

The NCHC 2015 Legislative Update

Serving as the Voice for all Equine

The Donkey is commonly used to ward off predators' and protect the livestock herd. Your North Carolina Horse Council is the "donkey" In the pasture serving as a livestock guard animal for the herd when it comes to legislative issues! What did you say? Yes, the NCHC is your donkey...serving as the equine industries security guard when it comes to laws and rules which impact our survival. And this year, we have had a lot to "bray" about. The North Carolina Farm Act, Private Property Protection Act, Animal Ordinances, Outdoor Heritage Act and an Equine Access to Public Land Bill. Let us share with you the historic legislative outcomes for 2015 and its impact on our equine community.

1. The Farm Act of 2015 passed after extensive discussion. The Farm Act of 2013 improved our Equine Liability Statute and clarified the recreational use statute. Now a land owner can feel better protected when allowing equine groups or sponsors access to their land without fear of increased liabilities. This law allows for greater access to private land for equine use. In addition this bill helped to clarify that activities on our horse farms was indeed "agri-tourism".

This year in the **Farm Act of 2015**, we worked to improve the Horse Promotion Bill, extending the time frame and changing the assessment from \$2 to a range of up to \$4 per ton. The Horse Promotion Act has been in place since 1998 with no changes or adjustments based on the cost of feed. We now have the ability to consider increasing the assessment should the need arise. Running the referendum vote is costly in both time and dollars. Due to the fact that historically the voters have never opposed the assessment, these dollars would be better used to support the industries work. Extending the voting period to up to 10 years will save the equine community dollars and allow us to put more dollars back into our programs. Perhaps the most important item within the Farm Act which will impact our industry, is that it included language to clarify that the boarding, training, care and management of horses is indeed an agricultural activity and included in the existing agricultural present use value law. This clarification will create a more favorable tax atmosphere for the entire equine industry. And finally there are several portions of the Farm Act which allow us to operate our farms with less regulations such as moving large equipment or hay bales.

Summary: The North Carolina Farm Act of 2015 or Senate Bill 513 sections which impact equine owners and farm owners

- Improved the Horse Promotion Act
- Allows oversized permit for hauling wide loads of baled hay
- Provides flexibility for being left of center with over width equipment
- Clarifies the current agricultural present use value tax law to guarantee inclusion of our equine boarding and training facilities.

2. Property Protection Act: Many states have attempted what the Animal Rights Activists have called "Ag-Gag" bills. These initiatives have been aimed at preventing individuals from accessing ones' business or property under false pretenses and documenting or videoing activities which they deem to be cruel or violating laws. Not with standing that some of the video might have been filmed out of context or held over a long period of time allowing abuse to continue, many agricultural entities have been left with no legal recourse when such activities were harmful to their business or operation. In

order to address this issue, North Carolina legislators approached this concern by prohibiting anyone from gaining access to the non-public area of their property for the purpose of making secret recordings or removing data or other materials. The bill creates a civil cause of action, allowing business to sue for damages.

Summary: Property Protection Act or Senate Bill 433 House Bill 405

- Strengthened trespass laws by allowing property owners to sue those who gain access to non-public areas of the owner's property and then engage in activities that go beyond the permission given by the owner
- Allows a \$5000 per day damages award and holds anyone who encourages or assists violators jointly liable

3. Ordinance Regulating Animals: As North Carolina continues to grow in population, the clash of rural versus city continues to be a major issue. Many cities and municipalities are considering or have passed ordinances which place unnecessary and highly restrictive 'standards of care' upon equine owners. These ordinances have mandated very specific types of shelter, activity and social interaction of horses. Equine experts all agree that horses do not necessarily require a manmade shelter and that natural shelter is often adequate. In addition, animal welfare, including the care and management of livestock are currently protected under our existing laws. Therefore, with the assistance of the NC Farm Bureau and other commodity groups, a bill to amend the authority of cities and counties to adopt ordinances regarding farm animals which includes horses was drafted and passed.

Summary: Ordinance Regulating Animals or House Bill 553

- Prohibits counties and cities from establishing "standards of care" for farm animals including mandating the type of shelter, feed, medicine, activity or social interaction of livestock.

4. Outdoor Heritage Act: North Carolina is one of a handful of states who currently does not allow broad based hunting on Sunday. Every year there is a "Sunday Hunting" Bill introduced in our General Assembly and 2015 was no different. Representative Jimmy Dixon took a different approach this year and in an attempt to bring all outdoor user groups together, held several meetings to discuss greater access to our outdoors for all. He was open to including modification to our Sunday Hunting laws only on private land and with the owner's permission. His Bill included prohibitions on the time you could hunt on Sunday as well as the distance that you needed to be away from other dwellings. The Outdoor Heritage Act addresses ways that we can improve and preserve our outdoor activities. It established a Commission to review and make recommendation for use and access to our public lands as well as establish a check off program to help fund outdoor heritage programs. The NCHC was represented in all of the meetings regarding this bill. Wake County and Mecklenburg County were excluded from this Bill and no Sunday hunting will occur in those counties. With the tight restrictions on hunting which are reflected in this Bill it is our hope that it will not have a great impact on our recreational trail use. However, the NCHC is seeking an appointment to the Cultural Heritage Resource Board and will continue to watch this issue.

Summary: Outdoor Heritage Act or HB 640

- Establishes the NC Outdoor Heritage Trust Fund to expand opportunities for youth to engage in outdoor activities such as hunting, fishing, hiking, biking or equestrian sports
- Creates a commission to study public access to public land
- Allows for 7 day hunting on private property with written permission of the owner but without the use of dogs and with setback from churches
- Lessens the liability for landowners that allow hunters to retrieve their dogs (including fox hunters)

5. Equine Access to Public Land: Too often over the last twenty years we have heard reports that public lands and trails are closed and access denied to pack and saddle stock and recreational riders. We fear that some of these closures are effected with a bias against horses and riders, without sound science and without a justifiable rationale.

The recreational riding community and the NCHC are very concerned about the recent direction of some state agencies' approach to recreational riding and a number of policy initiatives that seem intent on denying public access to thousands of acres of public land. In fact, it often seems as if the riding public is excluded when decisions are made on access. We are concerned that if this direction is not checked, it will prevent North Carolinians from participating in recreational activities, including horseback riding, in areas that have long sustained such activities. This is one of the underlying intents of our equine access legislation efforts.

The horse industry has become alarmed as we have witnessed during the last decade the continued decline in the condition and extent of our trail systems and a pervasive trend throughout the country of increasing restrictions directed specifically at recreational riding and pack and saddle stock use on our state lands including wilderness and wildlife areas, state forests and parks, backcountry and front country.

During this same period, we have observed a shift in emphasis of the state agencies from one of managing our wilderness preservation system for the multiple purposes intended by our legislative assembly, including recreational, scenic, scientific, educational, conservation and historical use, to the singular objective of restoring and sustaining pristine ecological conditions. The management environment seems less tolerant of traditional uses of trails.

Perhaps the most important issue facing the recreational segment of the horse industry is access to public lands. While the industry is losing its access to public lands, urban areas encroach on open green space. State policy needs to reaffirm that recreational and historical uses -- such as equestrian uses -- have been and are recognized as an appropriate and acceptable activity on state lands. Our Equine Access to Public Land Bill, aka "right to ride" effort is intended to ensure that each state agency takes into consideration the continued use and access of pack and saddle stock animals on state lands as a natural way for visitors to enjoy state lands where there is a historical tradition of such use.

Restrictions and prohibitions imposed on recreational equine use should be the exception rather than the rule and be determined by site-specific analysis based on use, land characteristics and science. It should not be subjective or based on the social preferences of other users.

Members of the recreational riding community consider themselves both horsemen and women and environmentalists. They are concerned that our state's lands and resources sometimes suffer from

neglect and want to be an active part of the solution to improve our public lands. Our challenge and the challenge of all trail users, the Legislature and the responsible state agencies is to ensure that state lands are managed to meet all of the intents and purposes of the law, the people who use the land and, of course, the land itself. The new paradigm is about seeking common ground and understanding the needs of all users. We are “braying” loudly to our legislators and other interested stakeholders to pass an equine access bill to public lands.

Summary: Equine Access to Public Land, also known as a “Right to Ride” Bill was introduced as House Bill 893. While this bill was not passed during the 2015 legislative session, we will continue to work towards passage during the next legislative session.

- Allow access to public land upon establishment of a usage agreement
- Allow for trail maintenance by volunteers
- Provides for inclusion of equestrian representation on all trail decisions
- Allows for the issuance of permits

Finally, the NCHC joined forces with other agricultural commodity leaders to request that the legislature exempt veterinary services from taxes. This issue was addressed in the Appropriation Bill and we were successful in having language removed that would have required veterinarians to add taxes for their services. While we were successful this year, we need to stay vigilant as this will more than likely come up again.

In conclusion, these are the highlights from the past legislative session that the NCHC “Donkey” is looking out for. Equine operations have evolved into a major component of the agricultural industry having an almost \$2 billion impact on the economy of our state. Horses represent a tremendous opportunity for farmers and agricultural supply dealers because of the equipment, services and products needed to support the horse population, which in many counties exceeds the population of all other livestock combined. The growing hay industry is directly proportional to the growing number of horses. As an added benefit, traditional livestock producers have access to high quality veterinarians that provide services to horses. In 2009, with funding from the NC Legislature, the industry completed a comprehensive study on the importance of horses and their economic contribution as part of the State’s Agricultural Industry. This study revealed that we have over 306,000 horses in our state and over 53,000 households with multiple owners in the home. That’s a large industry and a lot of horses to protect. Donkeys rely predominantly on sight and sound to detect intruders. We need you to be our eyes and ears, telling us loudly what issues you see and were the “dangers” may be so that we can actively work to improve our community. Come join the Herd!