

20 NCAC 01I .0101 is adopted under temporary procedures, with changes, as follows:

SUBCHAPTER 01I – CASH MANAGEMENT

20 NCAC 01I .0101 DEFINITIONS

The following definitions apply to this ~~Section~~ Subchapter:

(1) ~~“Existing Loan” means an allocation of cash a loan made to the Highway Fund from the Highway Trust Fund, which was made prior to the effective date of the Rules in this Subchapter. Subchapter, and that is not a “Short Term Loan” or “Transfer.”~~

~~(1)(2)~~ “Highway Fund” means the special revenue fund to which revenue designated for transportation-related operations, maintenance, and improvements is deposited.

~~(2)(3)~~ “Highway Trust Fund” means the fund created pursuant to G.S. 136-176.

~~(3)(4)~~ “Short-Term Loan” means an allocation of cash either from the Highway Fund to the Highway Trust Fund or from the Highway Trust Fund to the Highway Fund, by the State Treasurer, made pursuant to G.S. 147-86.15, which complies with the short-term loan process requirements of this ~~Rule, Subchapter~~, consisting of a term of 12 months or ~~less~~ fewer from the date of the allocation, at which time the allocation of cash must be fully repaid to the fund from ~~where~~ which the allocation originated.

~~(4)(5)~~ “Transfer” means ~~any other movement of cash between the Highway Fund and Highway Trust Fund by the State Treasurer that the State Treasurer determines to be necessary to fulfill the obligations of G.S. Chapter 147, Article 6A, that is not a “Short Term Loan.”~~

History Note: Authority G.S. 147-86.10; 147-86.15;

Temporary Adoption Eff.

20 NCAC 01I .0102 is adopted under temporary rule procedures, with changes, as follows:

20 NCAC 01I .0102 SHORT-TERM LOANS AND REQUESTS FOR SHORT-TERM LOANS

~~(a) The State Treasurer may initiate Short-Term Loans to effectuate the purposes of G.S. 147-86.15.~~

~~(b)~~ The State Treasurer may receive a request from another state agency to make a Short-Term Loan. This request shall be made as follows:

(1) The agency shall send a written request to the address in 20 NCAC 01A .0101 to the attention of the State Treasurer, with copies to the Director of the State and Local Government Finance Division, and the Chief Financial Officer of the Department of State Treasurer.

(2) The written request shall contain the following information:

~~(A)~~(a) The requested amount of the Short-Term Loan;

~~(B)~~(b) The specific purpose(s) of the Short-Term Loan;

~~(C)~~(c) The anticipated disbursements and anticipated receipts to document the need for the Short-Term Loan, including the associated budget codes;

~~(D)~~(d) The anticipated recipients of all the Short-Term Loan proceeds and the amount to be received by any contractors, vendors, suppliers, local, State or federal agencies, or other third parties that will receive Short-Term Loan proceeds in order to fulfill the purpose of the Short-Term Loan;

~~(E)~~(e) The anticipated repayment schedule, including date(s) of repayment, amounts to be repaid at each repayment date, method(s) of repayment (i.e. Cash Management Control System transfer);

~~(F)~~(f) The current cash balances of the Highway Fund and the Highway Trust Fund;

~~(G)~~(g) The projected cash balances remaining in the Highway Fund and Highway Trust Fund after the Short-Term Loan is made; ~~and~~

~~(H)~~(h) The projected balances of total outstanding Short-Term Loans made pursuant to G.S. 147-86.15 after the new Short-Term ~~loan~~ Loan is ~~made~~ made; ~~and~~

(i) The projected balance of total outstanding Existing Loans after the new Short-Term Loan is made.

History Note: Authority G.S. 147-86.10; 147-86.15;

Temporary Adoption Eff.

20 NCAC 01I .0103 is adopted under temporary rule procedures as follows:

20 NCAC 01I .0103 REVIEW AND APPROVAL

(a) Within 10 business days of receipt of all of the information required in Rule 20 NCAC 01I .0102, the State Treasurer, or designee, shall review and render a decision to approve or deny the requested Short-Term Loan. The State Treasurer, or designee, may approve the amount requested for a Short-Term Loan in whole or in part.

(b) In reviewing a request for a Short-Term Loan, the State Treasurer, or designee:

(1) shall consider the amount of any bonds currently outstanding where the source of repayment of any portion of outstanding bonds is from the Highway Fund or Highway Trust Fund;

(2) shall consider whether approval of the Short-Term Loan accomplishes the purposes of G.S. 147-86.15; and

(3) may request additional information relevant to the uses or the repayment of the Short-Term Loan from the agency requesting the Short-Term Loan.

(c) If the Short-Term Loan is denied, in whole or in part, the State Treasurer, or designee, shall inform the agency in writing.

(d) If the Short-Term Loan is approved, in whole or in part, the State Treasurer, or designee, shall inform the agency of the approval in writing and confirm that the Short-Term Loan may be made.

*History Note: Authority G.S. 147-86.10; 147-86.15;
Temporary Adoption Eff.*

20 NCAC 01I .0104 is adopted under temporary rule procedures, with changes, as follows:

20 NCAC 01I .0104 TRACKING SHORT-TERM LOAN PROCEEDS

(a) Agencies requesting Short-Term Loans made under this ~~Section~~Subchapter shall be responsible for tracking all Short-Term Loan amounts and providing the State Treasurer with information on the use of Short-Term Loan proceeds.

(b) The agency requesting the Short-Term Loan shall provide to the State Treasurer on a monthly basis, for the duration of the Short-Term Loan, the following information:

- (1) The name, physical address and phone number of recipients of Short-Term Loan proceeds in the preceding 30-day period;
- (2) The amount of Short-Term Loan proceeds received by recipients in the preceding 30-day period;
- (3) The reason that Short-Term Loan proceeds were paid to the recipients identified in subparagraph (b)(1) of this Rule;
- (4) An explanation of the account codes or budget codes used by the agency who requested the Short-Term Loan in order to track the payment of Short-Term Loan proceeds.

History Note: *Authority G.S. 147-86.10; 147-86.15;*
Temporary Adoption Eff.

20 NCAC 01I .0105 is adopted under temporary rule procedures, with changes, as follows:

20 NCAC 01I .0105 RECORDS INSPECTION AND RETENTION

~~(a) Any agency requesting the State Treasurer make a Short-Term Loan under this section, shall allow the State Treasurer to inspect that agency's ledgers, books or other records (both paper and electronic) for purposes of verifying the appropriate use of Short-Term Loan proceeds during the duration of the Short-Term Loan and for a period of seven years thereafter.~~

~~(b) The State Treasurer shall submit a written request to the agency head requesting to inspect the agency's ledgers, books or other records (both paper and electronic) under this Rule.~~

~~(c)~~ The agency requesting the Short-Term Loan shall be responsible for maintaining all records associated with the Short-Term Loan request, tracking of Short-Term Loan proceeds and repayment records pursuant to Chapter 132 of the North Carolina General Statutes.

History Note: Authority G.S. 147-86.10; 147-86.15;

Temporary Adoption Eff.