

**RULES REVIEW COMMISSION MEETING
MINUTES
July 19, 2018**

The Rules Review Commission met on Thursday, July 19, 2018, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeanette Doran, Garth Dunklin, Jeff Hyde, Jeff Poley, and Paul Powell.

Staff members present were Commission Counsels Amber Cronk May, Amanda Reeder, and Jason Thomas; and Alex Burgos, Cathy Matthews-Thayer, and Dana McGhee.

The meeting was called to order at 10:03 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 June 14, 2018 meeting. There were none and the minutes were approved as distributed.

FOLLOW UP MATTERS

Commission of Navigation and Pilotage for the Cape Fear River and Bar

The agency is addressing the objections for 04 NCAC 15 .0119, .0121, .0123, .0124, .0127, and .0128. No action was required by the Commission.

Child Care Commission

10A NCAC 09 .0401, .1904, and .2208 were withdrawn at the request of the agency.

The agency is addressing the objections for 10A NCAC 09 .2201, .2202, .2203, .2204, .2205, .2206, .2207, .2209, .2213, .2216, and .2217. No action was required by the Commission.

DHHS/Division of Medical Assistance

The agency is addressing the objections for 10A NCAC 22F .0104, .0301, .0302, .0602, .0603, .0604; 22J .0105, .and 0106. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Pre-Reviewed Rules

Banking Commission

All rules were unanimously approved with the following exception:

The Commission objected to 04 NCAC 03K .0404 based on lack of necessity. The Commission found that as proposed for amendment, the entire content of this Rule is already stated in Rule 04 NCAC 03K .0203(a). As the contents of this Rule are addressed elsewhere in this Subchapter of the NC Administrative Code, the Commission found the Rule was not necessary as amended.

Board of Barber Examiners

21 NCAC 06F .0101 was unanimously approved.

Prior to the review of the rule from the Board of Barber Examiners, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rule because her law firm provides legal services to the Board.

Board of Dental Examiners

All rules were unanimously approved.

*Non Pre-Reviewed Rules***Department of Insurance**

All rules were unanimously approved.

Alcoholic Beverage Control Commission

All rules were unanimously approved.

Appraisal Board

21 NCAC 57A .0501 was unanimously approved.

Prior to the review of the rule from the Appraisal Board, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rule because her law firm provides legal services to the Board.

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

All rules were unanimously approved.

15A NCAC 10B .0124 was approved following an agency change to the Findings of Need form to reflect a serious and unforeseen threat to the welfare of the deer population of the state.

Tamara Zmuda, with the Attorney General's office and representing the agency, addressed the Commission.

Carrie Ruhlman, the rulemaking coordinator with the agency, addressed the Commission.

EXISTING RULES REVIEW**Department of Transportation/Division of Motor Vehicles**

19A NCAC 03 – The Commission unanimously approved the report as submitted by the agency.

Sheriff's Education & Training Standards Commission

12 NCAC 10 - As reflected in the attached letter, the Commission voted to schedule readoption of the rules no later than September 30, 2019 pursuant to G.S. 150B-21.3A(d)(2).

Board of Electrolysis Examiners

21 NCAC 19 - As reflected in the attached letter, the Commission voted to schedule readoption of the rules no later than August 31, 2019 pursuant to G.S. 150B-21.3A(d)(2).

COMMISSION BUSINESS

At 10:57 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.

The Commission came out of closed session and reconvened at 11:57 a.m.

The meeting adjourned at 11:58 a.m.

The next regularly scheduled meeting of the Commission is Thursday, August 16th at 10:00 a.m.



Alexander Burgos, Paralegal



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

July 19, 2018

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Mike Smallwood	WRC
Hannah Junigan	NC DOT
Ernie Chitto	OCOR
Tamara Zinuda	NC DOJ
Carrie Ruhlman	NC WRC
Loretta Bund	NC DOJ
Juli Smoke	NC DOT
Chuck Church	DMV
Whitney Waldenberg	Dental Board
McNeil Chistner	Gen. Counsel PLN
Jenny Patterson	NC DEQ
Vincent Xia	NC DEQ
Julie Nichols	Nichols, Twitchee / Nichols
Kelly Tomow	Center for Responsible Lending
Robert Croom	NC DOJ
WALTER REAGAN	NC ABC
Andrea Staggston	NCLCCA
Robert Ouellette	North Carolina Appraisal Board



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

July 19, 2018

Diane Konopka
Justice – Sheriff's Education & Training Standards Commission
1700 Tryon Park
Raleigh, NC 27610

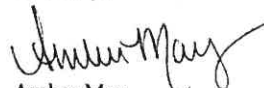
Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 12 NCAC 10

Dear Ms. Konopka:

Attached to this letter are the rules subject to readoption 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 July 19, 2018 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than September 30, 2019.

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

Sincerely,


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
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Rules Review
Commission
919/431-3000
fax 919/431-3104

Civil Rights
Division
919/431-3036
fax 919/431-3103

An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
February 15, 2018
APO Review: March 06, 2018**

**Sheriffs Education and Training Standards Commission
Total: 1**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>12</u> <u>NCAC 10B .0302</u>	Necessary with substantive public interest



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Street address:
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July 19, 2018

Susan Magas
Board of Electrolysis Examiners
Pinehurst Building
Suite #60
2 Centerview Drive
Greensboro, NC 27407
Sent via email to ncbcexam@att.net

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 21 NCAC 19

Dear Ms. Magas:

Attached to this letter are the rules subject to readoption 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 July 19, 2018 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than August 31, 2019.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber May".

Amber May
Commission Counsel

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fax 919/431-3100

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An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
April 19, 2018
APO Review: May 01, 2018
Electrolysis Examiners, Board of
Total: 18**

RRC Determination: Necessary with substantive public interest

Rule	Determination
21 <u>NCAC 19 .0201</u>	Necessary with substantive public interest
21 <u>NCAC 19 .0202</u>	Necessary with substantive public interest
21 <u>NCAC 19 .0203</u>	Necessary with substantive public interest
21 <u>NCAC 19 .0204</u>	Necessary with substantive public interest
21 <u>NCAC 19 .0403</u>	Necessary with substantive public interest
21 <u>NCAC 19 .0408</u>	Necessary with substantive public interest
21 <u>NCAC 19 .0409</u>	Necessary with substantive public interest
21 <u>NCAC 19 .0410</u>	Necessary with substantive public interest
21 <u>NCAC 19 .0412</u>	Necessary with substantive public interest
21 <u>NCAC 19 .0501</u>	Necessary with substantive public interest
21 <u>NCAC 19 .0601</u>	Necessary with substantive public interest
21 <u>NCAC 19 .0602</u>	Necessary with substantive public interest
21 <u>NCAC 19 .0608</u>	Necessary with substantive public interest
21 <u>NCAC 19 .0613</u>	Necessary with substantive public interest
21 <u>NCAC 19 .0619</u>	Necessary with substantive public interest
21 <u>NCAC 19 .0701</u>	Necessary with substantive public interest
21 <u>NCAC 19 .0702</u>	Necessary with substantive public interest
21 <u>NCAC 19 .0703</u>	Necessary with substantive public interest