

**RULES REVIEW COMMISSION MEETING
MINUTES
March 18, 2021**

The Rules Review Commission met on Thursday, March 18, 2021 in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx. The Commissioners held a WebEx meeting to ensure compliance with Executive Orders limiting mass gatherings, and to encourage social distancing. The meeting was conducted in accordance with the provisions of G.S. 166A-19.24.

Commissioners present via WebEx were Bobby Bryan, Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeanette Doran, Jeff Hyde, Randy Overton, and Paul Powell.

Staff member Alex Burgos was present in the Commission room. Commission Counsel Amber May, Amanda Reeder, and Ashley Snyder were present via WebEx.

The meeting was called to order at 9:00 a.m. with Chair Doran 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 appearance of conflicts of interest.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the February 18, 2021 meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

FOLLOW UP MATTERS

Department of Public Safety

14B NCAC 19B .0107 was withdrawn at the request of the agency. No action was required by the Commission.

14B NCAC 19A .0101, .0102, .0103, .0104; 19B .0101, .0102, .0103, .0104, .0105, .0106; and 19C .0101 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

State Board of Education

16 NCAC 06B .0114 – In response to objections in September and January, the agency responded in accordance with the provisions of G.S. 150B-21.12 and requested the rule be returned to the agency. No further action was taken by the Commission.

State Board of Education

16 NCAC 06G .0508 – In November, the Commission determined the rewritten version of 16 NCAC 06G .0508 met the Commission's objections but the changes were substantial, and the agency would need to re-publish the rule. No action was required by the Commission.

Building Code Council

Residential Code, N1101.13(R401.2) – In February, the Commission voted pursuant to G.S. 150B-21.9 to ask the Office of State Budget and Management (OSBM) to determine if the rule has a substantial economic impact and therefore requires a fiscal note. This rule 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)

Department of Environmental Quality 01 NCAC 41C, D

Upon the call of the Chair, the period of review was extended by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Randy Overton, and Paul Powell – 6. Voting in the negative: None.

Department of Environmental Quality 04 NCAC 12C, D

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Medical Care Commission

10A NCAC 130 .0301 - Upon the call of the Chair, the rule was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Commission for Public Health 10A NCAC 41A

10A NCAC 41A .0101 - Upon the call of the Chair, the rule was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Alarm Systems Licensing Board

14B NCAC 17 .0202 - Upon the call of the Chair, the rule was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Coastal Resources Commission

Upon the call of the Chair, the period of review was extended by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Commission for Public Health 15A NCAC 18A

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Board of Barber Examiners

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 provides general legal advice to the Board, including matters involving rulemaking.

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Randy Overton, and Paul Powell – 6. Voting in the negative: None.

Landscape Contractors' Licensing Board

Prior to the review of the rule from the Landscape Contractors' Licensing Board, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rule because her law firm provides general legal advice to the Board, including matters involving rulemaking.

21 NCAC 28B .0406 - Upon the call of the Chair, the rule was approved by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Randy Overton, and Paul Powell – 6. Voting in the negative: None.

Board of Massage and Bodywork Therapy

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Medical Board

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.

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Randy Overton, and Paul Powell – 6. Voting in the negative: None.

Board of Funeral Service

Prior to the review of the rule from the Board of Funeral Service, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rule because her law firm provides general legal advice to the Board, including matters involving rulemaking.

21 NCAC 34B .0309 - Upon the call of the Chair, the rule was approved by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Randy Overton, and Paul Powell – 6. Voting in the negative: None.

State Board of Opticians

21 NCAC 40 .0113 - Upon the call of the Chair, the rule was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Veterinary Medical Board

21 NCAC 66 .0309 - Upon the call of the Chair, the rule was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Office of Administrative Hearings

26 NCAC 03 .0502 - Upon the call of the Chair, the rule was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

EXISTING RULES REVIEW

Department of Environmental Quality

15A NCAC 01C, D - As reflected in the attached letter, the Commission voted to schedule readoption of the rules no later than March 31, 2022 pursuant to G.S. 150B-21.3A(d)(2).

COMMISSION BUSINESS

The meeting adjourned at 9:26 a.m.

The next regularly scheduled meeting of the Commission is Thursday, April 15, 2021 at 9:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

DRAFT

**Rules Review Commission Meeting March 18, 2021
Held Via WebEx**

Name	Agency
Dennis Seavers	Barber Examiners
Elizabeth Kirk	Occupational Therapy
Calvin Kirven	Landscape Contractors
April McGill	
Jennifer Everett	DEQ
Brandon Walker	SBOE
Shane Smith	DHHS
Larry Michael	DHHS
Rob Pearsall	DHHS
Margaret McDonald	DPS
Sue Hodgins	Opticians
Jean-Marie Maillard	DHHS
Terri Ritter	DHHS
Wilson Mize	DHHS
Nadine Pfeiffer	DSHR
Lou Martin	SBOE
Virginia Niehaus	DSHR
Jana Busick	DHHS
Dr. Tod Schadler	Veterinary Bd
Ed Norman	DHHS
Kirsten Leloudis	DHHS
Wilson Mize	DHHS
Keith West	Veterinary Bd



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6700

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

March 18, 2021

Jennifer Everett, Rulemaking Coordinator
Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **15A NCAC 01C and D**

Dear Ms. Everett:

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, the scheduling of readoption for this set of rules was discussed at the March 18, 2021 Rules Review Commission meeting. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified to the attached document shall be readopted no later than March 31, 2022. 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
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Clerk's Office
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Rules Review
Commission
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Division
919/431-3036
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An Equal Employment Opportunity Employer

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**RRC DETERMINATION
PERIODIC RULE REVIEW
April 20, 2017
APO Review: June 24, 2017**

**Environmental Quality, Department of
Total: 22**

RRC Determination: Necessary with substantive public interest

Rule	Determination
15A NCAC 01C .0101	Necessary with substantive public interest
15A NCAC 01C .0103	Necessary with substantive public interest
15A NCAC 01C .0104	Necessary with substantive public interest
15A NCAC 01C .0105	Necessary with substantive public interest
15A NCAC 01C .0106	Necessary with substantive public interest
15A NCAC 01C .0107	Necessary with substantive public interest
15A NCAC 01C .0108	Necessary with substantive public interest
15A NCAC 01C .0109	Necessary with substantive public interest
15A NCAC 01C .0205	Necessary with substantive public interest
15A NCAC 01C .0206	Necessary with substantive public interest
15A NCAC 01C .0207	Necessary with substantive public interest
15A NCAC 01C .0208	Necessary with substantive public interest
15A NCAC 01C .0304	Necessary with substantive public interest
15A NCAC 01C .0305	Necessary with substantive public interest
15A NCAC 01C .0306	Necessary with substantive public interest
15A NCAC 01C .0405	Necessary with substantive public interest
15A NCAC 01C .0406	Necessary with substantive public interest
15A NCAC 01C .0407	Necessary with substantive public interest
15A NCAC 01C .0408	Necessary with substantive public interest
15A NCAC 01C .0409	Necessary with substantive public interest
15A NCAC 01C .0410	Necessary with substantive public interest
15A NCAC 01C .0411	Necessary with substantive public interest

**RRC DETERMINATION
PERIODIC RULE REVIEW
February 16, 2017
APO Review: April 23, 2017
Environmental Quality, Department of
Total: 3**

RRC Determination: Necessary with substantive public interest

Rule	Determination
15A NCAC 01D .0102	Necessary with substantive public interest
15A NCAC 01D .0302	Necessary with substantive public interest
15A NCAC 01D .0303	Necessary with substantive public interest