

**RULES REVIEW COMMISSION MEETING  
MINUTES  
March 21, 2019**

The Rules Review Commission met on Thursday, March 21, 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, Jeff Poley, and Paul Powell.

Staff members present were Commission Counsels Amber Cronk-May and Amanda Reeder; and Julie Brincefield and Alex Burgos.

The meeting was called to order at 9:02 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 February 21, 2019 meeting. There were none and the minutes were approved as distributed.

**FOLLOW UP MATTERS**

**Soil and Water Conservation Commission**

02 NCAC 59D .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0109, .0110; 59H .0101, .0102, .0103, .0104, .0105, .0106, .0107, and .0108. The rewritten rules in 59H were approved.

The Commission objected to all rules in 02 NCAC 59D based upon ambiguity, as reflected in the Requests for Technical Changes for each rule issued on January 3, 2019.

**Board of Elections and Ethics Enforcement**

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.

**Commission for the Blind**

10A NCAC 63C .0203 and .0601 – The rewritten rules were unanimously approved. Pursuant to G.S. 150B-21.12(c), the Commission found that the rules were responsive to the Commission's objection; however, the Commission also found that the changes were substantial, requiring the revised rules to be republished.

The agency is addressing the objections for 10A NCAC 63C .0204 and .0403. No action was required by the Commission on these Rules.

The agency will republish Rules 10A NCAC 63C .0203, .0204, .0403, and .0601 in the NC Register for a 60-day comment period and the Commission will review the rules after the close of the comment period.

**Coastal Resources Commission**

15A NCAC 07H .0209, .0308, .1704, and .1705 - All rules were unanimously approved.

**LOG OF FILINGS (PERMANENT RULES)**

**Commerce/Credit Union Division**

04 NCAC 06C .0708 was unanimously approved.

### **Medical Care Commission**

All rules were unanimously approved.

Prior to the review of the rules from the Medical Care Commission, Commissioner Poley recused himself and did not participate in any discussion or vote concerning the rules because his law firm represents them.

### **Department of Health and Human Services**

The Commission extended the period of review for 10A NCAC 14J .0101 - .0103; .0201, .0203, .0204; .0301 - .0303; .0402 - .0405; .0501; .0601; .0702; .0705; .0904; .1001, .1002; .1201 - .1203; .1207; .1210; .1212 - .1215; .1218, .1219; .1225 and .1226 in accordance with G.S. 150B-21.10. They did so in response to a request from the agency to extend the period in order to allow the agency to address public comments at a later meeting.

### **Alcoholic Beverage Control Commission**

All rules were unanimously approved.

Prior to the review of 14B NCAC 15C .0101 and .0102 from the Alcoholic Beverage Control Commission, Commissioner Powell recused himself and did not participate in any discussion or vote concerning these Rules because they have a direct effect on his company.

### **Department of Transportation**

All rules were unanimously approved.

### **Board of Barber Examiners**

All rules were unanimously approved.

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 the rules because her law firm represents the Board in general legal matters.

### **Medical Board**

All rules were unanimously approved.

Prior to the review of the rules from the Medical Board, Commissioner Atkins recused himself and did not participate in any discussion or vote concerning the rules because of a conflict.

### **LOG OF FILINGS (TEMPORARY RULES)**

#### **Coastal Resources Commission**

All rules were unanimously approved.

### **EXISTING RULES REVIEW**

#### **Criminal Justice Education and Training Standards Commission**

12 NCAC 09 - The Commission unanimously approved the report as submitted by the agency.

#### **Department of Revenue**

17 NCAC 07 - The Commission unanimously approved the report as submitted by the agency.

#### **Wildlife Resources Commission**

15A NCAC 10A,D,E,G,I,J,K – As reflected in the attached letter, the Commission voted to schedule readoption of the rules no later than December 31, 2024 pursuant to G.S. 150B-21.3A(d)(2).

**Wildlife Resources Commission**

15A NCAC 10H – The agency requested an extension of the schedule for readoption until December 31, 2020 for rules subject to readoption in 15A NCAC 10H .1200.

The extension request was approved.

The Commission rescheduled the date of readoption for Rules 15A NCAC 10H .1201 - .1207. The agency will readopt the rules no later than December 31, 2020 pursuant to G.S. 150B-21.3A(d)(2).

**COMMISSION BUSINESS**

The Chair gave an update on the consent order in the matter of DHHS/CPH v. RRC.

The meeting adjourned at 9:29 a.m.

The next regularly scheduled meeting of the Commission is Thursday, April 18, 2019 at 9:00 a.m.

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Alexander Burgos, Paralegal

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

March 21, 2019

Rules Review Commission  
Meeting  
Please Print Legibly

Name	Agency
MARJORIE ACKER	DHSR
Nadine Pfeiffer	DHS - DHSR
Candace Hoffman	DHSR/DOJ
Jennifer Everett	DEQ
Rose Conroy	NCCWD
Dennis Seavers	BBE
Hannah Jennigan	NCDOT
Daron Barnes	NCWRC
Kellie Wade	NCDOT
Cyberia Geist	OSB
Janice Davidson	NC DOR
Dusan Broadner	NC DOR
Charminequell Williams	CJETS
Misty Pickens Williams	DAS
Kelly Chambers	DOJ - AG Office
Tunya Smith	NCDOT
Matthew Boyer	NCSA
William Walker	NCDOJ
Bethany Burgon	DOJ
Doug V. Alexander	NCDOT
Taris Perry	NC DHHS





STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:  
6714 Mail Service Center  
Raleigh, NC 27699-6714

Street address:  
1711 New Hope Church Rd  
Raleigh, NC 27609-6285

March 21, 2019

Carrie Ruhlman, Rulemaking Coordinator  
Wildlife Resources Commission  
1701 Mail Service Center  
Raleigh, NC 27699-1701

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **15A NCAC 10A,D,E,G,I,J, and K**

Dear Ms. Ruhlman:

Attached to this letter are the rules subject to re adoption 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 set of rules was discussed at the March 21, 2019 Rules Review Commission meeting regarding the scheduling of these rules for re adoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be re adopted by the agency no later than December 31, 2024.

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

Sincerely,

A handwritten signature in black ink that reads "Amber May". The signature is written in a cursive, flowing style.

Amber May  
Commission Counsel

Administration 919/431-3000 fax: 919/431-3100	Rules Division 919/431-3000 fax: 919/431-3104	Judges and Assistants 919/431-3000 fax: 919/431-3100	Clerk's Office 919/431-3000 fax: 919/431-3100	Rules Review Commission 919/431-3000 fax: 919/431-3104	Civil Rights Division 919/431-3036 fax: 919/431-3103
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An Equal Employment Opportunity Employer

**RRC DETERMINATION  
PERIODIC RULE REVIEW  
December 13, 2018  
APO Review: February 16, 2019  
Wildlife Resources Commission  
Total: 35**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>
<u>15A NCAC 10A .0401</u>	Necessary with substantive public interest
<u>15A NCAC 10A .0402</u>	Necessary with substantive public interest
<u>15A NCAC 10A .0501</u>	Necessary with substantive public interest
<u>15A NCAC 10A .0502</u>	Necessary with substantive public interest
<u>15A NCAC 10A .0503</u>	Necessary with substantive public interest
<u>15A NCAC 10A .1001</u>	Necessary with substantive public interest
<u>15A NCAC 10A .1101</u>	Necessary with substantive public interest
<u>15A NCAC 10A .1201</u>	Necessary with substantive public interest
<u>15A NCAC 10A .1301</u>	Necessary with substantive public interest
<u>15A NCAC 10A .1302</u>	Necessary with substantive public interest
<u>15A NCAC 10A .1303</u>	Necessary with substantive public interest
<u>15A NCAC 10D .0102</u>	Necessary with substantive public interest
<u>15A NCAC 10D .0103</u>	Necessary with substantive public interest
<u>15A NCAC 10D .0104</u>	Necessary with substantive public interest
<u>15A NCAC 10D .0105</u>	Necessary with substantive public interest
<u>15A NCAC 10E .0101</u>	Necessary with substantive public interest
<u>15A NCAC 10E .0102</u>	Necessary with substantive public interest
<u>15A NCAC 10E .0103</u>	Necessary with substantive public interest
<u>15A NCAC 10E .0104</u>	Necessary with substantive public interest
<u>15A NCAC 10G .0401</u>	Necessary with substantive public interest
<u>15A NCAC 10G .0402</u>	Necessary with substantive public interest
<u>15A NCAC 10G .0403</u>	Necessary with substantive public interest
<u>15A NCAC 10G .0405</u>	Necessary with substantive public interest
<u>15A NCAC 10G .0501</u>	Necessary with substantive public interest
<u>15A NCAC 10I .0102</u>	Necessary with substantive public interest
<u>15A NCAC 10I .0103</u>	Necessary with substantive public interest
<u>15A NCAC 10I .0104</u>	Necessary with substantive public interest
<u>15A NCAC 10I .0105</u>	Necessary with substantive public interest
<u>15A NCAC 10J .0101</u>	Necessary with substantive public interest
<u>15A NCAC 10J .0102</u>	Necessary with substantive public interest
<u>15A NCAC 10J .0103</u>	Necessary with substantive public interest
<u>15A NCAC 10J .0104</u>	Necessary with substantive public interest
<u>15A NCAC 10K .0101</u>	Necessary with substantive public interest

15A NCAC 10K .0102 Necessary with substantive public interest  
15A NCAC 10K .0103 Necessary with substantive public interest