

- 1 (3) The Forest Supervisor of the United States Forest Service or the Forest
2 Supervisor's designee.
- 3 (4) The State Director of the Wildlife Services Division of the Animal and Plant
4 Health Inspection Service of the United States Department of Agriculture or
5 the State Director's designee.
- 6 (5) A representative of the North Carolina Pork Council.
- 7 (6) A representative of the North Carolina Veterinary Medical Association.
- 8 (7) A representative of the North Carolina Cattlemen's Association.
- 9 (8) The President of the North Carolina Farm Bureau Federation, Inc., or the
10 President's designee.
- 11 (9) A representative of the North Carolina Wildlife Federation.
- 12 (10) A representative of the North Carolina Forestry Association.

13 **SECTION 2.(b)** The Feral Swine Working Group shall develop a statewide plan to
14 control feral swine damage on private and public lands. The Feral Swine Working Group shall
15 act in an advisory capacity to the Wildlife Resources Commission. In developing the plan, the
16 Working Group shall do all of the following:

- 17 (1) Orient the plan primarily toward public health and safety and toward
18 landowner assistance, providing some relief to landowners through feral
19 swine control, management, and eradication.
- 20 (2) Develop a system for sharing data and information as well as documenting all
21 activities associated with feral swine damage control efforts, so as to facilitate
22 evaluation of efforts.
- 23 (3) Provide educational activities as a part of the program, such as printed
24 materials, on-site instructions, and local workshops.
- 25 (4) Provide for the hiring of personnel necessary to implement feral swine damage
26 control activities, administer the program, and set salaries of personnel.

27 **SECTION 2.(c)** No later than January 1 of each year, the Working Group shall issue
28 a report to the Wildlife Resources Commission, the Senate and House Appropriations
29 Subcommittees on Agriculture and Natural and Economic Resources, and the Fiscal Research
30 Division on the results of the program during the preceding year.

31 **SECTION 2.(d)** The Wildlife Resources Commission shall implement the plan and
32 may enter a cooperative agreement with the Wildlife Services Division of the Animal and Plant
33 Health Inspection Service, the United States Department of Agriculture, the North Carolina
34 Department of Agriculture and Consumer Services, and other relevant agencies or organizations
35 to accomplish the plan.

36 37 **ALLOW DENIAL OF SPECIAL USE PERMITS FOR NEGATIVE IMPACT ON** 38 **AGRICULTURAL PRODUCTION**

39 **SECTION 3.** G.S. 160D-705(c) reads as rewritten:

40 "(c) Special Use Permits. – The regulations may provide that the board of adjustment,
41 planning board, or governing board hear and decide special use permits in accordance with
42 principles, conditions, safeguards, and procedures specified in the regulations. Reasonable and
43 appropriate conditions and safeguards may be imposed upon these permits. Where appropriate,
44 such conditions may include requirements that street and utility rights-of-way be dedicated to the
45 public and that provision be made for recreational space and facilities. A board of adjustment,
46 planning board, or governing board may deny a special use permit for a property that (i) is owned
47 by a business entity and (ii) the business entity has owned the property for less than three years,
48 on the basis that the proposed land use will have a negative impact on agricultural production
49 within the local government's jurisdiction; provided, however, that such authority shall not apply
50 where the primary purpose of the proposed land use is the construction of buildings or structures
51 subject to the North Carolina Residential Code. Conditions and safeguards imposed under this

1 subsection shall not include requirements for which the local government does not have authority
2 under statute to regulate nor requirements for which the courts have held to be unenforceable if
3 imposed directly by the local government, including, without limitation, taxes, impact fees,
4 building design elements within the scope of G.S. 160D-702(b), driveway-related improvements
5 in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized
6 limitations on the development or use of land.

7"

9 REPEAL VIOLATION POINTS SYSTEM APPLICABLE TO SWINE FARMS

10 SECTION 4. G.S. 143-215.6E is repealed.

12 SWINE FARM SITING ACT TECHNICAL CORRECTION

13 SECTION 5.(a) G.S. 106-803(a2) reads as rewritten:

14 "(a2) No component of a liquid animal waste management system for which a permit is
15 required under ~~Part 1 or 1A~~ Part 1A of Article 21 of Chapter 143 of the General Statutes, other
16 than a land application site, shall be constructed on land that is located within the 100-year
17 floodplain."

18 SECTION 5.(b) G.S. 106-805 reads as rewritten:

19 "§ 106-805. Written notice of swine farms.

20 Any person who intends to construct a swine farm whose animal waste management system
21 is subject to a permit under ~~Part 1 or 1A~~ Part 1A of Article 21 of Chapter 143 of the General
22 Statutes shall, after completing a site evaluation and before the farm site is modified, notify all
23 adjoining property owners; all property owners who own property located across a public road,
24 street, or highway from the swine farm; the county or counties in which the farm site is located;
25 and the local health department or departments having jurisdiction over the farm site of that
26 person's intent to construct the swine farm. This notice shall be by certified mail sent to the
27 address on record at the property tax office in the county in which the land is located. Notice to
28 a county shall be sent to the county manager or, if there is no county manager, to the chair of the
29 board of county commissioners. Notice to a local health department shall be sent to the local
30 health director. The written notice shall include all of the following:

- 31 (1) The name and address of the person intending to construct a swine farm.
- 32 (2) The type of swine farm and the design capacity of the animal waste
33 management system.
- 34 (3) The name and address of the technical specialist preparing the waste
35 management plan.
- 36 (4) The address of the local Soil and Water Conservation District office.
- 37 (5) Information informing the adjoining property owners and the property owners
38 who own property located across a public road, street, or highway from the
39 swine farm that they may submit written comments to the Division of Water
40 Resources, Department of Environmental Quality."

42 AMEND ELIGIBILITY CRITERIA FOR ANIMAL WASTE FERTILIZER 43 CONVERSION COST-SHARE PROGRAM

44 SECTION 6. Section 10.4(e) of S.L. 2023-134 reads as rewritten:

45 "SECTION 10.4.(e) Definitions. – The following definitions apply in this section:

- 46 (1) Eligible entity. – Any person who owns or operates an anaerobic lagoon or
47 other liquid animal waste management system treating animal waste from a
48 livestock operation that generates sludge suitable for conversion into fertilizer
49 ~~products-products, or any person converting sludge from an anaerobic lagoon~~
50 or other liquid animal waste management system treating animal waste from
51 a livestock operation into fertilizer products.

- 1 (2) Eligible project. – Costs associated with the site engineering, permitting,
2 acquisition, or installation of sludge collection and processing equipment
3 needed for production of fertilizers and other soil additives meeting applicable
4 State and federal requirements for use in agricultural operations.
- 5 (3) Foundation. – The NC Foundation for Soil and Water Conservation, Inc., a
6 nonprofit corporation.
- 7 (4) Livestock. – Cattle, sheep, swine, goats, farmed cervids, or bison.
- 8 (5) Person. – Any individual, trust, estate, partnership, receiver, association,
9 company, limited liability company, corporation, or other entity or group.
- 10 (6) Program. – The Animal Waste Fertilizer Conversion Cost-Share Program
11 created by this section."
12

13 CLARIFY SPECIES SUSCEPTIBLE TO CHRONIC WASTING DISEASE

14 SECTION 7. G.S. 106-549.97 reads as rewritten:

15 "§ 106-549.97. Regulation by Department of Agriculture and Consumer Services of farmed 16 cervids produced and sold for commercial purposes; definitions.

- 17 (a) Repealed by Session Laws 2015-263, s. 14(a), effective September 30, 2015.
- 18 (a1) The following definitions apply in this Article:
- 19 (1) Commission. – The North Carolina Wildlife Resources Commission.
- 20 (2) Department. – The North Carolina Department of Agriculture and Consumer
21 Services.
- 22 (3) Farmed Cervid. – Any cervid, as defined by the USDA Standards, that is
23 susceptible to Chronic Wasting Disease, or any other member of the Cervidae
24 family that is not susceptible to Chronic Wasting Disease, that is held in
25 captivity and produced, bought, or sold for commercial purposes. Cervids that
26 are susceptible to Chronic Wasting Disease are those set forth in 9 C.F.R. §
27 55.1. With regard to cervids that are susceptible to Chronic Wasting Disease,
28 the term "farmed cervid" shall only include any cervid that was bred in
29 captivity and has been continuously maintained within a herd that is enrolled
30 in and complies with a USDA-approved Herd Certification Program. Any
31 animal registered or tagged in any licensed captive cervid facility existing
32 within the State as of July 1, 2015, is deemed to be a farmed cervid.
- 33 (4) Non-Farmed Cervid. – All animals in the family Cervidae other than farmed
34 cervids.
- 35 (5) USDA. – The United States Department of Agriculture.
- 36 (6) USDA Standards. – The United States Department of Agriculture's Chronic
37 Wasting Disease Program Standards, May 2014 edition, and subsequent
38 updates.

39 (a2) The Department of Agriculture and Consumer Services shall regulate the production,
40 sale, possession, and transportation, including importation and exportation, of farmed cervids.
41 The Department shall have sole authority with regard to farmed cervids, including administration
42 of the North Carolina Captive Cervid Herd Certification Program. The Department shall allow
43 the sale of farmed cervids, whether alive or dead, whole or in part, including, but not limited to,
44 the sale of antlers, antler velvet, hides, or meat from captive populations of farmed cervids. The
45 Department shall follow the USDA Standards and the provisions set forth in 9 C.F.R. Part 55 and
46 9 C.F.R. Part 81 in the implementation of this Article with regard to cervids susceptible to
47 Chronic Wasting Disease. The Department may adopt rules to implement this Article, including,
48 but not limited to, requirements for captivity licenses, captivity permits, transportation permits,
49 importation permits, and exportation permits. The Department may issue new captivity licenses
50 or permits for farmed cervid facilities that will hold cervids susceptible to Chronic Wasting
51 Disease only if Chronic Wasting Disease-susceptible source animals are from a certified herd in

1 accordance with USDA Standards from an existing licensed facility. Nothing in this section shall
2 limit the Department's ability to issue new captivity licenses and permits for farmed cervid
3 facilities that will hold cervids that are not susceptible to Chronic Wasting Disease. Any cervid
4 that is not susceptible to Chronic Wasting Disease as set forth in 9 C.F.R. § 55.1 may be imported
5 into the State to any licensed captive cervid facility. The Department shall not issue an
6 importation permit for any farmed cervid from a Chronic Wasting Disease-positive, exposed, or
7 suspect farmed cervid facility. Until such time as the USDA has adopted an approved method of
8 testing for Chronic Wasting Disease in living cervids, cervids susceptible to Chronic Wasting
9 Disease shall not be imported into North Carolina.

10"

11 12 **MODIFY REQUIREMENTS FOR COMPOSTING OF EQUINE AND BOVINE** 13 **MORTALITY**

14 **SECTION 8.(a)** Definitions. – For purposes of this section, "Disposal Systems Rule"
15 means 15A NCAC 02T .0113 (Permitting By Regulation).

16 **SECTION 8.(b)** Disposal Systems Rule. – Until the effective date of the revised
17 permanent rules that the Environmental Management Commission is required to adopt pursuant
18 to subsection (d) of this section, the Commission shall implement the Disposal Systems Rule as
19 provided in subsection (c) of this section.

20 **SECTION 8.(c)** Implementation. – Notwithstanding any provision of Subchapter
21 02T of Title 15A of the North Carolina Administrative Code, and in addition to all disposal
22 systems permitted by regulation pursuant to subsection (a) of the Disposal Systems Rule on the
23 date this section becomes effective, the Environmental Management Commission shall also deem
24 a disposal system to be permitted pursuant to G.S. 143-215.1(b) and not require individual
25 permits or coverage under a general permit if the disposal system meets all of the following
26 criteria:

- 27 (1) The disposal system is used for equine or bovine composting.
- 28 (2) The disposal system does not result in any violations of surface water or
29 groundwater standards.
- 30 (3) The disposal system does not directly discharge to surface waters.
- 31 (4) The construction and operation of facilities, if any are included in the disposal
32 system, are approved by the North Carolina Department of Agriculture and
33 Consumer Services.
- 34 (5) The disposal system is approved by the State Veterinarian pursuant to
35 G.S. 106-403.
- 36 (6) In the event of an imminent threat of a contagious animal disease, any
37 emergency measure or procedure related to composting of animal mortality
38 pursuant to G.S. 106-399.4(a) is authorized.

39 **SECTION 8.(d)** Additional Rulemaking Authority. – The Commission shall adopt
40 a rule to amend the Disposal Systems Rule consistent with subsection (c) of this section.
41 Notwithstanding G.S. 150B-19(4), the amendment to the Disposal Systems Rule adopted by the
42 Commission pursuant to this section shall be substantively identical to the provisions of
43 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of
44 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall
45 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections
46 had been received as provided in G.S. 150B-21.3(b2).

47 **SECTION 8.(e)** Sunset. – This section expires when permanent rules adopted as
48 required by subsection (d) of this section become effective.

49 50 **ALLOW EXCUSED SCHOOL ABSENCES FOR EQUESTRIAN COMPETITIONS AND** 51 **OTHER AGRICULTURAL EVENTS**

1 **SECTION 9.** G.S. 115C-379 reads as rewritten:

2 "**§ 115C-379. Method of enforcement.**

3 (a) It shall be the duty of the State Board of Education to formulate the rules that may be
4 necessary for the proper enforcement of the provisions of this Part. The Board shall prescribe (i)
5 what shall constitute unlawful absence, (ii) what causes may constitute legitimate excuses for
6 temporary nonattendance due to a student's physical or mental inability to attend or a student's
7 participation in a valid educational opportunity such as service as a legislative page or a
8 Governor's page, and (iii) under what circumstances teachers, principals, or superintendents may
9 excuse pupils for nonattendance due to immediate demands of the farm or the home in certain
10 seasons of the year in the several sections of the State.

11 (b) In addition to any excused absences authorized pursuant to subsection (a) of this
12 section, the rules shall require school principals to authorize the following excused absences:

13 (1) Religious observance. – A minimum of two excused absences each academic
14 year for religious observances required by the faith of a student or the student's
15 parent or legal guardian.

16 (2) Military leave. – A minimum of two excused absences each academic year, if
17 all of the following conditions are met:

18 a. The student's parent or legal guardian is an active duty member of the
19 uniformed services, as defined by Article 29B of this Chapter, the
20 Interstate Compact on Educational Opportunity for Military Children.

21 b. The student's parent or legal guardian has been called to duty for, is on
22 leave from, or has immediately returned from deployment to a combat
23 zone or combat support posting.

24 c. The student is not identified by the local school administrative unit as
25 at risk of academic failure because of unexcused absences.

26 (3) Equestrian and agricultural events. – A minimum of two excused absences
27 each academic year for participation in equestrian sporting events, livestock
28 shows, or similar agricultural events.

29 The rules may require that the student's parent or legal guardian give the principal written
30 notice of the request for an excused absence a reasonable time prior to the religious ~~observance~~
31 ~~or military leave.~~ observance, military leave, or equestrian and agricultural event. The student
32 shall be given the opportunity to make up any tests or other work missed due to an excused
33 absence for a religious observance or military leave.

34 (c) It shall be the duty of all school officials to carry out such instructions from the State
35 Board of Education, and any school official failing to carry out such instructions shall be guilty
36 of a Class 3 misdemeanor: Provided, that the compulsory attendance law herein prescribed shall
37 not be in force in any local school administrative unit that has a higher compulsory attendance
38 feature than that provided herein."
39

40 **ADD NEW HANOVER AND PENDER TO HIGH HAZARD COUNTIES FOR OPEN**
41 **BURNING**

42 **SECTION 10.** G.S. 106-942 reads as rewritten:

43 "**§ 106-942. High hazard counties; permits required; standards.**

44 (a) The provisions of this section apply only to the counties of Beaufort, Bladen,
45 Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Duplin, Gates, Hyde, Jones,
46 New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell, and Washington
47 which are classified as high hazard counties in accordance with G.S. 106-940.

48 (b) It is unlawful for any person to willfully start or cause to be started any fire in any
49 woodland under the protection of the Department or within 500 feet of any such woodland
50 without first having obtained a permit from the Department. Permits for starting fires may be
51 obtained from forest rangers or other agents authorized by the forest ranger to issue such permits

1 in the county in which the fire is to be started. Such permits shall be issued by the ranger or other
2 agent unless permits for the area in question have been prohibited or cancelled in accordance
3 with G.S. 106-944 or G.S. 106-946.

4"

5
6 **ALLOW PESTICIDE BOARD TO ADJUST ANNUAL ASSESSMENT FOR**
7 **REGISTERED PESTICIDES**

8 **SECTION 11.** G.S. 143-442 reads as rewritten:

9 **"§ 143-442. Registration.**

10 (a) Every pesticide prior to being distributed, sold, or offered for sale within this State or
11 delivered for transportation or transported in intrastate commerce or between points within this
12 State through any point outside this State shall be registered in the office of the Board, and such
13 registration shall be renewed annually before January 1 for the ensuing calendar year. Beginning
14 in 1988, the Board may by rule adopt a system of staggered three-year registrations. The applicant
15 for registration shall file with the Board a statement that includes all of the following:

- 16 (1) The name and address of the applicant and the name and address of the person
17 whose name will appear on the label, if other than the applicant.
- 18 (2) The name of the pesticide.
- 19 (3) A complete copy of the labeling accompanying the pesticide and a statement
20 of all claims to be made for it including directions for use.
- 21 (4) If requested by the Board, a full description of the tests made and the results
22 thereof upon which the claims are based.
- 23 (5) In the case of renewal of registration, a statement with respect to information
24 which is different from that furnished when the pesticide was last registered.
- 25 (6) Repealed by Session Laws 2011-239, s. 1, effective June 23, 2011, and
26 applicable to applications for registration or renewals of registration filed on
27 or after that date.
- 28 (7) Any other information needed by the Board to determine the amount of annual
29 assessment payable by the applicant.

30 (b) The applicant shall pay an annual registration fee of one hundred fifty dollars
31 (\$150.00) plus an additional annual assessment for each brand or grade of pesticide registered.
32 The annual assessment shall be ~~fifty dollars (\$50.00) if the applicant's gross sales of the pesticide~~
33 ~~in this State for the preceding 12 months for the period ending September 30th were more than~~
34 ~~five thousand dollars (\$5,000.00) and twenty five dollars (\$25.00) if gross sales were less than~~
35 ~~five thousand dollars (\$5,000.00). set by the Board, not to exceed one hundred twenty-five dollars~~
36 (\$125.00). An additional two hundred dollars (\$200.00) delinquent registration penalty shall be
37 assessed against the registrant for each brand or grade of pesticide which is marketed in North
38 Carolina prior to registration as required by this Article. In the case of multi-year registration, the
39 annual fee and additional assessment for each year shall be paid at the time of the initial
40 registration. The Board shall give a pro rata refund of the registration fee and additional
41 assessment to the registrant in the event that registration is canceled by the Board or by the United
42 States Environmental Protection Agency.

43"

44
45 **LIQUID PETROLEUM GAS ENFORCEMENT AUTHORITY**

46 **SECTION 12.** G.S. 119-57 reads as rewritten:

47 **"§ 119-57. Administration of Article; rules and regulations given force and effect of**
48 **law; law; powers.**

49 (a) It shall be the duty of the ~~Commissioner~~ Commissioner, or agents of the
50 Commissioner, to administer all the provisions of this Article and all the rules and regulations
51 made and promulgated under this Article; to conduct inspections of liquefied petroleum gas

1 containers and installations; to investigate for violations of this Article and the rules and
2 regulations adopted pursuant to the provisions thereof, and to prosecute violations of this Article
3 or of such rules and regulations adopted pursuant to the provisions thereof.

4 (b) When necessary for the enforcement of this Chapter or rules adopted pursuant to this
5 Chapter, the Commissioner or the Commissioner's authorized agents shall have the authority to
6 do all of the following:

- 7 (1) Access the premises and records of any place where liquefied petroleum
8 products are stored for the purpose of conducting an inspection or examining
9 any documentation related to the transport, sale, safety, and storage of
10 liquefied petroleum gases.
- 11 (2) Issue stop-sale, hold, and removal orders for any equipment used to dispense,
12 store, or transport liquefied petroleum gases that is found in violation of the
13 provisions of this Chapter or rules adopted pursuant to this Chapter.
- 14 (3) Recall for inspection a vehicle used for the delivery of liquefied petroleum
15 gas."

17 PUBLIC WEIGHMASTER MODERNIZATION

18 SECTION 13.(a) G.S. 81A-52 reads as rewritten:

19 "§ 81A-52. License.

20 All public weighmasters shall be licensed. Any person not less than 18 years of age who
21 wishes to be a public weighmaster shall apply to the Department on a form provided by the
22 Department. A person operating as a public weighmaster outside of this State shall include with
23 the person's application for licensure in this State a copy of the most recent weighing device
24 inspection report performed by the person's local or state weights and measures officials within
25 the 12-month period immediately preceding the date of application. The Board may adopt rules
26 for determining the qualifications of the applicant for a license. Public weighmasters shall be
27 licensed for a period of one year beginning the ~~first day of July and ending on the thirtieth day~~
28 ~~of June, day the application is processed,~~ and a fee of ~~nineteen dollars (\$19.00) twenty-five~~
29 ~~dollars (\$25.00)~~ shall be paid for each person licensed at the time of the filing of the application."

30 SECTION 13.(b) G.S. 81A-54 reads as rewritten:

31 "§ 81A-54. Official seal of the public weighmaster.

32 (a) It shall be the duty of every public weighmaster to obtain ~~from the Department an~~
33 ~~official seal for the sum of six dollars (\$6.00), inscribed with the following words: that contains~~
34 ~~the following information:~~

- 35 (1) ~~"North Carolina Public Weighmaster" and any other design or legend the~~
36 ~~Commissioner considers necessary. Weighmaster."~~
- 37 (2) The weighmaster's name.
- 38 (3) The assigned weighmaster license number.
- 39 (4) The expiration date of the weighmaster license.

40 (b) The seal shall be stamped or impressed on every certificate issued pursuant to this
41 Article. When an electronic stamp is used, the weighmaster's signature shall be captured using
42 either of the following:

- 43 (1) Software that requires the user to sign in prior to adding the electronic
44 signature to the certificate.
- 45 (2) An electronic signature pad that captures the signature live and then transfers
46 it to the certificate.

47 (c) The weighers of tobacco in leaf tobacco warehouses may use, instead of the seal, their
48 signatures in ink or other indelible substance posted in a conspicuous and accessible place in the
49 warehouse. All seals remain the property of the State and shall be returned to the Commissioner
50 upon termination of duties as a public weighmaster."
51

1 **DIRECT AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION TO**
2 **STUDY LOW-HANGING COMMUNICATION LINES**

3 **SECTION 14.** The Agriculture and Forestry Awareness Study Commission shall
4 collect information on communication lines that fall below the minimum height requirement and
5 create a public safety hazard, particularly to agricultural operations. In conducting the study, the
6 Commission shall seek input from the Office of Broadband Infrastructure of the Department of
7 Information Technology, telecommunications companies, agricultural trade associations,
8 commodity organizations, electric cooperatives, electric utility companies, third-party
9 contractors, and any other stakeholders the Commission deems necessary. The Commission shall
10 report its findings, including any recommendations or proposed legislation, prior to the
11 convening of the 2026 Regular Session of the General Assembly.
12

13 **REDUCE PENALTY FOR CERTAIN SHELLFISH AQUACULTURE VIOLATIONS**

14 **SECTION 15.(a)** G.S. 113-187 reads as rewritten:

15 **"§ 113-187. Penalties for violations of Subchapter and rules.**

16 (a) Any person who participates in a commercial fishing operation conducted in violation
17 of any provision of this Subchapter and its implementing rules or in an operation in connection
18 with which any vessel is used in violation of any provision of this Subchapter and its
19 implementing rules is guilty of a Class A1 misdemeanor.

20 (b) Any owner of a vessel who knowingly permits it to be used in violation of any
21 provision of this Subchapter and its implementing rules is guilty of a Class A1 misdemeanor.

22 (c) Any person in charge of a commercial fishing operation conducted in violation of any
23 provision of this Subchapter and its implementing rules or in charge of any vessel used in
24 violation of any provision of this Subchapter and its implementing rules is guilty of a Class A1
25 misdemeanor.

26 (d) Any person in charge of a commercial fishing operation conducted in violation of the
27 following provisions of this Subchapter or the following rules of the Marine Fisheries
28 Commission; and any person in charge of any vessel used in violation of the following provisions
29 of the Subchapter or the following rules, shall be guilty of a Class A1 misdemeanor. The
30 violations of the statute or the rules for which the penalty is mandatory are:

31 (1) Taking or attempting to take, possess, sell, or offer for sale any oysters,
32 mussels, or clams taken from areas closed by statute, rule, or proclamation
33 because of suspected pollution.

34 (2) Taking or attempting to take or have in possession aboard a vessel, shrimp
35 taken by the use of a trawl net, in areas not opened to shrimping, pulled by a
36 vessel not showing lights required by G.S. 75A-6 after sunset and before
37 sunrise.

38 (3) Using a trawl net in any coastal fishing waters closed by proclamation or rule
39 to trawl nets.

40 (4) Violating the provisions of a special permit or gear license issued by the
41 Department.

42 (5) Using or attempting to use any trawl net, long haul seine, swipe net,
43 mechanical methods for oyster or clam harvest or dredge in designated
44 primary nursery areas.

45 (e) Any person who takes menhaden or Atlantic thread herring by the use of a purse seine
46 net deployed by a mother ship and one or more runner boats in coastal fishing waters is guilty of
47 a Class A1 misdemeanor.

48 (f) Notwithstanding subsection (a) or subdivision (d)(4) of this section, any person who
49 operates a shellfish aquaculture operation who commits any of the following violations shall be
50 punished as follows:

(1) For an improperly marked shellfish lease area, a first offense shall be punishable only by issuance of a warning ticket pursuant to G.S. 113-140. A second offense within one month of the issuance of a warning ticket shall be punishable as an infraction as provided in G.S. 14-3.1. A third offense within one month of the issuance of a warning ticket shall be punishable as a Class 3 misdemeanor.

(2) For operating under an expired aquaculture operation permit, if the violation occurs within one month of the expiration of the permit, the violation shall be punishable only by issuance of a warning ticket pursuant to G.S. 113-140.

(3) For operating under an expired shellfish lease agreement, if the violation occurs within one month of the expiration of the agreement, the violation shall be punishable only by issuance of a warning ticket pursuant to G.S. 113-140."

SECTION 15.(b) This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

INCREASE PENALTY FOR A SECOND OR SUBSEQUENT OFFENSE FOR LARCENY OF CROPS

SECTION 16.(a) G.S. 14-78 reads as rewritten:

"**§ 14-78. Larceny of ungathered crops.**

(a) ~~If it is unlawful for any person shall to steal or feloniously take and carry away any maize, corn, wheat, rice or other grain, or any cotton, tobacco, potatoes, peanuts, pulse, fruit, vegetable or other product cultivated for food or market, growing, standing or remaining ungathered in any field or ground, that person is guilty of a Class H felony.~~ground.

(b) A violation of this section is punishable as follows:

(1) For a first offense under this section, the person is guilty of a Class H felony, punishable by a fine of not less than two hundred fifty dollars (\$250.00) in addition to any other punishment prescribed for the offense.

(2) For a second or subsequent offense under this section, the person is guilty of a Class G felony, punishable by a fine of not less than five hundred dollars (\$500.00) in addition to any other punishment prescribed for the offense."

SECTION 16.(b) This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

LIMIT LIABILITY FOR FIFRA-COMPLIANT LABELING

SECTION 17.(a) G.S. 99B-5 is amended by adding a new subsection to read:

"(d) Notwithstanding subsection (a) of this section, the duty of a manufacturer or seller of a pesticide to warn a consumer or the public about the risks associated with the pesticide shall be presumed to be satisfied if the pesticide bears the label approved by the United States Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. § 136 et seq.) and the pesticide is registered with the Pesticide Board pursuant to G.S. 143-442. This presumption may be rebutted only by a showing that the weight of the scientific evidence does not support the scientific basis on which the required warning is premised and that the manufacturer or seller knew or should have known at the time the pesticide was sold that the required warning was not supported by the weight of scientific evidence. At a minimum, evidence to rebut the presumption shall be academically peer reviewed, published in a recognized academic journal, capable of replication, and reflected by a reliable application of scientific principles and methods to the risks associated with the use of the product."

SECTION 17.(b) This section is effective when it becomes law and applies to actions filed on or after that date.

1 **ADD CERTAIN COMPOSTING FACILITIES TO THE DEFINITION OF**
2 **"AGRICULTURE"**

3 **SECTION 18.** G.S. 106-581.1 reads as rewritten:

4 **"§ 106-581.1. Agriculture defined.**

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

7 ...

8 (8) The production, processing, storage, use, and sale of compost for agricultural,
9 residential, or commercial purposes by a permitted Small or Large Type 1,
10 Type 2, or Type 3 composting facility as defined in rules adopted by the
11 Environmental Management Commission. For the purposes of this section,
12 compost means a product made from organic plant, animal, or food waste and
13 created through controlled aerobic, biological decomposition of
14 biodegradable materials that, when subject to mesophilic and thermophilic
15 temperatures, stabilizes the carbon content, reduces the viability of pathogens
16 and vector attraction, and when added to soils is beneficial to plant growth."

17
18 **PROPANE ASSESSMENT AMENDMENTS**

19 **SECTION 19.(a)** G.S. 119-63.4 reads as rewritten:

20 **"§ 119-63.4. Referendum.**

21 ...

22 (c) The amount of the proposed assessment shall be stated on the referendum ballot. The
23 amount may not exceed the maximum allowable rate of ~~two-tenths of one cent (\$.002)~~
24 three-tenths of one cent (\$.003) for each gallon of propane sold in this State by distributors to
25 dealers.

26 ...

27 (f) A proposed assessment shall become effective if more than ~~fifty percent (50%)~~
28 seventy-five percent (75%) of the eligible votes cast by dealers in the referendum are cast in favor
29 of the assessment and if more than ~~fifty percent (50%)~~ seventy-five percent (75%) of the eligible
30 votes cast by distributors in the referendum are cast in favor of the assessment. If the assessment
31 is approved by the referendum, then the Foundation shall notify the Department and the Alliance
32 of the amount of the assessment and the effective date of the assessment. The Department shall
33 notify all distributors and dealers of the assessment."

34 **SECTION 18.(b)** G.S. 119-63.6(a) reads as rewritten:

35 "(a) The Foundation shall use the funds to promote the common good, welfare, and
36 advancement of the propane industry, including, but not limited to, the following activities and
37 programs: education, training, safety compliance, equipment replacement for low-income
38 customers, marketing, advertising, promotion, workforce development, and customer rebates to
39 encourage energy-efficient appliance and equipment purchases by residential, commercial, or
40 agricultural consumers. The Foundation shall consult with the Alliance regarding its proposed
41 use of the funds. In addition, the Foundation shall consult with agricultural industry trade
42 associations and other organizations representing agricultural consumers of propane to ensure
43 that some programs and activities benefit the agriculture industry."

44 **SECTION 19.(c)** Subsection (a) of this section becomes effective January 1, 2026,
45 and applies to referenda conducted on or after that date. The remainder of this section is effective
46 when it becomes law.

47
48 **APA EXEMPTION FOR RULES TO MODERNIZE WASTEWATER PERMITTING**

49 **SECTION 20.(a)** Section 5.1 of S.L. 2024-44 is amended by adding a new
50 subsection to read:

1 "SECTION 5.1.(h) Temporary and permanent rules adopted pursuant to this section
2 are not subject to G.S. 150B-21.3(b1) and (b2)."

3 **SECTION 20.(b)** This section is effective retroactive to July 8, 2024.
4

5 **PART II: DISASTER RECOVERY**

6 **SECTION 21.(a)** Lumber River Basin Funding. – Of the funds transferred to the
7 Department of Environmental Quality from the State Capital and Infrastructure Fund as
8 referenced in Section 40.7 of S.L. 2021-180, the sum of twenty million dollars (\$20,000,000) in
9 nonrecurring funds for the 2025-2026 fiscal year to allocate to Robeson County for State
10 matching requirements for federal funding for the community-led Lumber River Basin Coalition
11 waterway restoration project due to damage from Potential Tropical Cyclone #8 and Tropical
12 Storm Debby.

13 **SECTION 21.(b)** Reversion. – Remaining unspent funds appropriated under this
14 section shall revert to the State Emergency Response and Disaster Relief Fund on June 30, 2027.

15 **SECTION 22.(a)** Statewide Agricultural Disaster Crop Loss Funding. – There is
16 appropriated from the State Emergency Response and Disaster Relief Fund to the Department of
17 Agriculture and Consumer Services the sum of one hundred forty-two million dollars
18 (\$142,000,000) in nonrecurring funds for the 2025-2026 fiscal year for the Agricultural Disaster
19 Crop Loss Program (Program), established in Section 2D.2(a) of S.L. 2025-2, for verifiable
20 losses from an agricultural disaster in 2024.

21 **SECTION 22.(b)** Funding Requirements. – Funds allocated to the Program under
22 this section shall be subject to all requirements of Section 2D.2 of S.L. 2025-2. The Department
23 of Agriculture and Consumer Services shall include these funds in the reporting requirements set
24 forth in Section 2D.2(i) of S.L. 2025-2. Section 2D.2(h) of S.L. 2025-2 does not apply to these
25 funds.

26 **SECTION 23.(a)** Receipt of Allocations. – A recipient of State funds under this act
27 shall use best efforts and take all reasonable steps to obtain alternative funds that cover the losses
28 or needs for which the State funds are provided, including funds from insurance policies in effect
29 and available federal aid. State funds paid under this act are declared to be excess over funds
30 received by a recipient from the settlement of a claim for loss or damage covered under the
31 recipient's applicable insurance policy in effect or federal aid. Where a recipient is an institution
32 of higher education or a non-State entity, the requirement regarding alternative funds and the
33 calculation of alternative funds received under this subsection includes seeking private donations
34 to help cover the losses or needs for which State funds are provided. An agency awarding State
35 funds for disaster relief shall include a notice to the recipient of the requirements of this
36 subsection.

37 **SECTION 23.(b)** Remittance of Funds. – If a recipient obtains alternative funds
38 pursuant to subsection (b) of this section, the recipient shall remit the funds to the State agency
39 from which the State funds were received. A recipient is not required to remit any amount in
40 excess of the State funds provided to the recipient under this act. The State agency shall transfer
41 these funds to the Savings Reserve.

42 **SECTION 23.(c)** Contract Requirements. – Any contract or other instrument entered
43 into by a recipient for receipt of funds under this act shall include the requirements set forth in
44 subsections (b) and (c) of this section.

45 **SECTION 23.(d)** Limitation on Powers of Governor. – The Governor may not use
46 the funds described in this act to make budget adjustments under G.S. 143C-6-4 or to make
47 reallocations under G.S. 166A-19.40(c). Nothing in this act shall be construed to prohibit the
48 Governor from exercising the Governor's authority under these statutes with respect to funds
49 other than those described in this act.

50 **SECTION 23.(e)** Directive. – The Governor shall ensure that funds allocated in this
51 act are expended in a manner that does not adversely affect any person's or entity's eligibility for

1 federal funds that are made available, or that are anticipated to be made available, as a result of
2 natural disasters. The Governor shall also, to the extent practicable, avoid using State funds to
3 cover costs that will be, or likely will be, covered by federal funds.

4 **SECTION 23.(f)** Continuation of Allocation Reporting Requirements. – OSBM
5 shall add the appropriations and allocations provided for in this act to the reporting requirements
6 set forth in Section 4.1(g) of S.L. 2025-2.

7 **SECTION 23.(g)** Continuation of State Auditor Oversight. – The Office of the
8 Governor of North Carolina shall continue the reporting requirements set forth in Section 4.2 of
9 S.L. 2025-2. The State Auditor shall include all funds appropriated and allocated under this act
10 in their report to the Joint Legislative Commission on Governmental Operations and include the
11 expenditure of these funds in the public dashboard as set forth in Sections 4.2(c) and (d) of S.L.
12 2025-2.

13 **PART III: SEVERABILITY CLAUSE AND EFFECTIVE DATE**

14 **SECTION 24.** If any provision of this act or the application thereof to any person or
15 circumstances is held invalid, such invalidity shall not affect other provisions or applications of
16 this act that can be given effect without the invalid provision or application and, to this end, the
17 provisions of this act are declared to be severable.

18 **SECTION 25.** Except as otherwise provided, this act is effective when it becomes
19 law.
20