**RULES REVIEW COMMISSION**

**February 16, 2012**

**MINUTES**

The Rules Review Commission met on Thursday, February 16, 2012, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Margaret Currin, George Lucier, Pete Osborne, Bob Rippy, Stephanie Simpson and Ralph Walker. Commissioners Garth Dunklin, Curtis Venable joined via skype.

Staff members present were: Joe Deluca and Bobby Bryan, Commission Counsel; Dana Vojtko, Julie Edwards and Tammara Chalmers.

The meeting was called to order at 10:01 a.m. with Judge Walker presiding. He reminded the Commission members that they have a duty to avoid conflicts of interest and the appearances of conflicts as required by NCGS 138A-15(e).

**APPROVAL OF MINUTES**

Chairman Walker asked for any discussion, comments, or corrections concerning the minutes of the January 19, 2012 meeting. There were none and the minutes were approved as distributed.

**FOLLOW-UP MATTERS**

04 NCAC 02S .1008 – Alcoholic Beverage Control Commission. The Commission approved the rewritten rule submitted by the agency.

10A NCAC 10 .0203 – Social Services Commission. The Commission approved the rewritten rule submitted by the agency.

21 NCAC 32C .0102, .0105, .0106, .0109 – Medical Board. No action was taken.

**LOG OF FILINGS**

Chairman Walker presided over the review of the log of permanent rules.

**Department of Insurance**

11 NCAC 13 .0308 was approved unanimously.

**Environmental Management Commission**

Elizabeth Kountis from the Agency and Max Justice, Attorney representing the Town of Boone addressed the Commission.

All rules were approved unanimously.

The Commission received more than 10 written letters of objection to 15A NCAC 02B .0307. This rule is now subject to legislative review and a delayed effective date.

15A NCAC 02D .1903 and .1904 were approved by the Commission because they contained changes to the name of the Forestry Service.  Changes to the rules made pursuant to S.L. 2011-394 were not subject to review by the Commission and are subject to legislative review and a delayed effective date pursuant to that Session Law.

**Medical Board**

21 NCAC 32U .0101 was approved unanimously.

**Board of Pharmacy**

21 NCAC 46 .2507 was approved unanimously.

**TEMPORARY RULES**

There were no temporary rules filed for review.

**COMMISSION PROCEDURES AND OTHER BUSINESS**

The Commission discussed the possibility of legislation being introduced to include a sunset provision for rules in the Administrative Procedure Act.  There was a brief discussion of a draft prepared by staff at Commissioner Bell’s request.  Chairman Walker appointed Commissioners Bell, Currin and Lucier to a committee to work on the issue.

The meeting adjourned at 10:40 p.m.

The next scheduled meeting of the Commission is Thursday, March 15 at 10:00 a.m.

Respectfully Submitted,

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Julie Edwards

Editorial Assistant

Minutes approved by the Rules Review Commission.

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Judge Ralph A. Walker/Chair

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Date

