

## CHAPTER 02 - COVERED PERSONS AND BOARDS

### 30 NCAC 02 .0101 NON-ADVISORY BOARDS

A board as defined in G.S. 138A-3(1c) that is authorized to perform any of the following functions shall be deemed a non-advisory board:

- (1) Allocate, spend, award, or invest public money where the expenditures do not relate solely to the internal operations of the boards;
- (2) Issue, renew, deny, revoke or suspend licenses;
- (3) Adopt rules, regulations, standards, or criteria affecting those outside of the board or commission;
- (4) Enter into or approve contracts involving public money; or
- (5) Set policy governing operation of a State agency.

*History Note:* Authority G.S. 138A-3(1c); 138A-10(a)(2) 138A-10(a)(10);  
Eff. January 1, 2011.

### 30 NCAC 02 .0102 NOTIFICATION OF STAFF RECOMMENDATION TO COMMISSION

Commission staff shall notify an entity of staff's initial recommendation to the Commission that the entity is a "board" pursuant to G.S. 138A-3(1c) at least 60 days prior to the Commission meeting at which the matter will be considered.

*History Note:* Authority G.S. 138A-3(1c); 138A-10(a)(2); 138A-10(a)(10);  
Eff. January 1, 2011.

### 30 NCAC 02 .0103 RIGHT TO CONTEST RECOMMENDATION

(a) If Commission staff recommends that the entity be designated a "board" pursuant to G.S. 138A-3(1c), that entity may contest the staff's recommendation. If the board elects to contest the staff's recommendation, the board shall respond in writing and submit any materials in support of the board's position within 45 days of receipt of the initial recommendation. If the board has timely responded to the initial notice, the board has the right to be heard at the Commission meeting at which the matter will be considered.

(b) The Executive Director may extend the deadline in Paragraph (a) of this Rule upon good cause shown.

*History Note:* Authority G.S. 138A-3(1c); 138A-10(a)(2); 138A-10(a)(10);  
Eff. January 1, 2011.