

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL 355  
House Committee Substitute Favorable 6/5/24  
Third Edition Engrossed 6/6/24  
Proposed Conference Committee Substitute S355-PCCS35385-TQ-1

Short Title: North Carolina Farm Act of 2024.

(Public)

Sponsors:

Referred to:

March 23, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS CHANGES TO THE AGRICULTURAL LAWS OF THIS  
3 STATE.

4 The General Assembly of North Carolina enacts:

5  
6 **PART I. AGRICULTURE AND ENVIRONMENT**

7  
8 **CLARIFY THAT AGRICULTURE INCLUDES HORSE BOARDING**

9 **SECTION 1.(a)** G.S. 106-581.1 reads as rewritten:

10 **"§ 106-581.1. Agriculture defined.**

11 For purposes of this Article, the terms "agriculture", "agricultural", and "farming" refer to all  
12 of the following:

13 ...

- 14 (3) Dairying and the raising, management, care, and training of livestock,  
15 including horses, bees, poultry, and other animals for individual and public  
16 use, consumption, and marketing. The raising, management, care, and training  
17 of horses includes the boarding of horses.

18 ...."

19 **SECTION 1.(b)** G.S. 106-701 reads as rewritten:

20 **"§ 106-701. Right to farm defense; nuisance actions.**

21 ...

22 (b) For the purposes of this Article, "agricultural operation" includes, without limitation,  
23 any facility for the production for commercial purposes of crops, livestock, poultry, livestock  
24 products, or poultry products. Production for commercial purposes of livestock includes the  
25 rearing, feeding, training, caring, boarding, and managing of horses.

26 ...."

27 **SECTION 1.(c)** G.S. 113A-52.01 reads as rewritten:

28 **"§ 113A-52.01. Applicability of this Article.**

29 This Article shall not apply to the following land-disturbing activities:

- 30 (1) Activities, including the production and activities relating or incidental to the  
31 production of crops, grains, fruits, vegetables, ornamental and flowering  
32 plants, dairy, livestock, poultry, and all other forms of agriculture undertaken  
33 on agricultural land for the production of plants and animals useful to man,  
34 including, but not limited to:



\* S 3 5 5 - P C C S 3 5 3 8 5 - T Q - 1 \*

- 1 a. Forages and sod crops, grains and feed crops, tobacco, cotton, and  
 2 peanuts.  
 3 b. Dairy animals and dairy products.  
 4 c. Poultry and poultry products.  
 5 d. Livestock, including beef cattle, llamas, sheep, swine, horses, ponies,  
 6 mules, and goats. This includes the rearing, feeding, training, caring,  
 7 boarding, and managing of horses.  
 8 e. Bees and apiary products.  
 9 f. Fur producing animals.  
 10 g. Mulch, ornamental plants, and other horticultural products. For  
 11 purposes of this section, "mulch" means substances composed  
 12 primarily of plant remains or mixtures of such substances.

13 ...."

14 **SECTION 1.(d)** G.S. 122D-3(2) reads as rewritten:

15 "(2) "Agriculture" means the commercial production, storage, processing,  
 16 marketing, distribution or export of any agronomic, floricultural, horticultural,  
 17 viticultural, silvicultural or aquacultural crop including, but not limited to,  
 18 farm products, livestock and livestock products, poultry and poultry products,  
 19 milk and dairy products, fruit and other horticultural products, ~~and~~ seafood  
 20 and aquacultural ~~products-products,~~ and the rearing, feeding, training, caring,  
 21 boarding, and managing of horses."

## 22 23 NORTH CAROLINA SWEETPOTATO ACT OF 2020 REVISIONS

24 **SECTION 2.(a)** G.S. 106-1068 reads as rewritten:

25 **"§ 106-1068. Powers of Commissioner to regulate and promote North Carolina**  
 26 **sweetpotatoes.**

27 (a) The Commissioner of Agriculture may take all actions necessary and appropriate to  
 28 create, register, license, promote, and protect a trademark for use on or in connection with the  
 29 sale or promotion of North Carolina sweetpotatoes and products containing North Carolina  
 30 sweetpotatoes. Participation in the branding program authorized by this section shall be  
 31 voluntary. The Commissioner may impose and collect a reasonable royalty or license fee per  
 32 hundredweight of sweetpotatoes for the use of such trademark on products containing North  
 33 Carolina sweetpotatoes or the packaging containing such sweetpotato products. The  
 34 Commissioner shall determine the fee in consultation with ~~representatives of the sweetpotato~~  
 35 ~~industry and the Marketing Division of the Department of Agriculture and Consumer Services.~~  
 36 the North Carolina Sweetpotato Commission. The Commissioner shall remit all royalties and  
 37 license fees received from this Article, less any costs associated with monitoring the use of the  
 38 trademark, prohibiting the unlawful or unauthorized use of the trademark, and enforcing rights  
 39 in the trademark, to the North Carolina ~~SweetPotato-Sweetpotato~~ Commission for the promotion  
 40 of North Carolina sweetpotatoes.

41 (b) The Board of Agriculture ~~may shall,~~ in consultation with the North Carolina  
 42 Sweetpotato Commission, adopt rules that may include, but are not limited to, quality standards,  
 43 grades, packing, handling, labeling, and marketing practices for the marketing of sweetpotatoes  
 44 in this State, ~~State using the trademark created for the voluntary branding program established~~  
 45 by subsection (a) of this section, and such other rules as are necessary to administer this Article.  
 46 The Board of Agriculture ~~may shall,~~ in consultation with the North Carolina Sweetpotato  
 47 Commission, also adopt rules establishing a registration, inspection, and verification program for  
 48 the production and marketing of North Carolina sweetpotatoes in this State. ~~State using the~~  
 49 trademark created for the voluntary branding program established by subsection (a) of this  
 50 section. All North Carolina sweetpotatoes sold in connection with the voluntary branding  
 51 program shall conform to the prescribed standards and grades and shall be labeled accordingly.

1 (c) The Commissioner and the Commissioner's agents and employees may enter any  
2 premises or other property where sweetpotatoes marketed or labeled, or intended to be marketed  
3 or labeled, using the trademark created for the voluntary branding program established by  
4 subsection (a) of this section are produced, stored, sold, offered for sale, packaged for sale,  
5 transported, or delivered to inspect the sweetpotatoes for the purpose of enforcing the provisions  
6 of this Article and the rules adopted under this Article.

7 (d) The North Carolina Sweetpotato Commission shall render advice regarding the  
8 exercise of the Commissioner's authority pursuant to this section. The North Carolina  
9 Sweetpotato Commission shall also provide advice and recommendations to the  
10 Commissioner on plant pest regulatory issues affecting sweetpotatoes, over which the  
11 Commissioner has regulatory jurisdiction."

12 SECTION 2.(b) G.S. 106-1066(3) is repealed.

13 SECTION 2.(c) G.S. 106-1070 is repealed.

### 14 15 FERAL SWINE AMENDMENTS

16 SECTION 3.(a) G.S. 106-798 reads as rewritten:

#### 17 "§ 106-798. Identification required to transport swine.

18 (a) No live swine shall be transported on a public road within the State unless the swine  
19 has an official form of identification approved by the State Veterinarian for this purpose.

20 (b) Any live swine that is transported on a public road within this State without  
21 identification as required by this section is presumed to be a feral swine and is also subject to  
22 regulation by the Wildlife Resources Commission under Chapter 113 of the General Statutes.  
23 Any person transporting a swine without identification is subject to ~~a civil penalty under this~~  
24 ~~Article.~~ criminal penalties under Chapter 113 of the General Statutes.

25 (c) Swine that do not leave the premises of the swine owner are not subject to the  
26 identification requirement under this section.

27 (d) The Board of Agriculture shall adopt rules to charge any swine owner a fee for the  
28 identification required under this section. The fee may not exceed the actual cost to the  
29 Department of Agriculture and Consumer Services for the identification approved by the State  
30 Veterinarian and any direct administrative costs associated with providing the identification to  
31 swine owners. The Board of Agriculture shall adopt any other rules necessary to implement this  
32 Article."

33 SECTION 3.(b) G.S. 106-798.1 is repealed.

34 SECTION 3.(c) G.S. 113-129 reads as rewritten:

#### 35 "§ 113-129. Definitions relating to resources.

36 The following definitions and their cognates apply in the description of the various marine  
37 and estuarine and wildlife resources:

38 ...

39 (5d) Feral Swine. – Free-ranging mammals of the species Sus ~~serofa~~scrofa and  
40 live swine not transported in accordance with G.S. 106-798(b).

41 ...."

42 SECTION 3.(d) G.S. 113-291.12 reads as rewritten:

#### 43 "§ 113-291.12. Unlawful to remove live feral swine from ~~traps~~traps or transport live feral 44 swine.

45 (a) The General Assembly finds that feral swine are an invasive species and are deemed  
46 destructive to property and to be a potential safety or health risk to people, livestock, and other  
47 native wildlife.

48 (b) It is unlawful to remove feral swine from a trap while the swine is still alive or to  
49 transport ~~the live feral swine after that removal~~ without authorization from the Wildlife  
50 Resources Commission."

51 SECTION 3.(e) G.S. 113-294(s) reads as rewritten:

1       "(s) Any person who violates the provisions of G.S. 113-291.12 by unlawfully removing  
2 feral swine or from a trap while the swine is still alive or by transporting ~~such live feral swine~~  
3 ~~after that removal~~ is guilty of a Class 2 misdemeanor, punishable by a fine of not less than ~~two~~  
4 ~~hundred fifty dollars (\$250.00)~~ one thousand dollars (\$1,000) for a first offense and a Class A1  
5 misdemeanor, punishable by a fine of not less than five thousand dollars (\$5,000) or five hundred  
6 dollars (\$500.00) per feral swine, whichever is greater, for a second or subsequent offense. The  
7 acts of removal from a trap and of transporting ~~the swine after removal~~ live feral swine shall  
8 constitute separate offenses."

9       **SECTION 3.(f)** G.S. 113-276.3 reads as rewritten:

10       "**§ 113-276.3. Mandatory suspension of entitlement to license or permit for fixed period**  
11 **upon conviction of specified offenses.**

12       (a) Upon conviction of a suspension offense under this section, the defendant's  
13 entitlement to any license or permit applicable to the type of activity ~~he~~ the defendant was  
14 engaging in that resulted in the conviction is suspended for the period stated in subsection ~~(d)~~  
15 (d) or (f) of this section. The period of suspension begins:

- 16           (1) Upon the surrender to an authorized agent of the Wildlife Resources  
17 Commission of all applicable licenses and permits; or  
18           (2) If no licenses or permits are possessed, the defendant fails or refuses to  
19 surrender all licenses or permits, or any license or permit is lost or destroyed,  
20 upon the Executive Director's placing in the mail the notification required by  
21 subsection (c).

22       ...

23       (f) Conviction of a second violation of G.S. 113-294(s) results in a suspension for a  
24 period of one year. Conviction of a third violation of G.S. 113-294(s) results in a permanent  
25 revocation."

26       **SECTION 3.(g)** This section becomes effective December 1, 2024, and applies to  
27 offenses committed on or after that date.

## 29 **DIRECT AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION TO** 30 **STUDY LOW-HANGING COMMUNICATION LINES**

31       **SECTION 4.** The Agriculture and Forestry Awareness Study Commission shall  
32 collect information on communication lines that fall below the minimum height requirement and  
33 create a public safety hazard, particularly to agricultural operations. In conducting the study, the  
34 Commission shall seek input from the Office of Broadband Infrastructure of the Department of  
35 Information Technology, telecommunications companies, agricultural trade associations,  
36 commodity organizations, electric cooperatives, electric utility companies, third-party  
37 contractors, and any other stakeholders the Commission deems necessary. The Commission shall  
38 report its findings, including any recommendations or proposed legislation, prior to the  
39 convening of the 2025 Regular Session of the General Assembly.

## 41 **SHELLFISH LEASE AND FRANCHISE AMENDMENTS**

42       **SECTION 5.(a)** Sections 3(c) and 3(d) of S.L. 2019-37 read as rewritten:

43       "**SECTION 3.(c)** Implementation. – Shellfish leases shall be terminated unless they comply  
44 with the following requirements:

- 45           (1) ~~Franchises recognized pursuant to G.S. 113-206 and shellfish~~ Shellfish  
46 bottom leases shall be terminated unless:  
47           a. They produce a minimum of 20 bushels of shellfish per acre averaged  
48 over the previous three-year period beginning in year five of the lease;  
49 or  
50           b. For intensive culture bottom operations, the holder of the lease  
51 provides evidence of purchasing a minimum of 23,000 shellfish seed

per acre annually and for extensive culture bottom operations, the holder of the lease plants a minimum of 15,000 shellfish seed per acre per year.

(2) Water column leases shall be terminated unless:

- a. They produce a minimum of 50 bushels of shellfish per acre averaged over the previous three-year period beginning in year five of the lease; or
- b. The holder of the lease provides evidence of purchasing a minimum of 23,000 shellfish seed per acre annually.

**"SECTION 3.(d) Additional Rule-Making Authority.** – The Commission shall adopt a rule to amend the Shellfish Production Requirements Rule consistent with subsection (c) of this ~~section~~ section no later than July 1, 2024. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2)."

**SECTION 5.(b) G.S. 113-202(g) reads as rewritten:**

"(g) After consideration of the public comment received and any additional investigations the Secretary orders to evaluate the comments, the Secretary shall notify the applicant in person or by certified or registered mail of the decision on the lease application. The Secretary shall also notify persons who submitted comments at the public hearing and requested notice of the lease decision. If the Secretary fails to act on an application for a lease within 365 days after the applicant has submitted all information required by the rules of the Marine Fisheries Commission and accurately marked the proposed lease area, the application shall be deemed approved. An applicant who is dissatisfied with the Secretary's decision may commence a contested case by filing a petition under G.S. 150B-23 within 30 days after receiving notice of the Secretary's decision. In the event the Secretary's decision is a modification to which the applicant agrees, the lease applicant must furnish an amended map or diagram before the lease can be issued by the Secretary. A person other than the applicant who is aggrieved by the Secretary's decision may file a petition for a contested case hearing only if the Shellfish Cultivation Lease Review Committee established pursuant to G.S. 143B-289.57(f) determines that a hearing is appropriate. A request for a determination of the appropriateness of a contested case hearing shall be made in writing and received by the Review Committee within 30 days after the disputed decision is made. A determination of the appropriateness of a contested case shall be made by the Review Committee within 90 days after a request for a determination is received and shall be based on whether the person seeking to commence a contested case:

- (1) Has alleged that the decision is contrary to a statute or rule.
- (2) Is directly affected by the decision.
- (3) Has alleged facts or made legal arguments that demonstrate that the request for the hearing is not frivolous.

...."

**EXTEND ANIMAL WASTE MANAGEMENT SYSTEM GENERAL PERMITS THROUGH SEPTEMBER 30, 2026**

**SECTION 5.1.** Notwithstanding 15A NCAC 02T .0111(e), or any other provision of law, the Department of Environmental Quality, pursuant to the powers relative to general permits and to permits for facilities not discharging to the surface waters of the State that are granted to the Environmental Management Commission under Part 1A of Article 21 of Chapter 143 of the General Statutes and delegated by the Commission to the Department, shall extend the expiration of general permits AWG100000 (Swine), AWG200000 (Cattle), AWG300000

1 (Wet Poultry) AWG400000 (Swine Digester), AWG50000 (Cattle Digester), and AWG600000  
2 (Wet Poultry Digester) until September 30, 2026. The Department of Environmental Quality  
3 shall also extend the expiration of certificates of coverage issued under these general permits  
4 until September 30, 2026.

## 6 FLOOD RESILIENCY BLUEPRINT CONTRACT AMENDMENTS

7 **SECTION 5.2.(a)** Section 40.7(a) of S.L. 2021-180, as amended by Section 2(a) of  
8 S.L. 2022-43, reads as rewritten:

9 "**SECTION 40.7.(a)** Funds transferred from the State Capital and Infrastructure Fund to the  
10 Department of Environmental Quality (Department) for stream debris removal shall be used for  
11 the removal and disposal of waterway debris from waters of the State located in a targeted river  
12 basin or other flood mitigation strategies throughout the State prioritized through the Flood  
13 Resiliency Blueprint developed under the directive set forth in Section 5.9(c) of this act. The  
14 Department shall develop a schedule for the removal and disposal of waterway debris from  
15 waters of the State located in a targeted river basin and shall contract with one or more appropriate  
16 and qualified private entities to carry out the debris removal and disposal activities. The  
17 Department may enter into a memorandum of understanding with another State agency for the  
18 purposes of implementing this section."

19 **SECTION 5.2.(b)** Section 40.7(e)(2) of S.L. 2021-180 reads as rewritten:

20 "(2) Targeted river basins. – The Neuse River basin, the Cape Fear River basin,  
21 the Lumber River basin, the Tar-Pamlico River basin, the French Broad River  
22 basin, and the White Oak River basin."

23 **SECTION 5.2.(c)** The Department of Environmental Quality may contract with one  
24 or more third parties for development and implementation of the Flood Resiliency Blueprint, as  
25 required by Section 5.9(c) and Section 40.7 of Session Law 2021-180, and shall be exempt from  
26 Articles 3 and 3C of Chapter 143 of the General Statutes with respect to those contracts.

## 28 ADD COMPOST TO RIGHT TO FARM/NUISANCE ACTIONS STATUTE

29 **SECTION 5.3.(a)** G.S. 106-701 reads as rewritten:

30 "**§ 106-701. Right to farm defense; nuisance actions.**

31 (a) No nuisance action may be filed against an agricultural or forestry operation unless  
32 all of the following apply:

- 33 (1) The plaintiff is a legal possessor of the real property affected by the conditions  
34 alleged to be a nuisance.
- 35 (2) The real property affected by the conditions alleged to be a nuisance is located  
36 within one half-mile of the source of the activity or structure alleged to be a  
37 nuisance.
- 38 (3) The action is filed within one year of the establishment of the agricultural or  
39 forestry operation or within one year of the operation undergoing a  
40 fundamental change.

41 (a1) For the purposes of subsection (a) of this section, a fundamental change to the  
42 operation does not include any of the following:

- 43 (1) A change in ownership or size.
- 44 (2) An interruption of farming for a period of no more than three years.
- 45 (3) Participation in a government-sponsored agricultural program.
- 46 (4) Employment of new technology.
- 47 (5) A change in the type of agricultural or forestry product produced.

48 (a2) Repealed by Session Laws 2018-113, s. 10(a), effective June 27, 2018.

49 (b) For the purposes of this Article, "agricultural operation" includes, without limitation,  
50 any facility for the production for commercial purposes of crops, a Type I compost facility,  
51 livestock, poultry, livestock products, or poultry products.

...."

SECTION 5.3.(b) This section is effective when it becomes law and applies to actions filed on or after that date.

## PART II. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### LIMIT AGRONOMIC SOIL TESTING TO IN-STATE SAMPLES

SECTION 6. G.S. 106-22 reads as rewritten:

#### "§ 106-22. Joint duties of Commissioner and Board.

The Commissioner of Agriculture, by and with the consent and advice of the Board of Agriculture shall:

...

- (17) Agronomic Testing. – Provide agronomic testing services and charge reasonable fees for plant analysis, nematode testing, ~~in-State soil testing during peak season, out-of-state soil testing,~~ and expedited soil testing. The Board shall charge at least four dollars (\$4.00) for plant analysis, at least two dollars (\$2.00) for nematode testing, at least four dollars (\$4.00) for ~~in-State soil testing during peak season, at least five dollars (\$5.00) for out-of-state soil testing,~~ and at least two hundred dollars (\$200.00) for expedited soil testing. Provision of soil testing services by the Commissioner shall be limited to in-State soil samples. As used in this subdivision, "peak season" includes at a minimum the four-month period beginning no later than December 1 of any year and extending until at least March 31 of the following year. The Board may modify the meaning of peak season by starting a peak season earlier in any year or ending it later the following year or both.

...."

### INCREASED PROMOTION OF NEW AND EMERGING CROPS

SECTION 7. Section 12.5(b) of S.L. 2018-5 reads as rewritten:

~~"SECTION 12.5.(b) No more than fifty percent (50%) of the funds~~ Funds appropriated by this act to the Bioenergy Research Initiative may be used by the Department of Agriculture and Consumer Services to fund efforts to advance and promote new and emerging crops authorized by subsection (a) of this ~~section~~ section and other research initiatives related to agricultural technologies."

### PERMANENT PRESCRIBED BURN COST SHARE PROGRAM

SECTION 8.(a) Section 10.9 of S.L. 2021-180 is repealed.

SECTION 8.(b) Chapter 106 of the General Statutes is amended by adding a new Article to read:

"Article 80A.

"Prescribed Burning Cost Share Program.

#### "§ 106-977. Prescribed Burning Cost Share Program.

(a) Program Established. – There is established the Prescribed Burning Cost Share Program. The Program shall be implemented and supervised by the North Carolina Forest Service of the Department of Agriculture and Consumer Services.

(b) Purposes. – The purpose of the Program shall be to support prescribed burns on privately owned forestlands that will maximize the benefits set forth in Article 80 of this Chapter. The program shall be subject to the following requirements and limitations:

- (1) The prescribed burning project shall comply with the requirements of Article 80 of this Chapter, as determined by the Forest Service.

1           (2)    The Forest Service shall establish and administer prescribed burning practices  
2           and prevailing rates per acre utilized by the Program. Reimbursement rates  
3           shall be set by the Board of Agriculture by rule, in consultation with the Forest  
4           Service, but the maximum allowable cost share reimbursement to  
5           participating landowners is seventy-five percent (75%) based on program rate  
6           per acre caps.

7           (c)    Availability of Funds. – State funds for the Program shall remain available until  
8           expended.

9           (d)    Administrative Costs. – In any State fiscal year, the Forest Service may use up to five  
10          percent (5%) of program appropriations for program administration and support. Program  
11          appropriations may also be utilized for position and operating expenses associated with one  
12          Forest Service Prescribed Burning Coordinator full-time employee position. The duties of this  
13          position shall include Prescribed Burning Program outreach, quality control assistance, and  
14          coordination of burning partners statewide.

15          (e)    Report. – The Department of Agriculture and Consumer Services shall report on its  
16          implementation of this section no later than January 15 of each even-numbered year to the chairs  
17          of the Joint Legislative Oversight Committee on Agriculture and Natural and Economic  
18          Resources and the Fiscal Research Division."

19                **SECTION 8.(c)** This section becomes effective July 1, 2025.

## 21 **TIMBER SALES/RETENTION AND USE OF PROCEEDS**

22                **SECTION 9.** G.S. 146-30(d)(6) reads as rewritten:

23                "(6)    The following provisions apply with respect to land owned by or under the  
24                supervision and control of the Department of Agriculture and Consumer  
25                Services:

- 26                a.    The net proceeds derived from the sale of land shall be deposited in a  
27                capital improvement account to the credit of the Department of  
28                Agriculture and Consumer Services, to be used for such specific  
29                capital improvement projects or other purposes as are provided by  
30                transfer of funds from those accounts in an act of the General  
31                Assembly.
- 32                b.    The net proceeds derived from the sale of timber and other products of  
33                land shall be deposited in accounts to the credit of the Department of  
34                Agriculture and Consumer Services to be used for operational  
35                expenses of the Department incurred for restoration and stewardship  
36                of the ~~land~~ land; for capital improvement projects; for costs incidental  
37                to the acquisition of land, such as land appraisals, land surveys, title  
38                searches, and environmental studies; and for the management of the  
39                plant conservation program preserves owned by the Department.
- 40                c.    Except as otherwise specifically provided by law, the Department of  
41                Agriculture and Consumer Services is subject to Article 6A of Chapter  
42                147 of the General Statutes with respect to net proceeds required to be  
43                deposited as provided in this subdivision."  
44

## 45 **AMEND SWINE AND DAIRY ASSISTANCE PROGRAM ELIGIBILITY**

46                **SECTION 10.** Section 10.8(e) of S.L. 2021-180 reads as rewritten:

47                "**SECTION 10.8.(e)** Financial Assistance Procedures. – The Department shall award  
48                financial assistance based on the following procedures:

- 49                (1)    The Department shall award a one-time financial assistance relief payment of  
50                thirty-one thousand five hundred dollars (\$31,500) to each eligible applicant.



- 1 (2) In addition to the financial assistance awarded under subdivision (1) of this  
 2 subsection, the Department shall award either, but not both, of the following  
 3 to a qualifying eligible applicant:  
 4 a. Financial assistance to be administered as follows:  
 5 1. A cost share for closure of swine lagoons for swine operations  
 6 that will not secure a contract with another swine integrator and  
 7 will cease swine production, or for closure of dairy waste  
 8 structures associated with dairy operations that will cease milk  
 9 production. These cost shares shall be limited to ninety percent  
 10 (90%) of the lagoon closure cost, not to exceed one hundred  
 11 thousand dollars (\$100,000) per operation.  
 12 2. If an applicant who receives a cost share pursuant to this  
 13 sub-subdivision demonstrates a need for additional water  
 14 supply for agricultural uses, then the applicant may request an  
 15 additional cost share to convert the decommissioned lagoon to  
 16 an agricultural water supply pond. These cost shares shall be  
 17 limited to ninety percent (90%) of the actual cost, not to exceed  
 18 thirty thousand dollars (\$30,000) per operation.  
 19 b. Financial assistance to swine producers for a fixed dollar amount per  
 20 head space for producers who are able to secure a production contract  
 21 with another swine integrator but must invest in upgrades to existing  
 22 barns or completely rebuild animal housing. The maximum award  
 23 under this sub-subdivision for renovations shall be seventy dollars  
 24 (\$70.00) per head space for sow housing, ten dollars (\$10.00) per head  
 25 space for renovation to all other animal housing, or twenty  
 26 dollars (\$20.00) per head space for rebuilt animal housing, but no  
 27 award under this sub-subdivision may exceed ninety percent (90%) of  
 28 the actual cost of the renovation or construction. A swine producer  
 29 shall produce documentation of a new contract or letter of intent with  
 30 a swine integrator to establish eligibility for this financial assistance.  
 31 c. The financial assistance provided under sub-subdivision b. of this  
 32 subdivision is available to the purchaser of a swine operation, provided  
 33 that the seller otherwise meets the eligibility requirements of this  
 34 section on the date of the sale.

35 ...."

36  
 37 **GO GLOBAL ENDOWMENT**

38 **SECTION 11.(a)** The funds appropriated to the Department of Agriculture and  
 39 Consumer Services (Department) for Go Global pursuant to Item 13 on page D9 of the  
 40 Committee Report as described in Section 43.2 of S.L. 2023-134 shall be used to establish an  
 41 endowment administered by the North Carolina Community Foundation, Inc., a nonprofit  
 42 corporation (Community Foundation), to provide scholarships for the Global Teacher Fellowship  
 43 program with a focus on agricultural teachers. The fellowship shall also be open to any individual  
 44 directly associated with the agriculture industry, regardless of their connection to education. Each  
 45 fellowship must be approved by the Commissioner of Agriculture or the Commissioner's  
 46 designee. The endowment shall accept matching private donations and offer matching funds for  
 47 scholarships. The Community Foundation shall consider the A+ Schools Program in establishing  
 48 this endowment.

49 **SECTION 11.(b)** The Department shall report to the chairs of the Joint Legislative  
 50 Oversight Committee on Agriculture and Natural and Economic Resources and the chairs of the  
 51 Joint Legislative Education Oversight Committee on the administration of the endowment no

1 later than April 1 of each year. The Community Foundation shall send all necessary information  
2 to the Department each year to compile the report in accordance with this section. The report  
3 shall include, at a minimum, the number of grant applications and awards, the name of each  
4 recipient, purposes of each grant, and balance and expenditures of the endowment in each fiscal  
5 quarter of the prior fiscal year.

## 6 7 **PART III. LOCAL GOVERNMENT**

### 8 9 **PROHIBIT REGULATION OF BEEHIVES IN MUNICIPAL ETJS**

10 **SECTION 12.** G.S. 106-645 reads as rewritten:

11 **"§ 106-645. Limitations on local government regulation of hives.**

12 (a) Notwithstanding Article 6 of Chapter 153A of the General Statutes, no county shall  
13 adopt or continue in effect any ordinance or resolution that prohibits any person or entity from  
14 owning or possessing five or fewer hives.

15 (b) Notwithstanding Article 8 of Chapter 160A of the General Statutes, a city may adopt  
16 an ordinance to regulate hives within its incorporated limits in accordance with this subsection.  
17 The city shall comply with all of the following:

18 (1) Any ordinance shall permit up to five hives on a single parcel within the ~~land~~  
19 ~~use planning jurisdiction~~ incorporated limits of the city.

20 (2) Any ordinance shall require that the hive be placed at ground level or securely  
21 attached to an anchor or stand. If the hive is securely attached to an anchor or  
22 stand, the city may permit the anchor or stand to be permanently attached to a  
23 roof surface.

24 (3) Any ordinance may include regulation of the placement of the hive on the  
25 parcel, including setbacks from the property line and from other hives.

26 (4) Any ordinance may require removal of the hive if the owner no longer  
27 maintains the hive or if removal is necessary to protect the health, safety, and  
28 welfare of the public.

29 (c) For purposes of this section, the term "hive" has the same definition as in  
30 G.S. 106-635(15)."

### 31 32 **REQUIRE DISCLAIMER ON LOCAL GOVERNMENT GEOGRAPHIC** 33 **INFORMATION SYSTEM (GIS) TOOLS**

34 **SECTION 13.(a)** Article 23 of Chapter 153A of the General Statutes is amended by  
35 adding a new section to read:

36 **"§ 153A-463. Disclaimer required on geographic information system tools.**

37 Any geographic information system (GIS) tool offered to the public by a county shall bear a  
38 disclaimer notifying the user that the data offered by the tool is provided without warranty and  
39 that the user should consult public primary information sources, such as recorded deeds and plats,  
40 to verify the accuracy of the data provided. The disclaimer shall be displayed prominently on a  
41 splash screen or interstitial webpage that the user must affirmatively acknowledge before  
42 accessing the tool."

43 **SECTION 13.(b)** Article 21 of Chapter 160A of the General Statutes is amended by  
44 adding a new section to read:

45 **"§ 160A-499.8. Disclaimer required on geographic information system tools.**

46 Any geographic information system (GIS) tool offered to the public by a city shall bear a  
47 disclaimer as provided in G.S. 153A-463."

48 **SECTION 13.(c)** This section becomes effective January 1, 2025.

### 49 50 **EXEMPT AGRICULTURAL LAND FROM STORMWATER FEES**

1           **SECTION 14.(a)** G.S. 153A-277(a1) is amended by adding a new subdivision to  
2 read:  
3           "(3a) A county shall not impose a stormwater utility fee on property used for bona  
4           fide farm purposes as provided in G.S. 160D-903."

5           **SECTION 14.(b)** G.S. 160A-314(a1) is amended by adding a new subdivision to  
6 read:  
7           "(4a) A city shall not impose a stormwater utility fee on property used for bona fide  
8           farm purposes, provided the property owner presents to the city any of the  
9           following documents as evidence that the farm is being used for bona fide  
10           farm purposes:

- 11           a. A farm sales tax exemption certificate issued by the Department of  
12           Revenue.  
13           b. A copy of the property tax listing showing that the property is eligible  
14           for participation in the present-use value program pursuant to  
15           G.S. 105-277.3.  
16           c. A copy of the farm owner's or operator's Schedule F from the owner's  
17           or operator's most recent federal income tax return.  
18           d. A forest management plan."

19           **SECTION 14.(c)** This section is effective when it becomes law and applies to fees  
20 levied on or after that date.

## 21 **PART IV. STATE GOVERNMENT, FINANCE, AND MISCELLANEOUS CHANGES**

### 22 **INCENTIVIZE FARMLAND PRESERVATION, FISH AND WILDLIFE** 23 **CONSERVATION, AND MILITARY BUFFERS**

24           **SECTION 15.(a)** G.S. 105-130.34 is reenacted as it existed immediately before its  
25 expiration and reads as rewritten:

#### 26 **"§ 105-130.34. Credit for certain real property donations.**

27           (a) Credit. – Subject to the limitations in this section, Any a C Corporation that makes a  
28 qualified donation of an interest in real property located in North Carolina during the taxable year  
29 that is useful for (i) public beach access or use, (ii) public access to public waters or trails, (iii)  
30 fish and wildlife conservation, (iv) forestland or farmland conservation, (v) watershed protection,  
31 (vi) conservation of natural areas as that term is defined in G.S. 113A-164.3(3), (vii) conservation  
32 of natural or scenic river areas as those terms are used in G.S. 113A-34, (viii) conservation of  
33 predominantly natural parkland, or (ix) historic landscape conservation (i) for forestland or  
34 farmland preservation, (ii) for fish and wildlife conservation, (iii) as a buffer to limit land use  
35 activities that would restrict, impede, or interfere with military training, testing, or operations on  
36 a military installation or training area or otherwise be incompatible with the mission of the  
37 installation, (iv) for floodplain protection in a county that, in the five years preceding the  
38 donation, was the subject of a Type II or Type III gubernatorial disaster declaration, as provided  
39 in G.S. 166A-19.21, as a result of a natural disaster, (v) for historic landscape conservation, or  
40 (vi) for public trails or access to public trails is allowed a credit against the tax imposed by this  
41 Part equal to twenty-five percent (25%) of the fair market value of the donated property interest-  
42 property. The aggregate amount of credit allowed to a corporation in a taxable year under this  
43 section for one or more qualified donations made during the taxable year, whether made directly  
44 or indirectly as an owner of a pass-through entity, may not exceed five hundred thousand dollars  
45 (\$500,000). The credit may not be taken for the year in which the donation is made but may be  
46 taken for the taxable year beginning during the calendar year in which the application for the  
47 credit becomes effective as provided in subsection (a2) of this section.

48           (a1) Qualified Donation. – To be eligible for this credit, the interest in A qualified donation  
49 of real property is a donation that meets all of the following conditions:  
50  
51

1           (1) ~~The real property must be is~~ donated in perpetuity for one of the qualifying  
2           uses listed in ~~this subsection (a) of this section~~ and is accepted in perpetuity  
3           for the qualifying use for which the property is donated.

4           (2) The person to whom the property is donated must be the State, a local  
5           government, or a body that is both organized to receive and administer lands  
6           for conservation purposes and qualified to receive charitable contributions  
7           pursuant to G.S. 105-130.9. Lands required to be dedicated pursuant to local  
8           governmental regulation or ordinance and dedications made to increase  
9           building density levels permitted under a regulation or ordinance are not  
10          eligible for this credit.

11          ~~The credit allowed under this section for one or more qualified donations made in a taxable~~  
12          ~~year may not exceed five hundred thousand dollars (\$500,000). To support the credit allowed by~~  
13          ~~this section, the taxpayer must file with the income tax return for the taxable year in which the~~  
14          ~~credit is claimed the following:~~

15          (a2) Application. – To claim the credit provided in this section, a corporation must file an  
16          application with the Secretary for the credit. The application must be filed on or before April 15  
17          of the year following the calendar year in which the donation was made. An application is  
18          effective for the year in which it is timely filed. The Secretary may not accept late applications  
19          under this subsection. The application must be on a form prescribed by the Secretary and include  
20          any information required by the Secretary demonstrating that the donation has met the conditions  
21          for qualifying for the credit, including the following items:

22               (1) A copy of the certification by the Department of ~~Environment and Natural and~~  
23               Cultural Resources that identifies which of the valid public benefits listed in  
24               subsection (a) of this section for which the donated property ~~donated~~ is  
25               suitable for one or more of the valid public benefits set forth in this  
26               subsection, suitable.

27               (2) A self-contained appraisal report or summary appraisal report as defined in  
28               Standards Rule 2-2 in the latest edition of the Uniform Standards of  
29               Professional Appraisal Practice as promulgated by the Appraisal Foundation  
30               for the donated property. For fee simple absolute donations of real property, a  
31               ~~taxpayer corporation~~ may submit documentation of the county's appraised  
32               value of the donated property, as adjusted by the sales assessment ratio, in lieu  
33               of an appraisal report.

34          (a3) Substantiation. – A corporation claiming a credit under this section must maintain and  
35          make available for inspection by the Secretary any records the Secretary considers necessary to  
36          determine and verify the amount of the credit to which the corporation is entitled. The burden of  
37          proving eligibility for the credit and the amount of the credit rests upon the corporation, and no  
38          credit may be allowed to a corporation that fails to maintain adequate records or to make them  
39          available for inspection.

40          (b) Limitation. – The credit allowed by this section may not exceed the amount of tax  
41          imposed by this Part for the taxable year reduced by the sum of all credits allowed, except  
42          payments of tax made by or on behalf of the ~~taxpayer corporation.~~

43          (c) Carryforward. – Any unused portion of this credit may be carried forward for the next  
44          succeeding five years.

45          (d) No Double Benefit. – That portion of a qualifying donation that is the basis for a credit  
46          allowed under this section is not eligible for deduction as a charitable contribution under  
47          G.S. 105-130.9.

48          (e) Ceiling; Use Allocation. – The total aggregate amount of all credits allowed to  
49          taxpayers under this section and G.S. 105-153.11 for donations made in a taxable year may not  
50          exceed five million dollars (\$5,000,000), of which three million two hundred fifty thousand  
51          dollars (\$3,250,000) is reserved for credits to taxpayers that have made a qualified donation of

1 real property for forestland or farmland conservation. If funds reserved for credits for qualified  
2 donations of real property for forestland or farmland conservation remain after disposition of all  
3 timely filed applications for that type of credit, the Secretary shall allocate any funds remaining  
4 to credits for other types of qualified donations under this section. The Secretary shall, first, fully  
5 fund any prorated credits in accordance with subsection (f) of this section and, second, if funds  
6 remain after fully funding prorated credits, reopen the application period for credits under this  
7 section for which funds have become available. If the Secretary reopens the application period  
8 and notwithstanding the application deadline in subsection (a2) of this section, the additional  
9 applications must be filed with the Secretary on or before October 15 of the year following the  
10 calendar year in which the donation was made. The Secretary may not accept late additional  
11 applications permitted under this subsection. The Secretary's determinations based on additional  
12 applications timely filed in accordance with this subsection are final.

13 (f) Reduction. – The Secretary shall calculate the total amount of credits claimed from  
14 applications timely filed under subsection (a2) of this section. If the total amount of credits  
15 claimed for donations made in a calendar year exceeds this maximum amount, the Secretary shall  
16 allow a portion of the credits claimed by allocating the maximum amount in credits in proportion  
17 to the size of the credit claimed by each taxpayer. If a credit claimed under this section is reduced  
18 as provided in this subsection, the Secretary shall notify the corporation of the amount of the  
19 reduction of the credit on or before December 31 of the year following the calendar year in which  
20 the donation was made. The Secretary's allocations based on applications filed under subsection  
21 (a2) of this section are final and shall not be adjusted to account for credits applied for but not  
22 claimed.

23 (g) Report. – The Department must include in the economic incentives report required by  
24 G.S. 105-256 the following information:

- 25 (1) The number of C Corporations that took the credit allowed under this section.
- 26 (2) The total amount of credits claimed by conservation purpose.
- 27 (3) The total amount of credits carried forward.
- 28 (4) The total cost to the General Fund of the credits taken."

29 **SECTION 15.(b)** G.S. 105-151.12 is reenacted as it existed immediately before its  
30 expiration, is recodified as G.S. 105-153.11, and reads as rewritten:

31 **"§ 105-153.11. Credit for certain real property donations.**

32 (a) Credit. – ~~An~~ Subject to the limitations in this section, an individual or pass-through  
33 entity that makes a qualified donation of ~~an interest in~~ real property located in North Carolina  
34 during the taxable year that is useful for (i) ~~public beach access or use,~~ (ii) ~~public access to public~~  
35 ~~waters or trails,~~ (iii) ~~fish and wildlife conservation,~~ (iv) ~~forestland or farmland conservation,~~ (v)  
36 ~~watershed protection,~~ (vi) ~~conservation of natural areas as that term is defined in G.S.~~  
37 ~~113A-164.3(3), (vii) conservation of natural or scenic river areas as those terms are used in G.S.~~  
38 ~~113A-34, (viii) conservation of predominantly natural parkland, or (ix) historic landscape~~  
39 ~~conservation~~ (i) for forestland or farmland preservation, (ii) for fish and wildlife conservation,  
40 (iii) as a buffer to limit land use activities that would restrict, impede, or interfere with military  
41 training, testing, or operations on a military installation or training area or otherwise be  
42 incompatible with the mission of the installation, (iv) for floodplain protection in a county that,  
43 in the five years preceding the donation, was the subject of a Type II or Type III gubernatorial  
44 disaster declaration, as provided in G.S. 166A-19.21, as a result of a natural disaster, (v) for  
45 historic landscape conservation, or (vi) for public trails or access to public trails is allowed a  
46 credit against the tax imposed by this Part equal to twenty-five percent (25%) of the fair market  
47 value of the donated ~~property interest.~~ property. The credit may not be taken for the year in which  
48 the donation is made but may be taken for the taxable year beginning during the calendar year in  
49 which the application for the credit becomes effective as provided in subsection (a2) of this  
50 section.

1        (a1) Qualified Donation. – A qualified donation of real property is a donation that meets  
2 all of the following conditions:

3            (1) ~~To be eligible for this credit, the interest in~~ The property ~~must be~~ is donated  
4 in perpetuity for one of the qualifying uses listed in ~~this subsection (a) of this~~  
5 section and is accepted in perpetuity for the qualifying use for which the  
6 property is donated.

7            (2) The person to whom the property is donated must be the State, a local  
8 government, or a body that is both organized to receive and administer lands  
9 for conservation purposes and qualified to receive charitable contributions  
10 under the Code. Lands required to be dedicated pursuant to local  
11 governmental regulation or ordinance and dedications made to increase  
12 building density levels permitted under a regulation or ordinance are not  
13 eligible for this credit.

14        ~~To support the credit allowed by this section, the taxpayer must file with the income tax return~~  
15 ~~for the taxable year in which the credit is claimed the following:~~

16        (a2) Application. – To claim a credit allowed under this section, an individual or a  
17 pass-through entity must file an application with the Secretary for the credit. The application  
18 must be filed on or before April 15 of the year following the calendar year in which the donation  
19 was made. An application is effective for the year in which it is timely filed. The Secretary may  
20 not accept late applications under this subsection. The application must be on a form prescribed  
21 by the Secretary and include any information required by the Secretary demonstrating that the  
22 donation has met the conditions for qualifying for the credit, including the following items:

23            (1) ~~A copy of the certification by the Department of Environment and Natural and~~  
24 ~~Cultural Resources that identifies which of the valid public benefits listed in~~  
25 ~~subsection (a) of this section for which the donated property donated is~~  
26 ~~suitable for one or more of the valid public benefits set forth in this subsection.~~  
27 suitable. The certification for a qualified donation made by a pass-through  
28 entity must be filed by the pass-through entity.

29            (2) A self-contained or summary appraisal report as defined in Standards Rule  
30 2-2 in the latest edition of the Uniform Standards of Professional Appraisal  
31 Practice as promulgated by the Appraisal Foundation for the donated property.  
32 For fee simple absolute donations of real property, ~~a taxpayer an individual or~~  
33 pass-through entity may submit documentation of the county's appraised value  
34 of the donated property, as adjusted by the sales assessment ratio, in lieu of an  
35 appraisal report.

36        (a3) Substantiation. – An individual or pass-through entity claiming a credit under this  
37 section must maintain and make available for inspection by the Secretary any records the  
38 Secretary considers necessary to determine and verify the amount of the credit to which the  
39 taxpayer is entitled. The burden of proving eligibility for the credit and the amount of the credit  
40 rests upon the individual or pass-through entity, and no credit may be allowed to an individual  
41 or pass-through entity that fails to maintain adequate records or to make them available for  
42 inspection.

43        ~~(a1)(a4)~~ Individuals. – The aggregate amount of credit allowed to an individual in a taxable  
44 year under this section for one or more qualified donations made during the taxable year, whether  
45 made directly or indirectly as owner of a pass-through entity, may not exceed two hundred fifty  
46 thousand dollars (\$250,000). In the case of property owned by a married couple, if both spouses  
47 are required to file North Carolina income tax returns, the credit allowed by this section may be  
48 claimed only if the spouses file a joint return. The aggregate amount of credit allowed to a  
49 ~~husband and wife married couple~~ married couple filing a joint tax return may not exceed five hundred thousand  
50 dollars (\$500,000). If only one spouse is required to file a North Carolina income tax return, that  
51 spouse may claim the credit allowed by this section on a separate return.

1       ~~(a2)(a5)~~ Pass-Through Entities.—Entity. – The aggregate amount of credit allowed to a  
2 pass-through entity in a taxable year under this section for one or more qualified donations made  
3 during the taxable year, whether made directly or indirectly as owner of another pass-through  
4 entity, may not exceed five hundred thousand dollars (\$500,000). Each individual who is an  
5 owner of a pass-through entity is allowed as a credit an amount equal to the owner's allocated  
6 share of the credit to which the pass-through entity is eligible under this subsection, not to exceed  
7 two hundred fifty thousand dollars (\$250,000). Each corporation that is an owner of a  
8 pass-through entity is allowed as a credit an amount equal to the owner's allocated share of the  
9 credit to which the pass-through entity is eligible under this subsection, not to exceed five  
10 hundred thousand dollars (\$500,000). If an owner's share of the pass-through entity's credit is  
11 limited due to the maximum allowable credit under this section for a taxable year, the  
12 pass-through entity and its owners may not reallocate the unused credit among the other owners.

13       (a6) Taxed Pass-Through Entity. – A taxed pass-through entity that engages in an activity  
14 that makes it eligible for a credit under this section as an entity may not take the credit at the  
15 entity level but must pass through to each of its owners the owner's distributive share of the credit  
16 for which the taxed pass-through entity qualifies. Maximum dollar limits and other limitations  
17 that apply in determining the amount of credit available to an owner of a pass-through entity  
18 apply to the same extent in determining the amount of a credit for which the taxed pass-through  
19 entity qualifies. For purposes of this subsection, the term "taxed pass-through entity" is as defined  
20 in G.S. 105-153.3.

21       (b) Limitation. – The credit allowed by this section may not exceed the amount of tax  
22 imposed by this Part for the taxable year reduced by the sum of all credits allowed, except  
23 payments of tax made by or on behalf of the taxpayer.

24       (c) Carryforward. – Any unused portion of this credit may be carried forward for the next  
25 succeeding five years.

26       (d) No Double Benefit. – That portion of a qualifying donation that is the basis for a credit  
27 allowed under this section is not eligible for deduction as a charitable contribution under  
28 G.S. 105-153.5(a)(2)a.

29       ~~(e) In the case of marshland for which a claim has been filed pursuant to G.S. 113-205,~~  
30 ~~the offer of donation must be made before December 31, 2003 to qualify for the credit allowed~~  
31 ~~by this section.~~

32       (f) Repealed by Session Laws 2007-309, s. 2, effective for taxable years beginning on or  
33 after January 1, 2007.

34       (g) Ceiling; Use Allocation. – The total aggregate amount of all tax credits allowed to  
35 taxpayers under this section and G.S. 105-130.4 for donations made in a taxable year may not  
36 exceed five million dollars (\$5,000,000), of which three million two hundred fifty thousand  
37 dollars (\$3,250,000) is reserved for credits to taxpayers that have made a qualified donation of  
38 real property for forestland or farmland conservation. If funds reserved for credits for qualified  
39 donations of real property for forestland or farmland conservation remain after disposition of all  
40 timely filed applications for that type of credit, the Secretary shall allocate any funds remaining  
41 to credits for other types of qualified donations under this section. The Secretary shall, first, fully  
42 fund any prorated credits in accordance with subsection (f) of this section and, second, if funds  
43 remain after fully funding prorated credits, reopen the application period for credits under this  
44 section for which funds have become available. If the Secretary reopens the application period  
45 and notwithstanding the application deadline in subsection (a2) of this section, the additional  
46 applications must be filed with the Secretary on or before October 15 of the year following the  
47 calendar year in which the donation was made. The Secretary may not accept late additional  
48 applications permitted under this subsection. The Secretary's determinations based on additional  
49 applications timely filed in accordance with this subsection are final.

50       (h) Reduction. – The Secretary of Revenue shall calculate the total amount of credits  
51 claimed from applications timely filed under subsection (a2) of this section. If the total amount

1 of credits claimed for donations made in a calendar year exceeds this maximum amount, the  
 2 Secretary shall allow a portion of the credits claimed by allocating the maximum amount in tax  
 3 credits in proportion to the size of the credit claimed by each individual or pass-through entity.  
 4 If a credit claimed under this section is reduced as provided in this subsection, the Secretary shall  
 5 notify the individuals or pass-through entities of the amount of the reduction of the credit on or  
 6 before December 31 of the year following the calendar year in which the donation was made.  
 7 The Secretary's allocations based on applications filed under subsection (a2) of this section are  
 8 final and shall not be adjusted to account for credits applied for but not claimed.

9 (i) Report. – The Department must include in the economic incentives report required by  
 10 G.S. 105-256 the following information:

11 (1) The number of individuals and pass-through entities that took the credit  
 12 allowed under this section.

13 (2) The total amount of credits claimed by conservation purpose.

14 (3) The total amount of credits carried forward.

15 (4) The total cost to the General Fund of the credits taken."

16 **SECTION 15.(c)** This section is effective for taxable years beginning on or after  
 17 January 1, 2025, for donations made on or after January 1, 2025, and expires for taxable years  
 18 beginning on or after January 1, 2027, for donations made on or after January 1, 2027.

## 20 ESTABLISH ANNUAL GREAT TRAILS STATE DAY

21 **SECTION 16.(a)** Chapter 103 of the General Statutes is amended by adding a new  
 22 section to read:

### 23 "§ 103-18. North Carolina Great Trails State Day.

24 The third Saturday of October of each year, beginning in 2024, is designated as North  
 25 Carolina Great Trails State Day."

26 **SECTION 16.(b)** The North Carolina Great Trails State Coalition is designated as  
 27 the lead organization for recognition of North Carolina Great Trails State Day and shall (i)  
 28 develop a plan to raise awareness of, (ii) promote, and (iii) implement the first annual North  
 29 Carolina Great Trails State Day. In developing the plan, the Great Trails State Coalition shall  
 30 consult with the Department of Natural and Cultural Resources (DNCR), the DNCR Division of  
 31 Parks and Recreation, the Department of Transportation, and any other organizations the Great  
 32 Trails State Coalition deems appropriate.

33 **SECTION 16.(c)** The North Carolina Great Trails State Coalition shall report to the  
 34 Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources no  
 35 later than September 30, 2024, regarding its plan to raise awareness of the first annual North  
 36 Carolina Great Trails State Day.

## 38 AMEND COMPOSITION OF THE NORTH CAROLINA SENTINEL LANDSCAPES 39 COMMITTEE

40 **SECTION 17.** G.S. 106-747 reads as rewritten:

### 41 "§ 106-747. North Carolina Sentinel Landscapes Committee.

42 ...

43 (d) Membership. – The Committee shall consist of at least the ~~five following~~  
 44 ~~members:~~seven voting members and two nonvoting ex officio members as follows:

45 (1) The voting members shall be:

46 a. The Commissioner of Agriculture, or the Commissioner's designee.

47 ~~(2)~~b. The Secretary of the Department of Military and Veterans Affairs, or  
 48 the Secretary's designee.

49 ~~(3)~~c. The Secretary of Natural and Cultural Resources, or the Secretary's  
 50 designee.



- 1           (4)d. The Executive Director of the Wildlife Resources Commission, or the  
2           Executive Director's designee.  
3           (5)e. The Dean of the College of Natural Resources at North Carolina State  
4           University, or the Dean's designee.  
5           f. The Secretary of Transportation, or the Secretary's designee.  
6           g. A representative of the North Carolina Sentinel Landscapes  
7           Partnership.

8           (2) The nonvoting ex officio members shall be:

- 9           a. The Eastern North Carolina Sentinel Landscapes Coordinator.  
10          b. A representative from the United States Department of Defense  
11          Readiness and Environmental Protection Integration Program.

12          The Commissioner of Agriculture or the Commissioner's designee shall serve as Committee  
13 ~~chair for an initial two-year term. Thereafter, the Committee chair shall be one of the five listed~~  
14 ~~members above. The~~ chair. Upon a favorable vote by a majority of the voting members, the  
15 Committee chair may appoint voting members and nonvoting ex officio members representing  
16 other State agencies, local government officials, federal agencies, military installations, and  
17 nongovernmental organizations that are experienced in land management activities within  
18 sentinel lands.

19          ...."

20  
21 **ADD ONE MEMBER TO THE COMMUNITY CONSERVATION ASSISTANCE**  
22 **PROGRAM ADVISORY COMMITTEE**

23          **SECTION 18.** G.S. 106-860 reads as rewritten:

24          **"§ 106-860. Community Conservation Assistance Program.**

25          ...

26          (d) Advisory Committee. – The Program shall be reviewed, prior to implementation, by  
27 the Community Conservation Assistance Program Advisory Committee. The Advisory  
28 Committee shall meet quarterly to review the progress of the Program. The Advisory Committee  
29 shall consist of the following members:

- 30          (1) The Director of the Division of Soil and Water Conservation of the  
31 Department of Agriculture and Consumer Services or the Director's designee,  
32 who shall serve as the Chair of the Advisory Committee.  
33          (2) The President of the North Carolina Association of Soil and Water  
34 Conservation Districts or the President's designee.  
35          (3) The Director of the Cooperative Extension Service at North Carolina State  
36 University or the Director's designee.  
37          (4) The Executive Director of the North Carolina Association of County  
38 Commissioners or the Executive Director's designee.  
39          (5) The Executive Director of the North Carolina League of Municipalities or the  
40 Executive Director's designee.  
41          (6) The State Conservationist of the Natural Resources Conservation Service of  
42 the United States Department of Agriculture or the State Conservationist's  
43 designee.  
44          (7) The Executive Director of the Wildlife Resources Commission or the  
45 Executive Director's designee.  
46          (8) The President of the North Carolina Conservation District Employees  
47 Association or the President's designee.  
48          (9) The President of the North Carolina Association of Resource Conservation  
49 and Development Councils or the President's designee.  
50          (10) Repealed by Session Laws 2013-413, s. 57(e). For effective date, see note.

- 1 (11) The Assistant Commissioner of the North Carolina Forest Service of the  
 2 Department of Agriculture and Consumer Services or the Assistant  
 3 Commissioner's designee.  
 4 (12) The Director of the Division of Energy, Mineral, and Land Resources of the  
 5 Department of Environmental Quality or the Director's designee.  
 6 (13) The Director of the Division of Coastal Management of the Department of  
 7 Environmental Quality or the Director's designee.  
 8 (14) The Director of the Division of Water Resources of the Department of  
 9 Environmental Quality or the Director's designee.  
 10 (15) The President of the Carolinas Land Improvement Contractors Association or  
 11 the President's designee.  
 12 (16) The Extension Administrator of the Cooperative Extension Service at North  
 13 Carolina Agricultural and Technical State University or the Extension  
 14 Administrator's designee.  
 15 ...."

## 17 COOPERATIVE EXTENSION TECHNICAL CHANGES

18 SECTION 19.(a) G.S. 106-583 reads as rewritten:

### 19 "§ 106-583. Policy of State; cooperation of departments and agencies with Agricultural 20 Extension Service.

21 It is declared to be the policy of the State of North Carolina to promote the efficient  
 22 production and utilization of the products of the soil as essential to the health and welfare of our  
 23 people and to promote a sound and prosperous agriculture and rural life as indispensable to the  
 24 maintenance of maximum prosperity. For the attainment of these objectives the North Carolina  
 25 Department of Agriculture and Consumer Services, the ~~School of Agriculture of North Carolina~~  
 26 ~~College College of Agriculture and Life Sciences at North Carolina State University, the College~~  
 27 ~~of Agriculture and Environmental Sciences at North Carolina Agricultural and Technical State~~  
 28 ~~University,~~ and each and every other department and agency of the State of North Carolina is  
 29 hereby empowered to cooperate with the Agricultural Extension Service and the committees  
 30 authorized by this Article to provide: Development of new and improved methods of production,  
 31 marketing, distribution, processing and utilization of plant and animal commodities at all stages  
 32 from the original producer through to the ultimate consumer; development of present, new, and  
 33 extended uses and markets for agricultural commodities and by-products as food or in commerce,  
 34 manufacture or trade; introduction and breeding of new and useful agricultural crops, plants and  
 35 animals, particularly those plants and crops which may be adapted to utilization in chemical and  
 36 manufacturing industries; research, counsel and advice on new and more profitable uses of our  
 37 resources of agricultural manpower, soils, plants, animals and equipment than those to which  
 38 they are now devoted; methods of conservation, development, and use of land, forest, and water  
 39 resources for agricultural purposes; guidance in the design, development, and more efficient and  
 40 satisfactory use of farm buildings, farm homes, farm machinery, including the application of  
 41 electricity, water and other forms of power; techniques relating to the diversification of farm  
 42 enterprises, both as to the type of commodities produced, and as to the types of operations  
 43 performed, on the individual farm; and assistance in appraising opportunities for making fuller  
 44 use of the natural, human and community resources in the various counties of this State to the  
 45 end that the income and level of living of rural people be increased."

46 SECTION 19.(b) G.S. 106-65.23(c) reads as rewritten:

47 "(c) There is hereby created a Structural Pest Control Committee to be composed of the  
 48 following members. The Commissioner shall appoint one member of the Committee who is not  
 49 in the structural pest control business for a four-year term. The Commissioner of Agriculture  
 50 shall designate an employee of the Department of Agriculture and Consumer Services to serve  
 51 on the Committee at the pleasure of the Commissioner. The dean of the ~~School~~College of

1 ~~Agriculture and Life Sciences~~ of North Carolina State University at Raleigh and the dean of the  
2 ~~College of Agriculture and Environmental Sciences at North Carolina Agricultural and Technical~~  
3 ~~State University~~ shall each appoint one member of the Committee who shall serve for one term  
4 of two years and who shall be a member of the entomology faculty of the University. The vacancy  
5 occurring on the Committee by the expired term of the member from the entomology faculty of  
6 the University shall be filled by the dean of the School of Agriculture of North Carolina State  
7 University at Raleigh who shall designate any person of the dean's choice from the entomology  
8 faculty of the University to serve on the Committee at the pleasure of the dean. The Secretary of  
9 Health and Human Services shall appoint one member of the Committee who shall be an  
10 epidemiologist and who shall serve at the pleasure of the Secretary. The Governor shall appoint  
11 two members of the Committee who are actively engaged in the pest control industry, who are  
12 licensed in at least two phases of structural pest control as provided under G.S. 106-65.25(a), and  
13 who are residents of the State of North Carolina but not affiliates of the same company.

14 ...."

15 **SECTION 19.(c)** G.S. 106-92.7(c) reads as rewritten:

16 "(c) In determining the acceptability of any product for registration, the Commissioner  
17 may require proof of claims made for the product. If no specific claims are made, the  
18 Commissioner may require proof of usefulness and value of the product. As evidence of proof,  
19 the Commissioner may rely on experimental data furnished by the applicant and may require that  
20 the data be developed by a recognized research or experimental institution. The Commissioner  
21 may further require that the data be developed from tests conducted under conditions identical to  
22 or closely related to those present in North Carolina. The Commissioner may reject any data not  
23 developed under those conditions and may rely on advice from sources such as ~~the Cooperative~~  
24 ~~Extension Service of North Carolina State University.~~ University and North Carolina Agricultural  
25 and Technical State University, along with their respective Cooperative Extension programs."

26 **SECTION 19.(d)** G.S. 106-851 reads as rewritten:

27 "**§ 106-851. Program participation.**

28 Participation in the program shall be voluntary.

29 All participants in the program shall be required to match State funds at the same rate, and  
30 assistance from the ~~Agriculture Cooperative Extension Service at North Carolina State~~  
31 ~~University and North Carolina Agricultural and Technical State University~~ shall also be used."

## 32 **BOARD OF CROP SEED IMPROVEMENT AND SEED BOARD AMENDMENTS**

33 **SECTION 20.(a)** G.S. 106-269 reads as rewritten:

34 "**§ 106-269. Creation and purpose.**

35 There is hereby created a Board of Crop Seed Improvement. It shall be the duty and function  
36 of this Board, in cooperation with the ~~Agricultural Experiment Station North Carolina~~  
37 ~~Agricultural Research Service of North Carolina State~~ the College of Agriculture and  
38 Engineering, Life Sciences at North Carolina State University, the North Carolina Agricultural  
39 Research Service of the College of Agriculture and Environmental Sciences at North Carolina  
40 Agricultural and Technical State University, and the Seed Testing Division of the North Carolina  
41 Department of Agriculture and Consumer Services, to foster and promote the development and  
42 distribution of pure strains of crop seeds among the farmers of North Carolina."

43 **SECTION 20.(b)** G.S. 106-270 reads as rewritten:

44 "**§ 106-270. Board membership.**

45 The Board of Crop Seed Improvement shall consist of the Commissioner of Agriculture, the  
46 Dean of the ~~School of Agriculture, College of Agriculture and Life Sciences at North Carolina~~  
47 ~~State University, the Dean of the College of Agriculture and Environmental Sciences at North~~  
48 ~~Carolina Agricultural and Technical State University, the President of the North Carolina~~  
49 ~~Foundation Seed Producers Incorporated, and the Director of Research of the School of~~  
50 ~~Agriculture of North Carolina State College of Agriculture and Engineering, College of~~  
51 ~~Agriculture and Life Sciences of North Carolina State University, and the Director of Research of the~~

1 Agriculture and Life Sciences at North Carolina State University, the Associate Dean of  
2 Agriculture Research of the College of Agriculture and Environmental Sciences at North  
3 Carolina Agricultural and Technical State University, the Head of the Seed Testing and Fertilizer  
4 Section of the Plant Industry Division of the North Carolina Department of Agriculture and  
5 Consumer Services, and the President of the North Carolina Crop Improvement Association."

6 **SECTION 20.(c)** G.S. 106-277.32(a) reads as rewritten:

7 "(a) The Commissioner shall appoint a Seed Board composed of ~~five~~nine members, ~~three~~  
8 five of whom shall be appointed upon the recommendation of the following: Director of the  
9 Agricultural Research Service, North Carolina State University; Director of the North Carolina  
10 Cooperative Extension Service, North Carolina State University; Associate Dean of Agriculture  
11 Research at North Carolina Agricultural and Technical State University; Extension  
12 Administrator of the North Carolina Cooperative Extension Service, North Carolina Agricultural  
13 and Technical State University; and President of the North Carolina Seedsmen's Association. The  
14 other ~~two~~four members shall include: one farmer who is not connected in any way to selling  
15 seeds at retail or ~~wholesale and~~wholesale, one employee of the ~~Department.~~Department, and  
16 two individuals appointed at large. An alternate for each member shall also be appointed in the  
17 same manner as that member was appointed to serve whenever that member is unable or  
18 unwilling to serve. Each member of the Board shall serve a four-year term at the discretion of  
19 the Commissioner. The Board shall elect a chairperson. The chairperson shall conduct all  
20 meetings and deliberations and direct all other activities of the Board. Three members of the  
21 Board shall constitute a quorum and at least three board members must vote affirmatively for the  
22 Board to take any action."  
23

#### 24 **EXTEND REQUIRED TIME BETWEEN TRAVELING FAIRS AND COUNTY FAIRS**

25 **SECTION 21.(a)** G.S. 106-516.1 reads as rewritten:

26 "**§ 106-516.1. Carnivals and similar amusements not to operate without permit.**

27 Every person, firm, or corporation engaged in the business of a carnival company or a show  
28 of like kind, including menageries, merry-go-rounds, Ferris wheels, riding devices, circus and  
29 similar amusements and enterprises operated and conducted for profit, shall, prior to exhibiting  
30 in any county annually staging an agricultural fair, apply to the sheriff of the county in which the  
31 exhibit is to be held for a permit to exhibit. The sheriff of the county shall issue a permit without  
32 charge; provided, however, that no permit shall be issued if he shall find the requested exhibition  
33 date is less than ~~30 days~~60 days prior to a regularly advertised agricultural fair. Exhibition  
34 without a permit from the sheriff of the county in which the exhibition is to be held shall  
35 constitute a Class 1 misdemeanor: Provided, that nothing contained in this section shall prevent  
36 veterans' organizations and posts chartered by Congress or organized and operated on a statewide  
37 or nationwide basis from holding fairs or tobacco festivals on any dates which they may select if  
38 such fairs or festivals have heretofore been held as annual events."

39 **SECTION 21.(b)** This section becomes effective July 1, 2024, and applies to permits  
40 issued on or after that date.  
41

#### 42 **PART V. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

43 **SECTION 22.(a)** If any provision of this act or the application thereof to any person  
44 or circumstances is held invalid, such invalidity shall not affect other provisions or applications  
45 of this act that can be given effect without the invalid provision or application and, to this end,  
46 the provisions of this act are declared to be severable.

47 **SECTION 22.(b)** Except as otherwise provided, this act is effective when it becomes  
48 law.