

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 893

Short Title: Use of State Land for Equestrian Activities. (Public)

Sponsors: Representative Langdon (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Wildlife Resources.

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE EQUESTRIAN GROUPS TO ENTER INTO AGREEMENTS
3 WITH APPROPRIATE STATE OFFICIALS PURSUANT TO WHICH MEMBERS OF
4 THOSE GROUPS MAY USE STATE LANDS FOR EQUESTRIAN PURPOSES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 14 of Chapter 146 of the General Statutes is amended by
7 adding a new section to read:

8 **"§ 146-70.1. Use of State land for equestrian activities; creation of trails by volunteers.**

9 (a) Authority to Enter Agreements. – Upon application by an equestrian group, the
10 appropriate State official may enter into an agreement with the group that authorizes the group
11 and its members to use particular State lands for equestrian purposes.

12 (b) Requirements and Limitations. – A usage agreement shall be subject to the
13 following requirements and limitations:

14 (1) It shall set forth the terms and conditions for use of the State lands by the
15 equestrian group and its members.

16 (2) It shall govern the authority of the equestrian group and its members to
17 create and maintain any trails on the State lands.

18 (3) It shall not confer, nor be construed to confer, any property right that would
19 exist if or when the usage agreement is ended.

20 (4) It shall authorize hikers and walkers to use the State lands under the same
21 terms as equestrians, except that hikers and walkers shall be required to yield
22 the right-of-way to equestrians when hiking or walking on any trails created
23 and maintained for the purpose of equestrian use and so designated along
24 that trail.

25 (5) It shall prohibit individuals who are not hunting from entering State lands at
26 times when hunting is authorized to occur on the lands.

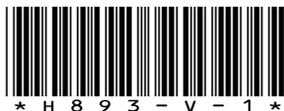
27 (6) It shall not abrogate or supersede any otherwise applicable requirement to
28 obtain a license as a prerequisite to entering the State lands.

29 (c) Exemption of Certain State Lands From Agreements. – The appropriate State
30 official may decline to include particular State lands in a usage agreement, or may remove
31 particular State lands from an existing usage agreement, when the official determines that use
32 of the State lands would do any of the following:

33 (1) Cause verifiable harm to the State lands or the environment.

34 (2) Violate federal or State law.

35 (3) Pose a security risk or serious threat of injury to any person.



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1 (4) Result in expenses to the State.

2 (d) Opportunity to Show Cause Shall Be Provided. – Prior to denying in whole or in
3 part an application by an equestrian group to enter into a usage agreement, and prior to
4 removing any State lands from an existing usage agreement, the appropriate State official shall
5 notify the North Carolina Horse Council and the equestrian group that made the application for
6 the agreement of that decision and shall allow these entities to show cause why the proposed
7 action should not be taken. After this hearing, the appropriate State official shall make a final
8 decision on the matter.

9 (e) Publication of Usage Agreements. – The Secretary of Administration shall publish
10 and maintain on its Web site a publically accessible repository of usage agreements. The head
11 of each State agency that enters into a usage agreement shall forward an electronic copy of the
12 usage agreement, amendments to the agreement, and cancellations of the agreement to the
13 Secretary of Administration within seven days of entering, amending, or canceling the
14 agreement.

15 (f) Definitions. – The following definitions apply in this section:

16 (1) Appropriate State official. – The head of a State agency to which particular
17 State lands have been allocated or, if those State lands are not allocated to a
18 particular agency, the Secretary of Administration.

19 (2) Equestrian group. – A group or organization consisting of individuals who
20 ride equines, as that term is defined in G.S. 106-822(4), for recreational
21 purposes or that facilitate the riding of equines by others for recreational or
22 commercial purposes.

23 (3) State lands. – As defined in G.S. 146-64, regardless of whether the lands are
24 owned or merely leased by the State or a State agency.

25 (4) Usage agreement. – An agreement entered into pursuant to subsection (a) of
26 this section."

27 **SECTION 2.** Nothing in this act shall be construed to affect agreements for usage
28 of land by equestrians entered into prior to the effective date of this act.

29 **SECTION 3.** This act is effective when it becomes law.