

**Fiscal Impact Analysis of  
Permanent Rule Adoption Economic Impact**

**Agency Proposing Rule Change**

North Carolina Department of Health and Human Services

**Contact Persons**

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**Impact Summary**

State Government: No Impact

Local Government: No Impact

Substantial Impact: No

**Titles of Rule Changes and Statutory Citations**

**10A NCAC 14J .1307** (see appendix)

**Authorizing Statutes**

G.S. 153A-222(c)

**Background**

The 10A NCAC 14J rules regulate the operation and construction of county government owned jails and district jails. The state currently has 109 county jails, 1 district jail, and 1 regional jail. The 109 county jails are located in 94 counties of the state and are owned by their county government and operated by their county Sheriff. The district jail and the regional jail are owned and operated by local county governments.

Under authority of N.C.G.A. Session Law 2022-74 (House Bill 103) “Current Operations Appropriations Act of 2022”, Part IX, Section 9K.1, the proposed permanent adoption of this rule is to ensure the provisions of SL2022-74 are properly implemented for the inspection report procedure to be used by the governing body following the inspections of local confinement facilities and for the right to request a contested case hearing in response to any or all findings in the inspection report by the governing body, sheriff or other administrator of the local confinement facility.

New permanent rule 10A NCAC 14J .1307 is being proposed to fulfill the Department’s requirement of the provisions of SL2022-74 to adopt a permanent rule following the adoption of a temporary rule informing a governing body, sheriff, or other administrator of a local confinement facility that a contested case hearing may be requested.

### **Rules Summary and Anticipated Fiscal Impact**

The permanent adoption of this rule does not create a fiscal impact on state government, local government, or the private sector. The ability to request a contested case hearing is already available under G.S. 150B, Article 3. The process and procedure to request a contested case hearing is restricted by the requirements under G.S. 150B, Article 3.

10A NCAC 14J .1307 is proposed for adoption as follows:

**10A NCAC 14J .1307 CONTESTED CASE HEARING**

A governing body, sheriff, or other administrator of a local confinement facility may request a contested case hearing pursuant to G.S. 153A-222(c).

*History Note: Authority G.S. 153A-222; S.L. 2022-74(s.9K.1.a);  
Temporary Adoption Eff. February 24, 2023;  
Eff. December 1, 2023.*