

# \*Temporary Rules November 2016 Technical Changes\*



## TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

<b>1. Rule-Making Agency:</b> North Carolina Board of Agriculture
<b>2. Rule citation &amp; name:</b> 02 NCAC 52J .0901 Eligible Expenses
<b>3. Action:</b> <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
<b>4. Was this an Emergency Rule:</b> <input type="checkbox"/> Yes                      Effective date: <input checked="" type="checkbox"/> No
<b>5. Provide dates for the following actions as applicable:</b> <b>a. Proposed Temporary Rule submitted to OAH:</b> 9/26/16 <b>b. Proposed Temporary Rule published on the OAH website:</b> 10/4/16 <b>c. Public Hearing date:</b> 10/13/16 <b>d. Comment Period:</b> 10/4/16 – 10/27/16 <b>e. Notice pursuant to G.S. 150B-21.1(a3)(2):</b> 10/3/16 <b>f. Adoption by agency on:</b> 11/10/16 <b>g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:</b> <b>h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:</b>
<b>6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.</b> <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2016-113, Section 6(a) and 6(b) Effective date: July 26, 2016 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other:  <b>Explain:</b> The Animal Shelter Support Fund was created by the General Assembly to reimburse local governments for expenses related to their operation of a registered animal shelter due to the denial, suspension, or revocation of the shelter's registration, or an unforeseen catastrophic disaster at an animal shelter. These rules spell out eligibility requirements and application process.

**7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?**

The enacted legislation specifically tells the NC Board of Agriculture to adopt temporary rules.

**8. Rule establishes or increases a fee? (See G.S. 12-3.1)**

**Yes**  
Agency submitted request for consultation on:  
Consultation not required. Cite authority:

**No**

**9. Rule-making Coordinator:** Christina L. Waggett

**Phone:** 919-707-3008

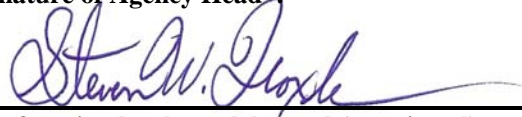
**E-Mail:** Christina.waggett@ncagr.gov

**Agency contact, if any:**

**Phone:**

**E-Mail:**

**10. Signature of Agency Head\*:**



**\* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

**Typed Name:** Steven W. Troxler

**Title:** Commissioner of Agriculture

**E-Mail:** steve.troxler@ncagr.gov

**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 02 NCAC 52J .0901 is adopted with changes under temporary procedures as follows:

2  
3 **SECTION .0900 – ANIMAL SHELTER SUPPORT FUND**

4  
5 **02 NCAC 52J .0901 ELIGIBLE EXPENSES**

6 Eligible expenses include:

- 7 (1) Veterinary costs – Reimbursement may be requested for veterinary expenditures incurred for the assessment,  
8 diagnostic and triage evaluation, medical treatment, minor surgical treatment, medications, first aid and minor  
9 medical supplies, vaccinations, parasite control/treatment [and/or] or euthanasia of animals housed at the shelter  
10 at the time of the event [and/or] or impounded during the interim or transition period.
- 11 (2) Sanitation costs – Reimbursement may be requested for expenditures related to sanitation of the affected  
12 [shelter to include:] shelter, including detergent/disinfectant supplies, cleaning supplies, labor costs for the  
13 sanitation of the shelter, and waste and carcass disposal costs.
- 14 (3) Animal sustenance and supplies – Reimbursement may be requested for expenditures for animal food,  
15 provision of water to the shelter, and food and water bowls or [buckets] buckets, as well as labor costs for the  
16 feeding and watering of the shelter animals.
- 17 (4) Temporary housing and sheltering of animals – Reimbursement may be requested for expenditures for animal  
18 cages and kennels, animal transport carriers, fencing panels for runs, tarps, fencing, dog or cat houses and other  
19 construction [supplies] supplies, as well as labor costs or equipment or facility leasing expenses incurred during  
20 the construction or repair of temporary animal housing.

21  
22 *History Note: Authority G.S. 19A-68(a); G.S. 19A-67(b)(1), (2) 19A-67(b); 19A-68(a)*



# TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

<b>1. Rule-Making Agency:</b> North Carolina Board of Agriculture
<b>2. Rule citation &amp; name:</b> 02 NCAC 52J .0902 Application Guidelines
<b>3. Action:</b> <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
<b>4. Was this an Emergency Rule:</b> <input type="checkbox"/> Yes                      Effective date: <input checked="" type="checkbox"/> No
<b>5. Provide dates for the following actions as applicable:</b> a. Proposed Temporary Rule submitted to OAH: 9/26/16 b. Proposed Temporary Rule published on the OAH website: 10/4/16 c. Public Hearing date: 10/13/16 d. Comment Period: 10/4/16 – 10/27/16 e. Notice pursuant to G.S. 150B-21.1(a3)(2): 10/3/16 f. Adoption by agency on: 11/10/16 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
<b>6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.</b>  <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2016-113, Section 6(a) and 6(b) Effective date: July 26, 2016 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other:  <b>Explain:</b> The Animal Shelter Support Fund was created by the General Assembly to reimburse local governments for expenses related to their operation of a registered animal shelter due to the denial, suspension, or revocation of the shelter's registration, or an unforeseen catastrophic disaster at an animal shelter. These rules spell out eligibility requirements and application process.

**7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?**

The enacted legislation specifically tells the NC Board of Agriculture to adopt temporary rules.

**8. Rule establishes or increases a fee? (See G.S. 12-3.1)**

**Yes**  
Agency submitted request for consultation on:  
Consultation not required. Cite authority:

**No**

**9. Rule-making Coordinator:** Christina L. Waggett

**Phone:** 919-707-3008

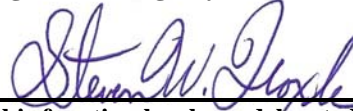
**E-Mail:** Christina.waggett@ncagr.gov

**Agency contact, if any:**

**Phone:**

**E-Mail:**

**10. Signature of Agency Head\*:**



**\* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

**Typed Name:** Steven W. Troxler

**Title:** Commissioner of Agriculture

**E-Mail:** steve.troxler@ncagr.gov

**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 02 NCAC 52J .0902 is adopted with changes under temporary procedures as follows:

2

3 **02 NCAC 52J .0902 APPLICATION GUIDELINES**

4 A ~~Local~~ local government applying for reimbursement from the Fund shall submit the request for reimbursement to the  
5 Animal Welfare Section (AWS) of the North Carolina Department of Agriculture and Consumer Services. The request  
6 shall:

7 (1) be received by AWS by mail, ~~email~~ email, or fax within 60 days of the date the eligible expense was  
8 ~~been~~ incurred;

9 (2) include a completed “Animal Shelter Support Fund Reimbursement Application” with the county name, tier  
10 of county, facility name, facility license number, and contact information. This application can be found on the  
11 AWS website (<http://www.ncagr.gov/vet/AWS/>);

12 (3) include an itemized listing of eligible expenses for which reimbursement is sought;

13 (4) include proof that matching funds have been provided; and

14 (5) include proof of payment of the eligible expense. Should the payment of expense occur after the application  
15 was submitted, proof of payment ~~is to~~ shall be submitted to AWS within 30 days of payment of the expense.

16

17 *History Note: Authority G.S. ~~19A-68(a); G.S. 19A-67(b)(1), (2)~~ G.S. 19A-67(b); 19A-68(a)*

18