

Article 85.

Agricultural Emergency Response Act.

**§ 106-1040. Short title.**

This Article shall be known as the "Agricultural Emergency Response Act." (2016-113, s. 2(a).)

**§ 106-1041. Statement of purpose and authorization.**

The North Carolina Department of Agriculture and Consumer Services is authorized to aid and assist agricultural operations and landowners in the preparedness for, response to, and recovery from agricultural emergencies. This authorization is given separate and apart from the authorities authorized by Chapter 166A of the General Statutes and shall not require declaration of a state of emergency pursuant to G.S. 166A-19.20 for its implementation. In the event of a state of emergency declaration and where this Article is inconsistent with the provisions of Chapter 166A of the General Statutes, the provisions of Chapter 166A of the General Statutes shall control as to the areas covered under the declaration. The Board of Agriculture may adopt rules necessary for the implementation and administration of this Article. (2016-113, s. 2(a); 2018-142, s. 12(c).)

**§ 106-1042. Definitions.**

For purposes of this Article, the following definitions apply:

- (1) "Agricultural emergency" means an emergency, as defined in G.S. 166A-19.3, that results in exposure of or damage to pre- or post-harvest of plants, livestock, feed, water resources, or infrastructure which adversely affects one or more members of the agricultural community and the economic viability of the agriculture industry within the State.
- (2) "Agricultural Emergency Response Team" means employees of the North Carolina Department of Agriculture and Consumer Services who have been designated by the Commissioner to respond to agricultural emergencies, as authorized by G.S. 106-1043, and any personnel operating under agreement with the Department as a contracted service, including, but not limited to, private companies and units of local government.
- (3) "Commissioner" means the Commissioner of Agriculture.
- (4) "Department" means the North Carolina Department of Agriculture and Consumer Services. (2016-113, s. 2(a).)

**§ 106-1043. Agricultural Emergency Response Teams authorized.**

When the Commissioner determines, in consultation with the Governor, that there is an imminent threat of an agricultural emergency or that an agricultural emergency exists within the State that threatens to cause damage to or has caused damage to agricultural lands, facilities, and operations, the Commissioner is authorized to deploy Agricultural Emergency Response Teams to aid in prevention measures and recovery efforts on the premises of agricultural landowners throughout the State, wherever located. (2016-113, s. 2(a).)

**§ 106-1044. Immunity and liability.**

All functions authorized by this Article and all other activities relating to agricultural emergencies are hereby declared to be governmental functions. Neither the State nor any political subdivision thereof, nor, except in cases of willful misconduct, gross negligence, or bad faith, any

Agricultural Emergency Response Team worker, firm, partnership, association, or corporation complying with or reasonably attempting to comply with this Article or any order, rule, or regulation promulgated pursuant to the provisions of this Article, shall be liable for the death of or injury to persons or for damage to property as a result of any such activity. (2016-113, s. 2(a).)

**§ 106-1045. No private liability.**

Any person, firm, or corporation, together with any successors in interest, if any, owning or controlling real or personal property who, voluntarily or involuntarily, knowingly or unknowingly, with or without compensation, grants a license or privilege or otherwise permits or allows the designation or use of the whole or any part or parts of such real or personal property for the purpose of activities or functions relating to agricultural emergency response as provided for in this Article or elsewhere in the General Statutes shall not be civilly liable for the death of or injury to any person or the loss of or damage to the property of any persons where such death, injury, loss, or damage resulted from, through, or because of the use of the said real or personal property for any of the above purposes, provided that the use of said property is subject to the order or control of or pursuant to a request under the authority of this Article. (2016-113, s. 2(a).)

**§ 106-1046. Funding for agricultural emergency response.**

In order to fully execute the authorities prescribed in this Article, the North Carolina Department of Agriculture may, at the discretion of the Commissioner, use any funds available to the Department which have been allocated by the General Assembly from the General Fund of the State, use of which is not otherwise restricted by law. (2016-113, s. 2(a).)

**§ 106-1047. Nondiscrimination in agricultural emergency response.**

State and local governmental bodies and other organizations and personnel who carry out functions under the provisions of this Article shall do so in an equitable and impartial manner. Such State and local governmental bodies, organizations, and personnel shall not discriminate on the grounds of race, color, religion, nationality, sex, age, or economic status in the relief and assistance activities. (2016-113, s. 2(a).)

**§ 106-1048:** Reserved for future codification purposes.

**§ 106-1049:** Reserved for future codification purposes.

**§ 106-1050:** Reserved for future codification purposes.

**§ 106-1051:** Reserved for future codification purposes.

**§ 106-1052:** Reserved for future codification purposes.

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