

Rules Affecting Local Governments

Office of State Budget and Management
March 1, 2006

Introduction

On May 17, 1994, Governor Hunt issued Executive Order No. 49 entitled “Fiscal Notes on Administrative Rules Affecting Local Governments.” The Executive Order set forth policies and procedures for state agencies to follow when proposing permanent rules with an impact on local governments. In 1995, the General Assembly incorporated these policies as well as other changes in the Administrative Procedure Act (APA). The revised APA enables local governments to have more input in the rule-making process and more involvement in estimating the fiscal impact of permanent rules on local budgets. State agencies also must be more aware of a proposed rule’s impact on local governments.

In addition, the APA (G.S. 150B-21.28) charges the Office of State Budget and Management (OSBM) to prepare an annual report that includes:

1. A summary of the projected fiscal impact on local governments of rules adopted during the preceding fiscal year and,
2. A schedule of anticipated rule actions that will affect local governments in the upcoming fiscal year.

The APA requires that OSBM provide a copy of the report to the Governor, the General Assembly, the North Carolina Association of County Commissioners, and the North Carolina League of Municipalities by March 1 of each year. The OSBM bases the report on a survey of all rule-making departments, boards, and commissions in state government.

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PART I

RULES ADOPTED IN FY 04-05 THAT IMPACT LOCAL GOVERNMENT

**OFFICE OF STATE BUDGET AND MANAGEMENT
ANNUAL SUMMARY REPORT
RULES ADOPTED IN FY 04-05 THAT IMPACT LOCAL GOVERNMENT**

| Agency Number | Division Date | Rule Citation Date | Rule Description FY04-05 | Adopt FY05-06 | Effective FY06-07 | Local Impact FY07-08 | Local Impact FY08-09 | Local Impact Contact | Local Impact | Local Impact | Agency |
|--------------------------------------|------------------------------|---------------------------------|--|---------------|-------------------|----------------------|----------------------|----------------------|--------------|--------------|----------------------------------|
| DENR | Env. Health | 15A NCAC 11 .0702, .1614 | The rule establishes radiation dose limits for patients not undergoing radiation treatments and the methodology for determining the estimated radiation dose for a declared pregnant woman. | 12/16/2004 | 1/1/2005 | \$14,050 | \$0 | \$0 | \$0 | \$0 | Robin Haden 919-571-4141 |
| DHHS | Aging and Adult Services | 10A NCAC 6Q 0201, and 6T .0201 | The rule increases the daily care rate per client for adult day care from \$23.07 to \$28.07. Additional state funds will provide adult day services programs with an additional \$5.00 for each client service day reported. | 1/1/2005 | 7/1/2004 | \$127,953 | \$127,953 | \$127,953 | \$127,953 | \$127,953 | Bob Harrell 919-733-3055 |
| Interpreter and Transliterator Board | Licensing .0202,.0203, .0501 | 21 NCAC 25 | The proposed rules govern this new board and the individuals it licenses. More specifically, the rules establish a fee schedule for licensure and renewal of licensure. | 8/17/2004 | 10/1/2004 | \$23,095 | \$23,095 | \$23,095 | \$29,740 | \$31,311 | James A. Wellons 919-716-6440 |
| Justice | Sheriff Standards | 12 NCAC 10B .0406, .0505, .0703 | The rule updates education and training requirements for justice officers. These updates and changes include enforcement of physical exercise requirements, additional recordkeeping requirements, and various other technical amendments. | 11/16/2004 | 1/1/2005 | \$6,123 | \$6,123 | \$6,123 | \$6,123 | \$6,123 | Julia Lohman 919-716-6460 |

Effective date shown is proposed.
Savings or additional revenue indicated by minus sign (-).
Adoption date is estimated.
NA means not applicable.

PART II

RULES TO BE ADOPTED IN FY06–07 THAT MAY AFFECT LOCAL GOVERNMENTS

OFFICE OF STATE BUDGET AND MANAGEMENT
SCHEDULE OF ANTICIPATED RULE ACTIONS IMPACTING LOCAL GOVERNMENT BUDGETS
THAT WILL BE ADOPTED DURING
July 1, 2006 - June 30, 2007

| Agency | Division | Proposed Rule Citation | Rule Description | Proposed Action - Adopt (AD), Amend (A), Repeal (R) | Federal Law Citation | Agency Contact / Phone No. |
|---------------|-----------------|-------------------------------|--|--|-----------------------------|-----------------------------------|
| DENR | Water Quality | 15A NCAC 02B .0262 | Jordan Water Supply Nutrient Strategy: Watershed Nutrient Reduction Goals | AD | N/A | Rich Gannon 919-733-5083 |
| DENR | Water Quality | 15A NCAC 02B .0263 | Jordan Water Supply Nutrient Strategy: Nutrient Management | AD | N/A | Rich Gannon 919-733-5084 |
| DENR | Water Quality | 15A NCAC 02B .0264 | Jordan Water Supply Nutrient Strategy: Agriculture | AD | N/A | Rich Gannon 919-733-5085 |
| DENR | Water Quality | 15A NCAC 02B .0265 | Jordan Water Supply Nutrient Strategy: Stormwater Management for New Development | AD | N/A | Rich Gannon 919-733-5086 |
| DENR | Water Quality | 15A NCAC 02B .0266 | Jordan Water Supply Nutrient Strategy: Stormwater Management for Exiting Development | AD | N/A | Rich Gannon 919-733-5087 |
| DENR | Water Quality | 15A NCAC 02B .0267 | Jordan Water Supply Nutrient Strategy: Protection of Existing Riparian Buffers | AD | N/A | Rich Gannon 919-733-5088 |
| DENR | Water Quality | 15A NCAC 02B .0268 | Jordan Water Supply Nutrient Strategy: Mitigation for Riparian Buffers | AD | N/A | Rich Gannon 919-733-5089 |
| DENR | Water Quality | 15A NCAC 02B .0269 | Jordan Water Supply Nutrient Strategy: Options for Offsetting Nutrient Loads | AD | N/A | Rich Gannon 919-733-5090 |
| DENR | Water Quality | 15A NCAC 02B .0270 | Jordan Water Supply Nutrient Strategy: Wastewater Discharge Requirements | AD | N/A | Rich Gannon 919-733-5091 |

| Agency | Division | Proposed Rule Citation | Rule Description | Proposed Action - Adopt (AD), Amend (A), Repeal (R) | Federal Law Citation | Agency Contact / Phone No. |
|--------|---------------|------------------------|---|---|----------------------|-------------------------------|
| DENR | Water Quality | 15A NCAC 02B .0271 | Jordan Water Supply Nutrient Strategy: Stormwater Requirements for State and Federal Agencies | AD | N/A | Rich Gannon 919-733-5092 |
| DENR | Water Quality | 15A NCAC 02B .0272 | Jordan Water Supply Nutrient Strategy: Riparian Buffer Mitigation Fees | AD | N/A | Rich Gannon 919-733-5093 |
| DENR | Water Quality | 15A NCAC 02B .0311 | Cape Fear River Basin | A | N/A | Rich Gannon 919-733-5094 |
| DENR | Water Quality | 15A NCAC 02B .0208 | Standards for Toxic Substances and Temperature Triennial Review of Water Quality Standards | A | N/A | Connie Brower 919-733-5083 |
| DENR | Water Quality | 15A NCAC 02B .0211 | Fresh Surface Water Quality Standards for Class C Waters - Triennial Review | A | N/A | Connie Brower 919-733-5084 |
| DENR | Water Quality | 15A NCAC 02B .0212 | Fresh Surface Water Quality Standards for Class WS-I Waters - Triennial Review | A | N/A | Connie Brower 919-733-5085 |
| DENR | Water Quality | 15A NCAC 02B .0214 | Fresh Surface Water Quality Standards for Class WS-II Waters - Triennial Review | A | N/A | Connie Brower 919-733-5086 |
| DENR | Water Quality | 15A NCAC 02B .0215 | Fresh Surface Water Quality Standards for Class WS-III Waters - Triennial Review | A | N/A | Connie Brower 919-733-5087 |
| DENR | Water Quality | 15A NCAC 02B .0216 | Fresh Surface Water Quality Standards for Class WS-IV Waters - Triennial Review | A | N/A | Connie Brower 919-733-5088 |
| DENR | Water Quality | 15A NCAC 02B .0218 | Fresh Surface Water Quality Standards for Class WS-V Waters - Triennial Review | A | N/A | Connie Brower 919-733-5089 |

| Agency | Division | Proposed Rule Citation | Rule Description | Proposed Action - Adopt (AD), Amend (A), Repeal (R) | Federal Law Citation | Agency Contact / Phone No. |
|-----------------------------------|----------------------|----------------------------------|---|---|----------------------|-------------------------------|
| DENR | Coastal Management | 15A NCAC 07M .0300 | Shorefront Access Policies | A | 16 USC Chapter 33 | Stephanie Bodine 252-808-2808 |
| DENR | Coastal Management | 15A NCAC 07I .0401, .0402, .0408 | Minor Permit Application Fee | A | 16 USC Chapter 33 | Stephanie Bodine 252-808-2809 |
| DENR | Coastal Management | 15A NCAC 07J .0204 | Minor Permit Application Fee | A | 16 USC Chapter 33 | Stephanie Bodine 252-808-2810 |
| DENR | Coastal Management | 15A NCAC 07H .0309 | Coastal Shorelines | A | 16 USC Chapter 33 | Stephanie Bodine 252-808-2811 |
| DENR | Coastal Management | 15A NCAC 07H .0312 | Technical Standards for Beach Fill Projects | A | 16 USC Chapter 33 | Stephanie Bodine 252-808-2812 |
| Agriculture and Consumer Services | Board of Agriculture | unknown | Establishes approved methods of euthanasia for use by county and municipal animal shelters. | AD | N/A | David McLeod 919-733-7125 |
| Agriculture and Consumer Services | Board of Agriculture | unknown | Establishes rules for animal exhibitions at county fairs to prevent spread of disease. | AD | N/A | David McLeod 919-733-7126 |

| Agency | Division | Proposed Rule Citation | Rule Description | Proposed Action - Adopt (AD), Amend (A), Repeal (R) | Federal Law Citation | Agency Contact / Phone No. |
|-----------|------------------------|--------------------------|--|---|----------------------|------------------------------|
| Labor | Mine and Quarry Bureau | 13 NCAC 06.0601 | Establishes fees for persons participating in education and training programs provided by the Department of Labor - Mine and Quarry Bureau. This was adopted as a Temporary Rule on November 1, 2005 and Permanent Rulemaking will commence this year. | AD | N/A | Erin Gould 919-733-7885 |
| Insurance | Building Code Council | 2006 NC Residential Code | 2003 International Building Code with North Carolina Amendments - National Construction Code for Inspection and Installation of Systems in Residential Structures | AD | N/A | Barry Gupton 919-661-5880 |