

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

**SESSION LAW 2011-13
SENATE BILL 22**

**AN ACT TO LIMIT NEW AGENCY REGULATORY REQUIREMENTS THAT RESULT
IN SUBSTANTIAL ADDITIONAL COSTS.**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 150B-19 is amended by adding a new subdivision to read:
"An agency may not adopt a rule that does one or more of the following:

- ...
- (7) Results in substantial estimated additional costs as defined in G.S. 150B-2(8c) unless adoption of the rule is required to respond to at least one of the following:
- a. A serious and unforeseen threat to the public health, safety, or welfare.
 - b. An act of the General Assembly or United States Congress that expressly requires the agency to adopt rules.
 - c. A change in federal or State budgetary policy.
 - d. A federal regulation.
 - e. A court order."

SECTION 2. G.S. 150B-2 is amended by adding a new subdivision to read:

- "(8c) "Substantial estimated additional costs" means an aggregate financial impact on all persons subject to a proposed rule of at least five hundred thousand dollars (\$500,000) in a 12-month period. In analyzing substantial estimated additional costs, an agency shall:
- a. Determine and identify the appropriate time frame of the analysis.
 - b. Assess the baseline conditions against which the proposed rule is to be measured.
 - c. Describe the persons who would be subject to the proposed rule and the type of expenditures these persons would be required to make.
 - d. Estimate any additional costs that would be created by implementation of the proposed rule by measuring the incremental difference between the baseline and the future condition expected after implementation of the rule. The analysis should include direct costs as well as opportunity costs. Cost estimates must be monetized to the greatest extent possible. Where costs are not monetized, they must be listed and described.
 - e. For costs that occur in the future, the agency shall determine the net present value of the costs by using a discount factor of seven percent (7.0%)."



SECTION 3. This act is effective when it becomes law and applies to rules published in the North Carolina Register by an agency on or after that date. This act expires July 1, 2012.

In the General Assembly read three times and ratified this the 16th day of March, 2011.

s/ Walter H. Dalton
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 2:11 p.m. this 25th day of March, 2011