

§ 150B-19.4. Limitation on rules with substantial financial costs.

(a) If an agency determines that a proposed permanent rule or set of rules will have a projected aggregate financial cost to all persons affected equal to or greater than one million dollars (\$1,000,000) during any five-year period and the agency is a board, a commission, a council, or other similar unit of government, the permanent rule or set of rules must be adopted by a vote of at least two-thirds of the board or commission members present and voting on the rule or set of rules.

(b) If an agency determines that a proposed permanent rule or set of rules will have a projected aggregate financial cost to all persons affected equal to or greater than ten million dollars (\$10,000,000) during any five-year period and the agency is a board, a commission, a council, or other similar unit of government, the permanent rule or set of rules must be adopted by a unanimous vote of the board or commission members present and voting on the rule or set of rules.

(c) This section shall apply to all rules adopted pursuant to Article 2A of Chapter 150B of the General Statutes, including rules undergoing periodic review and readoption under G.S. 150B-21.3A; provided, however, this section shall not apply to rules required by federal law, including a rule or set of rules necessary to maintain compliance with a program delegated to the State from a federal agency.

(d) For purposes of this section, "aggregate financial cost" means the amount of costs to all persons affected identified in a substantial economic impact analysis conducted according to G.S. 150B-21.4(b1), not inclusive of benefits. (2025-82, s. 3.)