

**RULES REVIEW COMMISSION MEETING
MINUTES
April 18, 2019**

The Rules Review Commission met on Thursday, April 18, 2019, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Andrew Atkins, Bobby Bryan, Margaret Currin, Anna Baird Choi, Garth Dunklin, Jeff Hyde, Paul LiVecchi, Jeff Poley, and Paul Powell.

Staff members present were Commission Counsels Amber Cronk May and Amanda Reeder; and Alex Burgos and Dana McGhee.

The meeting was called to order at 9:01 a.m. with Chairman Dunklin presiding.

Chairman Dunklin read the notice required by G.S. 163A-159 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 March 21, 2019 meeting. There were none and the minutes were approved as distributed.

The Chairman notified the Commissioners that the following item on the agenda would be taken up out of order at the end of the agenda: Follow Up Matter for Department of Health and Human Services.

FOLLOW UP MATTERS

Soil and Water Conservation Commission

02 NCAC 59D .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0109, and .0110 were unanimously approved.

Commissioner LiVecchi was not present for the discussion or vote on these Rules.

Board of Elections

The agency is addressing the objections for 08 NCAC 02 .0112, .0113; 03 .0101, .0102, .0103, .0104, .0105, .0106, .0201, .0202, .0301, .0302; 04 .0302, .0304, .0305, .0306, .0307; 06B .0103, .0104, .0105; 08 .0104; 09 .0106, .0107, .0108, .0109; 10B .0101, .0102, .0103, .0104, .0105, .0106, and .0107. No action was required by the Commission.

Commissioner LiVecchi was not present for the discussion on these Rules.

Department of Health and Human Services

10A NCAC 14J .0101, .0102, .0103, .0201, .0203, .0204, .0301, .0302, .0303, .0402, .0403, .0404, .0405, .0501, .0601, .0702, .0705, .0904, .1002, .1201, .1202, .1203, .1207, .1210, .1212, .1213, .1214, .1215, .1218, .1219, .1225, and .1226 were approved with Commissioners Dunklin, Hyde, LiVecchi, and Powell voting against.

10A NCAC 14J .1001 was approved contingent upon making a technical change to Paragraph (e). The rule was received following the meeting. Commissioners Dunklin, Hyde, LiVecchi, and Powell voted against.

The Commission received over 10 letters of objection to 10A NCAC 14J .0101, .0102, .0103, .0201, .0203, .0204, .0301, .0302, .0303, .0402, .0403, .0404, .0405, .0501, .0601, .0702, .0705, .0904, .1002, .1201, .1202, .1203, .1207, .1210, .1212, .1213, .1214, .1215, .1218, .1219, .1225, and .1226. Pursuant to G.S. 150B-21.3, these rules are now subject to legislative review and a delayed effective date.

Matthew Boyatt, Assistant General Counsel to the North Carolina Sheriffs' Association, addressed the Commission.

Luke Woollard, with Disability Rights North Carolina, addressed the Commission.

Bethany Burgon, with the Attorney General's office and representing the agency, addressed the Commission.

Steve Lewis, Construction Chief with the Department of Health and Human Services, addressed the Commission.

Commission for the Blind

The agency is addressing the objections for 10A NCAC 63C .0203, .0204, .0403, and .0601. No action was required by the Commission.

Commissioner LiVecchi was not present for the discussion on these Rules.

LOG OF FILINGS (PERMANENT RULES)

Department of Health and Human Services

10A NCAC 15 .1106 was unanimously approved.

Commissioner LiVecchi was not present for the discussion or vote on the Rule.

Environmental Management Commission 15A NCAC 02B .0402 - .0511 and 02H .0101 - .0407, .1201 - .1206

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 Environmental Management Commission to extend the period in order to allow the agency to address the requested technical changes and submit the rewritten rules at a later meeting.

Commissioner LiVecchi was not present for the discussion or vote on these Rules.

Environmental Management Commission 15A NCAC 02B .0601-.0735 and 02H .0501-.0507, .1301-.1306

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 Environmental Management Commission to extend the period in order to allow the agency to address the requested technical changes and submit the rewritten rules at a later meeting.

Commissioner LiVecchi was not present for the discussion or vote on these Rules.

Environmental Management Commission 15A NCAC 02H .0901 - .0922

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 Environmental Management Commission to extend the period in order to allow the agency to address the requested technical changes and submit the rewritten rules at a later meeting.

Commissioner LiVecchi was not present for the discussion or vote on these Rules.

Environmental Management Commission 15A NCAC 02L

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 Environmental Management Commission to extend the

period in order to allow the agency to address the requested technical changes and submit the rewritten rules at a later meeting.

Commissioner LiVecchi was not present for the discussion or vote on these Rules.

Wildlife Resources Commission

All rules were unanimously approved.

Commissioner LiVecchi was not present for the discussion or vote on these Rules.

Marriage and Family Therapy Licensure Board

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 Marriage and Family Therapy Licensure Board to extend the period in order to allow the agency to address the requested technical changes and submit the rewritten rules at a later meeting.

Commissioner LiVecchi was not present for the discussion or vote on these Rules.

Board of Physical Therapy Examiners

All rules were unanimously approved.

Building Code Council

All rules were unanimously approved.

LOG OF FILINGS (TEMPORARY RULES)

State Board of Elections

08 NCAC 17 .0107 was unanimously approved.

EXISTING RULES REVIEW

Department of Health and Human Services

10A NCAC 15 – The Commission unanimously approved the report as submitted by the agency.

Radiation Protection Commission

10A NCAC 15 – The Commission unanimously approved the report as submitted by the agency.

Department of Transportation

19A NCAC 02E – The agency requested an extension of the schedule for readoption until August 31, 2020 for rules subject to readoption in 19A NCAC 02E.

The extension request was approved.

The Commission rescheduled the date of readoption for rules subject to readoption in 19A NCAC 02E. The agency will readopt the rules no later than August 31, 2020 pursuant to G.S. 150B-21.3A(d)(2).

COMMISSION BUSINESS

The Commission amended Rule 26 NCAC 05 .0211 to reflect changes in the periodic review schedule.

The Commission voted to approve the minutes from the December 13, 2018 Closed Session.

Molly Masich, the Codifier of Rules, addressed the Commission on the status of the Style Guide.

The meeting adjourned at 11:00 a.m.

The next regularly scheduled meeting of the Commission is Thursday, May 16, 2019 at 9:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Garth Dunklin, Chair

DRAFT

April 18, 2019

Rules Review Commission
Meeting
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Name	Agency
Jennifer Everett	DER
Scott Bullock	DEQ
Nadine Pfeiffer	DHHS - DHSR
Lee Cox	DHHS - DHSR Rad. Protection
Candace Hoffman	DHSR - DOJ
Misty P-J	DNAS
M. Smallwood	NC WAC
BARRY GURTON	NCDOI - NCBCC
Matthew Bugatt	Sheriffs' Association
Hannah Jennigan	NC DOT
Debbie T. Cagan	NC BPTZ
James Albright	DHSR - RPS
Kellette Webb	NC DOT
David Crowley	NC RS
Came Horley	OSBM
Bethany Burgen	DOJ
Katelyn Love	SBE
Stella Vaughn	DOT
David Cobb	NCWRC
JEFF HARMS	DHSR
Luke Woodland	DRNC

April 18, 2019

Rules Review Commission
Meeting
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Name	Agency
Susan Politt	Disability Rights NC
Juni Henshaw	NCDARTS - DSWC
John P Barkley	NC DOJ A, DHHS/CAH