

Agriculture and Wildlife

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Clarify that Agriculture Includes Horse Boarding – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 1

Section 1 of S.L. 2024-32 amends various definitions of "agriculture," "agricultural operation," and related terms to clarify that those terms include the boarding of horses.

This section became effective July 3, 2024.

North Carolina Sweetpotato Act of 2020 Revisions – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 2

Section 2 of S.L. 2024-32 states explicitly that participation in the trademark program for North Carolina sweetpotatoes, established in 2020, is voluntary. This section also eliminates the North Carolina Sweetpotato Quality and Branding Advisory Council and directs the Board of Agriculture to adopt rules as authorized by the North Carolina Sweetpotato Act in consultation with the North Carolina Sweetpotato Commission.

This section became effective July 3, 2024.

Feral Swine Amendments – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 3

Section 3 of S.L. 2024-32 eliminates the civil penalty for transporting a live swine without identification and amends the definition of feral swine in the Wildlife Resources Commission (WRC) statutes to include live swine transported without identification. It also amends the criminal penalties related to removal of feral swine from a trap and transportation of feral swine as follows:

- Establishes that removal of feral swine from a trap while the swine is still alive or transportation of feral swine without authorization from WRC are two separate offenses. Specifically, the element involving transportation of feral swine after removal from a trap is deleted, so that any transportation of a feral swine is an offense.
- Increases the penalty for removal of feral swine from a trap while the swine is still alive or transportation of feral swine to a Class 2 misdemeanor punishable by a fine of at least \$1,000 for a first offense and a Class A1 misdemeanor punishable by a fine of not less than \$5,000 or \$500 per feral swine, whichever is greater, for a second or subsequent offense.

- Provides that conviction of a second violation of removal of feral swine from a trap while the swine is still alive or transporting feral swine results in a one-year suspension of a trapping license or any other WRC-issued license or permit applicable to the type of activity in which the person was engaging, and conviction of a third violation results in a permanent revocation.

This section becomes effective December 1, 2024, and applies to offenses committed on or after that date.

Direct Agriculture and Forestry Awareness Study Commission to Study Low-Hanging Communications Lines – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 4

Section 4 of S.L. 2024-32 directs the Agriculture and Forestry Awareness Study Commission to study communication lines that fall below minimum height requirements and create a public safety hazard. The Commission must seek input from numerous stakeholders, including the Office of Broadband Infrastructure, electric and telecommunications companies, agricultural organizations, and any other stakeholders the Commission deems necessary. The Commission is directed to report its findings, including recommendations or proposed legislation, prior to the start of the 2025 Regular Session of the General Assembly.

This section became effective July 3, 2024.

Shellfish Lease and Franchise Amendments – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 5

Section 5(a) of S.L. 2024-32 directs the Marine Fisheries Commission (MFC) to amend its rules on annual production and planting requirements for shellfish leases and franchises no later than July 1, 2024, such that franchises cannot be terminated for failure to meet minimum production requirements, and to implement the rules in that manner until the adopted rule becomes effective.

Section 5(b) of S.L. 2024-32 provides that any application for a shellfish lease on which the Department of Environmental Quality fails to act within 365 days after the applicant has submitted all information required by the rules of the MFC and accurately marked the proposed lease area, is deemed approved.

This section became effective July 3, 2024.

Extend Animal Waste Management System General Permits Through September 30, 2026 – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 5.1

Section 5.1 of S.L. 2024-32 extends the expiration date of the Swine, Cattle, Wet Poultry, Swine Digester, Cattle Digester, and Wet Poultry Digester general permits to September 30, 2026, from September 30, 2024. This section also extends the expiration of certificates of coverage issued under those general permits to September 30, 2026.

This section became effective July 3, 2024.

Flood Resiliency Blueprint Contract Amendments – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 5.2

Section 5.2 of S.L. 2024-32 allows the Department of Environmental Quality (DEQ) to enter into memorandums of understanding with other State agencies for the purpose of conducting stream debris removal throughout the State consistent with the Flood Resiliency Blueprint (Blueprint). Additionally, this section adds the French Broad River basin to the list of targeted river basins in the Blueprint. DEQ can contract with one or more third parties in developing the Blueprint and is exempt from State purchasing and contracting requirements for those contracts.

This section became effective July 3, 2024.

Add Compost to Right to Farm/Nuisance Actions Statute – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 5.3

Section 5.3 of S.L. 2024-32 adds "Type I compost facilities" to the definition of "agricultural operation" for the purposes of the right to farm nuisance defense. Type I compost facilities can only receive yard and garden waste, silvicultural waste, and untreated and unpainted wood waste.

This section became effective July 3, 2024, and applies to actions filed on or after that date.

Limit Agronomic Soil Testing to In-State Samples – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 6

Section 6 of S.L. 2024-32 limits the provision of soil testing services by the Department of Agriculture and Consumer Services (DACS) to in-State soil samples only, eliminating any out-of-State soil testing.

This section became effective July 3, 2024.

Increased Promotion of New and Emerging Crops – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 7

Section 7 of S.L. 2024-32 authorizes the Department of Agriculture and Consumer Services (DACS) to use up to the full amount of funds appropriated for the Bioenergy Research Initiative on efforts to advance and promote new and emerging crops, and other research initiatives related to agricultural technologies, up from a previous allowable fund limit of 50%.

This section became effective July 3, 2024.

Permanent Prescribed Burn Cost Share Program – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 8

Section 8 of S.L. 2024-32 codifies a new permanent prescribed burn cost share program for the purpose of supporting prescribed burns on privately owned forestlands. Reimbursement rates must set by the Board of Agriculture by rule, in consultation with the Forest Service, but the maximum allowable cost share reimbursement cannot exceed 75% based on program rate per acre caps. The program requires a General Fund appropriation to operate. The Department of Agriculture and Consumer Services is directed to report on implementation of the program by January 15 of each even-numbered year to the chairs of the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division.

This section becomes effective July 1, 2025.

Timber Sales/Retention and Use of Proceeds – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 9

Section 9 of S.L. 2024-32 expands the allowable uses of the net proceeds from the sale of timber and other products of land to include: (i) capital improvement projects, (ii) costs incidental to the acquisition of land, such as land appraisals, land surveys, title searches, and environmental studies, and (iii) management of the plant conservation program preserves owned by the Department of Agriculture and Consumer Services.

This section became effective July 3, 2024.

Amend Swine and Dairy Assistance Program Eligibility – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 10

Section 10 of S.L. 2024-32 expands the eligible uses of certain swine and dairy assistance program funds administered by the Department of Agriculture and Consumer Services (DACS) to provide assistance to swine producers at a rate of \$70 per head for renovations to convert existing barn space to sow housing. \$70 per head represents approximately 5.4% of the cost of an average sow space, which is the same percentage cost as the \$10 per head for finishing spaces.

This section became effective July 3, 2024.

Go Global Endowment – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 11

Section 11 of S.L. 2024-32 provides additional requirements for the use of funds appropriated to the Department of Agriculture and Consumer Services (DACS) by the 2023 Appropriations Act to provide funds to support the Global Teacher Fellowship. This section requires that the funds be used to establish an endowment to provide scholarships for the Global Teacher Fellowship program with a focus on agricultural teachers, and that the fellowship is open to any individual directly associated with the agricultural industry, regardless of connection to education. DACS is required to report to the Joint Legislative Oversight Committee on Agriculture and Natural Resources and Economic Resources and the Joint Legislative Education Oversight Committee annually on the administration of the endowment.

This section became effective July 3, 2024.

Prohibit Regulation of Beehives in Municipal ETJs – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 12

Section 12 of S.L. 2024-32 allows city ordinances to regulate beehives only within the incorporated limits of the city, so that properties in the extraterritorial jurisdiction of the city are not subject to any city ordinance regulating beehives. The county ordinance, if one exists, will control.

This section became effective July 3, 2024.

Require Disclaimer on Local Government Geographic Information System (GIS) Tools – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 13

Section 13 of S.L. 2024-32 requires counties and cities that offer a geographic information system (GIS) tool to the public to provide a disclaimer notifying the user that the data offered by the tool is provided without warranty and that the user should consult public primary information sources, such as recorded deeds and plats, to verify the accuracy of the data provided. The disclaimer must be displayed prominently on a splash screen or interstitial webpage that the user must affirmatively acknowledge before accessing the tool.

This section becomes effective January 1, 2025.

Exempt Agricultural Land from Stormwater Fees – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 14

Section 14 of S.L. 2024-32 prohibits cities and counties from imposing stormwater utility fees for property used for bona fide farm purposes.

This section became effective July 3, 2024, and applies to fees levied on or after that date.

Conservation Tax Credit – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 15

Section 15 of S.L. 2024-32 reenacts a modified conservation tax credit equal to 25% of the fair market value of donated real property that may be used (1) for forestland or farmland preservation; (2) for fish and wildlife conservation; (3) as a buffer for military training and testing activities; (4) for floodplain protection; (5) for historic landscape conservation; (6) for public trails or access to public trails. The credit is capped at \$500,000 for corporations and \$250,000 for individuals. There is an aggregate cap of \$5 million dollars per taxable year with 65% of that amount being allocated for credits claimed for forestland and farmland preservation.

This credit is effective for taxable years beginning on or after January 1, 2025, for donations made on or after January 1, 2025, and expires for taxable years beginning on or after January 1, 2027, for donations made on or after January 1, 2027.

Establish Annual Great Trails State Day – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 16

Section 16 of S.L. 2024-32 designates the third Saturday of October of each year, beginning in 2024, as North Carolina Great Trails State Day. The North Carolina Great Trails State Coalition (Coalition) is designated as the lead organization for recognition of North Carolina Great Trails

State Day and is directed to develop a plan to raise awareness of, promote, and implement the first annual North Carolina Great Trails State Day. The Coalition includes 107 members, including nonprofit organizations, local governments, and private companies. The Coalition must report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources no later than September 30, 2024, regarding its plan to raise awareness of and promote the first annual North Carolina Great Trails State Day.

This section became effective July 3, 2024.

Amend Composition of the North Carolina Sentinel Landscapes Committee – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 17

Section 17 of S.L. 2024-32 makes the following changes to the North Carolina Sentinel Landscapes Committee:

- Adds two voting members: the Secretary of Transportation or the Secretary's designee, and a representative of the North Carolina Sentinel Landscapes Partnership.
- Adds two nonvoting ex officio members: the Eastern North Carolina Sentinel Landscapes Coordinator and a representative from the United States Department of Defense Readiness and Environmental Protection Integration Program.
- Makes the Commissioner of Agriculture or the Commissioner's designee the permanent chair of the Sentinel Landscapes Committee.

This section became effective July 3, 2024.

Add One Member to the Community Conservation Assistance Program Advisory Committee – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 18

Section 18 of S.L. 2024-32 adds the Extension Administrator of the Cooperative Extension Service at North Carolina Agricultural and Technical State University (NC A&T State University) or the Extension Administrator's designee as the sixteenth member of the Community Conservation Assistance Program (CCAP) Advisory Committee.

The CCAP provides cost share funds to reduce the input of nonpoint source pollution into waters of the State. The CCAP Advisory Committee, which currently consists of 15 members, meets quarterly to review the progress of the CCAP.

This section became effective July 3, 2024.

Cooperative Extension Technical Changes – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 19

Section 19 of S.L. 2024-32 makes several technical changes to outdated references to North Carolina State University and adds references to the Cooperative Extension Service at North Carolina Agricultural and Technical State University (NC A&T State University). Section 19 also adds a new member to the Structural Pest Control Committee to be appointed by the Dean of the College of Agriculture and Environmental Sciences at NC A&T State University.

This section became effective July 3, 2024.

Board of Crop Seed Improvement and Seed Board Amendments – North Carolina Farm Act of 2024.

SL 2024-32 (S355), Sec. 20

Section 20 of S.L. 2024-32 does all of the following:

- Requires the Board of Crop Seed Improvement to cooperate with North Carolina Agricultural and Technical State University (NC A&T State University) to foster and promote the development and distribution of pure strains of crop seeds among North Carolina farmers.
- Adds two members to the Board of Crop Seed Improvement:
 - Dean of the College of Agriculture and Environmental Sciences at NC A&T State University.
 - Associate Dean of Agriculture Research of the College of Agriculture and Environmental Sciences at NC A&T State University.
- Adds four members to the Seed Board:
 - One appointed upon the recommendation of the Associate Dean of Agriculture Research at NC A&T State University.
 - One appointed upon the recommendation of the Extension Administrator of the North Carolina Cooperative Extension Service, NC A&T State University.
 - Two at-large members appointed by the Commissioner of Agriculture.

This section became effective July 3, 2024.