

Agriculture and Wildlife

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Agricultural Crop Loss Program – Disaster Recovery Act of 2025 - Part I.

SL 2025-2 (H47), Subpart II-D

Subpart II-D of S.L. 2025-2 (House Bill 47) creates within the Department of Agriculture and Consumer Services (DACS) the Agricultural Crop Loss Program (Crop Loss Program) to provide financial assistance to farmers affected by Hurricane Helene or any agricultural disaster in 2024. This CLP is available for any person that experienced a verifiable loss of an agricultural or aquaculture commodity or farm infrastructure for a farm located in an affected area and the commodity was planted but not harvested on or before a respective agricultural disaster in the year 2024 that resulted in the commodity's or farm infrastructure's verified loss.

DACS shall allocate the funds appropriated in the act for the CLP as follows:

1. \$200 million for verifiable losses from Hurricane Helene in the affected area.
2. \$100 million for verifiable losses from an agricultural disaster in 2024, excluding Hurricane Helene. Additionally, the Department shall use remaining funds from Section 5.9A(c)(2) of S.L. 2021-180 and Section 5.4(a)(4) of S.L. 2022-74 for the same purpose.

This Subpart of the act became effective July 1, 2025, and expires 30 months after that date. Any funds allocated to the Program not expended or encumbered by that date must revert to the State Emergency Response and Disaster Relief Fund.

Agricultural Disaster Crop Loss Program Correction – House Budget Technical Corrections.

SL 2025-4 (H74), Sec. 1A.2(a)

Section 1A.2(a) of S.L. 2025-4 (House Bill 74) extended the deadline for individuals to apply for relief for crop losses incurred due to Hurricane Helene from 45 days after March 19, 2025, to 60 days after that date and, for nursery crops, fruit-bearing trees and bushes, and specialty crops where the survival level was not immediately known, allowed the Department of Agriculture and Consumer Services to extend the deadline by an additional 60 days, rather than an additional 45 days.

This section became effective May 14, 2025.

Revise Voluntary Agricultural District Laws.

SL 2025-12 (H126)

S.L. 2025-12 (House Bill 126) amends the process for State and local agencies and governmental units to condemn or rezone qualifying farmland in a voluntary agricultural district (VAD) by doing all the following:

- Requiring an ordinance establishing a VAD to limit the ability of a State or local public agency or government entity to condemn or rezone qualifying farmland in a VAD by requiring the agency or entity to request that the agricultural advisory board (Board) hold a public hearing on the proposed condemnation or rezoning and submit written findings and a recommendation to the State or local public agency.
- Extending the period within which a Board must hold a public hearing and submit recommendations on a proposed State or local agency condemnation or rezoning, from 30 days to 45 days.
- Prohibiting an agency from formally initiating a condemnation or rezoning action until 120 days after the date on which the Board submits its findings and recommendations to the agency.

This act became effective October 1, 2025, and applies to condemnation or rezoning actions initiated on or after that date.

Underground Safety Revisions.

SL 2025-21 (H247)

S.L. 2025-21 (House Bill 247) does all of the following with regard to marking of underground utilities:

- Specifies that nonmechanized equipment includes soft dig technologies, defined as an excavation method that uses air or water pressure to break up soil and remove it with vacuum extraction.
- Provides that, where practical, when a facility operator makes facilities the painted surface marks must be long enough to distinguish them from dots.
- Adjusts response times for requests for marking of a facility as follows:
 - For a facility, an operator must provide information within three working days prior to the work start date rather than three working days after the day an excavator provided notice of a proposed excavation or demolition.
 - For an emergency request, the operator must make initial contact with an excavator within 3 hours.
 - For a request of an unmarked facility, the operator must arrange for the facility to be marked within three hours of the time the Notification Center receives the additional notice.

- Shortens the notice period for projects not involving subaqueous facilities from between three to twelve full working days before the proposed commencement date to not less than three full working days before the proposed commencement date.
- Extends notice validity from 15 days to 28 days.
- Limits the area of facility location requests of proposed excavation or demolition to an area that the excavator reasonably believes may be completed with 28 calendar days from the work start date.
- Provides that safe excavation practices must be used within the tolerance zone of a pipeline.
- Amends exemptions from requirements for notice before commencing an excavation.
- Clarifies that the venue for all actions arising from actual and consequential damages occurring in this State is the county where the damages occurred.
- Creates a rebuttable presumption that an excavator has exercised due care in certain circumstances.
- Makes changes to the Underground Damage Prevention Review Board (Board) concerning vacancies and quorum, and allow an informal conference process to request that the Board reverse or modify its determinations concerning violations of the Underground Utility Safety and Damage Prevention Act.

This act became effective October 1, 2025.

Sunday Opening State Historic Site Pilot Program – Continuing Budget Operations.

SL 2025-89 (H125), Sec. 2C.1

Section 2C.1 of S.L. 2025-89 (House Bill 125) appropriated from the General Fund to the Department of Natural and Cultural Resources (DNCR) the nonrecurring sum of \$114,000 in each year of the 2025–2027 fiscal biennium to implement and fund the Sunday Opening State Historic Pilot Program (Program). The Program requires DNCR to open and operate the following historic sites on Sundays during each site's peak season:

1. Bentonville Battlefield.
2. Brunswick Town/Fort Anderson.
3. Charlotte Hawkins Brown Museum.
4. Fort Fisher.
5. Governor Charles B. Aycock Birthplace.
6. Historic Bath.
7. Historic Edenton.
8. Historic Halifax.
9. North Carolina State Capitol.
10. Reed Gold Mine.
11. Roanoke Island Festival Park.
12. Somerset Place.
13. Thomas Day State Historic Site.

This section of the act became effective July 1, 2025.

Expedited Removal of Unauthorized Persons.

Ratified (H96)

House Bill 96 would have created an expedited removal process for the removal of an unauthorized person from residential property and created a new statute providing State uniformity for the operation of licensed pet shops.

Section 1

Section 1 would have added a new Article 22D to Chapter 14 of the General Statutes, under which a property owner or an authorized representative of the property owner may initiate an expedited removal proceeding for the removal of an unauthorized person unlawfully occupying residential property if all the following conditions are met:

1. The requesting party is the property owner or the authorized agent of the property owner.
2. The property that is being unlawfully occupied is residential property or property used in connection with or appurtenant to residential property.
3. An unauthorized person has entered the property after the property owner acquired the property and is remaining or residing unlawfully on the residential property of the property owner.
4. The property was not offered or intended as an accommodation for the general public at the time the unauthorized person entered.
5. The property owner or the authorized representative of the property owner has directed the unauthorized person to leave the residential property.
6. The unauthorized person is not a tenant of the property being unlawfully occupied.
7. The unauthorized person is not an owner of the property being unlawfully occupied.
8. There is no pending litigation between the property owner and the unauthorized person related to the residential property.
9. No other valid rental agreement or contract for deed has been entered into or formed by the property owner or a former property owner and the unauthorized person permitting the unauthorized person to occupy the residential property.

(10) No rent or other form of payment has ever been demanded of or paid by the unauthorized person to the property owner or to an authorized representative of the property owner in connection with the occupancy of the residential property.

The term "unauthorized person" would have meant a person who has no legal claim to the property and who is not entitled to occupy it under a valid rental agreement or otherwise. It would not have included a tenant holding over after the lease term has expired.

In terms of procedure, the following would have occurred: Filing of a complaint and issuance of a summons in the county where the property is located. ? The summons and complaint are

provided to the sheriff. ? The summons and complaint are served on the unauthorized person by the sheriff within 24 hours of the sheriff receiving the documents. ? The sheriff promptly files a return. ? A hearing is held before a magistrate as soon as practicable, but no more than 48 hours after service. ? If the court finds for the property owner, the court immediately enters a written order granting the property owner possession of the property and stating the time the unauthorized person must vacate the property – which cannot be more than 4 hours after the order is served on the unauthorized person.

All parties would have had the right to appeal an order entered by a magistrate to the district court for a trial de novo.

If the court entered an order of removal and an unauthorized person failed to remove personal property from the residential property within the time allowed by the order, the property owner or authorized representative of the property owner would have been permitted to remove the personal property from the premises to or near the property line. The failure of an unauthorized person to vacate a residential property in accordance with a court order would have been a criminal trespass.

Law enforcement agencies, law enforcement officers, and magistrates would have been granted immunity for any acts or omissions related to the expedited removal process, provided the parties acted in good faith and did not act with gross negligence, willful or wanton misconduct, or intentional wrongdoing. The property owner or authorized representative would have been granted immunity for any damages related to the expedited removal process unless the removal was wrongful.

A person harmed by a wrongful removal would have been entitled to bring a civil action against the property owner or authorized representative seeking to recover possession of the property and would have been able to recover from the property owner or authorized representative damages limited to actual damages as in an action for trespass or conversion.

Section 2

Section 2 would have directed the Administrative Office of the Courts, in consultation with the North Carolina Sheriff's Association and the North Carolina Association of Chiefs of Police, to develop the affidavit form to implement the expedited removal process discussed above by September 30, 2025.

Section 3

Section 3 would have created a new statute, G.S. 19A-27.5, to provide for State uniformity for operation of pet shops. Specifically, this new law would have provided that no local government or other political subdivision of the State may enact, maintain, or enforce any ordinance, resolution, or other enactment that does either of the following:

- Prohibits or restricts the sale of animals by a licensed pet shop.

- Imposes additional licensing, operational, or regulatory requirements on pet shops beyond those established by State law.

House Bill 96 was ratified by the General Assembly on June 30, 2025, and vetoed by the Governor on July 9, 2025. Subsequent to the Governor's veto of House Bill 96, the General Assembly enacted and the Governor signed Senate Bill 55, which included language similar to the sections of this bill addressing expedited removal of unauthorized persons.