

RULES REVIEW COMMISSION MEETING
MINUTES
May 29, 2024

The Rules Review Commission met on Wednesday, May 29, 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, Brandon Leebrick, Jake Parker, and Paul Powell 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 items on the agenda would be taken up out of order at the end of the agenda: Follow-up matters for the Criminal Justice Education and Training Standards Commission and permanent rules from the Wildlife Resources Commission.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the April 30, 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 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None.

The Chair asked for any discussion, comments, or corrections concerning the minutes of the May 13, 2024 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 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None.

FOLLOW UP MATTERS

Home Inspector Licensure Board

Upon the call of the Chair, 11 NCAC 08 .1101, .1103, .1105, .1107, .1109, .1110, and .1116 were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None.

Criminal Justice Education and Training Standards Commission

Upon the call of the Chair, 12 NCAC 09F .0103, .0104, and .0105 were returned to the agency in accordance with the requirements of G.S. 150B-21.12(d) by roll-call vote, ayes 10, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeanette Doran, Jay Hemphill, Jeff Hyde, Barbara

Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 10. Voting in the negative: None.

Kristin Mallett with the Department of Justice and representing the agency addressed the Commission.

State Board of Education

Upon the call of the Chair, 16 NCAC 06C .0602 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None.

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

North Carolina Energy Conservation Code, Section R402, Appendix R1.2.1 - The Commission objected to these Rules at the April meeting. No action was required by the Commission.

Building Code Council

2024 NC Building Code and separately filed amendments to Sections 101.2, 202, 307, 414, 1109.2, 1901, and Chapter 35 of the 2024 NC Building Code - The Commission extended the period of review for these Rules at the April meeting. No action was required by the Commission.

Building Code Council

2024 NC Existing Building Code and separately filed amendments to Sections 101.2 and 803.2.1.2 of the 2024 NC Existing Building Code - The Commission extended the period of review for these Rules at the April meeting. No action was required by the Commission.

Building Code Council

2024 NC Fire Code and separately filed amendments to Sections 102.13, 105.5.32, 202, 203, 319.11.1, 319.11.13, 608, 911, 907.2.3.1, 1010.2.14, 1010.2.14.4, 1010.2.1, 3307, 5003, 5706.5.4.5, Chapter 80, and NFPA 241 of the 2024 NC Fire Code - The Commission extended the period of review for these Rules at the April meeting. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Private Protective Services Board

Upon the call of the Chair, 14B NCAC 16 .0707 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None.

Wildlife Resources Commission

Upon the call of the Chair, 15A NCAC 10A .1601; 10F .0304, .0310, and .0314 were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None.

In accordance with G.S. 150B-21.3(b2), the Commission received over ten letters of objection requesting legislative review and a delayed effective date for 15A NCAC 10F .0314.

Jonathan Crews, General Manager of the Bradley Creek Yacht Club, addressed the Commission.
Matt Groff, the treasurer for the Creekside Yacht Club, addressed the Commission.

Howard Stanley, the General Manager for the Creekside Yacht Club, addressed the Commission.

Board of Registration for Foresters

Upon the call of the Chair, 21 NCAC 20 .0106 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None.

Medical Board

21 NCAC 32S .0216; 32M .0107; and 32R .0101 were withdrawn at the request of the agency. No action was required by the Commission.

Board of Nursing

Upon the call of the Chair, the Commission voted to extend the period of review for 21 NCAC 36 .0807 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None.

Board of Examiners in Optometry

Upon the call of the Chair, 21 NCAC 42E .0103 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None.

Existing Rule Review

15A NCAC 05C - Upon the call of the Chair, the Commission voted to schedule readoption of the rules no later than September 1, 2025 pursuant to G.S. 150B-21.3A(d)(2) by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Commissioner Jackson did not vote.

COMMISSION BUSINESS

Upon the call of the Chair, the Commission voted to adopt changes to 26 NCAC 05 .0116 and submit the rule for publication in the NC Register 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.

Commissioner Hemphill left the meeting.

The Chair announced that there are no updates regarding the CRC v. RRC litigation; therefore, the Chair did not call the meeting into a closed session.

The meeting was adjourned at 11:18 a.m.

The next regularly scheduled meeting of the Commission is Wednesday, June 26, 2024, at 10:00 a.m.

Alexander Burgos, Paralegal

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

DRAFT

May 29, 2024

Rules Review Commission
Meeting
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Name	Agency
M Schilling	NCDOT
Matt Goff	CYC Wilmington
Howard Stanley	CYC Wilmington
Jonathan Cows	BCYC - Wilmington
Gina M. Van Oelsen Clegg	NCDOJ
Leedell Fennell	
Ted B. Williams	Nash Comm College, ^{Wash Co.} S.O.
BRAD Smith	None
Paul Barth	Grass Roots NC
Helen Landi	NCdot/HNTB
Emily Wiley	NCdot
Bob Overton	NCdot
Ann White	SOS
Bill Dix	GRNC
Josh Hagwood	USCS
Nathan Carlos	NCdot / SOC
Tamara Zmuda	NCWRC
Betsy Hagwood	NCWRC
Mark Dutton	NCWRC
Carrie Ruhlman	NCWRC
Melba Bonner	NCWRC

May 29, 2024

Rules Review Commission
Meeting
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Rules Review Commission Meeting May 29, 2024
Via WebEx

Name	Agency
Sophie Plott	Labor
Jessica Winebrenner	nc.gov
Ryan Collins	DPI
James Chapman	DEQ
Dwain Veach	DEQ
Tonia Brown	OAH
Pamela Schooler	DOI
Dennis Seavers	Barbers
Ingrid Davis	nc.gov
Karen Holder	DOI
Dana McGhee	OAH
Arthur Harrell	OAH
Ashley Snyder	OAH
Denise Mazza	SHRC
David Dye	fcinsp.com
Tamara Zmuda	WRC
Hejduk, Mike	DOI
Amber Thiel	COMMERCE
Anne Coan	NCFB
Andy Ellen	NCRMA
Sarah Zambon	szambon@ncdoj.gov
Connie	connie@greenvillenc.com
Gabby Decker	bcbsnc.com
Casey Harris-Pratt	OSBM
Kenneth Belk Taylor	DEQ
Taylor Corpening	DHHS
Jeffrey Smythe	DOJ
Catherine Blum	DEQ
Connie M. Corey	greenvillenc.com
Chad Thompson	
W Shenton	poynerspruill.com
James Pearce	nc.gov
Mike Morton	cityofwfire.org
Johnny Loper	Optometry
Thien Dao	nc.gov
William Rafferty	Optometry
Janice Peterson	Optometry