

**RULES REVIEW COMMISSION MEETING
MINUTES
February 19, 2015**

The Rules Review Commission met on Thursday, February 19, 2015, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Anna Choi, Margaret Currin, Jeanette Doran, Garth Dunklin, Jeff Hyde, and Stephanie Simpson.

Staff members present were Commission Counsels Abigail Hammond, Amber Cronk May, and Amanda Reeder, and Julie Brincefield, Alex Burgos, and Dana Vojtko.

The meeting was called to order at 10:03 a.m. with Chairman Dunklin presiding.

Chairman Dunklin 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.

APPROVAL OF MINUTES

Chairman Dunklin asked for any discussion, comments, or corrections concerning the minutes of the January 15, 2015 meeting. There were none and the minutes were approved as distributed.

FOLLOW UP MATTERS

Department of Commerce – Credit Union Division

All rules were unanimously approved.

Prior to the review of the rules from the Department of Commerce – Credit Union Division, Commissioner Doran recused herself and did not participate in any discussion or vote concerning these rules because she is a state employee with the Department of Commerce.

DHHS – Division of Mental Health

All rules were withdrawn at the request of the agency. No action was required by the Commission.

Board of Landscape Architects

All rules were unanimously approved.

Board of Physical Therapy Examiners

21 NCAC 48C .0104 - There has been no response by the agency, therefore no action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Industrial Commission

All rules were unanimously approved.

Prior to the review of the rules from the Industrial Commission, Commissioner Simpson recused herself and did not participate in any discussion or vote concerning these rules because of a possible conflict with her husband's law firm.

Child Care Commission

10A NCAC 09 .0102 was unanimously approved.

Criminal Justice Education and Training Standards Commission

12 NCAC 09B .0203 was unanimously approved.

Department of Labor

All rules were unanimously approved.

Building Code Council

All rules were unanimously approved.

LOG OF RULES (TEMPORARY RULES)**Wildlife Resources Commission**

All rules were unanimously approved.

EXISTING RULES REVIEW**Office of State Budget and Management**

09 NCAC 03 – The Commission unanimously approved the report as submitted by the agency, with the following exception for Rule 09 NCAC 03A .0103, which received public comment that was deemed to have merit as defined by G.S. 150B-21.3A(c)(2). The RRC designated this rule as “necessary with substantive public interest.”

Lindsey Wakely with the Governor’s office addressed the Commission.

Office of Information Technology Services

09 NCAC 06 – The Commission unanimously approved the report as submitted by the agency.

Social Services Commission

10A NCAC 97 – The Commission unanimously approved the report as submitted by the agency with the following exceptions for rules 10A NCAC 97B .0401, .0402, .0403; 97C .0104, .0106, .0108, .0109 and .0111. The RRC designated these rules as “necessary with substantive public interest.”

Environmental Management Commission

15A NCAC 02S - The Commission unanimously approved the report as submitted by the agency.

Board of Barber Examiners

The Board requested a waiver of Rule 26 NCAC 05 .0203.

The waiver request was unanimously approved.

The Commission unanimously approved the report as submitted by the agency.

Prior to the review of the report from the Board of Barber Examiners, Commissioner Choi recused herself and did not participate in any discussion or vote concerning this report because the law firm she is employed at provides legal representation to the board.

Bain Jones with the agency addressed the Commission.

Agriculture Finance Authority

24 NCAC 02 – The Commission unanimously approved the report as submitted by the agency.

Coastal Resources Commission

The Board requested a waiver of Rules 26 NCAC 05 .0203 and .0211 for the report for 15A NCAC 07B.

The waiver request was unanimously approved.

The Commission rescheduled the date of review for the report.

The Commission will review the Board's report at its June 18, 2015 meeting.

COMMISSION BUSINESS

Staff proposed a recommendation to schedule rules for readoption after completion of the periodic review and expiration of existing rules. The following readoption deadline dates were adopted by the Commission:

- August 31, 2015
04 NCAC 24E Division of Employment Security
- November 30, 2015
21 NCAC 23 Irrigation Contractors' Licensing Board
21 NCAC 37 Board of Examiners for Nursing Home Administrators
- December 31, 2015
21 NCAC 02 Board of Architecture
- January 31, 2016
11 NCAC 18, 11 NCAC 20, 11 NCAC 21 Department of Insurance
21 NCAC 08 Board of Certified Public Accountant Examiners
- March 31, 2016
21 NCAC 14 Board of Cosmetic Art Examiners
- April 30, 2016
21 NCAC 52 Board of Podiatry Examiners
25 NCAC 01C State Human Resources Commission

Staff gave the Commission a brief legislative update.

At 11:21 a.m., Chairman Dunklin ended the public meeting of the Rules Review Commission and called the meeting into closed session pursuant to G.S. 143-318.11(a)(3) to discuss the lawsuit filed by the State Board of Education against the Rules Review Commission and G.S. 143-318.11(a)(6).

The Commission came out of closed session at 1:52 p.m.

The meeting adjourned at 1:53 p.m.

The next regularly scheduled meeting of the Commission is scheduled for Thursday, March 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,

Julie Brincefield, Administrative Assistant

Minutes approved by the Rules Review Commission:

Garth Dunklin, Chair

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| Name | Agency |
|--------------------|--------------------------|
| THOMAS M CHAMBERS | NC Dept of Labor |
| DARRY GURTON | NCDOI - NCBEC |
| Cliff Dantre | NC DOL |
| Meredith Henderson | NC Industrial Commission |
| Miki Carver | NCNSA |
| Andrew Hanna | NCIC |
| Conor Brackett | NCMS |
| Richard Braddock | DOJ - ITS |
| Charlton Allen | NC Industrial Comm. |
| Ryan Niland | NC OAH - Intern |
| Bain Jones | NCBBE |
| Tim Eile | NCM |
| Alexi Garber | DOJ |
| John Alm | DCDEE |
| Lindsay Wakely | NC OSBM / Gov ofc |
| Pete Surpe | NC DENR - DWM - DSCA |
| Gary Salamido | NC Chamber |
| Stephanie Opley | Ag Finance Auth |
| Kyra Higgins | Ag Finance Auth. |
| Ryan Boyce | NCIC |
| Jeff M. Smith | NSA, OLLA |
| Harry Patterson | Patterson Hays LLP |

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