

**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.

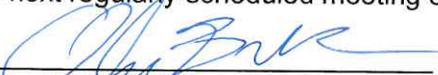
The Commission rescheduled the date of readoption for Rules 15A NCAC 10H .1201 - .1207. The agency will readopt the rules no later than December 31, 2020 pursuant to G.S. 150B-21.3A(d)(2).

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.



Alexander Burgos, Paralegal



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

March 21, 2019

Rules Review Commission
Meeting
Please Print Legibly

| Name | Agency |
|--------------------------|-----------------|
| MARKLORIE ACKER | DHSR |
| Nadine Pfeiffer | DHS - DHSR |
| Candace Hoffman | DHSR/DOJ |
| Jennifer Everett | DEQ |
| Rose Connu | NCUD |
| Dennis Seavers | BBE |
| Hannah Jennigan | NC DOT |
| Daron Barnes | NCWRC |
| Kellette Wade | NC DOT |
| Cyberia Spigt | OSB |
| Janice Davidson | NC DOR |
| Dusan Bradner | NC DOR |
| Chermin.gul.williams | CJETS |
| Misty Pickens + Williams | DAS |
| Kelly Chambers | DOJ - AG Office |
| Tunya Smith | NC DOT |
| Matthew Bogart | NC SA |
| William Walker | NC DOJ |
| Bethany Burgon | DOJ |
| Dee' V. Alexander | NC DOT |
| 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 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 March 21, 2019 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 December 31, 2024.

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

Sincerely,

A handwritten signature in cursive script that reads "Amber May".

Amber May
Commission Counsel

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|---|---|---|---|---|---|
| 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

| Rule | Determination |
|---------------------------|--|
| <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