

# Agriculture and Wildlife

See full summary documents for additional detail

## **H320 - PUV Changes. (SL 2018-95)**

S.L. 2018-95 creates an additional way land may be used to qualify for present-use value (PUV) taxation as wildlife conservation land. Property that qualifies for PUV taxation is appraised and taxed at its present-use value as opposed to its fair market value. S.L. 2018-95 extends the PUV classification and treatment to land that is actively and regularly used as a reserve for hunting, fishing, shooting, wildlife observation, or wildlife activities. If the land qualifies under this new provision, up to 800 acres of land can be classified for PUV taxation.

This act is effective for taxes imposed for taxable years beginning on or after July 1, 2019.

## **H321 - Wildlife License Changes. (SL 2018-90)**

S.L. 2018-90 makes changes to the Wildlife Resource Commission's (WRC) managed hunt program and fees, creates new licenses for residents and nonresidents to hunt American alligators and elk, and allows box-trapped rabbits to be used for the purpose of training hunting dogs.

This act became effective July 1, 2018.

## **H991 - Fox Trapping Local Omnibus. (SL 2018-10)**

S.L. 2018-10 makes various changes to local acts pertaining to the hunting and trapping of foxes and coyotes.

The act becomes effective October 1, 2018.

## **H1019 - Fallen Wildlife Officers Memorial License. (SL 2018-82)**

S.L. 2018-82 creates the Fallen Wildlife Officers Memorial Lifetime Sportsman License, which provides a lifetime sportsman license free of charge to a surviving spouse, child, grandchild, or great-grandchild of a wildlife enforcement officer killed in the line of duty.

This act has various effective dates. Please see the full summary for more detail.

## **S99 - Appropriations Act of 2018.**

### **Sec. 12.5: New and Emerging Crops Program. (SL 2018-5)**

Sec. 12.5 of S.L. 2018-5 authorizes the Department of Agriculture and Consumer Services to create a program to advance and promote new and emerging crops, and permits the Department to fund the new

program with up to 50% of funds appropriated for the Bioenergy Research Initiative. The section also directs that the Department merge existing bioenergy research initiatives into the new program if it is created.

This section became effective July 1, 2018.

## **S99 - Appropriations Act of 2018.**

### **Sec. 13A.1: Outdoor Heritage Council Revisions. (SL 2018-5)**

The Outdoor Heritage Advisory Council (Council) is statutorily charged with the promotion of outdoor recreational activities as well as oversight, along with the Wildlife Resources Commission (WRC), of a plan for development and implementation of the Outdoor Heritage Trust Fund for Youth Outdoor Heritage Promotion (Fund). Section 13A.1 of S.L. 2018-5 makes the following revisions to the statutes providing for the creation and operation of the Council:

- Removes limitations on consecutive terms by Council members and on the length of term of the initial chair of the Council.
- Allows expense reimbursements for Council members to be provided from the Fund.
- Sets out more specifically the categories of support for Council operations to be provided by the WRC.
- Exempts the Council from State purchase and contract requirements for the procurement of goods and services.
- Adds an annual reporting requirement for the Council of its activities and use of donated and appropriated funds to the Joint Legislative Oversight Committee on Agriculture and Natural Resources.
- Directs the WRC to allow check-off donations in any amount to the Fund. Previously, the check-off amount had been limited to no more than \$2.

This section became effective July 1, 2018.

## **S677 - Protect Right to Hunt and Fish. (SL 2018-96)**

S.L. 2018-96 directs that a constitutional amendment be submitted to the qualified voters of the State at a statewide general election to be held in November of 2018 to include language in the State's Constitution to provide that the people of the State have a right to hunt, fish, and harvest wildlife, subject to certain limitations.

## **S711 - NC Farm Act of 2018.**

### **Sec. 1: Fruit and Vegetable Handlers Registration Act. (SL 2018-113)**

Sec. 1 of S.L. 2018-113 repeals the North Carolina Handler's Act (Article 44 of Chapter 106 of the General Statutes) and enacts the Fruit and Vegetable Handlers Registration Act. The Fruit and Vegetable Handlers Registration Act requires a handler, prior to conducting business in North Carolina, to register with the Department of Agriculture and Consumer Services by providing (i) the handler's name, (ii) the handler's principal place of business, (iii) the type of fruits and vegetables handled by the handler, and (iv) the annual volume, in dollars, or fruits and vegetables handled by the handler in North Carolina. The annual volume,

in dollars, of fruits and vegetables handled in the State must be updated by February 1 of each year. The Commissioner of Agriculture may assess a civil penalty of up to \$100 per violation of the Article or rules directed thereunder after 15 days' notice is given to the handler, and may seek an injunction for failure to comply with the Article.

This bill was vetoed by the Governor on June 25, 2018, and that veto was overridden by the General Assembly on June 27, 2018. This section becomes effective January 1, 2019 and applies to handlers conducting business in the State on or after that date.

**S711 - NC Farm Act of 2018.**

**Sec. 2: Department of Agriculture and Consumer Services Confidentiality Change. (SL 2018-113)**

Sec. 2 of S.L. 2018-113 allows the Department of Agriculture and Consumer Services to release collected information relating to agriculture that is confidential under federal law if confidentiality is waived by the federal agency that requires confidentiality.

This bill was vetoed by the Governor on June 25, 2018, and that veto was overridden by the General Assembly on June 27, 2018. This section became effective June 27, 2018.

**S711 - NC Farm Act of 2018.**

**Sec. 3: Exempt Got To Be NC Merchandise from Umstead Act. (SL 2018-113)**

Sec. 3 of S.L. 2018-113 exempts the Department of Agriculture and Consumer Services from the Umstead Act for purposes of selling merchandise related to its Got To Be NC Agriculture marketing promotion. The Umstead Act restricts the State from engaging directly or indirectly in the sale of goods or operation of businesses or services in competition with citizens of the State.

This bill was vetoed by the Governor on June 25, 2018, and that veto was overridden by the General Assembly on June 27, 2018. This section became effective June 27, 2018.

**S711 - NC Farm Act of 2018.**

**Sec. 4: Allow Distribution of Verified Propagules by Industrial Hemp Commission. (SL 2018-113)**

Sec. 4 of S.L. 2018-113 classifies "verified propagules," which are seeds or clones from an industrial hemp plant that has been laboratory tested and confirmed to have a THC concentration that complies with federal law, as hemp products. This would allow distribution of clones for cultivation. Under prior law, only certified seed was classified as a hemp product for purposes of cultivation.

This bill was vetoed by the Governor on June 25, 2018, and that veto was overridden by the General Assembly on June 27, 2018. This section became effective June 27, 2018.

## **S711 - NC Farm Act of 2018.**

### **Sec. 6: Direct Department of Agriculture and Consumer Services to Address Mislabeling of Plant-Based Products as "Milk". (SL 2018-113)**

Sec. 6 of S.L. 2018-113 directs the Food and Drug Protection Division of the Department of Agriculture and Consumer Services ("Department") to immediately develop an enforcement plan to enforce the United States Food and Drug Administration's standard of identity for milk and the Pasteurized Milk Ordinance, as adopted in the North Carolina Administrative Code, to prohibit the sale of plant-based products mislabeled as milk, such as soy milk and almond milk.

No later than 90 days after the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as milk that is consistent with this section by any 11 of the group of states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia, the Department would be required to implement its enforcement plan, including notification of the Department's intent to embargo all mislabeled products offered for sale in the State. No later than 6 months after 11 of these states adopt consistent labeling requirements, plant-based products displayed for sale in this State must be labeled in accordance with FDA's standard of identity for milk and the Pasteurized Milk Ordinance. This will prohibit beverages derived from plants from being labeled as milk, such as "soy milk" and "almond milk."

Nothing in this section should be construed to limit the Department's authority to enforce its laws and regulations.

This bill was vetoed by the Governor on June 25, 2018, and that veto was overridden by the General Assembly on June 27, 2018. This section became effective June 27, 2018.

## **S711 - NC Farm Act of 2018.**

### **Sec. 9: Mandatory Record Notice of Proximity to Farmlands. (SL 2018-113)**

Sec. 9 of S.L. 2018-113 directs all counties in the State to require that land records include some form of notice reasonably calculated to alert a person researching the title of a particular tract that the tract is located within one half-mile of a poultry, swine, or dairy qualifying farm or other qualifying farm or a voluntary agricultural district, or within 600 feet of any other type of qualifying farm. For purposes of this section, a qualifying farm means a farm that qualifies for inclusion in a voluntary agricultural district or an enhanced voluntary agricultural district. Under prior law, any county that has a computerized land records system had the option to require such notice.

This section also provides that no cause of action shall arise out of the failure of a person licensed by the North Carolina Real Estate Commission or the North Carolina Appraisal Board for failure to report to any person the proximity of a tract to a qualifying farm or voluntary agricultural district.

This bill was vetoed by the Governor on June 25, 2018, and that veto was overridden by the General Assembly on June 27, 2018. This section became effective June 27, 2018.

**S711 - NC Farm Act of 2018.**

**Sec. 10: Amend North Carolina Right to Farm Law. (SL 2018-113)**

Section 10.(a) of S.L. 2018-113 provides that no nuisance action may be filed against an agricultural or forestry operation unless all of the following apply:

- The plaintiff is a legal possessor of the real property affected by the conditions alleged to be a nuisance.
- The real property affected by the conditions alleged to be a nuisance is located within one half-mile of the source of the activity or structure alleged to be a nuisance.
- The action is filed within one year of the establishment of the agricultural or forestry operation or within one year of the operation undergoing a fundamental change.

Pursuant to existing law, a fundamental change does not include any of the following:

- A change in ownership or size.
- An interruption of farming for a period of no more than three years.
- Participation in a government-sponsored agricultural program.
- Employment of new technology.
- A change in the type of agricultural or forestry product produced.

This section also repeals a provision allowing nuisance suits that would otherwise be barred if the nuisance results from the negligent or improper operation of an agricultural or forestry operation.

Section 10.(b) prohibits a plaintiff from recovering punitive damages in a private nuisance action where the alleged nuisance emanated from an agricultural or forestry operation that has not been subject to a criminal conviction or a civil enforcement action taken by a State or federal environmental regulatory agency pursuant to a notice of violation for the conduct alleged to be the source of the nuisance within the three years prior to the first act on which the nuisance action is based.

This bill was vetoed by the Governor on June 25, 2018, and that veto was overridden by the General Assembly on June 27, 2018. This section became effective June 27, 2018.

**S711 - NC Farm Act of 2018.**

**Sec. 12: Amend Soil and Water Conservation District Supervisor Continuing Education Requirements. (SL 2018-113)**

Sec. 12 of S.L. 2018-113 provides that appointed and elected soil and water conservation district supervisors must receive six clock hours of training on soil, water, and natural resources conservation and the duties and responsibilities of district supervisors per four-year term in office. Under prior law, district supervisors were required to receive six clock hours of training per year.

This bill was vetoed by the Governor on June 25, 2018, and that veto was overridden by the General Assembly on June 27, 2018. This section became effective June 27, 2018.

**S711 - NC Farm Act of 2018.**

**Sec. 14: Provide Uniformity to Assessment of Farm Machinery. (SL 2018-113)**

Sec. 14 of S.L. 2018-113 directs the Department of Revenue to publish a depreciation schedule for farm equipment and make the schedule electronically available on its website. A county appraiser may use any of the appraisal methods provided in statute and must consider relevant taxpayer information. However, if the county uses a cost approach method to appraise the equipment, the county must appraise the equipment using the depreciation schedule published by the Department of Revenue.

This bill was vetoed by the Governor on June 25, 2018, and that veto was overridden by the General Assembly on June 27, 2018. This section is effective for taxes imposed for taxable years beginning on or after July 1, 2019.

**S711 - NC Farm Act of 2018.**

**Sec. 15.1: Law Enforcement Mutual Aid and Veterinarian Comity for World Equestrian Games. (SL 2018-113)**

Sec. 15.1 of S.L. 2018-113 allows any law enforcement agency in the State to enter into intergovernmental law enforcement mutual aid agreements with out-of-state law enforcement agencies or out-of-state law enforcement officers to aid in enforcing North Carolina laws within the jurisdiction of the requesting law enforcement agency for maintaining security for an international equestrian event. The agreement must be in writing and must contain certain provisions addressing standards of conduct, training requirements, and reimbursement of costs and expenses.

This section also provides that any nonresident veterinarian validly licensed in another state, territory, district of the United States, or foreign country may apply to the Veterinary Board for licensure to practice veterinary medicine. The Board must issue a license to practice veterinary medicine without written examination for no charge.

This bill was vetoed by the Governor on June 25, 2018, and that veto was overridden by the General Assembly on June 27, 2018. This section became effective June 27, 2018, and expires October 1, 2018.

**S711 - NC Farm Act of 2018.**

**Sec. 15.2: Allow the Dispensing of Raw Milk and Raw Milk Products to Independent or Partial Owners of Lactating Animals for Personal Use or Consumption. (SL 2018-113)**

Sec. 15.2 of S.L. 2018-113 allows the dispensing of raw milk and raw milk products to an independent or partial owner of a cow, goat, or other lactating animal for the owner's personal use or consumption.

This bill was vetoed by the Governor on June 25, 2018, and that veto was overridden by the General Assembly on June 27, 2018. This section becomes effective October 1, 2018.