

Burgos, Alexander N

Subject: FW: Objection Letter 24 NCAC 02D .0101-.0106 Temporary

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

From: Peaslee, William W
Sent: Friday, January 3, 2025 1:03 PM
To: Hayworth, Anna <Anna.Hayworth@ncagr.gov>; McLennan, Christopher
Cc: Hosford, Robert L <Robert.Hosford@ncagr.gov>
Subject: RE: Objection Letter 24 NCAC 02D .0101-.0106 Temporary

Thank you for your email.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

From: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Sent: Friday, January 3, 2025 11:18 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>; McLennan, Christopher <cmclennan@ncdoj.gov>
Cc: Hosford, Robert L <Robert.Hosford@ncagr.gov>
Subject: RE: Objection Letter 24 NCAC 02D .0101-.0106 Temporary

Mr. Peaslee, we would like to withdraw these temporary rules.

Thank you,

Anna R. Hayworth | Agricultural Programs Specialist
Office of the Assistant Commissioner of Consumer Protection
NC Department of Agriculture and Consumer Services
1002 Mail Service Center | Raleigh, NC 27699
Office: (984) 236-4509 (new office)
Cell: (919) 745-9356
anna.hayworth@ncagr.gov

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Thursday, December 19, 2024 2:43 PM
To: McLennan, Christopher <cmclennan@ncdoj.gov>; Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Cc: Hosford, Robert L <Robert.Hosford@ncagr.gov>
Subject: Objection Letter 24 NCAC 02D .0101-.0106 Temporary

Good afternoon,

Attached please find the objection letter for the above captioned temporary rules.

As always if you have any questions or concerns please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
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Burgos, Alexander N

Subject: FW: Objection Letter 24 NCAC 02D .0101-.0106 Temporary
Attachments: 12.2024 NC Ag Fin Authority Objection Letter.docx; 12.24 Staff Opinion 24 NCAC 02D .0101-.0105.doc; 12.24 Staff Opinion 24 NCAC 02D .0103 Temp.doc; 12.24 Staff Opinion 26 NCAC 02D Temp.doc

From: Peaslee, William W
Sent: Thursday, December 19, 2024 2:43 PM
To: McLennan, Christopher; Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Cc: Hosford, Robert L <Robert.Hosford@ncagr.gov>
Subject: Objection Letter 24 NCAC 02D .0101-.0106 Temporary

Good afternoon,

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Burgos, Alexander N

Subject: FW: 24 NCAC 02D .0103 Temp Staff opinion

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Monday, December 16, 2024 9:53 AM
To: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: 24 NCAC 02D .0103 Temp Staff opinion

Ms Hayworth,

There are three opinions which will be considered at the December meeting. Two of the opinions are applicable to all of the temporary rules and one is only applicable to rule .0103. I attached an older opinion as an exhibit to one of the current opinions. That may be where the confusion is.

I sent you one opinion which I subsequently vacated and replaced as the rule citations were incorrect. I will re-send each email for your convenience. You can also find them at [RRC Meeting Agenda December 2024 | NC OAH](#)

As always if you have any questions please feel free to contact me.

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Bill.Peaslee@oah.nc.gov

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From: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Sent: Saturday, December 14, 2024 7:18 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: 24 NCAC 02D .0103 Temp Staff opinion

Mr. Peaslee,

I admit to being just a bit confused. I have received four separate emails with objections. Will they all be brought before the RRC next week? Will any additional objections be forthcoming prior the meeting next week?

Anna R. Hayworth | Agricultural Programs Specialist
Office of the Assistant Commissioner of Consumer Protection
NC Department of Agriculture and Consumer Services

1002 Mail Service Center | Raleigh, NC 27699

Office: (984) 236-4509 (new office)

Cell: (919) 745-9356

anna.hayworth@ncagr.gov

Burgos, Alexander N

Subject: FW: 24 NCAC 02D .0101-.0105
Attachments: 12.24 Staff Opinion 02 NCAC 63 Temp.doc

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Monday, December 16, 2024 9:54 AM
To: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: FW: 24 NCAC 02D .0101-.0105

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
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Bill.Peaslee@oah.nc.gov

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From: Peaslee, William W
Sent: Friday, December 13, 2024 5:03 PM
To: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: 24 NCAC 02D .0101-.0105

Good afternoon

Attached please find a second staff opinion applicable to the above captioned rules.

As always, if you have any questions please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

From: Peaslee, William W
Sent: Friday, December 13, 2024 3:15 PM
To: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: 24 NCAC 02D .0101-.0105

Good afternoon,

Attached please find a staff opinion on the above captioned rules.

As always, if you have any questions please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

Burgos, Alexander N

Subject: FW: 24 NCAC 02D .0103 Temp Staff opinion

From: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Sent: Saturday, December 14, 2024 7:18 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: 24 NCAC 02D .0103 Temp Staff opinion

Mr. Peaslee,

I admit to being just a bit confused. I have received four separate emails with objections. Will they all be brought before the RRC next week? Will any additional objections be forthcoming prior the meeting next week?

Anna R. Hayworth | Agricultural Programs Specialist
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NC Department of Agriculture and Consumer Services
1002 Mail Service Center | Raleigh, NC 27699
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Cell: (919) 745-9356
anna.hayworth@ncagr.gov

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Saturday, December 14, 2024 2:04 PM
To: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: 24 NCAC 02D .0103 Temp Staff opinion

Good afternoon,

Attached please find the staff opinion on the above captioned rule.

The remaining rules will have no further recommended objection other than those already provided.

However, while I would not recommend objection to Rule .0105, based upon your response to the request for changes, it does not state what the Authority intends.

As always if you have any questions please feel free to contact me.

William W. Peaslee
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1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

Burgos, Alexander N

Subject: FW: 24 NCAC 02D .0101-.0106
Attachments: form 0500_24 ncac 02d .0101-signed.pdf; form 0500_24 ncac 02d .0102-signed.pdf;
form 0500_24 ncac 02d .0103-signed.pdf; form 0500_24 ncac 02d .0104-signed.pdf;
form 0500_24 ncac 02d .0105-signed.pdf; form 0500_24 ncac 02d .0106-signed.pdf

From: Burgos, Alexander N
Sent: Friday, December 13, 2024 12:37 PM
To: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Cc: Peaslee, William W <bill.peaslee@oah.nc.gov>; Liebman, Brian R <brian.liebman@oah.nc.gov>
Subject: FW: 24 NCAC 02D .0101-.0106

Thanks Anna, I copied Bill as these are his.

Alexander Burgos
Paralegal
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1940
Alexander.burgos@oah.nc.gov

From: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Sent: Friday, December 13, 2024 12:29 PM
To: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Cc: Liebman, Brian R <brian.liebman@oah.nc.gov>
Subject: RE: 24 NCAC 02D .0101-.0106

Alex,

My apologies, corrected forms attached. Hopefully I did not miss anything else, but if so, please let me know!
Thank you!

Anna R. Hayworth | Agricultural Programs Specialist
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anna.hayworth@ncagr.gov



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

2. Rule citation & name:

3. Action: ☐ Adoption ☐ Amendment ☐ Repeal

4. Was this an Emergency Rule: ☐ Yes ☐ No Effective date:

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH:

b. Proposed Temporary Rule published on the OAH website:

c. Public Hearing date:

d. Comment Period:

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

f. Adoption by agency on:

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]:

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:
Effective date:
- ☐ 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:

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:

Phone:

E-Mail:

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:

Title:

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

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Phone:

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9. Rule-making Coordinator:

Phone:

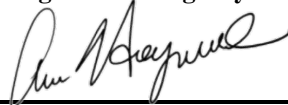
E-Mail:

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



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Phone:

E-Mail:

Agency contact, if any:

Phone:

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10. Signature of Agency Head*:



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Typed Name:

Title:

E-Mail:

RULES REVIEW COMMISSION USE ONLY

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TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

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☐ Yes

Agency submitted request for consultation on:
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☐ No

9. Rule-making Coordinator:

Phone:

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Agency contact, if any:

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Explain:

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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:

Phone:

E-Mail:

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



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Typed Name:

Title:

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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Sent: Friday, December 13, 2024 8:17 AM
To: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Cc: Liebman, Brian R <brian.liebman@oah.nc.gov>
Subject: FW: 24 NCAC 02D .0101-.0106

Good morning, Anna, the forms have Titel 02 and not 24

Alexander Burgos

Paralegal
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1940
Alexander.burgos@oah.nc.gov

From: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Sent: Thursday, December 12, 2024 4:47 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: 24 NCAC 02D .0101-.0106

Mr. Peaslee,

The agency adopted the rules on August 8th, 2024.

My apologies for the confusion. Corrected forms are attached.

Anna R. Hayworth | Agricultural Programs Specialist
Office of the Assistant Commissioner of Consumer Protection
NC Department of Agriculture and Consumer Services
1002 Mail Service Center | Raleigh, NC 27699
Office: (984) 236-4509 (new office)
Cell: (919) 745-9356
anna.hayworth@ncagr.gov

Burgos, Alexander N

Subject: FW: 24 NCAC 02D .0101-.0106

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Thursday, December 12, 2024 1:45 PM
To: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: 24 NCAC 02D .0101-.0106

Good afternoon,

I do not believe I have received a reply to my email of December 6. Please reply no later than 2:00 pm Friday, December 13.

Thank you.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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From: Peaslee, William W
Sent: Friday, December 6, 2024 5:10 PM
To: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: 24 NCAC 02D .0101-.0106
Importance: High

Good afternoon,

I am seeking confirmation that the above captioned temporary rules were adopted on June 11, 2024 as stated on the Form 500s submitted with the rules. You may want to review G.S. 150B-21.1(a3) before you reply.

Thank you in advance for your prompt reply.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road

Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: 24 NCAC 02D temp rules

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Thursday, December 12, 2024 1:29 PM
To: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: 24 NCAC 02D temp rules

Received. Thank you.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: 24 NCAC 02D temp rules
Attachments: 24 NCAC 02D .0101.docx; 24 NCAC 02D .0102.docx; 24 NCAC 02D .0103.docx; 24 NCAC 02D .0104.docx; 24 NCAC 02D .0105.docx; 24 NCAC 02D .0106.docx; 122024 AFA 24 NCAC 02D_technical corrections.docx; form 0500_02 ncac 02d .0102-signed.pdf; LAHC Public Meetings Calendar.pdf; NCAFA - Rulemaking Coordinator - AHayworth-signed.pdf; Wavier request_24 NCAC 02D.pdf; Findings of need_24 NCAC 02D.pdf

From: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Sent: Wednesday, December 11, 2024 3:25 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: 24 NCAC 02D temp rules

Good afternoon Mr. Peaslee,

Please see attached technical corrections and supporting documentation, as well as the corrected form for .0201. Let me know if you have any questions or need anything additional.

Thank you,

Anna R. Hayworth | Agricultural Programs Specialist
Office of the Assistant Commissioner of Consumer Protection
NC Department of Agriculture and Consumer Services
1002 Mail Service Center | Raleigh, NC 27699
Office: (984) 236-4509 (new office)
Cell: (919) 745-9356
anna.hayworth@ncagr.gov

24 NCAC 02D .0101 is proposed for adoption with changes under temporary procedures as follows:

CHAPTER 02 – N.C. AGRICULTURAL FINANCE AUTHORITY

SUBCHAPTER 02D - LARGE ANIMAL HEALTHCARE ENHANCEMENT ADVISORY COMMITTEE

24 NCAC 02D .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]~~ 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]~~ requirements for
participating applicants are also ~~[described.]~~ established. The purpose of the program is to provide grants to encourage
veterinary ~~[students]~~ practitioners to sustainably serve as large or mixed animal veterinarians in underserved areas in
the state of North Carolina, 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; Session Law 2023-134 House Bill 259 Section 10.1(c);

Temporary Adoption Eff. January 1, 2025.

24 NCAC 02D .0102 is proposed for adoption with changes under temporary procedures as follows:

24 NCAC 02D .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 as defined in G.S. 106-1072 who applies for funds from the Large Animal Healthcare Enhancement Fund.

(2) “Application” means [a form] the “Large Animal Healthcare Enhancement Fund Application Form” detailed in Rule .0103(c), 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) “Financial records” means documentation that provides evidence or a summary of business transactions, which may include invoices, receipts, and general monetary ledgers.

~~(5)~~ (6) “Grant recipient” means a qualified applicant who has received a grant.

~~(6)~~ (7) “Large animal” means any of the animals referenced in G.S. 106-1072(8) and (9).

~~(7)~~ (8) “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; Session Law 2023-134 House Bill 259 Section 10.1(c);

Temporary Adoption Eff. January 1 ,2025.

24 NCAC 02D .0103 is proposed for adoption with changes under temporary procedures as follows:

24 NCAC 02D .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.

(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, which shall be submitted in a format using an eight [fund (eight) hundred word maximum, typed in 12-point Times New Roman font, and [double spaced);]double spaced;

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

(7) ~~[Certification]~~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]~~shall 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) All applicants shall meet the following criteria for grant eligibility:

(1) the applicant must practice veterinary medicine in at least one of the approved counties pursuant to G.S. 106-1074;

(2) the applicant must be a currently licensed veterinarian in the state of North Carolina; and

1 (3) the applicant shall be practicing at least thirty percent cumulatively of their veterinary operation
2 within the field of large animal care.

3 ~~(g)~~(h) Grants shall be awarded contingent on the availability of sufficient funds to do so. Grants shall be conveyed
4 to grant recipient(s) through contracts with the North Carolina Agricultural Finance Authority. If the ~~North Carolina~~
5 ~~Agricultural Finance Authority~~ advisory committee determines that grants are not being used for the purpose for which
6 they were awarded, the fund shall immediately cease making payments under the grant schedule and shall demand
7 return of all amounts from the grant pursuant to G.S. 106-1074. Grant recipient(s) must reimburse the fund all funds
8 that the ~~North Carolina Agricultural Finance Authority~~ advisory committee determines to have been spent in violation
9 of G.S. 106-1074(c).

10
11 *History Note:* Authority G.S. 106-1074; ~~Session Law 2023-134 House Bill 259 Section 10.1(c);~~

12 *Temporary Adoption Eff. January 1, 2025.*

24 NCAC 02D .0104 is proposed for adoption with changes under temporary procedures as follows:

24 NCAC 02D .0104 GRANT AGREEMENT

(a) ~~Upon approval,~~ The advisory committee shall approve applications based on the criteria set forth by Article 88 of Chapter 106 of the North Carolina General Statutes. Once approved by the committee, a written agreement shall be executed between the grant recipient(s) and the North Carolina Agricultural Finance Authority.

(b) The agreement shall define the North Carolina Agricultural 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 Agricultural Finance Authority and the grant recipient(s). The grant recipient(s) shall submit a written request for amendment to the North Carolina Agricultural Finance ~~Authority.~~ Authority. Any amendment for consideration must adhere to the eligibility requirements set forth by Article 88 of Chapter 106 of the North Carolina General Statutes.

(e) Grant payments shall be made only for activities within the grant contract period and projects may not begin until the North Carolina Agricultural 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; Session Law 2023-134 House Bill 259 Section 10.1(c);

Temporary Adoption Eff. January 1, 2025.

24 NCAC 02D .0105 is proposed for adoption with changes under temporary procedures as follows:

24 NCAC 02D .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 across their cumulative practice in at least one designated county named in the grant recipient's(s') application.

(c) Upon completion of the project, the grant recipient ~~[must]~~ shall 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 across their cumulative practice 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]~~ shall 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.

(e) 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)~~ **(f)** Grant recipient(s) shall submit monitoring reports annually to the North Carolina Agricultural Finance Authority by email at largeanimalvetgrants@ncagr.gov or largeanimalvetgrants@ncagr.gov, as well as mailed to or ~~[by hand delivery at]~~ hand delivered to 1101 Spring Forest Road, Suite 150, Raleigh, North Carolina 27615. The monitoring reports shall include all the reporting requirements set forth in Paragraph (b).

History Note: Authority G.S. 106-1074; Session Law 2023-134 House Bill 259 Section 10.1(c);

Temporary Adoption Eff. January 1, 2025.

24 NCAC 02D .0106 is proposed for adoption with changes under temporary procedures as follows:

24 NCAC 02D .0106 RECORDS

Grant recipients ~~[must]~~ shall keep financial ~~[and other records]~~ records, as defined in Rule .0102, 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; Session Law 2023-134 House Bill 259 Section 10.1(c);*

Temporary Adoption Eff. January 1, 2025.

Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

Questions contained herein suggest that the rule as written is unclear or there is some ambiguity. If this document includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency "consider" an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for the agency's consideration which the agency may find preferable and clarifying.

To properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov and copy RRC Counsel. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: "a~~A~~ssociation"
 - Right: "~~association~~ Association"
6. Treat punctuation as part of a word. For example:
 - Wrong: "day;~~;~~and"
 - Right: "~~day~~, ~~day~~; and"
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

William W. Peaslee
Commission Counsel

Date submitted to agency: December 7, 2024

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

AGENCY: Agricultural Finance Authority

RULE CITATION: 24 NCAC 02D .0101

DEADLINE FOR RECEIPT: December 13, 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. – **Changes made.***

William W. Peaslee
Commission Counsel

Date submitted to agency: December 7, 2024

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

AGENCY: Agricultural Finance Authority

RULE CITATION: 24 NCAC 02D .0101

DEADLINE FOR RECEIPT: December 13, 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 9: Explain the agency's authority to place the LAHEAC under the "guidance of the [Department]." – **Changes made.***

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

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

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: December 7, 2024

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

AGENCY: Agricultural Finance Authority

RULE CITATION: 24 NCAC 02D .0102

DEADLINE FOR RECEIPT: December 13, 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 6: Consider adding “as defined in G.S. 106-1072” after “large animal veterinarian.” – **Changes made.***

*Line 8-11: It cannot be just any form. Does the agency intend Rule .0103(c)? If so, cite to the rule or state the name of the form as given in Rule .0103(c) – **Changes made.***

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: December 7, 2024

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

AGENCY: Agricultural Finance Authority

RULE CITATION: 24 NCAC 02D .0103

DEADLINE FOR RECEIPT: December 13, 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:

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

*Line 29: Change “may” to “shall” or state the factors the Authority will use in exercising its discretion. – **Changes made.***

*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. – **Changes made.***

*Page 1, Lines 34-37, and Page 2, Lines 1-2: Is there a rule which sets out the process for this? – **Changes made.***

*Page 1, Lines 34-37, 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. – **Changes made.***

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: December 7, 2024

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

AGENCY: Agricultural Finance Authority

RULE CITATION: 24 NCAC 02D.0104

DEADLINE FOR RECEIPT: December 13, 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: Approval by whom? Is there a rule which describes the process and criteria by which approval will be made? – **Changes made.***

*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? – **Changes made.***

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: December 7, 2024

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

AGENCY: Agricultural Finance Authority

RULE CITATION: 24 NCAC 02D .0105

DEADLINE FOR RECEIPT: December 13, 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 7-8: It is unclear what the affidavit is required to state. Or should “and” be “or” in which case you would want a comma after “affirmation.” – **Changes made.***

*Line 8: The agency is requiring an affidavit and statement of affirmation? – **Changes made.***

*Line 11-12: This is unclear. If a recipient has designated four counties, but his/her practice per county is less than 30%, do they qualify? **Yes, as long as it is 30% large animal care (cumulatively).** Is the measure per county? **No, it is cumulative.** Or cumulative? **Yes. I.E.** 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? **It is 30% of your practice as a whole.** – **Changes made.***

*Line 13: Change “must” to “shall.” – **Changes made.***

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

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

*Line 23: Change “must” to “shall.” – **Changes made.***

*Lines 25-27: Ought this not be a new Paragraph? – **Changes made.***

*Lines 28-30: How often? – **Changes made.***

*Lines 28-30: What is required in the “monitoring reports?” Is it the same as the reports described in Paragraph (b)? – **Changes made.***

*Lines 28-30: Consider mentioning U.S. Post? – **Changes made.***

William W. Peaslee
Commission Counsel

Date submitted to agency: December 7, 2024

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: December 7, 2024

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

AGENCY: Agricultural Finance Authority

RULE CITATION: 24 NCAC 02D .0106

DEADLINE FOR RECEIPT: December 13, 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.” – **Changes made.***

*Line 4: It is unclear what “financial and other records” must be kept. Perhaps reference a rule or statute which addresses the records. – **Changes made.***

*Line 6-7: It is unclear what the agency is requiring. Must a recipient contact the agency during and after the five year period described in Line 4? If the recipient must contact the agency after the five year period, can the agency deny the recipient? Or is it mere notice that the records are going to be destroyed? – **Changes made.***

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: December 7, 2024



Robert Hosford
Executive Director

NORTH CAROLINA AGRICULTURAL FINANCE AUTHORITY

August 29, 2024

VIA E-Mail

Rules Review Commission | Office of Administrative Hearings

To whom it may concern,

For the purposes of complying with NCGS § 150B-21.1(a4), the North Carolina Agricultural Finance Authority submits that its adoption of the submitted temporary rules is necessary in order to comply with the mandate of the General Assembly set forth in House Bill 259/S.L.2023-134, Section 10.1(c), which states that the NCAFA “shall adopt temporary rules to implement this section as soon as practicable. . .” Therefore, the General Assembly has both authorized and required the NCAFA to adopt these temporary rules.

Under this guidance, we are formally filing these rules and planning to move forward with process to adopt temporary rules as directed. If you have any questions or need further information, please contact me at (919) 745-9356, or anna.hayworth@ncagr.gov.

Sincerely,

Anna R. Hayworth
Rule-making coordinator, NCAFA



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

2. Rule citation & name:

3. Action: ☐ Adoption ☐ Amendment ☐ Repeal

4. Was this an Emergency Rule: ☐ Yes ☐ No Effective date:

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH:

b. Proposed Temporary Rule published on the OAH website:

c. Public Hearing date:

d. Comment Period:

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

f. Adoption by agency on:

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]:

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:
Effective date:
- ☐ 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:

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:

Phone:

E-Mail:

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:

Title:

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐

Date returned to agency:

Public Meetings Calendar

Large Animal Healthcare Enhancement Advisory Committee - Meeting Details

Large Animal Healthcare Enhancement Advisory Commission

Monday, December 18, 2023 10:00 AM to Monday, December 18, 2023 12:00 PM

4400 Reedy Creek Road

at Steve Troxler Agricultural Sciences Center

Raleigh , NC

For more information

call: 9196641740

Email: joann.rozier@ncagr.gov

Agenda PDF

Meeting Type: in person

Public Meetings Calendar

Large Animal Healthcare Enhancement Advisory Committee - Meeting Details

LAHEAC - 2nd Meeting

Thursday, April 4, 2024 2:30 PM to Thursday, April 4, 2024 4:00 PM

4400 Reedy Creek Road

at Steve Troxler Agricultural Sciences Center, ASC Training Room

Raleigh , NC

For more information

call: 919-664-1740

Email: JoAnn.Rozier@ncagr.gov

Meeting Type: in person

Public Meetings Calendar

Large Animal Healthcare Enhancement Advisory Committee - Meeting Details

LAHEAC - 3rd Meeting

Tuesday, May 7, 2024 1:30 PM to Tuesday, May 7, 2024 4:00 PM

State Fairgrounds - 4285 Trinity Road

at Martin Building

Raleigh , NC

For more information

call: 919-664-1740

Email: joann.rozier@ncagr.gov

Agenda PDF

Meeting Type: in person

Public Meetings Calendar

Large Animal Healthcare Enhancement Advisory Committee - Meeting Details

Large Animal Healthcare Enhancement Advisory Committee Meeting

Monday, June 10, 2024 10:30 AM to Monday, June 10, 2024 11:30 AM

2 W Edenton Street

at Hall of Fame Room

Raleigh , NC

For more information

call: 9197073011

Email: kathy.turner@ncagr.gov

Agenda PDF

Meeting Type: in person

Public Meetings Calendar***North Carolina Agricultural Finance Authority - Meeting Details*****Board of Directos - Rules LAHEAC**

Thursday, August 8, 2024 10:00 AM to Thursday, August 8, 2024 10:30 AM

1101 Spring Forest Road, Suite 150

at Board Roam

Raleigh , NC

For more information

call: 9196641740

Email: joann.rozier@ncagr.gov

Agenda: Agenda NCAFA Board of Directors: Emergency Meeting Thursday, August 8, 2024 10:00 a.m. Virtual with an in person hosted at 1101 Spring Forest Rd., Raleigh, NC 27616 I Call to order, Keith Beavers, Chairman II. ADD Disclosure statement, Chairman Keith Beavers III. Explanation of Action, Robert Hosford, CEO NCAFA IV. Call for a vote on the measure, Keith Beavers, Chairman V. Adjourn

Agenda PDF

Meeting Type: tele conference

To join meeting: Microsoft Teams Need help? Join the meeting now Meeting ID: 235 587 854 101

Passcode: PKScoo _____ Dial in by phone +1 984-204-1487,,292363722# United States, Raleigh Find a local number Phone conference ID: 292 363 722#

Join on a video conferencing device Tenant key: ncgov@m.webex.com Video ID: 117 715 111 6

More info

Public Meetings Calendar

Large Animal Healthcare Enhancement Advisory Committee - Meeting Details

LAHEAC - Public Hearing

Tuesday, September 17, 2024 10:00 AM to Tuesday, September 17, 2024 10:30 AM

1101 Spring Forest Road

at Board Room, Suite 150

Raleigh , NC

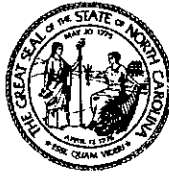
For more information

call: 9196641740

Email: joann.rozier@ncagr.gov

Meeting Type: in person

[Edit](#) [Remove](#)



Robert Hosford
Executive Director

NORTH CAROLINA AGRICULTURAL FINANCE AUTHORITY

August 22, 2024

VIA E-Mail

Ashley Snyder
Codifier of Rules
Office of Administrative Hearings

Dear Ashley,

This letter serves to designate Anna Hayworth as the Rule-making Coordinator for the North Carolina Agricultural Finance Authority (NCAFA). Ms. Hayworth can be reached at 919-745-9356 or anna.hayworth@ncagr.gov. Her mailing address is 1002 Mail Services Center, Raleigh, NC 27699.

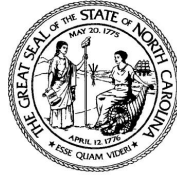
This letter also serves as written delegation of authority for Ms. Hayworth to sign off on behalf of the North Carolina Agricultural Finance Authority (NCAFA), pursuant to G.S. 143B-10(a).

If you have any questions, please contact my office.

Sincerely,

A handwritten signature in black ink, reading "Keith Ray Beavers".

Keith Ray Beavers
Chairman of the NCAFA Board



Robert Hosford
Executive Director

NORTH CAROLINA AGRICULTURAL FINANCE AUTHORITY

August 28, 2024

VIA E-Mail

Rules Review Commission | Office of Administrative Hearings

To whom it may concern,

This letter serves as a formal, written request on behalf of the North Carolina Agricultural Finance Authority for a wavier of the 210 day period contemplated by NCGS § 150B-21.1(a2) in conjunction with the submission of temporary rules 24 NCAC 02D .0101; 24 NCAC 02D .0102; 24 NCAC 02D .0103; 24 NCAC 02D .0104; 24 NCAC 02D .0105; and 24 NCAC 02D .0106.

The General Assembly specifically authorized and mandated the adoption of temporary rules in S.L.2023-134, Section 10.1(c), which states that the NCAFA “shall adopt temporary rules to implement this section as soon as practicable. . . .”

Under this guidance, we are formally requesting the wavier in order to move forward with the adoption of temporary rules as directed. If you have any questions or need further information, please contact me at (919) 745-9356, or anna.hayworth@ncagr.gov.

Sincerely,

Anna R. Hayworth
Rule-making coordinator, NCAFA

Burgos, Alexander N

From: Peaslee, William W
Sent: Friday, December 6, 2024 5:10 PM
To: Hayworth, Anna
Cc: Burgos, Alexander N
Subject: 24 NCAC 02D .0101-.0106

Importance: High

Good afternoon,

I am seeking confirmation that the above captioned temporary rules were adopted on June 11, 2024 as stated on the Form 500s submitted with the rules. You may want to review G.S. 150B-21.1(a3) before you reply.

Thank you in advance for your prompt reply.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

From: Peaslee, William W
Sent: Saturday, December 7, 2024 1:02 PM
To: Hayworth, Anna
Cc: Burgos, Alexander N; McLennan, Christopher
Subject: 24 NCAC 02D temp rules
Attachments: 122024 AFA 24 NCAC 02D.docx

Good afternoon,

Attached please find the request for changes (RFC) for the above captioned rules. Please note the deadline by which responses are due.

The temporary rules submitted are substantively verbatim to the temporary rules objected to in August 2024. Has any additional authority been granted by the General Assembly?

Please be advised that the Form 0500 for Rule 24 NCAC 02D .0102 appears to have incorrectly cited the rule. Please correct and refile.

Lastly, the agency has requested a waiver of the 210-day requirement pursuant to G.S. 150B-21.1(a2); however, it has failed to address all of the factors which the RRC is required to consider. Any documentation to support the waiver request should also be submitted by December 13, 2024.

As always, if you have any questions or concerns please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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