

**RULES REVIEW COMMISSION SPECIAL MEETING
MINUTES
October 5, 2023**

The Rules Review Commission met for a Special Meeting on Thursday, October 5, 2023, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx. A special meeting was called to review follow-up matters on the agenda pursuant to Section 21.2.(m) of S.L. 2023-134.

Commissioners Jeanette Doran, Bill Nelson, and Jake Parker were present in the Commission Room. Commissioners Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, and Randy Overton were present via WebEx.

Staff members present were Alexander Burgos, Commission Counsel Seth Ascher, Brian Liebman, and Bill Peaslee.

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.

Review of follow-up matters

Board of Agriculture

02 NCAC 52B .0214; 52J .0901, .0902, .0903, and .0904 - These Rules do not meet the eligibility requirements to be returned to the agency under Section 21.2.(m) of S.L. 2023-134; therefore, no action was taken by the Commission.

Medical Care Commission

10A NCAC 13F .0702, .1307; 13G .0705, and .1301 - These Rules do not meet the eligibility requirements to be returned to the agency under Section 21.2.(m) of S.L. 2023-134; therefore, no action was taken by the Commission.

Department of Justice

12 NCAC 02J .0201 – These Rules do not meet the eligibility requirements to be returned to the agency under Section 21.2.(m) of S.L. 2023-134; therefore, no action was taken by the Commission.

Criminal Justice Education and Training Standards Commission

12 NCAC 09B .0209, .0403, .0501, .0502; 09C .0306; 09G .0405, and .0406 - These Rules do not meet the eligibility requirements to be returned to the agency under Section 21.2.(m) of S.L. 2023-134; therefore, no action was taken by the Commission.

Sheriffs' Education and Training Standards Commission

12 NCAC 10B .0604, .0605, .0606, .0607, .0704, and .0714 - These Rules do not meet the eligibility requirements to be returned to the agency under Section 21.2.(m) of S.L. 2023-134; therefore, no action was taken by the Commission.

Private Protective Services Board

14B NCAC 16 .0201, .0205, .0403, .0807, .1101, .1501, .1502, .1601, .1701, .1706, and 1707 - These Rules do not meet the eligibility requirements to be returned to the agency under Section 21.2.(m) of S.L. 2023-134; therefore, no action was taken by the Commission.

Environmental Management Commission

15A NCAC 02D .0503, .0506, .0532, .0614, .0918, .0926, .0927, .0928, .0932, .0960, .0961, .0964, .1403, .1708; 02Q .0102, and .0706 - These Rules do not meet the eligibility requirements to be returned to the agency under Section 21.2.(m) of S.L. 2023-134; therefore, no action was taken by the Commission.

Environmental Management Commission

Prior to the review of rules from the Environmental Management Commission, Commissioner Parker recused himself and did not participate in any discussion or vote concerning these Rules because of the potential for a conflict of interest.

Upon the call of the Chair, 15A NCAC 02H .1301, .1401, .1402, .1403, .1404, and .1405 were returned to the agency pursuant to Section 21.2.(m) of S.L. 2023-134 by roll-call vote, ayes 5, noes 0 as follows: Voting in the affirmative: Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, and Randy Overton – 5. Voting in the negative: None.

Marine Fisheries Commission

Upon the call of the Chair, 15A NCAC 03M .0101 was returned to the agency pursuant to Section 21.2.(m) of S.L. 2023-134 by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, and Jake Parker – 6. Voting in the negative: None.

Commissioner Boyles joined the meeting via WebEx.

Coastal Resources Commission

Prior to the review of rules from the Coastal Resources Commission, Commissioner Parker recused himself and did not participate in any discussion or vote concerning these Rules because of the potential for a conflict of interest.

15A NCAC 07H .0208, .0308; and 07M .0603 – These Rules do not meet the eligibility requirements to be returned to the agency under Section 21.2.(m) of S.L. 2023-134; therefore, no action was taken by the Commission.

Coastal Resources Commission

Upon the call of the Chair, 15A NCAC 07H .0501, .0502, .0503, .0505, .0506, .0507, .0508, .0509, .0510; 07I .0406, .0506, .0702; 07J .0203, .0204, .0206, .0207, .0208, and .0312 were returned to the agency pursuant to Section 21.2.(m) of S.L. 2023-134 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.

Coastal Resources Commission

Upon the call of the Chair, 15A NCAC 07H .2305 was returned to the agency pursuant to Section 21.2.(m) of S.L. 2023-134 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.

Coastal Resources Commission

Upon the call of the Chair, 15A NCAC 07M .0201, .0202, .0401, .0402, .0403, .0701, .0703, .0704, .1001, .1002, and .1101 were returned to the agency pursuant to Section 21.2.(m) of S.L. 2023-134 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.

Department of Revenue

17 NCAC 07B .0104, .0106, .0108, .0112, .0115, .0117, .0121, .0801, .0901, .0902, .0904, .1101, .1123, .1202, .1301, .1302, .1303, .1305, .1404, .1601, .1602, .1605, .1701, .1702, .1704, .1705, .1801, .1905, .1907, .2001, .2002, .2101, .2102, .2105, .2201, .2204, .2205, .2209, .2210, .2212, .2213, .2301, .2401, .2603, .2604, .2605, .2701, .2702, .2801, .2802, .2901, .3004, .3009, .3101, .3106, .3107, .3301, .3302, .3801, .3804, .3907, .3910, .4102, .4105, .4106 and .4109 - These Rules do not meet the eligibility requirements to be returned to the agency under Section 21.2.(m) of S.L. 2023-134; therefore, no action was taken by the Commission.

Department of Revenue

17 NCAC 07B .4201, .4202, .4203, .4204, .4205, .4206, .4210, .4301, .4302, .4401, .4403, .4404, .4406, .4411, .4413, .4415, .4503, .4510, .4609, .4614, .4701, .4707, .4708, .4716, .4801, .4802, .4803, .5001, .5002, and .5004 - These Rules do not meet the eligibility requirements to be returned to the agency under Section 21.2.(m) of S.L. 2023-134; therefore, no action was taken by the Commission.

COMMISSION BUSINESS

The meeting adjourned at 10:40 a.m.

The next regularly scheduled meeting of the Commission is Thursday, October 19, 2023, at 9:00 a.m.

Alexander Burgos, Paralegal

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

Rules Review Commission Special Meeting October 5, 2023
Held Via WebEx

Name	Agency
Melissa Harrison	SELNC
Phillip Reynolds	DOJ
Melva Bonner	WRC
Jennifer Everett	DEQ
Angela Willis	DEQ
Anna Hayworth	AGR
Ashley Snyder	OAH
Catherine Blum	DEQ
Melissa Bowman	DOJ
Carla Rose	DOL
Virginia Niehaus	DHHS
Julie Eddins	OAH
Julie Cronin	DHHS
Hannah Nelson	SELNC
Sharon Martin	Commerce
Hannah Jernigan	DOT
Dana McGhee	OAH
Laura Lansford	DOR
Amanda Reeder	DOJ
Emily Wiley	DOT
Sara Fathi-Nejad	Commerce
Julie Ventaloro	OSBM
Neal McHenry	ncauditor.net
Michelle Schilling	DOJ
Brooks Pearson	SELNC
Helen Landi	HNTB.com
Anne Coan	NCFB
Serena Jones	DOJ
Sue Homewood	DEQ
Laura Rowe	Treasurer
Julie	SELNC
Ellie Davis	DEQ
Meghan Cook	NCFB

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 Items H and J.

I have abstained because of the potential conflict of interest on both items listed above.

This the 4th day of October, 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 or 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.