

**RULES REVIEW COMMISSION MEETING
MINUTES
September 25, 2024**

The Rules Review Commission met on Wednesday, September 25, 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, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell were present in the Commission Room.

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.

Chair Doran introduced OAH Administrative Law Judge Lawrence R. Duke, to the Commission.

Judge Duke administered the Oath of Office to reappointed Commissioner Paul Powell.

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 informed the Commission that with all members present in the commission room, the Commission will not hold roll call votes at this meeting.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes from the August 28, 2024 meeting. There were none and the minutes were approved as distributed.

The Chairman 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 Sheriffs' Education and Training Standards Commission

FOLLOW UP MATTERS

North Carolina Agricultural Finance Authority

02 NCAC 63 .0101, .0102, .0103, .0104, .0105, and .0106 were returned at the request of the agency. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Medical Care Commission

10A NCAC 13S .0101, .0104, .0201, .0207, .0212, .0318, .0319, .0320, .0321, .0322, .0323, .0324, .0325, .0326, .0327, .0328, .0329, .0330, and .0331 were unanimously approved.

Code Officials Qualification Board

11 NCAC 08 .0602, .0706, .0707, .0737, .0738, .0739, .0740, and .0741 were withdrawn at the request of the agency. No action was required by the Commission.

Sheriffs' Education and Training Standards Commission

The Commission voted to object to 12 NCAC 10B .1302 finding that the rule did not satisfy G.S. 150B-21.9(a)(4). Specifically, the Commission adopted the written opinion of staff.

The Commission voted to waive the deadline for Rule 26 NCAC 05 .0105 to allow the agency the opportunity to address the RRC on the permanent rule before the Commission.

Joy Strickland with the Department of Justice and representing the agency, addressed the Commission.

Melissa Bowman, the rulemaking coordinator for the agency, addressed the Commission.

Wildlife Resources Commission

15A NCAC 10D .0209, .0243, .0276; 10F .0321; 10H .1801, .1802, .1803; 10I .0102, .0103, .0104 and .0105 were unanimously approved.

State Board of Education

16 NCAC 06C .0408; 06I .0101, .0102, .0103, .0104, .0105, .0201, .0202, .0301, .0302, .0303, .0304, .0401, .0402, .0403, .0404, .0405, .0406, .0407; .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0109, .0110, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0208, .0301; 06K .0104 and .0105 were unanimously approved.

Midwifery Joint Committee

21 NCAC 33 .0101, .0103, .0104, .0105, .0111, .0112, .0114, .0116, .0117, .0118, .0119, and .0120 were unanimously approved.

21 NCAC 33 .0115 was withdrawn at the request of the agency. No action was required by the Commission.

Board of Examiners in Optometry

21 NCAC 42B .0202 was unanimously approved.

Veterinary Medical Board

21 NCAC 66 .0108, .0206, .0901, .0902, .0903, .0904, and .0905 were unanimously approved.

Existing Rules Review

Board of Crop Seed Improvement

02 NCAC 29 - The Commission unanimously approved the report as submitted by the agency.

Department of Insurance

11 NCAC 10 - The Commission unanimously approved the report as submitted by the agency.

Department of Environmental Quality

15A NCAC 01A and 15A NCAC 01S - The Commission unanimously approved the reports as submitted by the agency.

Environmental Management Commission

15A NCAC 02K - The Commission unanimously approved the report as submitted by the agency.

Department of the Secretary of State

18 NCAC 05, 18 NCAC 06, and 18 NCAC 10 - The Commission unanimously approved the reports as submitted by the agency.

Acupuncture Licensing Board

21 NCAC 01 - The Commission unanimously approved the report as submitted by the agency.

Board of Massage and Bodywork Therapy

21 NCAC 30 - The Commission unanimously approved the report as submitted by the agency.

Mining Commission

15A NCAC 05A, 15A NCAC 05B, 15A NCAC 05F, and 15A NCAC 05G - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than August 1, 2026, pursuant to G.S. 150B-21.3A(d)(2).

2024-2027 Periodic Review Schedule

The Commission unanimously approved changes to the 2024-2027 Periodic Review Schedule as follows:

- 10A NCAC 26C .0700, scheduled for July 2026 is removed as this section is repealed.
- Effective September 1, 2024, Chapters 01 NCAC 41 and 04 NCAC 12 have been consolidated into a new Chapter, 15A NCAC 01U; therefore, 01 NCAC 41B, 01 NCAC 41C, 01 NCAC 41D, and 04 NCAC 12 are removed from the schedule, and 15A NCAC 01U is added to the schedule for review in February 2027.
- 15A NCAC 18E is added to the schedule for review in June 2027.

COMMISSION BUSINESS

The Commission unanimously voted to adopt the amendments to Rules 26 NCAC 05 .0107, .0108, .0115, and to adopt Rule 26 NCAC 05 .0116.

The Commission voted to adopt the 2025 RRC meeting schedule.

The Commission authorized Commissioner Jeanette Doran, in her capacity as a Commissioner, to manage and direct private counsel in the course and conduct of the RRC's representation, including its prosecution, settlement, and final disposition without further consultation with the RRC unless otherwise demanded in the matter of North Carolina Criminal Justice Education and Training Standards Commission v. RRC and Ashley Snyder, Codifier of Rules, 24 CV020420-910 (Wake) and North Carolina Department of Environmental Quality, Division of Coastal Management, and the North Carolina Coastal Resources Commission v. RRC and Ashley Snyder, Codifier of Rules, 23CV031533-910 (Wake). All prior authorizations regarding this matter are terminated. Any settlements or consent orders are subject to ratification by the Full Commission prior to entry therein.

Pursuant to the Commission's Bylaws elections were held of the Commission officers for 2024-25. Upon a motion by Commissioner Hyde and seconded by Commissioner Nelson, the Commission unanimously voted for Jeanette Doran to be re-elected as Chair, Commissioner Jake Parker as 1st Vice-Chair, and Commissioner Paul Powell as Second Vice-Chair.

The Commission amended its earlier authorization to direct private counsel in the matters of North Carolina Criminal Justice Education and Training Standards Commission v. RRC et. al., and the North Carolina Coastal Resources Commission v. RRC et. al.. Commissioner Jeanette Doran, in her capacity as a Commissioner, and newly elected 1st Vice-Chair Jake Parker, in his capacity as Vice-Chair, have authority to manage and direct private counsel in the course and conduct of the RRC's representation, including its prosecution, settlement, and final disposition, as they might agree, without further consultation with the RRC unless otherwise demanded. Any settlements or consent orders are subject to ratification by the Full Commission prior to entry therein.

The meeting was adjourned at 11:04 a.m.

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

Alexander Burgos, Paralegal

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

September 25, 2024

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Emily Wiley	NC DOT
Elly Young	NC DOT
Jennifer J Everett	DEQ
Bethany Burger	NC DOT
Melva Bonner	NC Wildlife Resources
Joy Strickland	NC DOT
Azzie Conkey	NC DHHS
CHAD ARNOLD	NCWRC
Betsy Haywood	NCWRC
Eric Hunt	NC DOT
RAJ PREMAKUMAR	NC DHHS
Shanah Black	DHHS
Don Wall	SOS
Kyle Heuser	OSFM
Melissa Bowman	NC DOT
Helen Lundy	HTB
Alisha Benjamin	NC DOT

Rules Review Commission Meeting September 25, 2024

Via WebEx

Name	Agency
Sophie Plott	Labor
Brian Daniels	WRC
Ann Elmore	SOSNC
Dana Lee	ncauditor.gov
Jessica Montie	DEQ
Grace Hardwick	OSBM
Virginia Niehaus	DHHS
Dennis Seavers	Barber Board
Fred Fuller	DOI
Robert Croom	DOI
Mike Hejduk	DOI
Dana McGhee	OAH
Arthur Harrell	OAH
Regina	DHHS
Boz Zellinger	DOJ
Maria Lattimore	DOJ
A Hayes	DOJ
Ashley Snyder	OAH
Kimberly Luisana	Nursing
Jennifer Grady	BCBSNC
Denise Baker	DHHS
Chris Millis	NCHBA
Hope Ascher	
Admin	BMBT
Ryan Collins	DPI
Misty Piekaar	DHHS
Brian Puckett	DOR
Gossett, Michael N	DOR
Blum, Catherine	DEQ
Sara Griffith	Nursing
Susanna Birdsong	ppsat.org
Laura Lansford	DOR
John McHugh	ASPCA
Mike Tadych	Acupuncture
Anne Coan	NCFB
Kim Luisana	Nursing

Jeff Harms	DHHS
Anna Hayworth	NCAGR
McGhee, Ashley R	DOR
Angela Ellis	Nursing
Kimberly Wolf Luisana	Nursing
Johnny Loper	Optometry
Steve Draper	DOJ
Janice Peterson	Optometry
Admin	bmbt.org
Dana Aragon	arrt.org



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

September 25, 2024

Jennifer Everett, NCDEQ

Sent via email only to: Jennifer.everett@deq.nc.gov

Re: Readoption deadline for 15A NCAC 05A, 05B, 05F, and 05G: Mining Commission

Dear Ms. Everett:

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 September 25, 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 **August 1, 2026**.

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

Sincerely,

/s/ Seth Ascher

Seth Ascher

Commission Counsel

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

An Equal Employment Opportunity Employer

1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
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**RRC DETERMINATION
PERIODIC RULE REVIEW
July 01, 2023 through June 30, 2024
Mining Commission
Total: 20**

RRC Determination: Necessary

Rule	APO Review Date
<u>15A NCAC 05A .0101</u>	February 16, 2024
<u>15A NCAC 05A .0202</u>	February 16, 2024
<u>15A NCAC 05B .0103</u>	February 16, 2024
<u>15A NCAC 05B .0104</u>	February 16, 2024
<u>15A NCAC 05B .0105</u>	February 16, 2024
<u>15A NCAC 05B .0106</u>	February 16, 2024
<u>15A NCAC 05B .0110</u>	February 16, 2024
<u>15A NCAC 05B .0111</u>	February 16, 2024
<u>15A NCAC 05B .0112</u>	February 16, 2024
<u>15A NCAC 05B .0113</u>	February 16, 2024
<u>15A NCAC 05F .0101</u>	February 16, 2024
<u>15A NCAC 05F .0103</u>	February 16, 2024
<u>15A NCAC 05F .0105</u>	February 16, 2024
<u>15A NCAC 05F .0106</u>	February 18, 2024
<u>15A NCAC 05F .0108</u>	February 18, 2024
<u>15A NCAC 05F .0108</u>	February 16, 2024
<u>15A NCAC 05F .0111</u>	February 16, 2024
<u>15A NCAC 05F .0112</u>	February 16, 2024
<u>15A NCAC 05G .0103</u>	February 16, 2024
<u>15A NCAC 05G .0104</u>	February 16, 2024
<u>15A NCAC 05G .0105</u>	February 16, 2024

To: RRC Commissioners
From: Brian Liebman, Commission Counsel
Date: September 18, 2024
In re: 2025 RRC Meeting Schedule example calendar

At last month's meeting, the Commission discussed moving our meeting days from the last Wednesday of the month to the last Thursday of the month, in order to facilitate the goal of maximizing the time for the public, rulemaking agencies, staff, and the Commissioners to review proposed rules.

Additionally, the Commission should avoid holding its meetings on the last day of the month. Under the APA, the public may submit objection letters requesting legislative review until the close of business on the day following RRC approval of a rule. At the same time, rules typically go into effect on the first day of the month following approval. Thus, if the Commission meets on the last day of the month, it creates the possibility that a rule which has already become effective is then subjected to legislative review and a delayed effective date.

Staff proposes the following dates for meeting:

Thursday, January 30, 2025
Thursday, February 27, 2025
Thursday March 27, 2025
Thursday, April 24, 2025
Thursday, May 29, 2025
Thursday, June 26, 2025
Wednesday, July 30, 2025*
Thursday, August 28, 2025
Thursday, September 25, 2025
Thursday, October 30, 2025
Thursday, November 20, 2025
Thursday, December 18, 2025

The Commission would depart from Thursday only in July, as Thursday, July 31, 2025 is the last day of the month. Alternatively, the Commission could move the July meeting to Thursday, July 24, 2025, but at the cost of 4 business days.

Thursday, November 20, 2025 and Thursday, December 18, 2025 are the last business Thursdays of their respective months.
