

**RULES REVIEW COMMISSION MEETING  
MINUTES  
December 19, 2019**

The Rules Review Commission met on Thursday, December 19, 2019, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were Andrew Atkins, Anna Baird Choi, Jeanette Doran, Garth Dunklin, Jeff Hyde, Brian LiVecchi, Paul Powell, and Tommy Tucker.

Staff members present were Commission Counsel Amber Cronk May, Ashley Snyder, and Amanda Reeder; and Julie Brincefield, Alex Burgos, and Dana McGhee.

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

The Chair read the notice required by G.S. 138A-15(e) 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 Hyde asked for any discussion, comments, or corrections concerning the minutes of the November 21, 2019 meeting. There were none and the minutes were approved as distributed.

The Chair notified the Commissioners that the following items on the agenda would be taken up out of order at the end of the agenda: Follow up matters Tab C for Alcoholic Beverage Control Commission and Tab D for Environmental Management Commission.

**FOLLOW UP MATTERS**

**Board of Elections**

The agency is addressing the objection for 08 NCAC 10B .0103. No action was required by 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.

**Alcoholic Beverage Control Commission**

14B NCAC 15A .1406 was approved with Chairman Hyde and Commissioner Tucker voting against.

Walker Reagan, the rulemaking coordinator with the agency, addressed the Commission.

**Environmental Management Commission**

The Commission unanimously waived Rule 26 NCAC 05 .0103 and allowed the speaker to submit untimely written comments opposing 15A NCAC 02B .0240 (to be recodified as 15A NCAC 02B .0703).

15A NCAC 02B .0229, .0232, .0234, .0235, .0236, .0237, .0238, .0239, .0255, .0256, .0257, .0258, .0701, and .0730 – All rules were unanimously approved with the following exception: The Commission objected to 15A NCAC 02B .0240 for lack of statutory authority.

Forrest Westall, the Executive Director with the Upper Neuse River Basin Association, addressed the Commission.

Phillip Reynolds, with the Attorney General's Office and representing the agency, addressed the Commission.

Jim Hawhee, with the agency, addressed the Commission.

**Environmental Management Commission**

15A NCAC 02B .0402, .0403, .0404, .0406, .0407, .0408, .0501, .0502, .0503, .0504, .0505, .0506, .0508, .0511; 02H .0101, .0102, .0103, .0105, .0106, .0107, .0108, .0109, .0111, .0112, .0113, .0114, .0115, .0116, .0117, .0118, .0120, .0121, .0124, .0125, .0127, .0138, .0139, .0140, .0141, .0142, .0143, .0401, .0402, .0403, .0404, .0405, .0406, .0407, .1201, .1202, .1203, .1204, .1205, and .1206  
- The agency is addressing the objections from the July meeting. No action was required by the Commission.

**State Board of Opticians**

21 NCAC 40 .0321 - The agency is addressing the objection and request for technical changes from the September meeting. No action was required by the Commission.

Prior to the review of the rules from the State Board of Opticians, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rules because her law firm represents the Board and assists the Board with rulemaking.

**Building Code Council**

Residential Code, N1106.2 (R406.2); Energy Conservation Code, R202; and Energy Conservation Code R406.2. – At the November meeting, the Commission voted pursuant to G.S. 150B-21.9 to ask the Office of State Budget and Management to determine if the above-referenced rules have a substantial economic impact and therefore require a fiscal note. A response to this request pursuant to G.S. 150B-21.9 will assist the Commission in determining whether the agency adopted the rules in accordance with the Administrative Procedure Act. OSBM has not formally responded to this request. No action was required by the Commission.

These rules will remain under the Commission's review until after review by OSBM and subsequent action by the agency pursuant to G.S. 150B-21.12.

**LOG OF FILINGS (PERMANENT RULES)****Medical Care Commission**

All rules were unanimously approved.

**Commission for Public Health**

All rules were unanimously approved.

**Private Protective Services Board**

The Commission extended the period of review for 14B NCAC 16 .0114, .0201, .0202, .0203, .0205, .0502, .0701, .0702, .0705, .0706, .0801, .0802, .0806, .0902, .0903, .0904, .0909, .0910, .0911, .0912, .1301, .1302, .1306, .1401, .1402, and .1406 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 technical changes and submit the rewritten rules at a later meeting.

**Board of Certified Public Accountant Examiners**

All rules were unanimously approved.

**Board of Chiropractic Examiners**

All rules were unanimously approved.

Prior to the review of the rules from the Board of Chiropractic Examiners, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rules because her law firm represents the Board and assists the Board with rulemaking.

**Board of Occupational Therapy**

All rules were unanimously approved.

**LOG OF FILINGS (TEMPORARY RULES)****State Board of Elections**

08 NCAC 17 .0109 was unanimously approved.

**Licensing Board for General Contractors**

21 NCAC 12A .0304, .0503; 12B .0101, .0102, .0103, .0104, .0105, .0201, .0202, .0203, .0204, .0205, .0206, .0301, .0302, .0303, .0401, .0402, and .0403 were unanimously approved.

Prior to the review of the rules from the Licensing Board for General Contractors, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rules because her law firm represents the Board and assists the Board with rulemaking.

**EXISTING RULES REVIEW****DHHS/Division of Aging & Adult Services**



04 NCAC 19N,O,P,Q – The Commission unanimously approved the report as submitted by the agency.

**COMMISSION BUSINESS**

The Commission voted to accept the 2020 RRC meeting dates.

The meeting adjourned at 11:31 a.m.

The next regularly scheduled meeting of the Commission is Thursday, January 16, 2020 at 9:00 a.m.

  
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Alexander Burgos, Paralegal  
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Minutes approved by the Rules Review Commission:  
Jeff Hyde, Chair

**December 19, 2019**

Rules Review Commission  
Meeting  
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Name	Agency
Jennifer Everett	DEQ
Nadine Pfeiffer	DHHS - DHSC
John Huisman	DEQ
Virginia Niehaus	CPH - DPH
Frank W. Evers	NC LGCC
Kirsten Lundis	CPH - DBIT
Misty PM	DHS - JAS
Kim Gamford	DHHS DNAS
Jim Hanks	NCDEQ
MagAnne Burghart	NC DHHS - DPH
Forrest Westall	Upper Neuse River Assoc.
Hayward Phyllis	Lower Neuse Basin Assoc.
WALKER, REAGAN for Jerry Cole	ABC Comm
Carrie Hollis	OSISM
Kelly Tamow	Board of Elections
John Bankley	DOJ for CPH DPH
Elizabeth Kirk	NCBOT
Julie Ventaloro	DEQ
Don McArthur	City of Raleigh
DAVID NANCE	NC CPA BOARD
Don O'Steel	City of Durham

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