



# TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

<u>OAH USE ONLY</u>
VOLUME:
ISSUE:

<b>1. Rule-Making Agency:</b> Agricultural Finance Authority
<b>2. Rule citation &amp; name:</b> 24 NCAC 02D .0101 PURPOSE
<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: n/a <input checked="" type="checkbox"/> No
<b>5. Provide dates for the following actions as applicable:</b> a. Proposed Temporary Rule submitted to OAH: 9/5/24 b. Proposed Temporary Rule published on the OAH website: 9/9/24 c. Public Hearing date: 9/17/24 d. Comment Period: 9/11/24 - 10/2/24 e. Notice pursuant to G.S. 150B-21.1(a3)(2): <a href="https://www.sosnc.gov/online_Services/Calendar">https://www.sosnc.gov/online_Services/Calendar</a> (see included attachment LAHC) 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]:                      earliest effective date established by G.S. 150B- 21.1(b) and G.S.150B-21.3
<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: See below.
<b>Explain:</b> The General Assembly specifically authorized and mandated the adoption of temporary rules 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. . .  These rules are submitted in order to comply with the General Assembly's mandate for temporary rules under the Large Animal Health Enhancement Act as established by House Bill 259/S.L.2023-134 (available at <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> starting on p. 322) These rules have been discussed and approved by both the Large Animal Healthcare Enhancement Advisory Committee on June 10, 2024; and approved via vote of the Board of the Directors of the North Carolina Agricultural Finance Authority on June 11, 2024. It is critical that these rules be approved in an expedient manner to establish a system by which the monies allocated to this fund by the General Assembly can be distributed as directed. As stated in NCGS § 106-1079, "The purpose of the fund is to make grants to encourage veterinary students to enter and stay in large animal veterinarian practice and to support large animal veterinarian practices to enable them to better serve their designated counties." Additionally, in an abundance of caution, and to the extent is alleged to be necessary, NCAFA is also submitting a written request for a waiver of the 210-day period contemplated by NCGS § 150B-21.1(a2).

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

S.L. 2023-134, Section 10.1(c) specifically requires that The Agricultural Finance Authority shall adopt temporary rules to implement this section as soon as practicable . . . .

S.L. 2023-134 was ratified by the General Assembly on September 22, 2023. Section 10.1(c) provides the authority/requirement for temporary rule making.

**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 Hayworth  
**Phone:**  
(919) 745-9356  
**E-Mail:**  
anna.hayworth@ncagr.gov

**Agency contact, if any:**

Robert Hosford  
**Phone:**  
n/a  
**E-Mail:** largeanimalvetgrants@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:** anna.hayworth@ncagr.gov

**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 24 NCAC 02D .0101 is proposed for adoption with changes under temporary procedures as follows:

2  
3 **CHAPTER 02 – N.C. AGRICULTURAL FINANCE AUTHORITY**

4  
5 **SUBCHAPTER 02D - LARGE ANIMAL HEALTHCARE ENHANCEMENT ADVISORY COMMITTEE**

6  
7 **24 NCAC 02D .0101 PURPOSE**

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

16  
17 History Note: Authority G.S. 106-1074; Session Law 2023-134 House Bill 259 Section 10.1(c);

18 Temporary Adoption Eff. January 1, 2025.



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[Authority G.S. 150B-21.1]

<b><u>OAH USE ONLY</u></b>
VOLUME:
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<b>1. Rule-Making Agency:</b> Agricultural Finance Authority
<b>2. Rule citation &amp; name:</b> 24 NCAC 02D .0102 DEFINITIONS
<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: n/a <input checked="" type="checkbox"/> No
<b>5. Provide dates for the following actions as applicable:</b> a. Proposed Temporary Rule submitted to OAH: 9/5/24 b. Proposed Temporary Rule published on the OAH website: 9/9/24 c. Public Hearing date: 9/17/24 d. Comment Period: 9/11/24 - 10/2/24 e. Notice pursuant to G.S. 150B-21.1(a3)(2): <a href="https://www.sosnc.gov/online_Services/Calendar">https://www.sosnc.gov/online_Services/Calendar</a> (see included attachment LAHC) 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]:                      earliest effective date established by G.S. 150B- 21.1(b) and G.S.150B-21.3
<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: See below.
<b>Explain:</b> The General Assembly specifically authorized and mandated the adoption of temporary rules 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. ...  These rules are submitted in order to comply with the General Assembly's mandate for temporary rules under the Large Animal Health Enhancement Act as established by House Bill 259/S.L.2023-134 (available at <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> starting on p. 322) These rules have been discussed and approved by both the Large Animal Healthcare Enhancement Advisory Committee on June 10, 2024; and approved via vote of the Board of the Directors of the North Carolina Agricultural Finance Authority on June 11, 2024. It is critical that these rules be approved in an expedient manner to establish a system by which the monies allocated to this fund by the General Assembly can be distributed as directed. As stated in NCGS § 106-1079, "The purpose of the fund is to make grants to encourage veterinary students to enter and stay in large animal veterinarian practice and to support large animal veterinarian practices to enable them to better serve their designated counties." Additionally, in an abundance of caution, and to the extent is alleged to be necessary, NCAFA is also submitting a written request for a waiver of the 210-day period contemplated by NCGS § 150B-21.1(a2).

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

S.L. 2023-134, Section 10.1(c) specifically requires that The Agricultural Finance Authority shall adopt temporary rules to implement this section as soon as practicable . . . .

S.L. 2023-134 was ratified by the General Assembly on September 22, 2023. Section 10.1(c) provides the authority/requirement for temporary rule making.

**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 Hayworth

**Phone:**

(919) 745-9356

**E-Mail:**

anna.hayworth@ncagr.gov

**Agency contact, if any:**

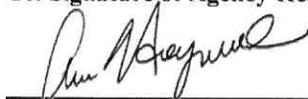
Robert Hosford

**Phone:**

n/a

**E-Mail:** largeanimalvetgrants@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:** anna.hayworth@ncagr.gov

**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 24 NCAC 02D .0102 is proposed for adoption with changes under temporary procedures as follows:

2  
3 **24 NCAC 02D .0102 DEFINITIONS**

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

6 (1) “Applicant” means a large animal veterinarian as defined in G.S. 106-1072 who applies for funds  
7 from the Large Animal Healthcare Enhancement Fund.

8 (2) “Application” means ~~a form~~ the “Large Animal Healthcare Enhancement Fund Application Form”  
9 detailed in Rule .0103(c), developed and made available by the Large Animal Healthcare  
10 Enhancement Advisory Committee, including, but not limited to, any attachments and other  
11 information or documentation required by the form, for an applicant to complete and submit to the  
12 advisory committee to request a grant from the fund.

13 (3) “Chair” or “Commissioner” means the chair of the advisory committee who is also the  
14 Commissioner of Agriculture.

15 (4) “Grant” means an amount of money designated by the advisory committee to be given to a qualified  
16 applicant who has been chosen by the advisory committee.

17 (5) “Financial records” means documentation that provides evidence or a summary of business  
18 transactions, which may include invoices, receipts, and general monetary ledgers.

19 ~~(5)~~(6) “Grant recipient” means a qualified applicant who has received a grant.

20 ~~(6)~~(7) “Large animal” means any of the animals referenced in G.S. 106-1072(8) and (9).

21 ~~(7)~~(8) “Qualified applicant” means a large animal veterinarian (as defined in G.S. 106-1072(8)) and who  
22 otherwise meets the criteria described in this Rule and in Article 88 of Chapter 106 of the North  
23 Carolina General Statutes.

24  
25 History Note: Authority G.S. 106-1074; ~~Session Law 2023-134 House Bill 259 Section 10.1(c);~~

26 Temporary Adoption Eff. January 1, 2025.



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[Authority G.S. 150B-21.1]

<u>OAH USE ONLY</u>
VOLUME:
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<b>1. Rule-Making Agency:</b> Agricultural Finance Authority
<b>2. Rule citation &amp; name:</b> 24 NCAC 02D .0103 EVALUATION OF APPLICATIONS
<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: n/a <input checked="" type="checkbox"/> No
<b>5. Provide dates for the following actions as applicable:</b> a. Proposed Temporary Rule submitted to OAH: 9/5/24 b. Proposed Temporary Rule published on the OAH website: 9/9/24 c. Public Hearing date: 9/17/24 d. Comment Period: 9/11/24 - 10/2/24 e. Notice pursuant to G.S. 150B-21.1(a3)(2): <a href="https://www.sosnc.gov/online_Services/Calendar">https://www.sosnc.gov/online_Services/Calendar</a> (see included attachment LAHC) 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]:                      earliest effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3
<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: See below.
<b>Explain:</b> The General Assembly specifically authorized and mandated the adoption of temporary rules 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. . .  These rules are submitted in order to comply with the General Assembly's mandate for temporary rules under the Large Animal Health Enhancement Act as established by House Bill 259/S.L.2023-134 (available at <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> starting on p. 322) These rules have been discussed and approved by both the Large Animal Healthcare Enhancement Advisory Committee on June 10, 2024; and approved via vote of the Board of the Directors of the North Carolina Agricultural Finance Authority on June 11, 2024. It is critical that these rules be approved in an expedient manner to establish a system by which the monies allocated to this fund by the General Assembly can be distributed as directed. As stated in NCGS § 106-1079, "The purpose of the fund is to make grants to encourage veterinary students to enter and stay in large animal veterinarian practice and to support large animal veterinarian practices to enable them to better serve their designated counties." Additionally, in an abundance of caution, and to the extent is alleged to be necessary, NCAFA is also submitting a written request for a waiver of the 210-day period contemplated by NCGS § 150B-21.1(a2).

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

S.L. 2023-134, Section 10.1(c) specifically requires that The Agricultural Finance Authority shall adopt temporary rules to implement this section as soon as practicable . . . .

S.L. 2023-134 was ratified by the General Assembly on September 22, 2023. Section 10.1(c) provides the authority/requirement for temporary rule making.

**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 Hayworth

**Phone:**

(919) 745-9356

**E-Mail:**

anna.hayworth@ncagr.gov

**Agency contact, if any:**

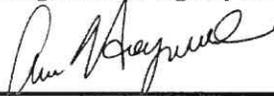
Robert Hosford

**Phone:**

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



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**Typed Name:**

Anna Hayworth

**Title:**

Rule making coordinator

**E-Mail:** anna.hayworth@ncagr.gov

**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 24 NCAC 02D .0103 is proposed for adoption with changes under temporary procedures as follows:

2  
3 **24 NCAC 02D .0103** **EVALUATION OF APPLICATIONS**

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

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

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

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

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

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

18 (4) an essay which describes the applicant’s professional ambition and how those professional goals fit  
19 with the intent of the fund, which shall be submitted in a format using an eight[~~fund (eight)~~] hundred  
20 word maximum, typed in 12-point Times New Roman font, and [~~double spaced~~];[double spaced];

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

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

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

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

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

34 (g) All applicants shall meet the following criteria for grant eligibility:

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

37 (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.~~



# TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

<b>1. Rule-Making Agency:</b> Agricultural Finance Authority
<b>2. Rule citation &amp; name:</b> 24 NCAC 02D .0104 GRANT AGREEMENT
<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: n/a <input checked="" type="checkbox"/> No
<b>5. Provide dates for the following actions as applicable:</b> a. Proposed Temporary Rule submitted to OAH: 9/5/24 b. Proposed Temporary Rule published on the OAH website: 9/9/24 c. Public Hearing date: 9/17/24 d. Comment Period: 9/11/24 - 10/2/24 e. Notice pursuant to G.S. 150B-21.1(a3)(2): <a href="https://www.sosnc.gov/online_Services/Calendar">https://www.sosnc.gov/online_Services/Calendar</a> (see included attachment LAHC) 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]:      earliest effective date established by G.S. 150B- 21.1(b) and G.S.150B-21.3
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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?**

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S.L. 2023-134 was ratified by the General Assembly on September 22, 2023. Section 10.1(c) provides the authority/requirement for temporary rule making.

**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 Hayworth

**Phone:**

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**E-Mail:**

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**Agency contact, if any:**

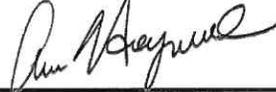
Robert Hosford

**Phone:**

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**E-Mail:** largeanimalvetgrants@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:** anna.hayworth@ncagr.gov

**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 24 NCAC 02D .0104 is proposed for adoption with changes under temporary procedures as follows:

2  
3 **24 NCAC 02D .0104 GRANT AGREEMENT**

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

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

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

11 (d) The grant agreement may be amended upon mutual consent and approval by the North Carolina Agricultural  
12 Finance Authority and the grant recipient(s). The grant recipient(s) shall submit a written request for amendment to  
13 the North Carolina Agricultural Finance Authority. Any amendment for consideration must adhere to the  
14 eligibility requirements set forth by Article 88 of Chapter 106 of the North Carolina General Statutes.

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

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

22  
23 History Note: Authority G.S. 106-1074; Session Law 2023-134 House Bill 259 Section 10.1(c);

24 Temporary Adoption Eff. January 1, 2025.



# TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

<b>1. Rule-Making Agency:</b> Agricultural Finance Authority
<b>2. Rule citation &amp; name:</b> 24 NCAC 02D .0105 REPORTING
<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: n/a <input checked="" type="checkbox"/> No
<b>5. Provide dates for the following actions as applicable:</b> a. Proposed Temporary Rule submitted to OAH: 9/5/24 b. Proposed Temporary Rule published on the OAH website: 9/9/24 c. Public Hearing date: 9/17/24 d. Comment Period: 9/11/24 - 10/2/24 e. Notice pursuant to G.S. 150B-21.1(a3)(2): <a href="https://www.sosnc.gov/online_Services/Calendar">https://www.sosnc.gov/online_Services/Calendar</a> (see included attachment LAHC) 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]:      earliest effective date established by G.S. 150B- 21.1(b) and G.S.150B-21.3
<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: See below.  <b>Explain:</b> The General Assembly specifically authorized and mandated the adoption of temporary rules 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. . .  These rules are submitted in order to comply with the General Assembly's mandate for temporary rules under the Large Animal Health Enhancement Act as established by House Bill 259/S.L.2023-134 (available at <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> starting on p. 322) These rules have been discussed and approved by both the Large Animal Healthcare Enhancement Advisory Committee on June 10, 2024; and approved via vote of the Board of the Directors of the North Carolina Agricultural Finance Authority on June 11, 2024. It is critical that these rules be approved in an expedient manner to establish a system by which the monies allocated to this fund by the General Assembly can be distributed as directed. As stated in NCGS § 106-1079, "The purpose of the fund is to make grants to encourage veterinary students to enter and stay in large animal veterinarian practice and to support large animal veterinarian practices to enable them to better serve their designated counties." Additionally, in an abundance of caution, and to the extent is alleged to be necessary, NCAFA is also submitting a written request for a waiver of the 210-day period contemplated by NCGS § 150B-21.1(a2).

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

S.L. 2023-134, Section 10.1(c) specifically requires that The Agricultural Finance Authority shall adopt temporary rules to implement this section as soon as practicable . . . .

S.L. 2023-134 was ratified by the General Assembly on September 22, 2023. Section 10.1(c) provides the authority/requirement for temporary rule making.

**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 Hayworth

**Phone:**

(919) 745-9356

**E-Mail:**

anna.hayworth@ncagr.gov

**Agency contact, if any:**

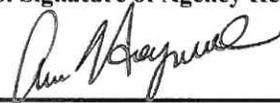
Robert Hosford

**Phone:**

n/a

**E-Mail:** largeanimalvetgrants@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:** anna.hayworth@ncagr.gov

**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 24 NCAC 02D .0105 is proposed for adoption with changes under temporary procedures as follows:

2  
3 **24 NCAC 02D .0105 REPORTING**

4 (a) Grant recipients shall submit to the North Carolina Agricultural Finance Authority a written progress report within  
5 180 days of receipt of the grant.

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

- 10 (1) the grant recipient's veterinary license has not expired, been revoked, or been suspended, and  
11 (2) the grant recipient(s) is currently practicing a minimum of 30% large animal veterinary medicine  
12 across their cumulative practice in at least one designated county named in the grant recipient's(s')  
13 application.

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

- 18 (1) the grant recipient's veterinary license has not expired, been revoked, or been suspended, and  
19 (2) the grant recipient(s) practiced a minimum of 30% large animal veterinary medicine across their  
20 cumulative practice in at least one designated county named in the grant recipient's(s') application.

21 (d) The North Carolina Agricultural Finance Authority shall review the progress reports for completeness, which shall  
22 include a showing of how the project is meeting its stated goals and performance standards. If the North Carolina  
23 Agricultural Finance Authority finds that the report is deficient in showing how the project is meeting its stated goals  
24 and performance standards, the grant recipient(s) shall be notified of the deficiency and [~~must~~]shall provide a changed  
25 and corrected report within 30 business days. A corrected or changed report shall be submitted to the North Carolina  
26 Agricultural Finance Authority within 30 business days.

27 (e) All grant funds shall be spent within 180 days of receipt by the grant recipient. If grant funds are not spent by the  
28 grant recipient by the end of this 180-day period, the grant funds shall be returned to the North Carolina Agricultural  
29 Finance Authority.

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

34  
35 *History Note:* Authority G.S. 106-1074; Session Law 2023-134 House Bill 259 Section 10.1(c);

36 Temporary Adoption Eff. January 1, 2025.



# TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

<b>1. Rule-Making Agency:</b> Agricultural Finance Authority
<b>2. Rule citation &amp; name:</b> 24 NCAC 02D .0106 RECORDS
<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: n/a <input checked="" type="checkbox"/> No
<b>5. Provide dates for the following actions as applicable:</b> a. Proposed Temporary Rule submitted to OAH: 9/5/24 b. Proposed Temporary Rule published on the OAH website: 9/9/24 c. Public Hearing date: 9/17/24 d. Comment Period: 9/11/24 - 10/2/24 e. Notice pursuant to G.S. 150B-21.1(a3)(2): <a href="https://www.sosnc.gov/online_Services/Calendar">https://www.sosnc.gov/online_Services/Calendar</a> (see included attachment LAHC) 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]: earliest effective date established by G.S. 150B- 21.1(b) and G.S.150B-21.3
<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: See below.  <b>Explain:</b> The General Assembly specifically authorized and mandated the adoption of temporary rules 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. . .  These rules are submitted in order to comply with the General Assembly's mandate for temporary rules under the Large Animal Health Enhancement Act as established by House Bill 259/S.L.2023-134 (available at <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> starting on p. 322) These rules have been discussed and approved by both the Large Animal Healthcare Enhancement Advisory Committee on June 10, 2024; and approved via vote of the Board of the Directors of the North Carolina Agricultural Finance Authority on June 11, 2024. It is critical that these rules be approved in an expedient manner to establish a system by which the monies allocated to this fund by the General Assembly can be distributed as directed. As stated in NCGS § 106-1079, "The purpose of the fund is to make grants to encourage veterinary students to enter and stay in large animal veterinarian practice and to support large animal veterinarian practices to enable them to better serve their designated counties." Additionally, in an abundance of caution, and to the extent is alleged to be necessary, NCAFA is also submitting a written request for a waiver of the 210-day period contemplated by NCGS § 150B-21.1(a2).

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

S.L. 2023-134, Section 10.1(c) specifically requires that The Agricultural Finance Authority shall adopt temporary rules to implement this section as soon as practicable . . . .

S.L. 2023-134 was ratified by the General Assembly on September 22, 2023. Section 10.1(c) provides the authority/requirement for temporary rule making.

**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 Hayworth

**Phone:**

(919) 745-9356

**E-Mail:**

anna.hayworth@ncagr.gov

**Agency contact, if any:**

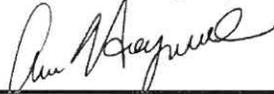
Robert Hosford

**Phone:**

n/a

**E-Mail:** largeanimalvetgrants@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:** anna.hayworth@ncagr.gov

**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 24 NCAC 02D .0106 is proposed for adoption with changes under temporary procedures as follows:

2  
3 **24 NCAC 02D .0106 RECORDS**

4 Grant recipients ~~[must]~~ shall keep financial ~~[and other records]~~ records, as defined in Rule .0102, of the project for a  
5 period of five years, following completion of the project, or until audited. The records shall be made available to the  
6 Commissioner and the North Carolina Agricultural Finance Authority upon request. ~~[Recipients shall contact the~~  
7 ~~Authority before destroying records or in the event that records are destroyed.]~~The North Carolina Agricultural  
8 Finance Authority shall maintain and dispose of paper and electronic records in accordance with the approved  
9 Functional Schedule for North Carolina State Agencies, Program Record Retention and Disposition Schedule and  
10 Electronic Records and Imaging Policy, incorporated by reference with subsequent editions and amendments. The  
11 policy can be accessed free of charge at <https://archives.ncdcr.gov/documents/functional-schedule-state-agencies>.

12  
13 *History Note:* Authority G.S. 106-1074; ~~Session Law 2023-134 House Bill 259 Section 10.1(c);~~

14 Temporary Adoption Eff. ~~January 1, 2025.~~