



# **North Carolina Rules with Economic Impact 2024**

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## Background

On May 17, 1994, Governor James B. Hunt Jr. 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. Through Session Law 1995-415, the General Assembly incorporated these policies, as well as other changes, in [G.S. 150B-21.28](#) of the [Administrative Procedure Act](#) (APA). The revised APA increases state agencies’ awareness of the effect proposed rules would have on local governments and enables local governments to be more involved in estimating the fiscal impact of permanent rules on local budgets.

According to requirements in the APA, the North Carolina Office of State Budget and Management (OSBM) prepares annually a report containing a schedule of anticipated rule actions in the upcoming fiscal year, as well as a summary of the projected economic impact on local governments of rules adopted in the preceding fiscal year. OSBM provides a copy of this annual report to the Governor, the General Assembly, the North Carolina Association of County Commissioners, and the North Carolina League of Municipalities, as required by the APA.

## Outline

### *I. Summary*

The Summary section contains statistics on anticipated rule actions in the following fiscal year that might have an economic impact, and rules adopted in the previous year with projected impact on local governments.

### *II. Schedule of Anticipated Rule Actions, July 1, 2024 – June 30, 2025*

This section contains information on rules state agencies expect to adopt in SFY 2024-25 that would have an impact on: i) state expenditure or distribution of funds; ii) local government revenues or expenditures; or iii) would create a substantial economic impact. Substantial impact is statutorily defined as an aggregate financial impact to all parties involved of \$1,000,000 or greater over a 12-month period ([G.S. 150B-21.4\(b1\)](#)). The information in this section is organized by agency and agency division, and it includes the rule title, the North Carolina Administrative Code (NCAC) citation, staff contact information, proposed action, anticipated impact, and a brief description of the rule change.

### *III. Rules that Affected Local Governments, Adopted July 1, 2022 – June 30, 2023*

The last section provides information on rules North Carolina agencies adopted in SFY 2022-23 that have a projected impact on local governments. The information is organized by agency and by adoption date, and it includes the rule title, NCAC citation, staff contact information, and expected net impact on local government revenues and expenditures over a five-year period.

## I. Summary

In SFY 2024-25, state agencies anticipate taking action on 56 different rule packages, based on reports submitted by 45 percent of agencies. This report uses the terms “rule change” or “rule” to refer to a package of permanent individual rules an agency proposes to adopt together that constitute a new policy. Therefore, the number of individual rules on which the agencies plan to take action is higher than the number noted in this report. See Table 1 below for a breakdown by agency.

The 56 rule package actions agencies anticipate making in SFY 2024-25 is a smaller amount than the 65 actions agencies anticipated engaging in during the current fiscal year (SFY 2023-24), based on information presented in the 2023 NC Rules with Economic Impact Report. Approximately 63% of the 56 anticipated rule actions with economic impact for the following year include an *amendment* to existing regulations. Approximately 5% of the anticipated rule actions are related to rule packages agencies are required to *readopt* per [G.S. 150B-21.3A](#). New rule *adoptions* make up 41% of the anticipated actions, and 5% include rule *repeals* (see Table 2).

**Table 1. Number of Anticipated Rules with Economic Impact in SFY 2024-25**

<i>Agency</i>	<i>Number of Rule Packages</i>	<i>Percentage of Total</i>
Department of Environmental Quality	16	28.6%
Department of Health and Human Services	12	21.4%
Department of State Treasurer	10	17.9%
Wildlife Resources Commission	7	12.5%
Code Officials Qualification Board	4	7.1%
Department of Public Instruction	3	5.4%
North Carolina Board of Barber and Electrolysis Examiners	2	3.6%
North Carolina Industrial Commission	1	1.8%
Secretary of State	1	1.8%
<b>Total Anticipated Rules</b>	<b>56</b>	<b>100.0%</b>

**Table 2. Number of Anticipated Rules by Type of Action**

<i>Type of Impact</i>	<i>Number of Rule Packages</i>	<i>Percentage of Total</i>
Amend	29	51.8%
Adopt	17	30.4%
Adopt and Amend	4	7.1%
Readopt	3	5.4%
Adopt, Amend, and Repeal	2	3.6%
Repeal and Amend	1	1.8%
Repeal and Adopt	0	0.0%
Repeal	0	0.0%
<b>Total Anticipated Rules</b>	<b>56</b>	<b>100.0%</b>

The Department of Environmental Quality (DEQ), Department of Health and Human Services (DHHS), and Department of State Treasurer (DST) anticipate carrying out the majority of the rulemaking in SFY 2024-25. Note that three of the 12 DHHS actions are readoptions of existing regulations, which are required for the agency to comply with the review of existing regulation provisions in [G.S. 150B-21.3A](#).

As agencies continue to engage in the existing rule review process, there might be additional rulemaking actions than those contained in this report. Based on the [Readoption Schedule](#) published by the Office of Administrative Hearings (as of February 10, 2023), agencies are planning to review another 16 rule chapters, totaling 6,292 individual rules, in the following fiscal year. At this point, it is unclear how many of those rules will be repealed or readopted, and of those readopted, how many will result in an economic impact. Since agencies may still be in the planning stages for their readoption packages, they may not be able to state whether the rules will be readopted with substantive changes. Therefore, it is possible for the total number of rule actions with economic impact to be higher in the upcoming year than the 56 reported here.

Table 3 presents the number of anticipated rule actions in the next fiscal year that agencies estimate will have a state government, local government, or substantial economic impact, which is defined in [G.S. 150B-21.4\(b1\)](#) as an aggregate economic impact of \$1 million or more over a 12-month period. In comparison to the estimates for the current fiscal year (see the 2023 NC Rules with Economic Impact Report), agencies report no change in the number of rules that might have an impact on state or local governments, and a decrease from 16 to 11 rules with substantial economic impact. For more details, see Table 6 in Section II of this report.

**Table 3. Number of Anticipated Rules by Type of Impact**

<i>Type of Impact</i>	<i>Number of Rule Packages</i>	<i>Percentage of Total</i>
State Government	34	60.7%
Local Government	23	41.1%
Substantial Economic Impact	11	19.6%

In SFY 2022-23, state agencies adopted 15 rule changes estimated to have an impact on local governments (either a cost or benefit), as shown in Table 4.

**Table 4. Number of Rules Adopted in SFY 2022-2023 with Local Government Impact, by Agency**

<i>Agency</i>	<i>Number of Rule Packages</i>	<i>Percentage of Total</i>
Wildlife Resources Commission	5	33.3%
Department of Health and Human Services	4	26.7%
Department of Environmental Quality	4	26.7%
Department of Public Safety	1	6.7%
Department of State Treasurer	1	6.7%
<b>Total Adopted Rules</b>	<b>15</b>	<b>100.0%</b>

Table 5 below presents the estimated quantified impact on local governments over a five-year period resulting from the rules adopted in SFY 2022-23. The net present value of these quantified impacts on local governments is approximately \$13.85 million in costs (computed using a 7% discount rate, as mandated in [G.S. 150B-21.4\(b1\)](#) for fiscal note analyses). Note, these rule changes may result in additional impacts, including significant unquantified benefits, to local and state governments as well as private

entities during the next five years. These impacts were difficult to quantify, however, and are not included in Table 5. See Table 7 in Section III of this report for more detailed information on these rule changes.

**Table 5. Estimated Impact on Local Governments of Rules Adopted by Agencies in SFY 2022-2023, (in thousands of \$)\***

<i>Agency</i>	<i>SFY</i> <i>2022-23</i>	<i>SFY</i> <i>2023-24</i>	<i>SFY</i> <i>2024-25</i>	<i>SFY</i> <i>2025-26</i>	<i>SFY</i> <i>2026-27</i>
Department of Environmental Quality	\$8	\$0	\$0	\$0	\$0
Department of Health and Human Services	\$5,224	\$1,547	\$1,547	\$1,547	\$1,547
Wildlife Resources Commission	\$0	\$3	\$0	\$0	\$0
Department of Public Safety	\$784	\$784	\$784	\$784	\$784
Department of State Treasurer	-\$15	-\$15	-\$15	-\$15	-\$15
<b>Total Impact of Adopted Rules</b>	<b>\$6,001</b>	<b>\$2,319</b>	<b>\$2,316</b>	<b>\$2,316</b>	<b>\$2,316</b>

\*Note that positive values are net costs to local governments and negative values are net benefits.

II. Schedule of Anticipated Rules Actions in SFY 2024-2025

**Table 6. Schedule of Anticipated Rule Actions between July 1, 2024 and June 30, 2025**

#	Division	Rule Title and Description	NCAC Citation(s)	Name	Phone	Rule Action	Required by Federal Law/ Regulation	State	Local	Substantial
<b>Board of Barber and Electrolysis Examiners</b>										
1	North Carolina Board of Barber and Electrolysis Examiners	Mobile barber shops	21 NCAC 06L .0201-.0205, 06O .0121-.0201	Dennis Seavers	919-814-0641	Adopt and Amend	No	S	U	SE
		These rules will be permanent rules to implement S.L. 2022-72, which created a new license type for mobile barber shops. The concept of a mobile barber shop is like a food truck, but for barber services instead of food. The rules will cover vehicle and facility requirements, wastewater and sewage disposal, application and licensing requirements, and reporting obligations.								
2	North Carolina Board of Barber and Electrolysis Examiners	Electrology apprenticeship program	21 NCAC 06O .0201, 06U .0106-.0110, 06Z .0101-.0110	Dennis Seavers	919-814-0641	Adopt and Amend	No	S	U	SE
		These rules will be permanent rules to implement S.L. 2022-72, which created a new pathway to licensure for electrologists as an alternative to traditional electrology schools. This alternative pathway will be an electrology apprenticeship program, which will be a hybrid of classwork and on-the-job training. The rules will cover requirements for instructor and facility authorizations, student permits, facility requirements, post-apprenticeship licensure requirements, and reporting obligations.								
<b>North Carolina Code Officials Qualification Board</b>										
1	North Carolina Code Officials Qualification Board		11 NCAC 08 .0706	Mike Hejduk	9196470024	Amend	No	S	L	U
		Amends existing rule for the qualification types and levels for code enforcement officials. Separates Residential from Commercial inspectors and changes Level I to Residential and Level II to Commercial type building better aligned to International Code Council ICC certifications for out-of-state applicants. Includes 5-year grandfathering provisions for existing inspector certificates.								
2	North Carolina Code Officials Qualification Board		11 NCAC 08 .0707	Mike Hejduk	9196470024	Amend	No	S	L	U
		Amends existing rule for special circumstances to remove county electrical inspectors and add new category for case-by-case consideration applicants who do not meet listed education and experience requirements.								
3	North Carolina Code Officials Qualification Board		11 NCAC 08 .0700	Mike Hejduk	9196470024	Adopt	No	S	L	U
		Creates several new rules to set education and experience requirements based on trade Building, Electrical, Mechanical, Plumbing, Fire and to reflect Residential vs Commercial type buildings.								

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## II. Schedule of Anticipated Rules Actions in SFY 2024-2025

4	North Carolina Code Officials Qualification Board	11 NCAC 08 .0602	Mike Hejduk	9196470024	Amend	No	S	L	U	
Amends existing rule to allow 3-year probationary certificate to be placed on inactive status if employed but not actively engaged in code enforcement.										
<b>Department of Environmental Quality</b>										
1	Air Quality	Non-major Research and Development Activities at Title V Facilities	15A NCAC, Subchapter 02Q	Katie Quinlan	(919) 707-8702	Amend	No	U	U	-
As required by Session Law 2023-143, Section 12.11.(d), rule amendment to clarify requirements for non-major research and development (R&D) activities at Title V facilities consistent with the July 10, 1995 EPA "White Paper for Streamlined Development of Part 70 Permit Applications."										
2	Air Quality	CAA 111(d) Rules for GHGs from EGUs	15A NCAC, Subchapter 02D	Katie Quinlan	(919) 707-8702	Adopt	Yes	S	L	SE
Adopt rules to implement EPA's final emission guidelines for control of greenhouse gas (GHG) emissions from existing electric generating units (EGUs) under 40 CFR Part 60, Subpart UUUU. EPA proposed the emission guidelines in May 2023 and is expected to finalize the emission guideline rule in Spring of 2024.										
3	Air Quality	Emissions Reporting Rules Revisions	15A NCAC, Subchapter 02Q	Katie Quinlan	(919) 707-8702	Amend	Yes	S	L	SE
Reporting Rule Revisions to comply with EPA's Air Emissions Reporting Requirements (AERR) Rule. The EPA is expected to finalize revisions to AERR in June 2024, and a proposed rule action will follow. If finalized, EPA's proposed revisions would require revisions to NC rules for reporting criteria and hazardous air pollutant emissions.										
4	Air Quality	Synthetic Minor Permit Fee Revisions	15A NCAC 02Q .0203	Katie Quinlan	(919) 707-8702	Amend	No	S	L	SE
Revise permit fees for synthetic minor facilities. Would require parallel legislative changes to increase maximum fee amounts for this category.										
5	Air Quality	Revisions to PM <sub>2.5</sub> NAAQS	15A NCAC 02D .0410	Katie Quinlan	(919) 707-8702	Amend	Yes	S	U	U
Revision to the corresponding State rule following EPA's final action to revise the annual PM <sub>2.5</sub> National Ambient Air Quality Standard (NAAQS), which is expected by end of January 2024.										
6	Air Quality	Air Permitting Review and Issuance Timelines	15A NCAC, Subchapter 02Q	Katie Quinlan	(919) 707-8702	Amend	No	S	U	U
Required by Session Law 2023-143, Section 12.11.(a)-(c). Involves revision to the definition of "administratively complete" and timelines for review and issuance of administratively complete minor modification and major modification permit applications.										

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## II. Schedule of Anticipated Rules Actions in SFY 2024-2025

7	Air Quality	CAA 111(d) Rules for Methane Emissions from Oil and Gas Facilities	15A NCAC, Subchapter 02D	Katie Quinlan	(919) 707-8702	Adopt	Yes	S	L	U
		Adopt rules to implement EPA's final emission guidelines for control of methane emissions from oil and gas facilities under 40 CFR Part 60, Subpart OOOOc. EPA finalized the emission guidelines in late 2023 and is expected to publish in the Federal Register in early 2024. Rulemaking would commence shortly after publication in the Federal Register.								
8	Marine Fisheries	Phased-In Mandatory Reporting for Harvest of Recreational and Commercial Fisheries	15A NCAC 03I .0123	Catherine Blum	252-515-5500	Adopt	No	S	U	SE
		In accordance with S.L. 2023-137, s. 6, the proposed rule sets requirements for any person who recreationally harvests a red drum, flounder, spotted seatrout, striped bass, or weakfish from coastal fishing waters or joint fishing waters to report that harvest to the Division of Marine Fisheries. Additionally, the proposed rule sets requirements for any person holding a commercial fishing license engaged in a commercial fishing operation who harvests any fish in coastal fishing waters or joint fishing waters, regardless of sale, to report that harvest to the Division of Marine Fisheries. Reports shall be submitted at the time harvest is complete: when fish reach the shore if a vessel is used or at the moment a person is no longer engaged in fishing if a vessel is not used. The harvest data that may have to be reported are itemized in the rule. Due to the large number of recreational anglers (approximately 1.2 million), recreational fishing trips taken annually (approximately 20 million), commercial fishermen (approximately 6,000), and commercial fishing trips taken annually (approximately 87,000), a substantial economic impact would be expected. It is unknown if there would be local government impact.								
9	Marine Fisheries	Interstate Wildlife Violator Compact Act	15A NCAC 03O .0601-.0605	Catherine Blum	252-515-5500	Adopt	No	S	-	-
		In accordance with S.L. 2009-15, s. 1, the proposed rules set requirements to carry out the purposes of the Interstate Wildlife Violator Compact Act, which is a voluntary interstate agreement that provides participating states with a mechanism to participate in a reciprocal program to: (1) promote compliance with the statutes, laws, administrative rules and regulations relating to management of wildlife resources in their respective states; and (2) provide for the fair and impartial treatment of wildlife violators operating within the participating states in recognition of the individual's right of due process and the sovereign status of a party state. References to wildlife include marine and estuarine resources and suspension references include any revocation, denial, withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any license. Transitioning the agency to join the Wildlife Violator Compact will have some small unquantifiable costs through administrative tasks and some small unquantifiable benefits through less infractions by out of state stakeholders that are out of compliance in another state. No substantial economic impact is expected.								

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## II. Schedule of Anticipated Rules Actions in SFY 2024-2025

10	Waste Management	Utility-Scale Solar Management - Financial Assurance and Decommissioning Requirements for Utility Scale Solar Projects	New rules, not adopted yet, but likely to be under 15A NCAC 01V	Jenny Patterson and Jessica Montie	919-270-3124	Adopt	No	U	U	U
The Utility-Scale Solar Management Rules will include the new utility-scale solar project decommissioning and financial assurance requirements mandated in NC SL 2023-058. Specifically, .0101 will provide Applicability and Definitions, .0102 Registration and Fee Requirements, .0103 Registration Fee Amount, .0104 Decommissioning and Cost Estimate Requirements, .0105 General Requirements for Financial Assurance and Periodic Updates, .0106 Allowable Mechanisms for Financial Assurance, .0107 Required Language for Financial Assurance Mechanisms.										
11	Water Resources	Tar-Pamlico Wastewater	15A NCAC 02B .0733	John Huisman	919-707-3677	Amend	Yes	-	L	-
Update the Tar-Pamlico Nutrient Management Strategy Wastewater Rule.										
12	Water Resources	Triennial Review of Surface Water Standards	15A NCAC 02B .0200	Paul Wojoski	919-707-3676	Amend	Yes	S	L	-
Updating surface water quality standards as mandated by the Clean Water Act.										
13	Water Resources	1,4-Dioxane Rulemaking	15A NCAC 02B .0208	Paul Wojoski	919-707-3676	Amend	Yes	S	L	-
Updating surface water quality standards with the calculated value.										
14	Water Resources	PFAS Surface Water Rulemaking	15A NCAC 02B .0200	Paul Wojoski	919-707-3676	Amend	Yes	S	L	SE
Updating surface water quality standards with calculated PFAS values for a subset of PFAS compounds.										
15	Water Resources	PFAS Groundwater Rulemaking	15A NCAC 02L .0202	Paul Wojoski	919-707-3676	Amend	Yes	-	-	-
Updating groundwater quality standards with calculated PFAS values for a subset of PFAS compounds.										
16	Water Resources	Lab Certification	15A NCAC 02H .0804	Todd Crawford	919-745-4366	Amend	Yes	S	L	-
Updating list of parameters that laboratories can be certified for to include PFAS compounds.										

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## II. Schedule of Anticipated Rules Actions in SFY 2024-2025

Department of Health and Human Services										
1	DCDEE	Child Care Rules- Staff/Child Care Ratios for Centers	10A NCAC 09 .0713	Julie Peck	919-814- 0168	Amend	No	S	U	U
		<p>Proposed revisions to this rule will allow centers located in a residence comparable staff/child ratios as allowed for child care centers for children ages 3 years and older. No negative fiscal or other impacts are anticipated to result from this rule change and several positive fiscal and other impacts have been identified. By allowing an additional staff/child ratio option which includes younger children, the proposed amendments will provide a subset of centers located in a residence to potentially increase income received through tuition as well as subsidy payments due to both being higher for younger children. The additional staff/child ratio option also allows owners of centers located in a residence greater flexibility to serve children of differing ages based on demand in the community. Both of these impacts—in increasing the attractiveness, affordability, and profitability of owning and operating a center located in a residence—also result in a benefit to families in the form of increased child care availability and options. Additionally, the proposed consistency in allowable staff/child ratios across child care centers and centers located in a residence provides an administrative benefit to DCDEE and its state government staff responsible for licensing, consultation, and technical assistance to potential and existing child care providers.</p>								
2	DCDEE	Child Care Rules-Two through Five Star Rated Licenses	10 NCAC 09 .2801-.2831	Julie Peck	919-814- 0168	Amend	No	S	L	SE
		<p>NC Session Law 2023-40 directs the Child Care Commission to complete and submit reform recommendations for the Quality Rating Improvement System (QRIS) to the Joint Legislative Oversight Committee on Health and Human Services by March 31, 2024. The law specifies specific national accreditation organizations which must be included as an alternative pathway for licensed child care programs to earn a star rating equivalent to each accreditation's standards. The Child Care Commission is working to finalize the QRIS reform recommendations for submission to the legislature. After the legislature responds to the recommendations (timeline unknown), the Child Care Commission and DCDEE will engage in rulemaking required for implementation of QRIS reform.</p>								
3	Division of Health Service Regulation	Radon Permanent	10A NCAC 15 .1801	Taylor Corpening	9198969371	Adopt	Yes	U	U	U
		<p>The temporary adoption of Rule 10A NCAC 15 .1801, Requirements for Registration of Radon Proficiency Programs, is in response to a recent act of the General Assembly, Session Law 2023-91, “An act to amend the North Carolina Building Code Exclusion for temporary motion picture, television, and theater stage sets and scenery to exempt them from use and occupancy classification under the code; to direct the Department of Health and Human Services to establish an approval process for Radon Proficiency Programs; and to provide that evidence of a licensee having maintained a license in good standing under Article 2 of Chapter 87 of the General Statutes for at least 15 years shall be accepted as experience for plumbing and heating qualifications by the Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors” that became effective July 10, 2023. Section 2.(b) of this Act, requires the N.C. Department of Health and Human Services to adopt permanent radon proficiency program approval rules. The purpose for the permanent rule adoption is to establish minimum criteria for programs which will certify radon professionals in North Carolina. It additionally gives radon proficiency programs the ability to gain approval in the State of North Carolina since there is currently no other avenue on the state or national level for organizations to be approved to certify radon professionals.</p>								

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## II. Schedule of Anticipated Rules Actions in SFY 2024-2025

4	Division of Health Service Regulation	13F/G Readoption Super-Phase	10A NCAC 13F	Taylor Corpening	9198969371	Readopt	No	U	U	U
Rule re-adoptions required by 150B-21.3A. The rules, as well as their potential economic impact are still currently being discussed.										
5	Division of Health Service Regulation	Radiation Protection Readoptions Phase 7	10A NCAC 15 .0101-.0112, .0114-.0118, .0311, .0313, .0316, .0345, .0346	Taylor Corpening	9198969371	Readopt	Yes	U	U	U
Rule re-adoptions required by 150B-21.3A. The rules, as well as their potential economic impact are still currently being discussed.										
6	Division of Health Service Regulation	Radiation Protection Readoptions Phase 8	10A NCAC 15 .0201-.0214	Taylor Corpening	9198969371	Readopt	No	U	U	U
Rule re-adoptions required by 150B-21.3A. The rules, as well as their potential economic impact are still currently being discussed.										
7	DHHS/DPH/CPH	Minimum Standard Health Department: Staffing	10A NCAC 46 .0301	Virginia Niehaus	919-634-0184	Amend	No	U	L	-
Anticipated amendment of the rule that establishes minimum requirements for health department staffing.										
8	DHHS/DPH/CPH	Newborn Screening Fee	10A NCAC 42B .0108	Virginia Niehaus	919-634-0184	Amend	No	S	-	U
Anticipated amendment of the newborn screening fee rule to adjust for recent updates to the Recommended Uniform Screening Panel developed by the Secretary of the United States Department of Health and Human Services and the Advisory Committee on Heritable Disorders of Newborns and Children (the RUSP).										
9	DHHS/DPH/CPH	Reportable Diseases and Conditions	10A NCAC 41A .0101	Virginia Niehaus	919-634-0184	Amend	No	S	L	-
Anticipated amendment of reportable diseases and conditions list.										
10	Social Services Commission	Unlicensed Kinship Payment Program	G.S. 131D-10.2(9)	Paris Penny	919-527-7257	Amend	Yes	U	U	U

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	The General Assembly during the 2023 legislative session in accordance with Senate Bill 20 established a reimbursement fund for unlicensed kinship care providers. The purpose of the Fund is to support those kinship care providers related by blood, marriage, or adoption providing foster care as defined under G.S. 131D-10.2(9). The maximum rates for State participation in reimbursement for unlicensed kinship foster care are established on a graduated scale and based on half of the standard foster care board rate identified in the Foster Care Funding Manual. Counties provide 50% of the cost of the incentive; the state provides the other 50%. The entire amount of the payment is paid to the kinship care provider by the county and the county charges the State for its share of the cost. The timing is uncertain if the rules will be adopted in FY 2024-25.									
11	Commission for MH/DD/SAS	Psychiatric Residential Treatment Facilities	10A NCAC 27G .1900	Denise Baker	984-236-5272	Amend	No	S	U	SE
	These rules govern the operation of, and delivery of services in, Psychiatric Residential Treatment Facilities (PRTFs). The proposed amendments will require each facility to have a Family Partner and utilize best practices in the delivery of services.									
12	Division of Vocational Rehabilitation Services	Chapter 89, Subchapter 89A – General Information	Chapter 89	Kenneth Bausell	919-323-5694	Amend	No	U	U	U
	Per a recent Federal Partner Review, we may have to make changes to the following rules in Chapter 89: Priority Categories, Extended Services, Primary Services.									
<b>North Carolina Industrial Commission</b>										
1	North Carolina Industrial Commission	Foreign Language and Sign Language Interpreters Rule for Tort Claims Cases. Sets forth procedures and requirements for obtaining a foreign language or sign language interpreter in a State Tort Act claim.	11 NCAC 23B .0207? (We used to have a 207, but it was repealed. If we can use that number for this rule, that's what would seem to be the best rule number for this new rule.)	Gina Cammarano	919-807-2524	Adopt	No	S	-	-
	The Industrial Commission may adopt a new Tort Claims rule (in Subchapter B of 11 NCAC 23) regarding foreign language and sign language interpreters in State Tort Claim Act cases. It would be similar to the foreign language and sign language interpreters rule in our Workers' Compensation rules (Subchapter A of 11 NCAC 23).									

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## II. Schedule of Anticipated Rules Actions in SFY 2024-2025

<b>Department of State Treasurer</b>									
1	Retirement Systems Division	Contribution-Based Benefit Cap Amortization	Taylor Matyi	(919) 814-4144	Adopt	No	S	L	U
		The Retirement Systems Division calculates and amortizes unpaid Contribution-Based Benefit Cap Invoices as provided by Session Law 2021-72. The rule would identify parameters regarding the implementation of the amortization.							
2	Retirement Systems Division	Contribution-Based Benefit Cap Watchlist	Taylor Matyi	(919) 814-4144	Adopt	No	S	L	-
		The Retirement Systems Division is required to provide a monthly report to Employers who may have members that will be required to make additional contributions at retirement under the Contribution-Based Benefit Cap provisions. The rule would provide definitions that are not in statute and include the parameters for which members are or are not included. The inclusion of an individual on this monthly report does not necessarily mean the employer will owe a Contribution-Based Benefit Cap liability when the person retires.							
3	Retirement Systems Division	Inactive Employer Extension Requests	Taylor Matyi	(919) 814-4144	Adopt	No	-	L	U
		Any Employer who is moved to Inactive Status in the Local Governmental Employees' Retirement System and reported to the Board of Trustees can have that status extended for up to a year by providing "clear and convincing evidence" to the Retirement Systems of the Employer's intent to fill a contributing position of employment. The rule would provide a definition of what "clear and convincing evidence" is and the information required by Employers to have their Inactive Status extended.							
4	Retirement Systems Division	Receipt of Documents and Designation Timing	Taylor Matyi	(919) 814-4144	Adopt	No	-	-	U
		The rule would provide the Retirement Systems with guidance on the required timing for the receipt of forms and designations made by a payee, member, or legal representative. The rule would provide further definitions which are not in statute referencing "Duly Acknowledged", "Filed", "Date of Submission", etc.							
5	Retirement Systems Division	Return-to-Work Overpayments due to Employer Reporting Errors	Taylor Matyi	(919) 814-4144	Adopt	No	S	L	U
		The rule would provide a clear set of rules and circumstances where the Retirement Systems Division would require the Employer of a re-hired retiree to repay all or part of any overpayments which resulted from a Return-to-Work violation due to the Employer failing to report the member in accordance with the statute. The rule would ensure a fair set of rules are applied to all Employers to ensure consistency between all reporting errors.							

\* S = State Impact, L = Local Impact, SE = Substantial Economic Impact of \$1,000,000 or greater in a 12-month period, U = Impact Unknown.

## II. Schedule of Anticipated Rules Actions in SFY 2024-2025

6	Retirement Systems Division	Least Impactful Return-to-Work Violation Determination		Taylor Matyi	(919) 814-4144	Adopt	No	-	-	U
The Retirement Systems Division is tasked with determining the least impactful outcome of a member who violates the waiting period after retiring. Due to circumstances outside of the Retirement Systems knowledge, the rule would allow the member to provide insight into which outcome is the least impactful, such as Health Insurance coverage and costs.										
7	Retirement Systems Division	Disability Retirement Re-Examinations		Taylor Matyi	(919) 814-4144	Adopt	No	-	L	U
The rule would allow the Retirement Systems Division to apply concepts from the Teachers' and State Employees' Retirement System to the Local Governmental Employees' Retirement System when determining if the medical re-examination requirement to continue receiving benefits may be waived, where G.S. 128-27(e) provides that the Board of Trustees "may" require it.										
8	Retirement Systems Division	Employer Reimbursements through Credits	20 NCAC 02B.0401(b)	Taylor Matyi	(919) 814-4144	Adopt	No	S	L	U
The rule would clarify that credits issued by the Retirement Systems to employers to refund overpaid employer contributions may take the form of a credit against future employer contribution requirements.										
9	Retirement Systems Division	Contributory Death Benefit Effective Date & Application Requirements	20 NCAC 02M.0202 20 NCAC 02M.0203 20 NCAC 02M.0204	Taylor Matyi	(919) 814-4144	Amend	No	-	-	U
The update to the current rule would modernize the processing and eligibility requirements when applying for the Contributory Death Benefit at Retirement.										
10	Unclaimed Property Division	Escheats and Abandoned Property Overhaul	20 NCAC 08	Will Spicer	(919) 814-4205	Repeal and Amend	No	U	U	U
The Unclaimed Property Division is overhauling their entire Chapter, owing to the fact that the current rules are approximately 30 years old.										
<b>State Board of Education/Department of Public Instruction</b>										
1	DPI -- Educator Preparation and Teacher Licensure	"LICENSURE" (There is no title in the NCAC.)	16 NCAC 06C .0300	Ryan Collins, Thomas Ziko	(984) 236-2245	Adopt, Amend, and Repeal	No	-	-	SE

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## II. Schedule of Anticipated Rules Actions in SFY 2024-2025

			Teacher licensure rules are likely to be adopted, amended, and repealed to provide pathways to excellence and build licensing on articulated standards of practice, multiple practice evidence points of attainment of knowledge of the practice, and advanced/lead teacher support. Changes may necessitate increased licensure fees to support the program.							
2	Educator Preparation Programs	Teacher Education .0200	16 NCAC 06C	Ryan Collins, Thomas Ziko	(984) 236-2245	Adopt and Amend	No	-	L	SE
			Education preparation program rules are likely to be adopted, amended, or repealed to implement SBE policies on program approvals, renewals and revocations. Changes may result in costs to approved programs in community colleges and private education. programs.							
3	SBE	Parental Concern .0700	16 NCAC 06G	Ryan Collins, Thomas Ziko	(984) 236-2245	Adopt	No	U	L	U
<b>Secretary of State</b>										
1		Remote Electronic Notary Act rules, phase 3	18 NCAC 07	Ann B. Wall	919 814 5310	Adopt, Amend, and Repeal	No	S	-	U
			Rule package description: S.L. 2022-54, S.L. 2023-57, and S.L. 2023-124 directed the Department to adopt rules to implement the Remote Electronic Notarization Act, including at least 25 rule topic areas, and to harmonize the rules with those for traditional and electronic notarial acts. Due to the breadth of the rulemaking, the Department elected to divide its rulemaking into three phases. The Department anticipates adopting the Phase 3 rules in FY 24-25. The rules will address the licensure and approval of technologies used by electronic notaries public as tools to perform in-person electronic notarial acts as well as remote electronic notarial acts. The rules will also address other issues not covered in the prior two phases of rulemaking. The Department presently anticipates there will be some economic impact on State government, no impact on local government, and is presently unable to identify whether there will be substantial economic impact.							
<b>Wildlife Resources Commission</b>										
1	NCWRC	Game Lands	15A NCAC 10D	Carrie Ruhlman	919-707-0011	Amend	No	S	U	-
			Multiple modifications to include changes to use, establishment of a new game land, target shooting, fishing, permit requirements, and administrative updates.							

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## II. Schedule of Anticipated Rules Actions in SFY 2024-2025

2	NCWRC	Inland Fishing	15A NCAC 10C	Carrie Ruhlman	919-707-0011	Amend	No	S	U	-
Modify size and/or creel limits; modify list of waters designated as Public Mountain Trout Waters to further classifications: Hatchery Supported, Delayed Harvest or Wild Trout.										
3	NCWRC	Wildlife Management	15A NCAC 10B	Carrie Ruhlman	919-707-0011	Adopt and Amend	No	S	U	-
Modify hunting and trapping seasons and bag limits and regulations in CWD surveillance areas.										
4	NCWRC	Water Safety	15A NCAC 10F	Carrie Ruhlman	919-707-0011	Amend	No	S	U	-
Modify and add no wake zones throughout the state.										
5	NCWRC	Protection of Endangered species	15A NCAC10I .0102 - .0105	Carrie Ruhlman	919-707-0011	Amend	No	S	U	-
Update rule language and species listings.										
6	NCWRC	Wildlife Conservation Areas	15A NCAC 10J .0103, .0104	Carrie Ruhlman	919-707-0011	Amend	No	U	U	-
Update rule language and requirements as part of periodic review.										
7	NCWRC	Licensee Requirements	15A NCAC 10G .0501	Carrie Ruhlman	919-707-0011	Amend	No	U	U	-

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III. Rules with Estimated Local Government Impact Adopted in SFY 2022-2023

**Table 7. Rules with Estimated Local Government Impact Adopted Between July 1, 2022 and June 30, 2023**

Agency, Division	Title of Rule Change	Citation(s)	Contact	Date Adopted	Quantified Impact on Local Government (thousands):*					
					2022-23	2023-24	2024-25	2025-26	2026-27	
<b>Department of Environmental Quality</b>										
DEQ/DWM	Commercial Leaking Petroleum UST Cleanup Fund	15A NCAC 02P .0101, .0103, .0201, .0202, .0301, .0302, .0401-.0407	Jessica Montie	7/14/22						Unquantified
DEQ/DWR	Reclassification of Teer Quarry	15A NCAC 02B .0315	Elizabeth Kountis	3/9/23	\$8	\$0	\$0	\$0	\$0	\$0
DEQ/DAQ	Electronic Submittal of Documents	15A NCAC 02D .0103, 0501, .0546, .0605, .1903-.1905, .2203; 02Q .0104, .0105, .0206, .0304, .0305, .0307, .0505, .0507, .0508, .0710	Katherine Quinlan	5/11/23						Unquantified
DEQ/DCM	Beach Mats	15A NCAC 07H .0308; 07K .0207	Mike Lopazanski	4/26/23						Unquantified
<b>Total quantified impact for Department of Environmental Quality:</b>					<b>\$8</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Department of Health and Human Services</b>										
DHHS/DPH	Sanitation of Hospitals, Nursing Homes, Adult Care Homes, and Other Institutions	15A NCAC 18A .1301, .1302, .1304-.1321, .1323, .1324, .1327	Virginia Niehaus	8/3/22	\$51	\$0	\$0	\$0	\$0	\$0

\* Note that positive values are net costs to local governments and negative values are net benefits. The table does not present unquantified costs and benefits.

III. Rules with Estimated Local Government Impact Adopted in SFY 2022-2023

DHHS/DPH	Lead and Asbestos Inspection, Testing, Abatement, and Remediation in NC Public Schools and Licensed Child Care Facilities	10A NCAC 41C .1001-.1007	Virginia Niehaus	2/1/23	\$5,020	\$1,547	\$1,547	\$1,547	\$1,547
DHHS/DPH	Sanitation Standards of Child Care Centers	15A NCAC 18A .2801-.2804, .2806-.2810, .2812, .2814 - .2827, .2829 - .2836	Virginia Niehaus	2/1/23	\$153	\$0	\$0	\$0	\$0
DHHS/DHSR	Certificate of Need Group 3	10A NCAC 14C .1102, .2001, .2003, .2801, .2803, .3801, .3803, .4001, .4003	Nadine Pfeiffer	10/18/22	Unquantified				
<b>Total quantified impact for Department of Health and Human Services:</b>					<b>\$5,224</b>	<b>\$1,547</b>	<b>\$1,547</b>	<b>\$1,547</b>	<b>\$1,547</b>

Department of State Treasurer

DST	Retirement Systems	20 NCAC 02A .0101-.0104, .0201, .0202, .0301-.0303, .0401, .0503-.0505; 02C .0101, .0204, .0301-.0304, .0306, .0307, .0402-.0405, .0501-.0504, .0704, .0901, .0902, .0904, .0906-.0909, .1001-.1004, .1006, .1007, .1201, .1301, .1302, .1501, .1503-.1506;	Laura Rowe	10/27/22	-\$15	-\$15	-\$15	-\$15	-\$15
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\* Note that positive values are net costs to local governments and negative values are net benefits. The table does not present unquantified costs and benefits.

III. Rules with Estimated Local Government Impact Adopted in SFY 2022-2023

02L .0101,  
.0103, .0202,  
.0302; 02M  
.0101, .0102,  
.0104, .0201,  
.0202, .0206,  
.0301-.0305,  
.0307; 02N  
.0106, .0108,  
.0208, .0215,  
.0218, .0219

**Total quantified impact for Department of State Treasurer:   -\$15   -\$15   -\$15   -\$15   -\$15**

**Department of Public Safety**

DPS	Search and Rescue Program	14B NCAC 03 .0401-.0410	Will Polk	12/1/22	\$784	\$784	\$784	\$784	\$784
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**Total quantified impact for Department of Public Safety:   \$784   \$784   \$784   \$784   \$784**

**Wildlife Resources Commission**

WRC	No Wake Zone Dare County	15A NCAC 10F .0310	Carrie Ruhlman	8/18/22	\$0	\$1	\$0	\$0	\$0
WRC	Endangered/Threatened Species	15A NCAC 10I .0103-.0105	Carrie Ruhlman	12/8/22			Unquantified		
WRC	No Wake Zone New Hanover County	15A NCAC 10F .0314	Carrie Ruhlman	12/8/22	\$0	\$1	\$0	\$0	\$0
WRC	Various 10D Land & Water Access Rules	15A NCAC 10D .0100/.0200	Carrie Ruhlman	3/30/23			Unquantified		
WRC	No Wake Zone Perquimans County	15A NCAC 10F .0355	Carrie Ruhlman	4/20/23	\$0	\$1	\$0	\$0	\$0

**Total quantified impact for Wildlife Resources Commission:   \$0   \$3   \$0   \$0   \$0**

**Total for ALL Agencies (quantifiable impact only)\*:   \$6,001   \$2,319   \$2,316   \$2,316   \$2,316**

\* Note that positive values are net costs to local governments and negative values are net benefits. The table does not present unquantified costs and benefits.