

**RULES REVIEW COMMISSION MEETING
MINUTES
March 27, 2024**

The Rules Review Commission met on Wednesday, March 27, 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 and Jay Hemphill 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 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 February 28, 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 7, 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.

FOLLOW UP MATTERS

Office of State Budget and Management

Upon the call of the Chair, 09 NCAC 03M .0202 was approved by roll-call vote, ayes 7, 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.

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.

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.

Board of Examiners for Engineers and Surveyors

21 NCAC 56 .0502 - The Commission extended the period of review for this Rule at the February meeting. No action was required by the Commission.

Building Code Council

2024 North Carolina Energy Conservation Code - The Commission extended the period of review for this Rule at the February meeting. No action was required by the Commission.

Building Code Council

2024 North Carolina Fuel Gas Code - The Commission extended the period of review for this Rule at the February meeting. No action was required by the Commission.

Building Code Council

2024 North Carolina Mechanical Code - 2024 North Carolina Energy Conservation Code - The Commission extended the period of review for this Rule at the February 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 .0401, .0402; 17 .0101, .0102, .0103, .0105, .0106, and .0109 were approved by roll-call vote, ayes 7, 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. The Commission noted a typographical error in 08 NCAC 04 .0401 and the revised rule was corrected following the meeting.

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

Medical Care Commission

Upon the call of the Chair, 10A NCAC 13L .0301, .0302; 13P .0101, .0102, .0201, .0207, .0216, .0217, .0218, .0221, .0224, .0301, .0401, .0402, .0403, .0404, .0407, .0410, .0502, .0503, .0512, .0601, .0602, .0904, .0905, .1505 and .1507 were approved by roll-call vote, ayes 7, 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.

Home Inspector Licensure Board

Upon the call of the Chair, the Commission voted to extend the period of review for 11 NCAC 08 .1101, .1103, .1105, .1107, .1109, .1110, and .1116 by roll-call vote, ayes 7, 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.

Commission for Public Health

Upon the call of the Chair, 15A NCAC 18A .1001, .1002, .1003, .1004, .1006, .1007, .1008, .1009, .1011, .1012, .1014, .1017, .1018, .1019, .1020, .1021, .1022, .1027, .1601, .1602, .1603, .1604, .1605, .1606, .1607, .1608, .1609, .1610, .1611, .1612, .1613, .1614, .1615, .1616, .1617, .1618, .1619, .1620, .1621, .2518, and .2539 were approved by roll-call vote, ayes 7, 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.

Board of Architecture and Registered Interior Designers

Upon the call of the Chair, 21 NCAC 02 .0108, .0201, .0203, .0206, .0210, .0213, .0214, .0215, .0302, .0303, .0306, .0307, and .0606 were approved by roll-call vote, ayes 7, 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.

Board of Certified Public Accountant Examiners

Upon the call of the Chair, 21 NCAC 08F .0105 and .0401 were approved by roll-call vote, ayes 7, 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.

Board of Chiropractic Examiners

Upon the call of the Chair, 21 NCAC 10 .0218 was approved by roll-call vote, ayes 7, 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.

21 NCAC 10 .0208 was withdrawn at the request of the agency. No action was required by the Commission.

Board of Dental Examiners

21 NCAC 16H .0104 was withdrawn at the request of the agency. No action was required by the Commission.

Interpreter and Transliterator Licensing Board

Upon the call of the Chair, 21 NCAC 25 .0501, .0502, .0503, and .0505 were approved by roll-call vote, ayes 7, 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.

Board of Landscape Architects

Upon the call of the Chair, 21 NCAC 26 .0105 was approved by roll-call vote, ayes 7, 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.

Board of Funeral Service

Upon the call of the Chair, 21 NCAC 34B .0208, .0211, and .0213 were approved by roll-call vote, ayes 7, 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.

Board of Podiatry Examiners

Upon the call of the Chair, 21 NCAC 52 .0208, and .0613 were approved by roll-call vote, ayes 7, 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.

LOG OF FILINGS (TEMPORARY RULES)

Coastal Resources Commission

15A NCAC 07H .0507, .0508, .0509; 07I .0702; 07J .0203, .0204, .0206, .0207, .0208; 07M .0401, .0402, .0403, .0701, .0703, .0704, and .1101 – The Chair announced that these Rules will be taken up at a Special Meeting of the RRC on April 8, 2024, at 10:00 am. No action was taken on these.

State Board of Education

Upon the call of the Chair, a motion to approve 16 NCAC 06C .0372, .0601, .0602, .0603, .0604, .0605, .0606, .0607, and .0608 failed by roll call vote, ayes 1, noes 7 as follows. Voting in the affirmative: Wayne R. Boyles, III – 1. Voting in the negative: Jeanette Doran, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, and Jake Parker – 7.

Upon the call of the Chair, the Commission voted to approve 16 NCAC 06C .0372, .0601, .0603, .0604, .0605, .0606, .0607, and .0608, and to object to 16 NCAC 06C .0602 for failure to meet the standard in G.S. 150B-21.9(a)(2) as articulated in staff's opinion, by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeanette Doran, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, and Jake Parker – 8. Voting in the negative: None.

Ryan Collins, the Rulemaking Coordinator for the agency, addressed the Commission.

State Board of Education

Upon the call of the Chair, 16 NCAC 06E .0201, .0204, .0205, .0206, .0207, .0208, .0209, .0210, and .0215 were approved by roll-call vote, ayes 7, 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.

Existing Rule Review

The Commission voted to exempt subchapters from the decennial review beginning in 2024: 18 NCAC 07B, 07C, 07D, 07E, 07F, 07I, and 07K, and extend the periodic review deadline for 18 NCAC 07J to June 2025 by roll-call vote, ayes 7, 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.

COMMISSION BUSINESS

Staff made a brief presentation to the Commission about potential RRC rule changes.

At 11:11 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 February 28, 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 pursuant to G.S. 143.11(a)(3), by roll-call vote, ayes 7, 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.

Commissioners Barbara Jackson and Jay Hemphill did not return to the regular meeting following the closed session.

At 11:38 a.m., upon a motion by the Chair and a second by Commissioner Boyles, the Commission voted to come out of closed session and reconvene the public meeting of the Rules Review Commission by roll-call vote, ayes 5, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Bill Nelson, Randy Overton, and Jake Parker – 5. Voting in the negative: None.

The meeting was adjourned at 11:40 a.m.

The next regularly scheduled meeting of the Commission is Tuesday, April 30, 2024, at 10:00 a.m.

Alexander Burgos, Paralegal

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

DRAFT

March 27, 2024

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Ben Busch	AG's office
Gavin Cleary	AG's office
Paul Barth	GRNC
John Gagnon	OSBM
Rhonda Allen	NCCIA/ArmedAngelstraining
ANN ELMORE	NC SOS
W Toole	"
CHRIS MILLIS	NCABA
Hyrum Hemingway	NC DOT
Catherine Lee	BFS & NCBAA
Tom Mitchell	NC OEMS
Wally Ainsworth	NC OEMS
Buck Winstoneel	SBoard of CPA Examiners
Taylor Carpenter	DMR
Chris Giaz	NC Brd Arch + R (I)
David Rittinger	NC OSFM
Ryan Collins	NC St. Bd. of Educ.
Paul Cox	NC St. Bd. of Electm
Adam Steele	"
Julie Ventaloro	NC OSBM
Virginia Nicholas	NCDHHS DPH

Rules Review Commission Meeting March 27, 2024
Via WebEx

Name	Agency
Elizabeth Hawley	Treasurer
Christopher Ventaloro	DEQ
Emily Jones	DOT
Angela Willis	DEQ
Karen Holder	DOI
Mike Hejduk	DOI
Dana McGhee	OAH
Ashley Snyder	OAH
Clifton Dowell	stateaffairs.com
Zac Patterson	
Hayworth, Anna	Agriculture
Nadine Pfeiffer	
Tracey Dranttel	
Liz Rasheed	
Ann Webb	commoncause.org
Harry Katt	
Shazia Keller	DHHS
Ellen Roeber	PT BOARD
Terry Chappell	DHHS
Barbara Geiger	NCBOLA
Helen Landi	
Larry Michael	DHHS
Adrienne Spoto	
Bruce Garner	SOS
Laura Rowe	Treasurer
Misty Piekaar	dhhs.nc.gov
Reed Fountain	
Jean Kirk	ncfootandankle.org
Harry Katt	
Elizabeth Pope	NCSW BOARD
Zac Patterson	
Chad Gambill	
Jon Fowlkes	DHHS
Wes Tripp	NCBELS
Dauna Bartley	Brocklerlawfirm.com
Heather Misenheimer	DHHS
Shane Smith	DHHS

Nathan Childs	DOJ
Mary Lucasse	CRC
Dilcy Burton	DOI
Ian Clark	DHHS
Harvey Morse	wecancarry.com
Tracy Steadman	NCBRE

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