

**RULES REVIEW COMMISSION MEETING
MINUTES
November 26, 2024**

The Rules Review Commission met on Wednesday, November 26, 2024, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via Webex.

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

Staff member Alexander Burgos, Commission Counsel Seth Ascher, 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.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes from the October 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 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, 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

Upon the call of the Chair, the Commission voted to approve 12 NCAC 09A.0208; 09B .0202 .0203, .0204, .0205, .0304, .0305, .0406, .0414, .0415; 09C .0403, and continue the extension for 12 NCAC 09B .0405 to the December meeting by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Upon the call of the Chair, the Commission voted to object to 12 NCAC 09B .0232 and .0404 finding that the rules did not satisfy G.S. 150B-21.9(a). Specifically, the Commission adopted the written opinions of staff of November 20 & 21, 2024 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

12 NCAC 09A .0204 and .0205 were withdrawn at the request of the agency. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Wildlife Resources Commission

Upon the call of the Chair, the Commission voted to approve 15A NCAC 10B .0209, .0301, .0306, .0405; 10C .0205, .0306, .0422; 10D .0219, .0229, .0232, .0239, 10D .0244 and .0263 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Medical Board

21 NCAC 32M .0110; 32N .0107 and 32S .0213 were withdrawn at the request of the agency. No action was required by the Commission.

Board of Nursing

21 NCAC 36 .0229 and .0810 were withdrawn at the request of the agency. No action was required by the Commission.

LOG OF FILINGS (TEMPORARY RULES)**State Human Resources Commission**

25 NCAC 01I .2103 was withdrawn at the request of the agency. No action was required by the Commission.

Existing Rules Review**Office of the Commissioner of Banks**

Upon the call of the Chair, the report for 04 NCAC 16 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Department of Insurance

Upon the call of the Chair, the reports for 11 NCAC 18, 20, and 21 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Department of Labor

Upon the call of the Chair, the reports for 13 NCAC 01, 04, 06, 13, 16, 17, and 19 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Board of Registration for Foresters

Upon the call of the Chair, the report for 21 NCAC 20 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Board for Licensing of Geologists

Upon the call of the Chair, the report for 21 NCAC 21 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Landscape Contractors Licensing Board

Upon the call of the Chair, the report for 21 NCAC 28 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

State Board of Opticians

Upon the call of the Chair, the report for 21 NCAC 40 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Board of Recreational Therapy Licensure

Upon the call of the Chair, the report for 21 NCAC 65 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Board for Licensing of Soil Scientists

Upon the call of the Chair, the report for 21 NCAC 69 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Occupational Safety and Health Review Commission

Upon the call of the Chair, the report for 24 NCAC 03 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Irrigation Contractor's Licensing Board

21 NCAC 23 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than December 1, 2026, 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, John S. Hahn, Jeff Hyde, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

COMMISSION BUSINESS

The meeting was adjourned at 10:17 a.m.

The next regularly scheduled meeting of the Commission is Thursday, December 19, 2024, at 10:00 a.m.

Alexander Burgos, Paralegal

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



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

November 26, 2024

Margaret Geiger, Irrigation Contractor's Licensing Board

Sent via email to: nciclbadmin@nciclb.org

Re: Readoption deadline for 21 NCAC 23

Dear Ms. Geiger:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the November 26, 2024, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **December 1, 2026**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
Commission Counsel

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

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**RRC DETERMINATION
PERIODIC RULE REVIEW
July 31, 2024
APO Review: October 01, 2024
Irrigation Contractors Licensing Board
Total: 35**

RRC Determination: Necessary

Rule

21 NCAC 23 .0101
21 NCAC 23 .0102
21 NCAC 23 .0103
21 NCAC 23 .0104
21 NCAC 23 .0201
21 NCAC 23 .0202
21 NCAC 23 .0203
21 NCAC 23 .0204
21 NCAC 23 .0205
21 NCAC 23 .0206
21 NCAC 23 .0207
21 NCAC 23 .0208
21 NCAC 23 .0301
21 NCAC 23 .0401
21 NCAC 23 .0402
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21 NCAC 23 .0506
21 NCAC 23 .0507
21 NCAC 23 .0508
21 NCAC 23 .0509
21 NCAC 23 .0510
21 NCAC 23 .0511
21 NCAC 23 .0601
21 NCAC 23 .0602
21 NCAC 23 .0603
21 NCAC 23 .0701

November 25, 2024

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Rules Review Commission Meeting November 26, 2024

Via WebEx

Name	Agency
Karissa Sluss	Labor
Sophie Plott	Labor
Julie Ventaloro	OSBM
Jennifer Everett	DEQ
Neal McHenry	Auditor
Sharon Martin	Commerce
Dennis Seavers	Barber and Electrolysis
Dana McGhee	OAH
Ashley Snyder	OAH
Catherine Blum	DEQ
Alex Ward	DOJ
Helen Landi	hlandi@HNTB.com
Misty Piekaar	DHHS
Carrie Ruhlman	WRC
Joy Strickland	DOJ
Anna Choi	BON
Laura Rowe	Treasurer
Angela Ellis	BON
Calvin M Kirven	NCLCLB
Laura Lansford	DOR
Melissa Bowman	DOJ
Chandra Graves	BON
Jill Cramer	Labor
Joan Sutton	NCBRTL