

**RULES REVIEW COMMISSION MEETING
MINUTES
February 28, 2024**

The Rules Review Commission met on Wednesday, February 28, 2024, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx.

Commissioners Wayne R. Boyles III, Jeanette Doran, Jeff Hyde, Bill Nelson, Randy Overton, and Jake Parker were present in the Commission Room. Commissioners Barbara Jackson, Brandon Leebrick, and Paul Powell were present via WebEx.

Staff member Alexander Burgos, Commission Counsel Seth Ascher, Bill Peaslee, and Travis Wiggs were present in the room. Commission Counsel Brian Liebman was present via Webex.

The meeting was called to order at 10:00 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.

The Chair notified the Commissioners that the following item on the agenda would be taken up out of order at the end of the agenda: Permanent rules from the Office of State Budget and Management.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the January 31, 2024, 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: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

The Chair asked for any discussion, comments, or corrections concerning the minutes of the February 22, 2023, special 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: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

FOLLOW UP MATTERS

Criminal Justice Education and Training Standards Commission

12 NCAC 09F .0103, .0104, and .0105 – The Commission objected to these Rules at the February special meeting. No action was required by the Commission.

Alarm Systems Licensing Board

Upon the call of the Chair, 14B NCAC 17 .0502 was approved contingent upon a technical change to read “Credit shall be given only for classes that have been preapproved by the ~~Board~~. Board using the criteria set forth in Rule .0503.” by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

The revised rule was received following the meeting.

Jeff Gray, the rulemaking coordinator with the agency, addressed the Commission.

Board of Examiners in Optometry

21 NCAC 42D .0102 - At the January 2024 meeting, the Commission found that the revised rule satisfied the RRC's objection at the November 2023 meeting; however, it also determined that the revised rule was a substantial change and will need to be published and reviewed pursuant to G.S. 150B-21.2(g). This Rule will remain on the agenda until it is published. No action was required by the Commission.

Building Code Council

Upon the call of the Chair, the 2023 NC Electrical Code (230613 Item B-3) was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

LOG OF FILINGS (PERMANENT RULES)

Office of State Budget and Management

Upon the call of the Chair, 09 NCAC 03M .0101, .0102, .0205, .0401, .0601, .0703, .0801, and .0802 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

09 NCAC 03M .0202 - Upon the call of the Chair, the Commission voted to adopt staff's recommendation to object to the rule incorporated in the staff opinion for lack of statutory authority, clarity or ambiguity, necessity, and failure to comply with the APA by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Department of the Secretary of State

Upon the call of the Chair, 18 NCAC 07B .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0109, .0110, .0407, .0408, .0409, .0410, .0411, .0412, .0413, .0414, 07B .0415, .0416, .0417, .0418, .0501, .0502, .0503, .0504, .0505, .0506, .0601, .0602, .0603, .0604, .0605, .0606, .0607, .0608, .0701, .0702, .0703, .0704, .0705, .0706, .0707; 07C .0101, .0102, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0208, .0209, .0210, .0301, .0303, .0304, .0305, .0401, .0402, .0403, .0404, .0405, .0406, .0407, .0409, .0410, .0411, .0502, .0504, .0505, .0506, .0508, .0509, .0510, .0601, .0602, .0603, .0604, .0605, .0606, .0607, .0701, .0702, .0703, .0704; 07D .0101, .0102, .0103, .0104, .0301, .0302, .0303, .0304, .0305, .0306, .0307, .0308; 07E .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0109, .0111, .0112, .0113, .0201, .0202, .0204, .0205, .0206, .0207; 07E .0209, .0212, .0213, .0214, .0301, .0302, .0303, .0304, .0306, .0307, .0308, .0309, .0310, .0311, .0312, .0401, .0402, .0403, .0404, .0405, .0406, .0407, .0601, .0602, .0603, .0604, .0605, .0701, .0702, .0801, .0802, .0803, .0804, .0901, .0902, .0903, .0904, .1001, .1002, .1101, .1102, .1103, .1104, .1105, .1202, .1203, .1204 and .1205 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

18 NCAC 07C .0302 and .0507 were withdrawn at the request of the agency. No action was required by the Commission.

Board of Examiners for Engineers and Surveyors

Upon the call of the Chair, the Commission voted to extend the period of review for 21 NCAC 56 .0502 and .0701 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Building Code Council

Upon the call of the Chair, the Commission voted to extend the period of review for the 2024 North Carolina Energy Conservation Code, 2024 North Carolina Fuel Gas Code, and 2024 North Carolina Mechanical Code by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Existing Rule Review

Oil and Gas Commission

Upon the call of the Chair, the report for 15A NCAC 05C was approved by the RRC by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

COMMISSION BUSINESS

The Commission voted to approve the Marine Fisheries Commission's and the Wildlife Resources Commission's request for a waiver of the 210-day requirement for temporary rules pursuant to G.S. 150B-21.1(a2) by roll-call vote, ayes 5, noes 4 as follows: Voting in the affirmative: Wayne R. Boyles III, Barbara Jackson, Brandon Leebrick, Bill Nelson, and Paul Powell – 5. Voting in the negative: Jeff Hyde, Jeanette Doran, Randy Overton, and Jake Parker – 4. Each agency is to receive a 60-day extension, running concurrently, from the expiration of the 210-day period on May 7, 2024 to July 6, 2024.

Christine Ryan, with the Department of Justice and representing the Marine Fisheries Commission, addressed the Commission.

Carrie Ruhlman, the rulemaking coordinator for the Wildlife Resources Commission, addressed the agency.

At 11:48 a.m., upon a motion by Chair Doran and a second by Commissioner Jackson, the Commission voted to call the public meeting of the Rules Review Commission into recess and enter into a closed session pursuant to G.S. 143-318.11(a)(1) to review and approve the general account of the January 31, 2024 closed session which may be withheld from public inspection pursuant to G.S. 143-318.10(e) and to consult with counsel regarding CRC v. RRC, EMC v. RRC, and other potential litigation pursuant to G.S. 143.11(a)(3), by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Commissioners Barbara Jackson and Paul Powell did not return to the regular meeting following the closed session.

At 12:07 p.m., upon a motion by the Chair and a second by Commissioner Overton, the Commission voted to come out of closed session and reconvene the public meeting of the Rules Review Commission by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 6. Voting in the negative: None.

The meeting was adjourned at 12:07 p.m.

The next regularly scheduled meeting of the Commission is Wednesday, March 27, 2024, at 10:00 a.m.

Alexander Burgos, Paralegal

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

DRAFT

February 28, 2024

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Ann White	SOS
Emily Wiley	NC DOT
Helen Bando	NC DOT
NATHAN CHILDS	NC DOJ/NC SCC
Carrie Ruhlman	NC WRRC
ANNA ELMORE	SOC
Wes Tripp	NC Bd of Examiners, ^{for Engineers &} Surveyors
CHRISTINE KIAN	NC DOT
Shawn Maier	DEC
John Gagnon	OSBM
David Bruce Rittlinger	NC Office of State Fire Marshal
Jeff M. Mack	ASLHS
Julie Ventaloro	OSBM
Elizabeth Pope	NCSWCLB

Rules Review Commission Meeting February 28, 2024
Via WebEx

Name	Agency
Dennis Seavers	Barber Board
Brian Liebman	OAH
Ozie Stallworth	SOSNC
Dana McGhee	OAH
Catherine Blum	DEQ
Scarlett Hargis	Office of the Governor
Ashley Snyder	OAH
Gina M. Von Oehsen - Cleary	DOJ
Cliff Isaac	NCHBA
Angela Willis	DEQ
Lindsay Gomes	unc.edu
Tina DuPree	SOSNC
Alisha Benjamin	DOI
Beth Williams	DOI
Anne Coan	NCFB
Denise Mazza	SHR
Alisha Benjamin	DOI
Jennifer Everett	DEQ
Karen Holder	DOI
Serena Jones	DOJ
David Rittlinger	BCC
James Chapman	DEQ
Sarah Zambon	DOJ
James Chapman	DEQ
Jason Walsh	DEQ
Brandi Salmon	DEQ
Sarah Bales	brubakernc.com
Misty Piekaar	DAAS
Jesse Bisette	DEQ
Michael Loeffler	DEQ
Taylor Corpening	DHHS
Kenneth Taylor	DEQ
Hayworth, Anna	AGR
Lauren Vollmer	bcbsnc.com
Mary Lucasse	DOJ
Cora Houston	NCBEL
Lonnie Christopher	NCCOB

Mike Hejduk	DOI
Carrie Pickett	DEQ
Niehaus, Virginia	DHHS
Johnny Loper	Optometry
Christian Waters	WRC
Ian Clark	DHHS
Sharon Martin	DES

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