



SENATE BILL 762: North Carolina Farm Act of 2022.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	June 28, 2022
Introduced by:	Sens. B. Jackson, Sanderson, Woodard	Prepared by:	Chris Saunders Staff Attorney
Analysis of:	Fourth Edition		

OVERVIEW: Senate Bill 762 would:

- Provide that a building used primarily for storage of agricultural commodities or products or storage and use of materials for agricultural purposes is considered a farm building for purposes of the building code, regardless of whether the building is located on the same property where the agricultural commodities or products were produced. The building must be surrounded by at least 60 feet of open space and be placarded as "Ag Exempt."
- Clarify that for purposes of county zoning, a building or structure that is used solely for the storage of cotton, peanuts, or sweetpotatoes, or any of the byproducts of those commodities, is a bona fide farm purpose.
- Direct the Agriculture and Forestry Awareness Study Commission to study whether to establish a "right to repair" for electronic farm equipment.
- Provide that, in the event of a tax foreclosure on property encumbered by a conservation agreement, the conservation agreement is not extinguished upon the sale of the property.
- Specify that farmed cervid feed means commercial feed sold to a cervid farmer for farmed cervid use, rather than commercial feed labeled or marketed for farmed cervid use.
- Provide that \$2.5 million in nonrecurring funds appropriated in both the 2021-2022 and 2022-2023 fiscal years to the North Carolina SweetPotato Commission for a contract with North Carolina State University to study nematode mitigation will remain available until expended and not revert.
- Make several technical changes.

CURRENT LAW AND BILL ANALYSIS:

Section 1 of the PCS would provide that a building used primarily for the storage of agricultural commodities or products, or storage and use of materials for agricultural purposes, is considered a farm building for purposes of the building code, regardless of whether the building is located on the same property where the agricultural commodities or products were produced. A qualifying building would have to be surrounded and adjoined by public ways and yards, as defined in the 2018 Building Code, of at least 60 feet in width. The front of the building would also have to be placarded with as "Ag Exempt" with a placard of at least two feet by two feet in size, with a red background, white reflective stripes, and a white reflective border.

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This section would also make technical changes to apply the definition of "farm building" to the entire subsection and update a cross-reference.

Section 2 would clarify that for purposes of county zoning, a building or structure that is used solely for the storage of cotton, peanuts, or sweetpotatoes, or any of the byproducts of those commodities, is a bona fide farm purpose, and therefore exempt from county zoning. This section would also clarify that the list of documents provided in this section is sufficient evidence that a property is used for bona fide farm purposes is not exhaustive.

Section 3 would direct the Agriculture and Forestry Awareness Study Commission to study whether to establish requirements for manufacturers of farm equipment to make documentation, parts, software, or tools required to diagnose, maintain, or repair electronically enabled farm equipment available to owners of the farm equipment or independent repair providers in the same manner as the documentation, parts, software, or tools are available to the manufacturer's authorized repair provider and, if so, the limitations and enforcement mechanisms that should apply to those requirements. The Commission would be required to seek input from farm equipment manufacturers, independent repair providers and owners of farm equipment, the Department of Justice, and the Department of Agriculture and Consumer Services and report its findings, including any proposed legislation, prior to the convening of the 2023 Regular Session.

Section 4 would provide that, in the event of a tax foreclosure on property encumbered by a conservation agreement, the conservation agreement is not extinguished upon the sale of the property.

A conservation agreement is defined as "a right, whether or not stated in the form of a restriction, reservation, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land or improvement thereon or in any order of taking, appropriate to retaining land or water areas predominantly in their natural, scenic or open condition or in agricultural, horticultural, farming or forest use, to forbid or limit any or all (i) construction or placing of buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground, (ii) dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste or unsightly or offensive materials, (iii) removal or destruction of trees, shrubs or other vegetation, (iv) excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such manner as to affect the surface, (v) surface use except for agricultural, farming, forest or outdoor recreational purposes or purposes permitting the land or water area to remain predominantly in its natural condition, (vi) activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation, or (vii) other acts or uses detrimental to such retention of land or water areas."

Section 5 would make a clarifying change to the definition of "farmed cervid feed" for purposes of the farmed cervid assessment. This section would specify that farmed cervid feed means commercial feed sold to a cervid farmer for farmed cervid use, rather than commercial feed labeled or marketed for farmed cervid use. Commercial feed for cervids is often labeled for hunting purposes rather than farming.

Section 6 would clarify that for purposes of present use value taxation, the commercial production or growing of animals includes boarding of horses. Under current law, the commercial production or growing of animals includes "the rearing, feeding, training, caring, and managing of horses."

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This section would be effective for taxes imposed for taxable years beginning on or after July 1, 2022.

Section 7 would make several technical changes to update cross-references in the statutes that refer to the section on county zoning. G.S. 153A-340(b) was recodified as G.S. 160D-903 in 2020.

The 2021 Appropriations Act appropriated \$2.5 million in nonrecurring funds in both the 2021-2022 and 2022-2023 fiscal years to the North Carolina SweetPotato Commission for a contract with North Carolina State University to study nematode mitigation. **Section 8** would provide that these funds will remain available until expended and do not revert.

EFFECTIVE DATE: Except as otherwise provided, this act would be effective when it becomes law.