

**RULES REVIEW COMMISSION MEETING
MINUTES
January 31, 2024**

The Rules Review Commission met on Wednesday, January 31, 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, and Jake Parker were present in the Commission Room. Commissioners Jay Hemphill, Barbara Jackson, Brandon Leebrick, and Randy Overton were present via WebEx.

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

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 introduced new Commission Counsel Travis Wiggs to the Commission.

The Chair notified the Commissioners that the following items on the agenda would be taken up out of order at the end of the agenda: Follow-up matter Tab A for Department of Administration and Temporary Rules for Board of Elections.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the December 14, 2023, 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, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

FOLLOW UP MATTERS

Department of Administration

Upon the call of the Chair, the Commission voted to object to 01 NCAC 06B .0307 by roll-call vote, ayes 2, noes 6 as follows: Voting in the affirmative: Jeff Hyde and Bill Nelson – 2. Voting in the negative: Wayne R. Boyles III, Jay Hemphill, Barbara Jackson, Brandon Leebrick, Randy Overton, and Jake Parker – 6. The motion failed.

Upon the call of the Chair, 01 NCAC 06B .0307 was approved by roll-call vote, ayes 6, noes 2 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Barbara Jackson, Brandon Leebrick, Randy Overton, and Jake Parker – 6. Voting in the negative: Jeff Hyde and Bill Nelson - 2.

Chris McLennan, representing the Department of Administration, addressed the Commission.

Medical Care Commission

Upon the call of the Chair, 10A NCAC 13F .0703, .0704, .1103, .1104, .1106; 13G .0702, .0703, .0704, .1102, .1103, and .1106 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

Criminal Justice Education and Training Standards Commission

12 NCAC 09A .0205, .0206; 09B .0103, .0235, .0236, .0301; 09C .0306; 09E .0103; 09F .0103, .0104, .0105; and 09G .0307 – The Commission extended the period of review for these Rules at the December meeting. No action was required by the Commission.

Department of Public Safety

Upon the call of the Chair, the Commission voted to waive 26 NCAC 05 .0107 and allow the consideration of the revised versions of Rules 14B NCAC 03 .0502 and .0507 as submitted by the agency beyond the deadline by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

Upon the call of the Chair, 14B NCAC 03 .0501, .0502, .0503, .0504, .0505, .0506, .0507, .0508, and .0509 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

Department of Revenue

Upon the call of the Chair, 17 NCAC 07B .3101 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

Upon the call of the Chair, 17 NCAC 07B .1601, .1605, and .2204 were returned to the agency by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

Department of Revenue

Upon the call of the Chair, 17 NCAC 07B .4203, .4210, .4404, .4503, .4609, .4614, .4701, and .5002 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

Upon the call of the Chair, 17 NCAC 07B .4415 and .4707 were returned to the agency by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

Department of the Secretary of State

Upon the call of the Chair, 18 NCAC 07B .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0208, .0301, .0302, .0303, .0304, .0305, .0306, .0307, .0308, .0309, .0310, .0311, .0312, .0401, .0402, .0403, .0404, .0405, and .0406 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

Department of the Secretary of State

Upon the call of the Chair, 18 NCAC 07F .0101, .0102, .0103, .0201, .0301, .0302, .0303, .0304, .0305, .0401, .0402, .0403, .0404, .0503, .0505, .0506, .0507, .0508, .0509, .0512, .0513, .0601, .0602, .0701, .0702, .0703, .0704, .0705, .0706, .0707, .0708, .0709, .0801, .0802, .0803, .0804, .0805, .0806, .0807, .0808, .0809, .0810, .0811, .0812, .0813, .0814, .0901, .0902, .0903, .0904, .0905, .0906, .1001, .1002, .1003, .1004, .1101, .1102, .1103, .1104, .1105, .1106, .1107, .1108, .1109, .1110, and .1111 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R.

Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

Department of the Secretary of State

Upon the call of the Chair, 18 NCAC 071 .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0208, .0209, .0210, .0211, .0212, .0301, .0302, .0303, .0304, .0305, .0306, .0307, .0308, .0401, .0402, .0403, .0404, .0405, .0406, and .0407 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

Board of Nursing

21 NCAC 36 .0120, .0220, .0233, .0302, .0303, .0309, .0317, .0318, .0320, .0321, .0322, .0323 – The Commission extended the period of review for these Rules at the December meeting. No action was required by the Commission.

Board of Examiners in Optometry

Upon the call of the Chair, 21 NCAC 42D .0102 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

Building Code Council

2024 North Carolina Existing Building Code, Section 101.2 of the 2024 North Carolina Building Code, Section 101.2 of the 2024 North Carolina Existing Building Code, Section 803.2.1.2 of the 2024 North Carolina Existing Building Code, Section 102.13 of the 2024 North Carolina Fire Code, and Section 5706.5.4.5 of the 2024 North Carolina Fire Code – The rules were returned at the request of the agency. No action was required by the Commission.

Building Code Council

Upon the call of the Chair, the 2024 NC Administrative Code and Policies 221213 Item B-1, and 2024 NC Administrative Code and Policies Appendix B were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

230314 Item B-13, 2024 NC Plumbing Code, 230314 Item B-1, 2024 NC Residential Code, Chapters 1-10, 25-33, 45, 46, and Appendices - The Commission extended the period of review for these Rules at the December meeting. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

State Board of Elections

Upon the call of the Chair, 08 NCAC 04 .0308 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

Social Services Commission

Upon the call of the Chair, 10A NCAC 06T .0201 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

Sheriffs' Education and Training Standards Commission

Upon the call of the Chair, 12 NCAC 10B .0303 and .0408 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara

Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

Alarm Systems Licensing Board

Upon the call of the Chair, 14B NCAC 17 .0202 and .0208 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

Upon the call of the Chair, the Commission voted to extend the period of review for 14B NCAC 17 .0502 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

Wildlife Resources Commission

Upon the call of the Chair, 15A NCAC 10F .0305, .0316, .0338, .0380; 10K .0101, .0102, and .0103 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

Marine Fisheries Commission

Upon the call of the Chair, 15A NCAC 18A .0301, .0305, .0401, .0402, .0403, .0404, .0405, .0406, .0407, .0408, .0409, .0410, .0411, .0412, .0413, .0414, .0415, .0416, .0417, .0418, .0419, .0420, .0421, .0422, .0423, .0424, .0426, .0427, .0428, .0429, .0430, .0432, .0433, .0434, .0435, .0436, .0437, .0438, .0439, .0501, .0502, .0503, .0504, .0601, .0602, .0603, .0604, .0605, .0606, .0607, .0608, .0609, .0610, .0611, .0612, .0613, .0614, .0615, .0616, .0617, .0618, .0619, .0620, .0621, .0701, .0702, .0703, .0704, .0705, .0706, .0707, .0708, .0709, .0710, .0711, .0712, .0713, .0801, .0802, .0803, .0804, .0805 and .0806 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 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 2023 NC Electrical Code (230613 Item B-3) by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

LOG OF FILINGS (TEMPORARY RULES)

State Board of Elections

Upon the call of the Chair, 08 NCAC 20 .0101, .0102, and .0103 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

Paul Cox with the Department of Justice and representing the agency, addressed the Commission.

Jim Womack with the North Carolina Election Integrity Team addressed the Commission.

Jay Delancey with the North Carolina Election Integrity Team addressed the Commission.

The Chair called the meeting into a brief recess at 10:55 a.m.

The meeting resumed at 11:05 a.m.

Medical Care Commission

Prior to the review of the rules from the Medical Care Commission, Commissioner Leebrick recused himself and did not participate in any discussion or vote concerning the rules because of a conflict of interest.

Upon the call of the Chair, 10A NCAC 13S .0101, .0104, .0111, .0112, .0114, .0201, .0202, .0207, .0209, .0210, .0211, .0212, .0315, .0318, .0319, .0320, .0321, .0322, .0323, .0324, .0325, .0326, .0327, .0328, .0329, .0330, and .0331 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, and Jake Parker – 7. Voting in the negative: None.

State Board of Education

Upon the call of the Chair, 16 NCAC 06D .0510 and 06G .0701 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

Existing Rule Review

Request for Extension of the Readoption Deadline

Upon the call of the Chair, the Commission voted to extend the readoption deadline for 15A NCAC 10G .0401, .0402, .0403, and .0405 to December 31, 2025, by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

Review of the 2024 State Medical Facilities Plan

Upon the call of the Chair, the 2024 State Medical Facilities Plan was found in compliance with S.L. 2023-229 and approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

COMMISSION BUSINESS

The Chair announced that the Commission will be holding a special meeting to review follow-up matters that were extended at the December 2023 meeting to be held on February 22, 2024, at 10:00 a.m. in the Commission room.

At 11:38 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 December 14, 2023 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, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

At 12:14 p.m., upon a motion by the Chair and a second by Commissioner Jackson, the Commission voted to come out of closed session and reconvene the public meeting of the Rules Review Commission by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 7. Voting in the negative: None.

Commissioner Hemphill did not vote.

The meeting was adjourned at 12:17 p.m.

The next regularly scheduled meeting of the Commission is Wednesday, February 28, 2024, at 10:00 a.m.



Alexander Burgos, Paralegal



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

January 31, 2024

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Malahah Waller	Office of the Gov - Gen Counsel (Intern)
Gail Pittman	N/A - NCCCIA
Rhonda Allen	N/A - NCCCIA
JOSEPH BANBI ENI	
Ed Henderson	N/A - NCCCIA
Ted B. Williams	N/A - NCCIA
Josh Hagwood	N/A - USLS
Emily Wiley	NC DOT
Misty Pickens-McWilliams	NC DHHS - DMS
David Rittinger	NC office of State Fire Marshal
Bomb Woodcock	NCGA
Glenda Artis	NC DHHS - DAAS
Paris Riny	NC DHHS
Christopher McLennan	NC DOJ
CHAS RILEY	NKSA
Ronja Strong	NC DOH
NATHAN COLLINS	NC DOJ / NC BCC
Anna Hayward	WCDACS
Bill Turle	NC SDS
David Harrington	
Heather Vickers	NC

December 14, 2023

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
ANN ELMORE	NC SOS
Chas McLennan	NC DOJ
Ann Wall	NC SOS
Christine Goebel	NC DEQ
Julie Peck	NC DCEE
RAT PRAMAKMAR	NC DHS
Mary Lucas	NC DOJ
Anna Hauptworth	NC DCS
Laura Hansford	NC BOR
Ely Young	NC DOJ
Danya Strong	NC DCA
Mark Temple	NC DOJ
Will Pugh	NC DPS
VADAN COPPING	BCC/NCDOJ
Mehadi Mitchell	NC DHS
Denise Marzani	OSHR
Aubrey Davis	DCDFE
Taylor Copping	NC DHS
Surise Baker	NC DMH/OPHS

Rules Review Commission Meeting January 31, 2024
Via WebEx

Name	Agency
Ozie Stallworth	SOSNC
Ryan Collins	DPI
Michael Maier	DEQ
Joelle Burleson	DEQ
Jennifer Everett	DEQ
Lindsey Wakely	NCSBE
Karen Holder	DOI
Dana McGhee	OAH
Arthur Harrell	OAH
Ashley Snyder	OAH
Shannon Jenkins	DEQ
Frederick Nelson	DEQ
Jay Delancy	
Deanna De'liberto	
Melissa Bowman	DOJ
Ruhlman, Carrie A	WRC
Jim Womack	
On Post Public Safety Protection	
April G.	
James F. Davis	brmemc.net
Dawn Dolpp	
Michael Brunner	
Hope Ascher	
Bryan Dudley	
Beth Secosky	
Susanna Birdsong	ppsat.org
Brown, Elizabeth K	DHHS
Tina Dupree	SOSNC
Daniel Matthews	
Candace Raines	
Janice Peterson	Optometry Board
Brent Woodcox	ncleg.gov
Ed Santos	wilsonfirearmsacademy.com
Wade Walcott	
Bethany Burgon	DOJ
Chris Millis	nchba.org
Wade Walcott	

Laura Rowe	nctreasurer.com
Daniel Young	
Tyler Daye	commoncause.org
Christine Ryan	DOJ
Chris D. Sexton Sr.	bop.gov
Tara Fields	benchmarksnc.org
Brandi Salmon	DEQ
Raj Premakumar	DHHS
Leo Gordon	
Anne Coan	ncfb.org
Art Sperling	
Richard Squires	SHETS
Jason Walsh	DEQ
Aranda Holley	dac.nc.gov
Chris Cecil	
Sirena Jones	DOJ
Brian Barnes	ncdps.gov
Madison Alligood	
Betsy Haywood	WRC
John Link	
Jill Cramer	labor.nc.gov
Seavers, Dennis	Barbers
Ronnie Lovick	
Terrie Deal	DHHS
Virginia Reed	americavotes.org
Bruce Garner	SOSNC
Josh Johnson	
Bryan Vickery	greensboro-nc.gov
J.R. Griffin II	ncdps.gov
Dauna Bartley	Dental Board
Blum, Catherine	DEQ
Chief Peaks	townofwilliamston.com
Johnny Loper	Optometry
Jimmie Williams	
Bud Cesena	
Katelyn Love	ncsbe.gov
Matt Ship	
Robert Hand Rrt4	raleighnc.gov
Chad Thompson	
Robert Park	
Harvey Morse	WECANCARRY.COM
Phyllis Pickett	ncleg.gov

Cliff Isaac	nchba.org
Ian Clark	DHHS
William Rafferty	Optometry
AP Dillon	northstatejournal.com
Ann Webb	commoncause.org

MEMORANDUM OF ABSTENTION FROM
PARTICIPATION IN OFFICIAL ACTION
RULES REVIEW COMMISSION

In accordance with N.C. General Statute G.S. 138A-15(e), I have abstained from taking any verbal or written action, including voting, on the agenda item regarding III. B. Medical Care Commission.

I have abstained because potential conflict of interest

This the 31 day of January, 2023.



Signature of Commission Member

No public servant authorized to perform an official action requiring the exercise of discretion shall knowingly participate in an official action by the board if the public servant, a member of the public servant's extended family, or a business with which the public servant is associated has an economic interest in, or a reasonably foreseeable benefit from, the matter under consideration, which would impair the public servant's independence of judgment or from which it could be reasonably inferred that the interest or benefit would influence the public servant's participation. A potential benefit includes a detriment to a business competitor or (1) the public servant; (2) a member of the public servant's extended family, or (3) a business with which the public servant is associated. The public servant shall abstain from taking any verbal or written action and shall submit in writing to the board the reasons for the abstention.