

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