

Agriculture and Wildlife

See full summary documents for additional detail

H308 - Regulatory Reform Act of 2020.

Sec. 4: Abandoned and Derelict Vessels. (SL 2020-74)

Section 4 of S.L. 2020-74 amends S.L. 2019-224 to require Wildlife Resources Commission (WRC) to provide notice to the owner of an abandoned or derelict vessel, if possible, post notice on the vessel itself, and allow 30 days for response prior to taking actions to remove and dispose of the abandoned or derelict vessel. This section also directs WRC to prioritize the removal of abandoned and derelict vessels on public waters and lands, and clarifies the definition of "abandoned and derelict vessel."

This section became effective July 1, 2020.

H308 - Regulatory Reform Act of 2020.

Sec. 22: Amend Species Conservation Plan Process. (SL 2020-74)

Section 22 of S.L. 2020-74 changes the process the Wildlife Resources Commission (WRC) uses to adopt conservation plans, eliminate part of the required analysis, require WRC to publish draft plans online, and consider public comment. This section directs the NC Nongame Wildlife Advisory Committee to assist WRC in developing the conservation plans, including establishing a priority order for conservation plans and determining where combined conservation plans may be appropriate.

This section became effective July 1, 2020.

H1043 - 2020 COVID-19 Recovery Act.

Sec. 4.15: Emergency Grants for Milk Producers. (SL 2020-4)

Section 4.15 of S.L. 2020-4, as enacted by Section 1.3 of S.L. 2020-97, directs the expenditure of \$2 million appropriated to the Department of Agriculture and Consumer Services (Department) in Section 1.2 of S.L. 2020-97 for emergency grants to milk producers. This section directs the Department to make monthly grant payments from the Dairy Stabilization and Growth Fund to each eligible dairy producer in any month where the baseline price of \$20.38 exceeds the monthly Class I Milk Price for the Appalachian Milk Marketing Order area reported by the Agricultural Marketing Service of the United States Department of Agriculture. The maximum grant amount provided to any producer in any month cannot exceed \$25,000. The Department must report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division on its distribution of funds by November 1, 2020, and on the use of funds by recipients by February 1, 2021.

The Department can also use up to \$50,000 of the funds to study issues arising from the COVID-19 pandemic with transportation and product diversification within the North Carolina dairy industry. The Department must report its findings and recommendations to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division no later than April 1, 2022.

This section became effective September 4, 2020.

H1163 - Guilford Funds/Cabarrus Land/Brunsw Shellfish. (SL 2020-63)

S.L. 2020-63 does the following:

- Reallocates the unused portion of funds originally allocated to Guilford County and certain municipalities in northwest Guilford County for water and wastewater system improvements by dividing that unused portion equally among the municipalities of Oak Ridge, Stokesdale, and Summerfield to be used for water infrastructure projects.
- Transfers certain parcels of the Stonewall Jackson Manual Training and Industrial School campus to Cabarrus County.
- Creates a pilot program to lift a moratorium on shellfish leases in certain waters in Brunswick County.

This act became effective July 1, 2020. The section creating a shellfish lease pilot program will expire July 1, 2032, and any leases granted pursuant to that section must expire no later than July 1, 2033.

S315 - North Carolina Farm Act of 2019-20.

Sec. 1: Require Utility Companies to Dispose of Certain Unused Easements Under Certain Circumstances. (SL 2020-18)

Section 1 of S.L. 2020-18 creates a process by which the underlying fee owner of land encumbered by any easement acquired by a utility company, on which the utility company has not commenced construction within 20 years of the date of acquisition, may file a complaint with the Utilities Commission for an order requiring the utility company to terminate the easement in exchange for payment by the underlying fee owner of the current fair market value of the easement. If the utility company does not agree that the easement should be terminated, the utility company may request a determination from the Utilities Commission as to whether the easement is necessary or advisable for the utility company's long range needs for the provision of utilities to serve its service area, and whether termination of the easement would be contrary to the interests of the using and consuming public. If the parties cannot reach a mutually agreeable fair market value, the Utilities Commission must request the clerk of superior court in the county where the easement is located to appoint commissioners to determine the fair market value in accordance with the eminent domain valuation process.

This section became effective October 1, 2020, and applies to easements acquired on or after that date.

S315 - North Carolina Farm Act of 2019-20.

Sec. 2: Right-of-Way for Left-Turning Farm Equipment. (SL 2020-18)

Section 2 of S.L. 2020-18 prohibits the passing of self-propelled farm equipment by vehicles proceeding in the same direction when the farm equipment is making a left turn or signaling that it intends to make a left turn.

This section becomes effective December 1, 2020, and applies to offenses committed on or after that date.

S315 - North Carolina Farm Act of 2019-20.

Sec. 3: Expand Agricultural Outdoor Advertising. (SL 2020-18)

Section 3 of S.L. 2020-18 expands outdoor advertising near highway rights-of-way for bona fide farm property by increasing the size of the sign allowed, broadening the area where the sign could be placed, allowing all bona fide farms to place signs, and allowing the sign to stand year-round.

This section became effective June 12, 2020.

S315 - North Carolina Farm Act of 2019-20.

Sec. 4: Agriculture and Forestry Awareness Study Commission Cochair Holdover. (SL 2020-18)

Section 4 of S.L. 2020-18 provides that a cochair of the Agriculture and Forestry Awareness Study Commission may continue to serve for so long as the cochair remains a member of the General Assembly and no successor has been appointed. A cochair of the Agriculture and Forestry Awareness Study Commission who does not seek reelection or is not reelected to the General Assembly would be allowed to complete a term of service on the Commission until the day on which a new General Assembly convenes.

This section became effective June 12, 2020.

S315 - North Carolina Farm Act of 2019-20.

Sec. 5(a) and 5(b): Add Hunting, Fishing, and Equestrian Activities to the Definition of Agritourism. (SL 2020-18)

Sections 5.(a) and 5.(b) of S.L. 2020-18 add hunting, fishing, and equestrian activities to the listed activities that constitute agritourism for purposes of agritourism activity liability and county zoning.

These sections became effective June 12, 2020, and shall not be construed to affect any existing agreement or settlement with a local government, any permit or zoning decision previously issued by a local government, or any pending or ongoing litigation.

S315 - North Carolina Farm Act of 2019-20.

Sec. 5(c) and 5(d): Limit Regulation of Catering by Bona Fide Farms. (SL 2020-18)

Sections 5.(c) and 5.(d) of S.L. 2020-18 prohibit local governments from requiring a business located on a property used for bona fide farm purposes, that provides on- and off-site catering services, to obtain a permit to provide catering services within the local government. These sections do not exempt the business from any health and safety rules adopted by a local health department, the Department of Health and Human Services, or the Commission for Public Health.

These sections became effective June 12, 2020.

S315 - North Carolina Farm Act of 2019-20.

Sec. 6: Enact the North Carolina Sweetpotato Act for the Promotion of North Carolina Sweetpotatoes. (SL 2020-18)

Section 6 of S.L. 2020-18 allows the Commissioner of Agriculture to register, license, and protect a trademark for the sale and promotion of North Carolina sweetpotatoes and to collect a reasonable royalty or license fee for use of the mark. The Commissioner must remit all royalties and license fees received, less any costs associated with monitoring the use of the trademark, prohibiting the unlawful or unauthorized use of the trademark, and enforcing rights in the trademark, to the North Carolina SweetPotato Commission for the promotion of North Carolina sweetpotatoes. This section also directs the Commissioner to appoint a North Carolina Sweetpotato Advisory Council to give advice on the promotion of North Carolina sweetpotatoes.

This section became effective June 12, 2020.

S315 - North Carolina Farm Act of 2019-20.

Sec. 7: Soil and Water Conservation Job Approval Authority. (SL 2020-18)

Section 7 of S.L. 2020-18 allows the North Carolina Soil and Water Conservation Commission (SWCC) to grant engineering job approval authority to Soil and Water Conservation District technical staff for the planning, design, and implementation of best management practices approved by the SWCC. Under prior law, job approval authority could only be granted to Soil and Water Conservation District staff by the USDA Natural Resources Conservation Service.

This section became effective June 12, 2020.

S315 - North Carolina Farm Act of 2019-20.

Sec. 8: Present Use Value Disqualification Event Notification. (SL 2020-18)

Section 8 of S.L. 2020-18 provides that if a tax assessor determines that a property loses its eligibility for present use value classification for a reason other than failure to file a timely application required due to transfer of the land, the assessor must provide written notice of the decision. The decision may be appealed within 60 days after the date of the written notice. A new appeal to a decision of the assessor regarding the disqualification of property for which notice was received does not have to be submitted for subsequent tax years while the appeal of that disqualifying event is outstanding. When a property's present-use value classification is reinstated upon appeal of the disqualifying event, it is reinstated retroactive to the date the classification was revoked. If the assessor determines during the appeal process that the property has lost its eligibility for present use value classification because of an additional disqualifying event, the assessor must provide written notice of the subsequent disqualification.

This section became effective June 12, 2020.

S315 - North Carolina Farm Act of 2019-20.

Sec. 9: Change Name of Food Processing Innovation Center Committee. (SL 2020-18)

Section 9 of S.L. 2020-18 changes the name of the Food Processing Innovation Center Committee, established in the 2017 Appropriations Act, to the North Carolina Food Innovation Lab Committee, to be consistent with the name of the facility at the North Carolina Research Campus in Kannapolis. This section also sunsets the North Carolina Food Innovation Lab Committee on January 1, 2021.

This section became effective June 12, 2020.

S315 - North Carolina Farm Act of 2019-20.

Sec. 10: Soil and Water Conservation Confidentiality Change. (SL 2020-18)

Section 10 of S.L. 2020-18 provides that all information that is collected by soil and water conservation districts from farm owners, animal owners, agricultural producers or owners of agricultural land that is confidential under federal or State law must be held confidential by the soil and water conservation districts. This includes (i) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in soil and water conservation programs, and (ii) geospatial information otherwise maintained by the district about agricultural lands or operations for which certain information is provided. This does not include applications for cost share assistance and associated contract documents that require the approval of the soil and water conservation district or the Soil and Water Conservation Commission.

This section became effective October 1, 2020.

S315 - North Carolina Farm Act of 2019-20.

Sec. 11: Clarify Permitting for Certain Swine Farm Modifications. (SL 2020-18)

Section 11 of S.L. 2020-18 allows the Environmental Management Commission to issue or modify a permit to authorize the construction, operation, or expansion of an animal waste management system serving a swine farm that employs an anaerobic lagoon as the primary method of treatment and land application of waste by means of a sprayfield as the primary method of waste management if the permitting action does not result in an increase in the permitted capacity of the swine farm, as measured by the annual steady state live weight capacity of the swine farm. The system may also meet the performance standards for new animal waste management systems serving swine farms that were enacted in 2007.

This section became effective June 12, 2020.

S315 - North Carolina Farm Act of 2019-20.

Sec. 12: Prevent Grant Funding Duplication. (SL 2020-18)

Section 12 of S.L. 2020-18 amends existing law to provide that projects that are part of the Environmental Quality Incentives Program (EQIP) are ineligible for State Water Resources Development Grant (WRDG)

funding if they receive funding from the Clean Water Management Trust Fund (CWMTF), and are ineligible for CWMTF funding if they receive WRDG funding. This section also required the Department of Environmental Quality and the Department of Natural and Cultural Resources to report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources no later than September 30, 2020, regarding funding overlaps between water resources development grant funding and CWMTF grants for EQIP funding for the Western Stream Initiative and the efforts of both Departments to improve administration of State grants for that program.

This section became effective June 12, 2020.

S315 - North Carolina Farm Act of 2019-20.

Sec. 13: Improve Performance Management of State Grant Funds. (SL 2020-18)

Section 13 of S.L. 2020-18 directs the Department of Environmental Quality and, as applicable, the Clean Water Management Trust Fund to collect and report to the General Assembly certain grant administration and grant implementation efficiency and effectiveness measures. The report is due annually no later than November 1 to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division.

This section became effective June 12, 2020.

S315 - North Carolina Farm Act of 2019-20.

Sec. 14: Agriculture and Forestry Awareness Dairy Study. (SL 2020-18)

Section 14 of S.L. 2020-18 directs the Agriculture and Forestry Awareness Study Commission to study policy options available to support the dairy industry in North Carolina and report its findings and recommendations, including any legislative proposals, to the General Assembly by December 1, 2021.

This section became effective June 12, 2020.

S315 - North Carolina Farm Act of 2019-20.

Sec. 15: Specify that the TMDL Transport Factor Applies When Offsetting Certain Permitted Wastewater Discharges. (SL 2020-18)

Sections 15.(a) and 15.(b) of S.L. 2020-18 provide that nutrient offset credits must be applied to a wastewater permit by applying the Total Maximum Daily Load (TMDL) transport factor to the permitted wastewater discharge and to the nutrient offset credits. These sections apply only to wastewater discharge permit applications for a local government located in the Neuse River Basin with a customer base of fewer than 15,000 connections.

Section 15.(c) provides that no later than August 1, 2020, the Department of Environmental Quality (DEQ), in conjunction with affected parties, must begin modeling necessary to determine new transport zones and delivery factors for the Neuse River Basin for point source discharges and nutrient offset credits. Once DEQ completes that modeling, the Environmental Management Commission must then adopt new transport

zones and delivery factors by rule, using the DEQ modeling and other information provided during the public comment period.

This section became effective June 12, 2020. Sections 15.(a) and 15.(b) expire when the rule required by Section 15.(c) becomes effective.

S390 - DuPont State Forest-Financial Study. (SL 2020-16)

Session Law 2020-16 directs the Department of Agriculture and Consumer Services to study DuPont State Recreational Forest's operating model and create a plan to ensure a sustainable revenue stream for the Forest, and distributes a portion of the gross proceeds from the sale of State-owned real property located outside the State Capitol Area to the Clean Water Management Trust Fund and the Parks and Recreation Trust Fund.

This act became effective June 12, 2020.

S681 - Agency Policy Directives/2019-2020. Sec. 5.1: DACS Report Changes. (SL 2020-78)

Section 5.1 of S.L. 2020-78 makes changes to several annual reports required of the Department of Agriculture and Consumer Services, primarily to the committees at the General Assembly that receive the reports. These reports include the revenues and expenditures of the Spay/Neuter Account, the revenues and expenditures of the Animal Shelter Support Fund, the activities of the Farmland Preservation and Farmland Preservation Trust Fund and Advisory Committee, the activities of the North Carolina Sentinel Landscapes Committee, the Department's management activities at DuPont State Recreational Forest, information on all major or project wildfires in the prior fiscal year, information on the Forestry Development Fund, the B.R.I.D.G.E. Youthful Offenders Program, and funds allocated to the North Carolina Agricultural Foundation for programs of the North Carolina Future Farmers of America Association.

This section became effective July 1, 2020.

S681 - Agency Policy Directives/2019-2020. Sec. 5.2: Farmland Preservation Fund Codes. (SL 2020-78)

Section 5.2 of S.L. 2020-78 directs the Office of State Budget and Management to close the Farmland Preservation Special Fund and redirect the current transfer from the Agriculture General Fund from the Farmland Preservation Special Fund to the Land Preservation and Trust Investment Fund, consistent with the General Assembly's intent to consolidate all fund balances related to the Agriculture Development and Farmland Preservation Trust Fund within the Land Preservation and Trust Investment Fund for the 2021-2022 fiscal year.

This section became effective July 1, 2020.

S681 - Agency Policy Directives/2019-2020.

Sec. 8.3: Natural Heritage Program Administration and Fund Correction. (SL 2020-78)

Sec. 8.3 of S.L. 2020-78 clarifies and conforms existing laws applicable to the Natural Heritage Program (NHP) to reflect the 2015 reorganization transferring the Natural Heritage Program from the Department of Environmental Quality (DEQ) to the Department of Natural and Cultural Resources (DNCR). The provision clarifies the treatment of fees collected by DNCR for the Natural Heritage Program, and transfers all duties and responsibilities related to stewardship and oversight of properties and interests for which tax credits for tax years beginning before January 1, 2014, were granted under the Conservation Tax Credit program from DEQ to DNCR, specifying that those duties and responsibilities transferred must be exercised through the Natural Heritage Program.

This section became effective July 1, 2020.

S681 - Agency Policy Directives/2019-2020.

Sec. 9.1: Outdoor Heritage Amendment. (SL 2020-78)

Section 9.1 of S.L. 2020-78 adds employees of the Outdoor Heritage Advisory Council to the list of employees exempt from the North Carolina Human Resources Act.

This section became effective July 1, 2020.

S681 - Agency Policy Directives/2019-2020.

Sec. 9.3: Habitat Optimization Plan. (SL 2020-78)

Section 9.3 of S.L. 2020-78 directs the Wildlife Resources Commission (WRC) and the North Carolina Forest Service to coordinate with the US Forest Service to formulate a plan to optimize habitats to reverse declines in wildlife population on State and federal lands. WRC and the North Carolina Forest Service must report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources regarding this plan no later than July 1, 2021.

This section became effective July 1, 2020.

S812 - Agricultural Sciences Center Funds. (SL 2020-44)

S.L. 2020-44 provides \$10.1 million in funding for the Department of Agriculture and Consumer Services' new Agricultural Sciences Center by reallocating existing cash balances from four different sources.

This act became effective July 1, 2020.