

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

AGENCY: Agricultural Finance Authority

RULE CITATION: 02 NCAC 63 Generally

**DEADLINE FOR RECEIPT: August 22, 2024**

***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:

*In the History Note the agency cites G.S. 106-1074 as its rulemaking authority. G.S. 106-1074 does not grant rulemaking authority. Section 10.1(c) of S.L. 2023-134 does.*

*Please explain why these rules are to go into Title 02 of the NC Code.*

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



# TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

**1. Rule-Making Agency:**

North Carolina Finance Authority

**2. Rule citation & name:**

02 NCAC 63 .0101: PURPOSE

**3. Action:** ☒ Adoption

☐ Amendment

☐ Repeal

Temporary adoption

**4. Was this an Emergency Rule:** ☐ Yes  
☒ No

Effective date: 10/01/24

**5. Provide dates for the following actions as applicable:**

a. Proposed Temporary Rule submitted to OAH: 6/11/24

b. Proposed Temporary Rule published on the OAH website: 6/12/24

c. Public Hearing date: 6/25/24

d. Comment Period: 6/13/24 - 7/5/24

e. Notice pursuant to G.S. 150B-21.1(a3)(2): 6/11/24

f. Adoption by agency on: 8/8/24

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]: 10/01/24

**6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.**

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.  
Cite: House Bill 259, Session Law 2023-134  
Effective date: October 3rd, 2023
- ☐ A recent change in federal or state budgetary policy.  
Effective date of change:
- ☐ A recent federal regulation.  
Cite:  
Effective date:
- ☐ A recent court order.  
Cite order:
- ☐ Other:

**Explain:**

The 2023 Appropriations Act - House Bill 259 became law on October 3, 2023. The Large Animal Healthcare Enhancement Fund language can be found at the below link beginning on page 322.

H259v7.pdf (ncleg.gov)

<https://www.ncleg.gov/Sessions/2023/Bills/House/PDF/H259v7.pdf>

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

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:

Anna R. Hayworth

Phone:

(919) 745-9356

E-Mail:

anna.hayworth@ncagr.gov

Agency contact, if any:

Robert Hosford

Phone:

n/a

E-Mail: robert.hosford@ncagr.gov

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:

Anna Hayworth

Title:

Rule-making coordinator

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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

AGENCY: Agricultural Finance Authority

RULE CITATION: 02 NCAC 63 .0101

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

*Line 9: Explain the agency's authority to place the LAHEAC under the "guidance of the [Department]*

*Line 11: "Guidelines" are suggestions and do not belong in the Code. Do you mean "requirements?"*

*Line 12: Is the agency "describing" the procedures and requirements or establishing them?*

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: August 19, 2024

02 NCAC 63 .0101 is proposed for adoption under temporary procedures as follows:

**CHAPTER 63 – LARGE ANIMAL HEALTHCARE ENHANCEMENT ADVISORY COMMITTEE**

**SECTION .0100 - GENERAL PROVISIONS**

**02 NCAC 63 .0101 PURPOSE**

This Chapter describes the operating procedures for the Large Animal Healthcare Enhancement Advisory Committee and the Chair under the guidance of the North Carolina Department of Agriculture and Consumer Services, and the North Carolina Agricultural Finance Authority implementing the Large Animal Healthcare Enhancement Fund for the enhancement of large animal veterinary services in North Carolina. Procedures and guidelines for participating applicants are also described. The purpose of the program is to provide grants to encourage veterinary students to sustainably serve as large or mixed animal veterinarians in underserved areas in the state and to provide additional resources for large or mixed animal veterinary practices that operate in underserved areas to help them to better serve their communities.

History Note: Authority G.S. 106-1074;

Temporary Adoption Eff.



# TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

**1. Rule-Making Agency:**

North Carolina Finance Authority

**2. Rule citation & name:**

02 NCAC 63 .0102: DEFINITIONS

**3. Action:** ☒ Adoption

☐ Amendment

☐ Repeal

Temporary adoption

**4. Was this an Emergency Rule:** ☐ Yes  
☒ No

Effective date: 10/01/24

**5. Provide dates for the following actions as applicable:**

a. Proposed Temporary Rule submitted to OAH: 6/11/24

b. Proposed Temporary Rule published on the OAH website: 6/12/24

c. Public Hearing date: 6/25/24

d. Comment Period: 6/13/24 - 7/5/24

e. Notice pursuant to G.S. 150B-21.1(a3)(2): 6/11/24

f. Adoption by agency on: 8/8/24

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]: 10/01/24

**6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.**

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- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.  
Cite: House Bill 259, Session Law 2023-134  
Effective date: October 3rd, 2023
- ☐ A recent change in federal or state budgetary policy.  
Effective date of change:
- ☐ A recent federal regulation.  
Cite:  
Effective date:
- ☐ A recent court order.  
Cite order:
- ☐ Other:

**Explain:**

The 2023 Appropriations Act - House Bill 259 became law on October 3, 2023. The Large Animal Healthcare Enhancement Fund language can be found at the below link beginning on page 322.

H259v7.pdf (ncleg.gov)

<https://www.ncleg.gov/Sessions/2023/Bills/House/PDF/H259v7.pdf>

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

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:

Anna R. Hayworth

Phone:

(919) 745-9356

E-Mail:

anna.hayworth@ncagr.gov

Agency contact, if any:


Robert Hosford

Phone:

n/a

E-Mail: robert.hosford@ncagr.gov

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:

Anna Hayworth

Title:

Rule-making coordinator

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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

AGENCY: Agricultural Finance Authority

RULE CITATION: 02 NCAC 63 .0102

**DEADLINE FOR RECEIPT: August 22, 2024**

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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:

*Line 6: Consider adding "as defined in G.S. 106-1072" after "large animal veterinarian."*

*Line 8-11: It cannot be just any form. Please cite Rule .0103(c).*

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: August 19, 2024



02 NCAC 63 .0102 is proposed for adoption under temporary procedures as follows:

**02 NCAC 63 .0102 DEFINITIONS**

In addition to the terms defined in Article 88 of Chapter 106 of the North Carolina General Statutes, the following terms used in this Chapter have the following meanings:

- (1) “Applicant” means a large animal veterinarian who applies for funds from the Large Animal Healthcare Enhancement Fund.
- (2) “Application” means a form developed and made available by the Large Animal Healthcare Enhancement Advisory Committee, including, but not limited to, any attachments and other information or documentation required by the form, for an applicant to complete and submit to the advisory committee to request a grant from the fund.
- (3) “Chair” or “Commissioner” means the chair of the advisory committee who is also the Commissioner of Agriculture.
- (4) “Grant” means an amount of money designated by the advisory committee to be given to a qualified applicant who has been chosen by the advisory committee.
- (5) “Grant recipient” means a qualified applicant who has received a grant.
- (6) “Large animal” means any of the animals referenced in G.S. 106-1072(8) and (9).
- (7) “Qualified applicant” means a large animal veterinarian (as defined in G.S. 106-1072(8)) and who otherwise meets the criteria described in this Rule and in Article 88 of Chapter 106 of the North Carolina General Statutes.

History Note: Authority G.S. 106-1074;  
Temporary Adoption Eff.



# TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

**1. Rule-Making Agency:**

North Carolina Finance Authority

**2. Rule citation & name:**

02 NCAC 63 .0103: EVALUATION OF APPLICATIONS

**3. Action:** ☒ Adoption ☐ Amendment ☐ Repeal

Temporary adoption

**4. Was this an Emergency Rule:** ☐ Yes ☒ No **Effective date:** 10/01/24

**5. Provide dates for the following actions as applicable:**

- a. Proposed Temporary Rule submitted to OAH: 6/11/24
- b. Proposed Temporary Rule published on the OAH website: 6/12/24
- c. Public Hearing date: 6/25/24
- d. Comment Period: 6/13/24 - 7/5/24
- e. Notice pursuant to G.S. 150B-21.1(a3)(2): 6/11/24
- f. Adoption by agency on: 8/8/24
- 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]: 10/01/24

**6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.**

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.  
**Cite:** House Bill 259, Session Law 2023-134  
**Effective date:** October 3rd, 2023
- ☐ A recent change in federal or state budgetary policy.  
**Effective date of change:**
- ☐ A recent federal regulation.  
**Cite:**  
**Effective date:**
- ☐ A recent court order.  
**Cite order:**
- ☐ Other:

**Explain:**

The 2023 Appropriations Act - House Bill 259 became law on October 3, 2023. The Large Animal Healthcare Enhancement Fund language can be found at the below link beginning on page 322.

H259v7.pdf (ncleg.gov)

<https://www.ncleg.gov/Sessions/2023/Bills/House/PDF/H259v7.pdf>

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

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:

Anna R. Hayworth

Phone:

(919) 745-9356

E-Mail:

anna.hayworth@ncagr.gov

Agency contact, if any:

Robert Hosford

Phone:

n/a

E-Mail: robert.hosford@ncagr.gov

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:

Anna Hayworth

Title:

Rule-making coordinator

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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

AGENCY: Agricultural Finance Authority

RULE CITATION: 02 NCAC 63 .0103

**DEADLINE FOR RECEIPT: August 22, 2024**

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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:

*Lines 19-20: Please see the RRC [style guide](#) regarding the use of parentheses*

*Line 8-11: It cannot be just any form. Please cite Rule .0103(c).*

*Line 29: Change “may” to “shall.”*

*Lines 32-33: Explain the authority for the Authority to empower the Commissioner to make the final decision when G.S. 106-1074(c) vests the authority in the Committee.*

*Page 1, Lines 35-37, and Page 2, Lines 1-2: Is there a rule which sets out the process for this?*

*Page 1, Lines 35-37, and Page 2, Lines 1-2: Explain the authority to empower the Authority to make this determination when G.S. 106-1074(e) states that the Committee shall do this.*

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: August 19, 2024

02 NCAC .0103 is proposed for adoption under temporary procedures as follows:

**02 NCAC .0103 EVALUATION OF APPLICATIONS**

(a) Applicants for funding from the fund shall submit a completed application within 60 days from the date of the public announcement of requests for proposals (the “application deadline”).

(b) Applications and instructions shall be available online at [www.ncagr.gov](http://www.ncagr.gov).

(c) To be eligible for consideration for funding, applicants shall complete the application, which shall be titled the “Large Animal Healthcare Enhancement Fund Application Form,” and which shall contain the following information:

(1) identifying information such as location, business name, and contact information;

(2) statement from the applicant that acknowledges and agrees that in the event that the applicant’s veterinary license expires, is revoked, or is suspended during the fiscal year in which the grant is awarded, or if the applicant fails to practice at least 30% large animal veterinary medicine in the designated counties named in the applicant’s application, the applicant shall repay the entire amount received from the fund;

(3) statement from the applicant that the applicant shall have no conflicting service obligation that would prevent the State from benefitting from the applicant’s services, with the exception of service in the National Guard or military reserve;

(4) an essay which describes the applicant’s professional ambition and how those professional goals fit with the intent of the fund (eight hundred word maximum, typed in 12-point Times New Roman font, and double-spaced);

(5) three personal or professional references listing the individual’s name, telephone number, and email address; and

(7) Certification that the applicant currently practices a minimum of 30% large animal veterinary medicine in at least one designated county.

(d) Each completed application shall be evaluated by the advisory committee staff based on the information provided in the application and in accordance with the fund criteria described in this rule and in Article 88 of Chapter 106 of the North Carolina General Statutes.

(e) The staff shall review all applications for completeness. If staff deems an application incomplete in that it does not contain information required by statute or these rules, the applicant may be asked by the authority staff to complete the application within seven days if the application deadline has expired.

(f) After the staff has reviewed each application for completeness, the advisory committee shall then review the applications prepared by each applicant and shall make recommendations to the Commissioner on applicants for funding.

(g) Grants shall be awarded contingent on the availability of sufficient funds to do so. Grants shall be conveyed to grant recipient(s) through contracts with the North Carolina Agricultural Finance Authority. If the North Carolina Agricultural Finance Authority determines that grants are not being used for the purpose for which they were awarded, the fund shall immediately cease making payments under the grant schedule and shall demand return of all amounts

1 from the grant pursuant to G.S. 106-1074. Grant recipient(s) must reimburse the fund all funds that the North Carolina  
2 Agricultural Finance Authority determines to have been spent in violation of G.S. 106-1074(e).

3  
4 History Note: Authority G.S. 106-1074;  
5 Temporary Adoption Eff.



# TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

**1. Rule-Making Agency:**

North Carolina Finance Authority

**2. Rule citation & name:**

02 NCAC 63 .0104: GRANT AGREEMENT

**3. Action:**

☒ Adoption

☐ Amendment

☐ Repeal

Temporary adoption

**4. Was this an Emergency Rule:**

☐ Yes

Effective date: 10/01/24

☒ No

**5. Provide dates for the following actions as applicable:**

a. Proposed Temporary Rule submitted to OAH: 6/11/24

b. Proposed Temporary Rule published on the OAH website: 6/12/24

c. Public Hearing date: 6/25/24

d. Comment Period: 6/13/24 - 7/5/24

e. Notice pursuant to G.S. 150B-21.1(a3)(2): 6/11/24

f. Adoption by agency on: 8/8/24

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]: 10/01/24

**6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.**

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.  
Cite: House Bill 259, Session Law 2023-134  
Effective date: October 3rd, 2023
- ☐ A recent change in federal or state budgetary policy.  
Effective date of change:
- ☐ A recent federal regulation.  
Cite:  
Effective date:
- ☐ A recent court order.  
Cite order:
- ☐ Other:

**Explain:**

The 2023 Appropriations Act - House Bill 259 became law on October 3, 2023. The Large Animal Healthcare Enhancement Fund language can be found at the below link beginning on page 322.

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

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:

Anna R. Hayworth

Phone:

(919) 745-9356

E-Mail:

anna.hayworth@ncagr.gov

Agency contact, if any:

Robert Hosford

Phone:

n/a

E-Mail: robert.hosford@ncagr.gov

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:

Anna Hayworth

Title:

Rule-making coordinator

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:



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

AGENCY: Agricultural Finance Authority

RULE CITATION: 02 NCAC 63 .0104

**DEADLINE FOR RECEIPT: August 22, 2024**

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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:

*Line 4: Approval by whom?*

*Line 10-11 What criteria will the Authority use in making its determination to amend agreement? Could this amendment alter the eligibility requirements of the statute?*

*Page 1, Lines 35-37, and Page 2, Lines 1-2: Explain the authority to empower the Authority to make this determination when G.S. 106-1074(e) states that the Committee shall do this.*

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: August 19, 2024

02 NCAC 63 .0104 is proposed for adoption under temporary procedures as follows:

**02 NCAC 63 .0104 GRANT AGREEMENT**

(a) Upon approval, a written agreement shall be executed between the grant recipient(s) and the North Carolina Finance Authority.

(b) The agreement shall define the North Carolina Finance Authority's and grant recipient's responsibilities and obligations, the project period, project scope, and the amount of grant assistance.

(c) The approved application and any support documentation submitted by the applicant shall become a part of the grant agreement.

(d) The grant agreement may be amended upon mutual consent and approval by the North Carolina Finance Authority and the grant recipient(s). The grant recipient(s) shall submit a written request for amendment to the North Carolina Finance Authority..

(e) Grant payments shall be made only for activities within the grant contract period and projects may not begin until the North Carolina Finance Authority and grant recipient(s) sign the agreement.

(f) The grant agreement shall include a requirement that the grant recipient(s) understands, acknowledges, and agrees that in the event that the grant recipient'(s') veterinary license expires, is revoked, or is suspended during the fiscal year in which the grant is awarded, or the grant recipient(s) fails to practice a minimum of 30% large animal veterinary medicine in at least one designated county named in the grant recipient'(s') application, the grant recipient(s) shall repay the entire amount received from the Fund.

History Note: Authority G.S. 106-1074;

Temporary Adoption Eff.



# TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

**1. Rule-Making Agency:**

North Carolina Finance Authority

**2. Rule citation & name:**

02 NCAC 63 .0105: REPORTING

**3. Action:**

☒ Adoption

☐ Amendment

☐ Repeal

Temporary adoption

**4. Was this an Emergency Rule:**

☐ Yes

Effective date: 10/01/24

☒ No

**5. Provide dates for the following actions as applicable:**

a. Proposed Temporary Rule submitted to OAH: 6/11/24

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e. Notice pursuant to G.S. 150B-21.1(a3)(2): 6/11/24

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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]: 10/01/24

**6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.**

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Cite: House Bill 259, Session Law 2023-134  
Effective date: October 3rd, 2023
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Effective date of change:
- ☐ A recent federal regulation.  
Cite:  
Effective date:
- ☐ A recent court order.  
Cite order:
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**Explain:**

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H259v7.pdf (ncleg.gov)

<https://www.ncleg.gov/Sessions/2023/Bills/House/PDF/H259v7.pdf>

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

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:

Anna R. Hayworth

Phone:

(919) 745-9356

E-Mail:

anna.hayworth@ncagr.gov

Agency contact, if any:

Robert Hosford

Phone:

n/a

E-Mail: robert.hosford@ncagr.gov

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:

Anna Hayworth

Title:

Rule-making coordinator

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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

AGENCY: Agricultural Finance Authority

RULE CITATION: 02 NCAC 63 .0105

**DEADLINE FOR RECEIPT: August 22, 2024**

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

*Line 7-8: It is unclear what the affidavit is required to state.*

*Line 8: The agency is requiring an affidavit and statement of affirmation?*

*Line 11-12: This is unclear. If a recipient has designed four counties, but his/her practice per county is less than 30%, do they qualify? Is the measure per county? Or cumulative? Eg If 10% of my practice in Wake is large animal , 10% in Durham, 5% in Harnett, and 6% in Lee, do I qualify? Or is it 30% of my practice as a whole?*

*Line 13: Change "must" to "shall."*

*Line 16: See comments from Lines 7-8.*

*Lines 18-19: See comments for Lines 11-12.*

*Line 23: Change "must" to "shall."*

*Lines 25-27: Ought this not be a new Paragraph?*

*Lines 28-30: How often?*

*Lines 28-30: What is required in the "monitoring reports?"*

*Lines 28-30: US Post is not available?*

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: August 19, 2024

02 NCAC 63 .0105 is proposed for adoption under temporary procedures as follows:

**02 NCAC 63 .0105       REPORTING**

(a) Grant recipients shall submit to the North Carolina Agricultural Finance Authority a written progress report within 180 days of receipt of the grant.

(b) Written reports shall describe the status of the project, progress toward achieving program objectives, notable occurrences, any problems encountered, and steps taken to overcome the problems, and an affidavit from the grant recipient stating under oath or affirmation that, during the fiscal year in which the grant is awarded, and a statement of affirmation that supports the following:

(1) the grant recipient's veterinary license has not expired, been revoked, or been suspended, and

(2) the grant recipient(s) is currently practicing a minimum of 30% large animal veterinary medicine in at least one designated county named in the grant recipient's(s') application.

(c) Upon completion of the project, the grant recipient must make a final written report to the North Carolina Agricultural Finance Authority that shall include project accomplishments and benefits, all expenditures by line item as established in the application, and an affidavit from the grant recipient stating under oath or affirmation that, during the fiscal year in which the grant is and a statement of affirmation that supports the following:

(1) the grant recipient's veterinary license has not expired, been revoked, or been suspended, and

(2) the grant recipient(s) practiced a minimum of 30% large animal veterinary medicine in at least one designated county named in the grant recipient's(s') application.

(d) The North Carolina Agricultural Finance Authority shall review the progress reports for completeness, which shall include a showing of how the project is meeting its stated goals and performance standards. If the North Carolina Agricultural Finance Authority finds that the report is deficient in showing how the project is meeting its stated goals and performance standards, the grant recipient(s) shall be notified of the deficiency and must provide a changed and corrected report within 30 business days. A corrected or changed report shall be submitted to the North Carolina Agricultural Finance Authority within 30 business days. All grant funds shall be spent within 180 days of receipt by the grant recipient. If grant funds are not spent by the grant recipient by the end of this 180-day period, the grant funds shall be returned to the North Carolina Agricultural Finance Authority.

(e) Grant recipient(s) shall submit monitoring reports to the North Carolina Agricultural Finance Authority by email at [largeanimalvetgrants@ncagr.gov](mailto:largeanimalvetgrants@ncagr.gov) or by hand delivery at 1101 Spring Forest Road, Suite 150, Raleigh, North Carolina 27615.

*History Note: Authority G.S. 106-1074;*

*Temporary Adoption Eff.*



# 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 Finance Authority	
<b>2. Rule citation &amp; name:</b> 02 NCAC 63 .0106: RECORDS	
<b>3. Action:</b> <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal Temporary adoption	
<b>4. Was this an Emergency Rule:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>Effective date:</b> 10/01/24	
<b>5. Provide dates for the following actions as applicable:</b> a. Proposed Temporary Rule submitted to OAH: 6/11/24 b. Proposed Temporary Rule published on the OAH website: 6/12/24 c. Public Hearing date: 6/25/24 d. Comment Period: 6/13/24 - 7/5/24 e. Notice pursuant to G.S. 150B-21.1(a3)(2): 6/11/24 f. Adoption by agency on: 8/8/24 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]: 10/01/24	
<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: House Bill 259, Session Law 2023-134 Effective date: October 3rd, 2023 <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"/> Other:  <b>Explain:</b>  The 2023 Appropriations Act - House Bill 259 became law on October 3, 2023. The Large Animal Healthcare Enhancement Fund language can be found at the below link beginning on page 322.  H259v7.pdf (ncleg.gov)  <a href="https://www.ncleg.gov/Sessions/2023/Bills/House/PDF/H259v7.pdf">https://www.ncleg.gov/Sessions/2023/Bills/House/PDF/H259v7.pdf</a>	

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

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:

Anna R. Hayworth

Phone:

(919) 745-9356

E-Mail:

anna.hayworth@ncagr.gov

Agency contact, if any:

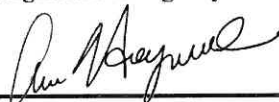
Robert Hosford

Phone:

n/a

E-Mail: robert.hosford@ncagr.gov

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:

Anna Hayworth

Title:

Rule-making coordinator

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:



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

AGENCY: Agricultural Finance Authority

RULE CITATION: 02 NCAC 63 .0106

**DEADLINE FOR RECEIPT: August 22, 2024**

**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:

*Line 4: Change "must" to "shall."*

*Line 4: Be specific about what must be kept.*

*Line 6-7: Even after the deadline?*

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: August 19, 2024

02 NCAC 63 .0106 is proposed for adoption under temporary procedures as follows:

**02 NCAC 63 .0106        RECORDS**

Grant recipients must keep financial and other records of the project for a period of five years, following completion of the project, or until audited. The records shall be made available to the Commissioner and the North Carolina Agricultural Finance Authority upon request. Recipients shall contact the Authority before destroying records or in the event that records are destroyed. The North Carolina Agricultural Finance Authority shall maintain and dispose of paper and electronic records in accordance with the approved Functional Schedule for North Carolina State Agencies, Program Record Retention and Disposition Schedule and Electronic Records and Imaging Policy, incorporated by reference with subsequent editions and amendments. The policy can be accessed free of charge at <https://archives.ncdcr.gov/documents/functional-schedule-state-agencies>.

*History Note:        Authority G.S. 106-1074;*

*Temporary Adoption Eff.*