

**RULES REVIEW COMMISSION MEETING
MINUTES
October 21, 2021**

The Rules Review Commission met on Thursday, October 21, 2021, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx.

Commissioners Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeanette Doran, Margaret Currin, and Bob Rucho were present in the Commission Room. Commissioners present via WebEx were Barbara Jackson and Randy Overton.

Staff members present were Alexander Burgos, Commission Counsel Amber May, and Codifier of Rules Ashley Snyder. Commission Counsel Amanda Reeder was present via WebEx.

The meeting was called to order at 9:04 a.m. with Chair Doran presiding.

Chair Doran introduced Supreme Court Associate Justice Tamara Barringer to the Commission.

Justice Tamara Barringer administered the oath of office to new Commissioner Wayne R. Boyles III.

Chair Doran read into the record the following statement of economic interest for Wayne R. Boyles, III, which stated there was no actual conflict of interest.

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 16, 2021 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 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Barbara Jackson, Randy Overton, and Bob Rucho – 7. Voting in the negative: None.

FOLLOW UP MATTERS

Department of Insurance

11 NCAC 04 .0117, .0118, .0119, .0123, .0124, .0312, .0313, .0320, .0416, .0420, .0422, .0423, .0426, .and .0431 - 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, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Barbara Jackson, Randy Overton, and Bob Rucho – 7. Voting in the negative: None.

11 NCAC 04 .0115, .0120, .0314, .0315, .0316, .0317, .0318, .0319, .0415, .0427, .0429, .0432, .0433, .0501, .0502, .0503, .0504, .0505, .0506, .0507, .0508, and .0509 - The agency is addressing the technical change requests from the September meeting. No action was required by the Commission.

Building Code Council

2020 Electrical Code - Upon the call of the Chair, the revised Code was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Barbara Jackson, Randy Overton, and Bob Rucho – 7. Voting in the negative: None.

LOG OF FILINGS (PERMANENT RULES)

Department of Insurance

Upon the call of the Chair, Rules 11 NCAC 05D .0113, .0114, and .0115 were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Barbara Jackson, Randy Overton, and Bob Rucho – 7. Voting in the negative: None.

Upon the call of the Chair the Commission objected to 11 NCAC 05B .0301 for lack of statutory authority. Specifically, the Commission found that professional minimum qualifications for fire service personnel are within the authority of the State Fire and Rescue Commission, rather than the Department of Insurance. As attached, the Commission also voted to reschedule the readoption deadline for 11 NCAC 05B .0301 to October 31, 2022 to allow the State Fire and Rescue Commission to readopt this Rule. Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Barbara Jackson, Randy Overton, and Bob Rucho – 7. Voting in the negative: None.

Alarm Systems Licensing Board

Upon the call of the Chair, 14B NCAC 17 .0201 was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Barbara Jackson, Randy Overton, and Bob Rucho – 7. Voting in the negative: None.

Coastal Resources Commission

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, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Barbara Jackson, Randy Overton, and Bob Rucho – 7. Voting in the negative: None.

Department of Transportation - Division of Motor Vehicles

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 involved in litigation with the agency.

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, Wayne R. Boyles III, Margaret Currin, Barbara Jackson, Randy Overton, and Bob Rucho – 6. Voting in the negative: None.

Board of Dental Examiners

Upon the call of the Chair, 21 NCAC 16O .0402 was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Barbara Jackson, Randy Overton, and Bob Rucho – 7. Voting in the negative: None.

Board of Pharmacy

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, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Barbara Jackson, Randy Overton, and Bob Rucho – 7. Voting in the negative: None.

LOG OF FILINGS (TEMPORARY RULES)

Board of Dental Examiners

Upon the call of the Chair, 21 NCAC 16G .0109 was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Barbara Jackson, Randy Overton, and Bob Rucho – 7. Voting in the negative: None.

COMMISSION BUSINESS

Newly-appointed Commissioner Wayne R. Boyles III addressed the Commission and entered into the record the attached Statement for the Record to the RRC.

The meeting adjourned at 9:23 a.m.

The next regularly scheduled meeting of the Commission is Thursday, November 18, 2021, at 9:00 a.m.

Alexander Burgos, Paralegal

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

DRAFT

**Rules Review Commission Meeting October 21, 2021
Held Via WebEx**

Name	Agency
Helen Landi	DOT
Loretta Peace-Bunch	DOI
James Buchanan	
Carrie Hollis	OSBM
Carl Martin	BCC
Jennifer Everett	DEQ
Hannah Jernigan	DOT
Clint Pinyan	Pharmacy
Dauna Bartley	Dental Examiners

October 21, 2021

Rules Review Commission
Meeting
Please Print Legibly

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STATEMENT FOR THE RECORD
COMMISSIONER WAYNE RONALD BOYLES III
NORTH CAROLINA RULES REVIEW COMMISSION

October 21, 2021

Madam Chairwoman Doran and fellow commissioners I am honored to join you in service to the citizens of our great and wonderful state. I thank and am grateful to Speaker Tim Moore of the North Carolina House of Representatives for this appointment and the trust that he and his fellow members of the General Assembly have placed in me with this posting.

I thank and am grateful to NC Associate Supreme Court Justice Tamara Barringer for her time in swearing me in to this office today. I thank her for her service to our state.

My aim and goal in service on this commission is to ensure that the will of our citizens as expressed through their elected state representatives and state senators of the North Carolina General Assembly is fully carried out and realized. And just as important that all rules are constitutionally consistent with and within the boundaries of The Constitution of our glorious state.

My pledge to our citizens is that I will give you my all as a servant to all. I pray the Lord's guiding hand be upon me as I undertake these sacred duties for the people of North Carolina. I ask my fellow citizens to pray for me and us as we carry out your will and most importantly that of our Lord and God.

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**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

October 21, 2021

Loretta Peace-Bunch
Department of Insurance
Sent via email only to: loretta.peace-bunch@ncdoi.gov

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **11 NCAC 05B .0301**

Dear Ms. Peace-Bunch:

At its meeting on October 21, 2021, the Rules Review Commission rescheduled the readoption deadline of the above-referenced Rule in order to allow the State Fire and Rescue Commission to readopt this Rule.

Pursuant to G.S. 150B-21.3A(d)(2), 11 NCAC 05B .0301 shall be readopted by the agency no later than October 31, 2022.

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

Sincerely,

Amber May
Commission Counsel

cc: John Hoomani, Department of Insurance

Donald R. van der Vaart, Director
Chief Administrative Law Judge

Fred G. Morrison, Jr.
Senior Administrative Law Judge

Linda T. Worth
Deputy Director

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