**RULES REVIEW COMMISSION MEETING**

**MINUTES**

***May 16, 2013***

The Rules Review Commission met on Thursday, May 16, 2013, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Anna Baird Choi, Margaret Currin, Garth Dunklin, Pete Osborne, Bob Rippy, Stefanie Simpson, Ralph Walker and Faylene Whitaker.

Staff members present were: Joe DeLuca and Amanda Reeder, Commission Counsel; Dana Vojtko and Tammara Chalmers.

The meeting was called to order at 10:04 a.m. with Vice-Chairman Currin presiding. She 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**

Vice-Chairman Currin asked for any discussion, comments, or corrections concerning the minutes of the April 18, 2013 meeting. There were none and the minutes were approved as distributed.

Vice-Chairman Currin welcomed and introduced OAH summer extern, Matthew Henry.

**FOLLOW-UP MATTERS**

**Department of Commerce – Division of Employment Security:**

04 NCAC 24E .0102, .0104 – The Commission unanimously approved the re-written rules.

**Office of Information Technology Services:**

09 NCAC 06A .0101, .0102, .0103 – There has been no response from the agency and no action was taken.

Chapter 06B .0101, .0102, .0103, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0301, .0302, .0303, .0304, .0305, .0306, .0307, .0308, .0309, .0310, .0311, .0312, .0313, .0314, .0315, .0316, .0401, .0402, .0403, .0404, .0405, .0501, .0502, .0503, .0504, .0505, .0601, .0602, .0603, .0701, .0702, .0703, .0801, .0901, .0902, .1001, .1002, .1003, .1004, .1005, .1006, .1008, .1101, .1102, .1103, .1104, .1105, .1106, .1107, .1108, .1109, .1110, .1111, .1112, .1114, .1115, .1117, .1118, .1120, .1121, .1201, .1202, .1203, .1204, .1205, .1206, .1207, .1301, .1302, .1303, .1304, .1305, .1402 – There has been no response from the agency and no action was taken.

**Child Care Commission:**

10A NCAC 09 .3004 – The rule was returned to the agency at the agency's request.

**Hearing Aid Dealers and Fitters Board:**

21 NCAC 22F .0120, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0208, .0209 – There was no action on these rules. The rules were published on the OAH website on May 13, 2013 pursuant to G.S. 150B-21.1(a3).

**Board of Physical Therapy Examiners:**

21 NCAC 48A .0107 – The Commission unanimously approved the re-written rule.

**LOG OF FILINGS**

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

**Alcoholic Beverage Control Commission**

04 NCAC 02S .0228 was unanimously approved.

**Department of Commerce – Credit Union Division**

The rules were withdrawn by the agency.

**Criminal Justice Education and Training Standards Commission**

All rules were approved unanimously.

**Department of Transportation**

All rules were unanimously approved.

The Commission received more than 10 letters of objection to 19A NCAC 02D .0531 and .0532. Pursuant to G.S. 150B-21.3, these rules are now subject to legislative review and a delayed effective date.

**Board of Barber Examiners**

Prior to the review of the rules from the Board of Barber Examiners, Commissioner Choi recused herself and did not participate in any discussion or vote concerning these rules because Allen, Pinnix & Nichols handles some matters for the board as outside counsel.

At the request of Bain Jones, the board's attorney the Commission extended the period of review on all the rules. They did so in order to give the agency additional time to understand staff’s comments concerning the rules, make technical changes, make any other changes the agency wished to satisfy staff’s concerns, and to prepare any other response to staff’s comments.

**Board of Cosmetic Art Examiners**

All rules were unanimously approved.

**Board of Podiatry Examiners**

21 NCAC 52 .0208 was unanimously approved.

21 NCAC 52 .0211 - The Commission objected to this rule, finding the board does not have statutory authority to issue the unrestricted temporary license for individuals practicing solely on federal military installations proposed by paragraph (b) of the rule.

The agency requested that the Commission waive its Rule 26 NCAC 05 .0108 and review the rewritten rule at the meeting. Commissioner Dunklin moved to deny the request. The motion was seconded and unanimously approved.

**Building Code Council**

Prior to the review of the rules from the Building Code Council, Commissioner Osborne recused himself and did not participate in any discussion or vote concerning these rules because he owns a construction business.

All rules were unanimously approved.

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

**Home Inspector Licensure Board**

At the request of the agency these rules were removed from the agenda.

**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 09B .0205, .0209, .0226, .0227, .0232, .0233, .0305, .0405, .0502; 09E .0105; and 09G .0311.

Trevor Allen and Richard Squires from the agency addressed the Commission.

**State Board of Education**

The Commission certified that the agency adhered to the principles in G.S. 150B-19.1 for proposed rules 16 NCAC 06D .0508 and 06G .0504.

The agency requested that the Commission defer action on rules 16 NCAC 6G .0312 and .0503 until further notice and remove the items from the agenda. The Commission agreed to this request.

Katie Cornetto from the agency addressed the Commission.

**COMMISSION BUSINESS**

Commissioners agreed to move the June meeting to Wednesday, June 19th to ensure there will be a quorum.

Commission Counsel gave the Commissioners updates on proposed legislation affecting rulemaking.

The meeting adjourned at 11:38 a.m.

The next scheduled meeting of the Commission is Wednesday, June 19th 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,

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Dana Vojtko

Publications Coordinator

Minutes approved by the Rules Review Commission:

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Margaret Currin, Vice-Chair

