .0901.

Criminal Justice Education and Training Standards Commission

The Commission certified that the agency adhered to the principles in G.S. 150B-19.1 for proposed rules 12 NCAC 09A .0108; 09B .0311; 09C .0217, .0218, .0220; 09F .0102.

COMMISSION BUSINESS

The Commission discussed rules to be amended that address the HB 74 process. RRC Rules 05 .0105 and .0106 were proposed for amendment and publication in the NCR and are attached.

Staff updated the Commission on the schedule for the HB 74 process.

The meeting adjourned at 11:28 a.m.

The next scheduled meeting of the Commission is Thursday, January 16th 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,



Julie Brincefield
Editorial Assistant

Minutes approved by the Rules Review Commission:



Margaret Currin, Vice-Chair

Rules Review Commission

Meeting

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DECEMBER 19, 2013

Name	Agency
Steve Schliesser	NC DENR - DAQ
Joelle Burleson	NC DENR - DAQ
BRYAN Downy	NC DENR - Parks & Recreation
Joel Brown	SOS - Lobbying
JASON ROBINSON	NCDENR - DWR
Frances Liles	NCREA
Lynda Elliott	NC Bd of Cosmetic Arts.
Terry Townsend	NC DOT
Ellen Lorscheider	NCDENR
Michael Ford	NC DENR
Micki Lilly	Social Work Board
Jeff Gray	ASLRB/PPSRB
John Polunio	NC Automobile Dealers Association
BOBBY WHITE	NC DENTAL BOARD
CAROLIN BAREWELL	NC DENTAL BOARD
Daisy Morris	J & JT
MG MALL ABRAHAM	SELC
Trevor Allen	CSETS
Elizabeth Kirk	NCBMBT/OT
Bill Lane	K. Patrick Townsend
BOB PROFFER & DAVID NANCE	NC State Bd of CPA Examin

Rules Review Commission
Meeting
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Name	Agency
Brad Ault	NC DENR
Bob MARTIN	NC ISDH
CALVIN KIRVEN	NCLCRB

26 NCA C 05 .0106 is proposed for amendment as follows:

26 NCAC 05 .0106 LIMITATIONS ON ORAL PRESENTATIONS

- (a) The RRC Chair in open session may set time limits on oral presentations before the Commission.
- (b) Unless the Chair sets other time limits for oral presentations, the time allowed for presentations shall not exceed ten minutes for each requesting person or agency. The Chair may require that oral presentations be limited to representative spokespersons for those advocating or those opposing rule approval by the RRC.
- (c) Factors that the Chair may use in determining time limits include the length of the agenda and time remaining in the meeting; the number of contested rules; the complexity of the issues; the public interest in a particular ~~rule~~; rule or report; the number of people desiring to address the RRC concerning the ~~rule~~; rule or report; the variations in their arguments (i.e., whether they are adding additional information to the debate or merely being repetitive of earlier ~~speakers~~) speakers or earlier points raised by the same speaker) and the level of agreement within their positions or relationships; the nature of the comments in relation to the RRC scope of review; and the amount of notice given to the agency.
- (d) The agency adopting the rule shall be allowed an opportunity to address the Commission when a person addresses the Commission in opposition to a rule, unless the agency fails to appear after notice of written comments opposing approval of the rule. When a comment in opposition to a rule first occurs by an oral comment at the Commission meeting, the agency shall be allowed an opportunity to address the Commission at the next meeting of the Commission or Commission's designee where the rule is under review.

*History Note: Authority G.S. 143B-30.1;
 Eff. August 1, 2008;
 Amended Eff. March 1, 2014.*

