

**RULES REVIEW COMMISSION MEETING
MINUTES
October 15, 2020**

The Rules Review Commission met on Thursday, October 15, 2020 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 teleconference were Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeanette Doran, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell.

Staff members present were Commission Counsel Ashley Snyder and Amanda Reeder; and Alex Burgos. Commission Counsel Amber Cronk May and Karlene Turrentine were present via WebEx.

The meeting was called to order at 9:00 a.m. with Chair Doran presiding.

The Chair recognized former Commissioner, Senator Tommy Tucker, for his service with the Commission.

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 September 17, 2020 meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

FOLLOW UP MATTERS

Crime Victims Compensation Commission

14B NCAC 09 .0303 and .0304 – Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Environmental Management Commission

15A NCAC 02D .0403, .0501, .0502, .0503, .0504, .0506, .0507, .0508, .0509, .0510, .0511, .0512, .0513, .0514, .0515, .0516, .0517, .0519, .0521, .0524, .0527, .0528, .0529, .0531, .0532, .0533, .0534, .0535, .0536, .0537, .0538, .0539, .0541, .0542, .0543, .0544, and .0615 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Environmental Management Commission

15A NCAC 02D .0901, .0902, .0903, .0906, .0909, .0912, .0918, .0919, .0922, .0923, .0924, .0925, .0926, .0927, .0928, .0930, .0931, .0933, .0935, .0937, .0943, .0944, .0945, .0947, .0948, .0949, .0951, .0952, .0955, .0956, .0957, .0958, .0959, .0961, .0962, .0963, .0964, .0965, .0966, .0967, and .0968 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as

follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Coastal Resources Commission

15A NCAC 07H .0301, .0302, .0303, .0304, .0305, .0306, .0308, .0309, .0310, .0311, and .0312 - The agency is addressing the technical change requests from the September meeting. No action was required by the Commission.

Environmental Management Commission

15A NCAC 13B .0531, .0532, .0533, .0534, .0535, .0536, .0537, .0538, .0539, .0540, .0541, .0542, .0543, .0544, .0545, .0547, .1601, .1602, .1603, .1604, .1617, .1618, .1619, .1620, .1621, .1622, .1623, .1624, .1625, .1626, .1627, .1629, .1630, .1631, .1632, .1633, .1634, .1635, .1636, .1637, and .1680 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

The Commission received over 10 letters of objection in accordance with G.S. 150B-21.3(b2), requesting a delayed effective date and legislative review of 15A NCAC 13B .0532, .0534, .0535, .0545, .1602, .1603, .1604, .1617, .1626, and .1631.

State Board of Education

16 NCAC 06B .0112, .0113, and .0114 - The agency is addressing the objections from the September meeting. No action was required by the Commission.

State Board of Education

16 NCAC 06D .0211, .0212, .0307, .0308, .0309, .0310, .0311; 06E .0107, .0204, .0206; 06G .0314, .0315, .0316, .0503, .0505, .0506, .0507, .0508, .0509, .0514, .0517, .0518, .0519, .0520, .0521, and .0522 - The agency is addressing the objections from the August and September meetings. No action was required by the Commission.

State Board of Education

16 NCAC 06H .0113, .0115, .0116, .0117; 06K .0101, .0103, .0104, and .0105 - The agency is addressing the objections from the September meeting. No action was required by the Commission.

Addictions Specialist Professional Practice Board

21 NCAC 68 .0216, .0227, .0228, and .0708 – The agency is addressing the objections from the September meeting. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Alcoholic Beverage Control Commission

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Environmental Management Commission

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Department of Transportation

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, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Prior to the review of the rules from the Department of Transportation, Commissioner Bryan recused himself and did not participate in any discussion or vote concerning the rules because his family is currently involved in litigation with the Department.

Local Government Commission

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Board of Funeral Service

Upon the call of the Chair, 21 NCAC 34B .0110 was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

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 legal representation to the Board.

Board of Nursing

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, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

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

State Board of Opticians

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, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

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 provides legal representation to the Board.

State Human Resources Commission

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

LOG OF FILINGS (TEMPORARY RULES)

Child Care Commission

10A NCAC 09 .3101, .3102, .3103, and .3104 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

COMMISSION BUSINESS

The meeting adjourned at 9:23 a.m.

The next regularly scheduled meeting of the Commission is Thursday, November 19, 2020 at 9:00 a.m.



Alexander Burgos, Paralegal



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

**Rules Review Commission Meeting October 15, 2020
Held Via WebEx**

First Name	Last Name	Agency/Company
Will	Polk	DPS
Craig	Justus	NCOAA
TJ	Bugbee	NCOAA
Laura	Rowe	Treasurer
Amber	Davis	DOJ
Debbie	Tomasko	Treasurer
Jennifer	Everett	DEQ
Carrie	Pickett	DEQ
Amy	Fitzhugh	Nursing
Bradley	Nelson	DEQ
Rahatul	Ashique	Air Quality
Cindy	Aiken	Treasurer
Jessica	Montie	DEQ
Sharon	Edmundson	
Patrick	Knowlson	DEQ
Angela	Ellis	Nursing
Christine	Ryan	OSHR
Melaine	Mabrey	Nursing
Danice	Henderson	Kinetic Minds
Perry	Sugg	DEQ
Ebony	Pittman	DOT
Walker	Reagan	ABC Commission
Alison	Keisler	DHHS
Jonathan	Puryear	Revenue
Catherine	Lee	DPS
Jeff	Vernon	
Joelle	Burleson	DEQ
Kerru	Yoakum	
Eskabonna	Henderson	Kinetic Minds
Anna	Szamosi	DIT