REQUEST FOR TECHNICAL CHANGE

AGENCY: DEPARTMENT OF COMMERCE-FEDERAL TAX REFORM ALLOCATION COMMITTEE

RULE CITATION: 04 NCAC 01H .0501

DEADLINE FOR RECEIPT: FRIDAY, June 15, 2012

***NOTE WELL: This request when viewed on computer may extend several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

*In (a)(1) and (2) you are essentially incorporating the federal references including subsequent amendments. In doing so you need to follow the standards set out in G.S. 150B-21.6. The easiest way to comply with those requirements is to insert a web site URL in the rule.*

*In (a)(1) lines 16 – 18 it seems to me that since the population standard for determining what localities are “large local governments” is already fixed in place (as of July 1, 2007) that it should be possible, and would be preferable to name them in the rule. If it is not possible to name them then it might be unclear what is required by or accomplished by this portion of the rule.*

*In (b) there are many factors used to determine whether the committee shall allocate QECD bonds to agencies not covered under (a). In (b)(12) the standard of what constitutes the “best interests of the State of North Carolina” with regard to the factors listed in (b)(12) apparently is meant as a summation of everything that might be covered by all the other factors in (b) and is simply an expression of “more of what we’ve already stated is better.” This provision is not necessary and should be deleted.*

*In (b)(2) line 29 please delete or define “relevant.”*

*In (b)(3) line 31 delete or define “directly.”*

*In (b)(4) line 32 delete or define “innovative,” i.e., specify what constitutes, characterizes or separates eligible new or “innovative” technology from existing technology.*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel