

**RULES REVIEW COMMISSION MEETING  
MINUTES  
July 20, 2023**

The Rules Review Commission met on Thursday, July 20, 2023, 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, Jeff Hyde, Randy Overton, Paul Powell, and Bob Rucho were present in the Commission Room. Commissioner Barbara Jackson was present via WebEx.

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

The meeting was called to order at 9:02 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: Temporary Rules for the State Board of Elections.

**APPROVAL OF MINUTES**

The Chair asked for any discussion, comments, or corrections concerning the minutes of the June 15, 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: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

**FOLLOW UP MATTERS**

**Medical Care Commission**

Upon the call of the Chair, 10A NCAC 13B .3801, .3903, .4103, .4104, .4106, .4305, .4603, .4801, .4805, .5102, .5105, .5406, .5408, and .5411 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

**Environmental Management Commission**

15A NCAC 02D .0103, .0501, .0546, .0605, .1903, .1904, .1905, .2203; 02Q .0104, .0105, .0206, .0304, .0305, .0307, .0505, .0507, .0508, and .0710 - The Commission extended the period of review for these Rules at the June meeting. No action was required by the Commission.

**Environmental Management Commission**

15A NCAC 02H .1301, .1401, .1402, .1403, .1404, and .1405 - The Commission objected to these Rules at the May 2022 meeting. The agency has not responded to the Commission's objection since August 2022. No action was required by the Commission.

**Marine Fisheries Commission**

15A NCAC 03M .0101 - The Commission objected to this Rule at the June meeting. No action was required by the Commission.

**Coastal Resources Commission**

15A NCAC 07H .0208, .0308; 07K .0207; 07M .0602, and .0603 - The Commission extended the period of review for these Rules at the June meeting. No action was required by the Commission.

**Coastal Resources Commission**

15A NCAC 07H .0501, .0502, .0503, .0505, .0506, .0507, .0508, .0509, .0510; 07I .0406, .0506, .0702; 07J .0203, .0204, .0206, .0207, .0208, and .0312 – At the February meeting, the Commission continued its objection to these Rules from the September 2022 meeting pursuant to G.S. 150B-21.12(c). The agency has not responded to the Commission's continued objection. No action was required by the Commission.

**Coastal Resources Commission**

15A NCAC 07H .2305 – At the February meeting, the Commission continued its objection to this Rule from the September 2022 meeting pursuant to G.S. 150B-21.12(c). The agency has not responded to the Commission's continued objection. No action was required by the Commission.

**Coastal Resources Commission**

15A NCAC 07M .0201, .0202, .0401, .0402, .0403, .0701, .0703, .0704, .1001, .1002, and .1101 – At the February meeting, the Commission continued its objection to these Rules from the September 2022 meeting pursuant to G.S. 150B-21.12(c). The agency has not responded to the Commission's continued objection. No action was required by the Commission.

**Medical Board**

21 NCAC 32B .1002 - The rule was withdrawn at the request of the agency. No action was required by the Commission.

**LOG OF FILINGS (PERMANENT RULES)****Rural Electrification Authority**

Upon the call of the Chair, 04 NCAC 08 .0107 and .0109 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

**Department of Natural and Cultural Resources**

Upon the call of the Chair, 07 NCAC 14B .0403, .0404, .0608, and .0609 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

**Board of Barber and Electrolysis Examiners**

Upon the call of the Chair, 21 NCAC 06N .0111 and .0117 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

**Board of Registration for Foresters**

21 NCAC 20 .0106 - The rule was withdrawn at the request of the agency. No action was required by the Commission.

**LOG OF FILINGS (TEMPORARY RULES)****State Board of Elections**

Upon the call of the Chair, 08 NCAC 17 .0101, .0102, .0103, .0105, .0106, and .0109 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles

III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Upon the call of the Chair, the Commission waived Rule 26 NCAC 05 .0104 and allowed the submission of written comments received after the deadline by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Upon the call of the Chair, the Commission voted to adopt an oral resolution that the Voter ID Exception Form developed by the Board of Elections should be subject to rulemaking and therefore, should have been submitted to the RRC as part of the rulemaking process by roll-call vote, ayes 5, noes 3 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Barbara Jackson, Paul Powell, and Bob Rucho – 5. Voting in the negative: Wayne R. Boyles III, Jeff Hyde, and Randy Overton – 3.

Paul Cox, the rulemaking coordinator for the agency, addressed the Commission.

Jay Delancey with the Voter Integrity Project of North Carolina addressed the Commission.

#### **Wildlife Resources Commission**

Upon the call of the Chair, 15A NCAC 10F .0305 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

#### **COMMISSION BUSINESS**

Upon the call of the Chair, the Commission voted to approve the request from the Department of Health and Human Services, Division of Health Services Regulation to have rules in Subchapter 10A NCAC 13F rescheduled from July 2026 to October 2026 on the 2024-2027 Existing Rules Review Schedule by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Commissioner Jackson volunteered to review rules submitted by OAH to be reviewed at the August meeting.

The meeting was adjourned at 10:14 a.m.

The next regularly scheduled meeting of the Commission is Thursday, August 17, 2023, at 9:00 a.m.

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Alexander Burgos, Paralegal

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

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July 19, 2023

Rules Review Commission  
Meeting  
Please Print Legibly

Name	Agency
Nadine Pfeiffer	DHHS/DHSR
CHRIS MILLIS	NCHBA
Agn Wall	Sec of State
Paul Cox	NC St. Bd Elect'g
Adam Steele	NC St. Bd of Elect'g



**Rules Review Commission Meeting July 20, 2023**  
**Via WebEx**

<b>Name</b>	<b>Agency</b>
Annette Barefoot	NCSBE
Emily Jones	DOT
Frances Liles	REA
Dennis Seavers	Barber & Electrolysis
Grace Navaroli	
Sam Hayes	NCLEG
Ellen Roeber	PT Board
Alan Hirsch	NCSBE
Jill Cramer	Labor
Julie Youngman	SELNC
Phillip Reynolds	DOJ
Tammy Sylvester	DHHS
Makeda Harris	NCHA
Tyler Daye	commoncause.org
Hannah Jernigan	DOT
Jeff Harms	DHHS
Shalisa Jones	DHHS
Greta Hill	DHHS
Ross Smith	MYNCMA
Laura Rowe	Treasurer
Anne Coan	NCFB
Catherine Blum	DEQ
Serena Jones	DOJ
Elizabeth Pope	NCSW Board
Melva Bonner	WRC
Jim Womack	NCEIT