

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Department of Administration

RULE CITATION: 01 NCAC 06B .0307

DEADLINE FOR RECEIPT: November 7, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Generally, to the Rule: Explain the Department's authority to adopt this rule when G.S. 143-241(4)(f) states that the Governor may adopt rules.

Lines 5-6: Does the Council of State need to approve contracts for furnishing rides, shows, and other related services?

Lines 7-8: "Reasonable number of days" is ambiguous.

Line 10: What is a "qualified" bidder?

Line 13: Explain the relevance of G.S. 146-35 and G.S. 143-341(4)d?

Line 13: G.S. 143-341(4)f is listed twice in the History Note.

Line 13: Please provide a copy of the Council of State Resolution of July 1, 1975.

Line 13: Has the Council of State approved this rule since July 1, 1975? If so, when was the latest approval?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel
Date submitted to agency:

1 01 NCAC 06B .0307 is adopted as published in 38:05 NCR 255 as follows:

2

3 **01 NCAC 06B .0307 LEASES AT STATE FAIRGROUNDS AND WNC AG CENTER**

4 The Department of Agriculture and Consumer Services, without prior approval of the Council of State, is
5 authorized to enter into leases of buildings or land, and contracts for the furnishing of rides, shows and
6 other related services on the State Fairgrounds and the WNC Ag Center, provided that the duration of each
7 lease, rental agreement or contract shall not exceed 20 days per year for up to three years, plus a reasonable
8 number of days before and after an event for move-in and move-out. A lease, rental agreement or contract
9 for more than one year, which provides for a payment to the State of more than one hundred thousand
10 dollars (\$100,000) per year, shall be awarded to the highest qualified bidder, as determined by the
11 Department.

12

13 *History Note: Authority G.S. 146-35; 143-341(4)d,f; 143-341(4)f; Council of State Resolution of July 1, 1975;*

14 *Eff. February 1, 1976;*

15 *Readopted Eff. February 27, 1979;*

16 *Amended Eff. January 1, 2006; August 1, 1988;*

17 *Expired Eff. August 1, 2018 pursuant to G.S. 150B-21.3A,*

18 *Eff. January 1, 2024.*