

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 671
Committee Substitute Favorable 5/2/05
Senate Agriculture/Environment/Natural Resources Committee Substitute
Adopted 8/11/05

Short Title: Regulation of Genetically Altered Plants.

(Public)

Sponsors:

Referred to:

March 16, 2005

A BILL TO BE ENTITLED

AN ACT TO (1) PROVIDE THAT THE BOARD OF AGRICULTURE SHALL HAVE THE SOLE AUTHORITY TO REGULATE GENETICALLY MODIFIED AND GENETICALLY ENGINEERED PLANTS, (2) TO INCREASE THE MEMBERSHIP OF THE BOARD OF AGRICULTURE BY TWO MEMBERS, AND (3) TO ESTABLISH THE LEGISLATIVE COMMISSION ON GENETICALLY MODIFIED AND GENETICALLY ENGINEERED ORGANISMS TO STUDY ISSUES RELATED TO GENETICALLY MODIFIED AND GENETICALLY ENGINEERED ORGANISMS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 106 of the General Statutes is amended by adding a new Article to read:

"Article 36B.

"Regulation of Genetically Modified and Genetically Engineered Plants.

"§ 106-423.10. Regulation of genetically modified and genetically engineered plants.

Except as provided in Article 15 of Chapter 113A of the General Statutes, the Board of Agriculture shall have the sole authority to regulate genetically engineered and genetically modified plants."

SECTION 2.1. G.S. 106-2 reads as rewritten:

"§ 106-2. Department of Agriculture and Consumer Services established; Board of Agriculture, membership, terms of office, etc.

(a) The Department of Agriculture and Consumer Services is created and established and shall be under the control of the Commissioner of Agriculture, with the consent and advice of a board to be styled "The Board of Agriculture."

(b) The Board of Agriculture shall consist of the Commissioner of Agriculture, who shall be ex officio a member and chairman thereof and shall preside at all meetings,

1 and of ~~10-12~~ other members from the State at large, so distributed as to reasonably
2 represent the different sections and agriculture of the State. In the appointment of the
3 members of the ~~Board~~ Board, the Governor shall also take into consideration the
4 different agricultural interests of the State, and shall appoint ~~one~~ members to the Board
5 as follows:

- 6 (1) One member who shall be a ~~practical~~ practicing tobacco farmer to
7 represent ~~the tobacco farming interest, one~~ interests.
- 8 (2) One member who shall be a ~~practical~~ practicing cotton grower to
9 represent ~~the cotton interest, one~~ interests.
- 10 (3) One member who shall be a ~~practical~~ practicing truck farmer or
11 general farmer to represent ~~the truck and general farming interest, one~~ interests.
- 12 (4) One member who shall be a ~~practical~~ practicing dairy farmer to
13 represent ~~the dairy and livestock interest of the State, one~~ interests.
- 14 (5) One member who shall be a ~~practical~~ practicing poultryman to
15 represent ~~the poultry interest of the State, one~~ interests.
- 16 (6) One member who shall be a ~~practical~~ practicing peanut grower to
17 represent ~~the peanut interests, one~~ interests.
- 18 (7) One member who shall be experienced in marketing to represent the
19 marketing of products of the State.
- 20 (8) One member who shall represent general farming interests.
- 21 (9) One member who shall represent general farming interests.
- 22 (10) One member who shall represent general farming interests.
- 23 (11) One member who shall be a practicing organic farmer to represent
24 organic farming interests.
- 25 (12) One member who shall be a member of a consumer advocacy group to
26 represent interests of consumers of foods that are grown or produced in
27 the State.

28
29 (c) The members of ~~such~~ the Board shall be appointed by the Governor by and
30 with the consent of the ~~Senate, when the terms of the incumbents respectively expire.~~
31 Senate. The term of office of ~~such~~ members shall be six years and until their successors
32 are duly appointed and qualified. ~~The terms of office of the five members constituting~~
33 ~~the present Board of Agriculture shall continue for the time for which they were~~
34 ~~appointed. In making appointments for the enlarged Board of Agriculture, the Governor~~
35 ~~shall make the appointments so that the term of three members will be for two years,~~
36 ~~three for four and four for six years. Thereafter the appointments shall be made for six~~
37 ~~years.~~ The terms of members appointed under subdivisions (2), (4), (6), and (12) of
38 subsection (b) of this section shall begin and end on 1 May of years that precede by
39 three years those years that are evenly divisible by six. The terms of members appointed
40 under subdivisions (5), (8), (9), and (10) of subsection (b) of this section shall begin and
41 end on 1 May of years that precede by one year those years that are evenly divisible by
42 six. The terms of members appointed under subdivisions (1), (3), (7), and (11) of
43 subsection (b) of this section shall begin and end on years that follow by one year those
44 years that are evenly divisible by six.

1 (d) Vacancies in such Board shall be filled by the Governor for the unexpired
2 term. The Commissioner of Agriculture and the members of the Board of Agriculture
3 shall be ~~practical-practicing~~ farmers engaged in their profession."

4 **SECTION 2.2.** In order to maintain the system of staggered terms of
5 members of the Board of Agriculture such that the same number of terms begins and
6 ends every two years, the term of the member initially appointed to fill the position
7 established by subdivision (11) of subsection (b) of G.S. 106-2, as amended by Section
8 2.1 of this act, shall begin on the date the member is appointed and duly qualified and
9 shall end on 1 May 2011, and the term of the member initially appointed to fill the
10 position established by subdivision (12) of subsection (b) of G.S. 106-2, as amended by
11 Section 2.1 of this act, shall begin on the date the member is appointed and duly
12 qualified and shall end on 1 May 2007.

13 **SECTION 3.1.** Commission Established; Membership. – The Legislative
14 Commission on Genetically Modified and Genetically Engineered Organisms is hereby
15 established. The Commission shall consist of 16 members as follows:

- 16 (1) Three members of the Senate appointed by the President Pro Tempore
17 of the Senate.
- 18 (2) Three members of the House of Representatives appointed by the
19 Speaker of the House of Representatives.
- 20 (3) Five public members with knowledge and experience related to
21 genetically modified or genetically engineered organisms appointed by
22 the President Pro Tempore of the Senate.
- 23 (4) Five public members with knowledge and experience related to
24 genetically modified or genetically engineered organisms appointed by
25 the Speaker of the House of Representatives.

26 **SECTION 3.2.** Cochairs. – The Commission shall have two Cochairs, one
27 senator designated by the President Pro Tempore of the Senate and one representative
28 designated by the Speaker of the House of Representatives from among their respective
29 appointees. The Commission shall meet upon the call of the Cochairs.

30 **SECTION 3.3.** Quorum. – A quorum of the Commission shall consist of
31 nine members.

32 **SECTION 3.4.** Vacancies. – Any vacancy on the Commission shall be filled
33 as provided in Section 3.1 of this act.

34 **SECTION 3.5.** Study. – The Commission shall study the following issues
35 related to genetically modified and genetically engineered organisms:

- 36 (1) Whether the use of genetically modified or genetically engineered
37 organisms contributes to the development of pesticide resistance and
38 what economic, environmental, and public health impacts are
39 associated with the development of pesticide resistance.
- 40 (2) Whether the use of genetically modified or genetically engineered
41 organisms by farmers and other growers could increase their legal
42 liability for patent infringement, damage to the property of
43 neighboring landowners, and other causes of action.

1 (3) Whether the use of genetically modified or genetically engineered
2 organisms could lead to the loss of access to organic markets and other
3 markets that prohibit the sale of genetically modified or genetically
4 engineered organisms.

5 (4) Whether the current regulatory framework is sufficient to assess the
6 risks associated with genetically modified and genetically engineered
7 organisms. The study of this issue shall include the compilation of
8 current studies related to the effects of genetically modified and
9 genetically engineered organisms on human and animal health.

10 **SECTION 3.6.** Expenses of Members. – Members of the Commission shall
11 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
12 138-5, or 138-6, as appropriate.

13 **SECTION 3.7.** Meeting Place; Staff. – Upon the prior approval of the
14 Legislative Services Commission, the Commission may meet in the Legislative
15 Building or the Legislative Office Building. Upon the prior approval of the Legislative
16 Services Commission, the Legislative Services Officer shall assign professional staff to
17 the Commission to aid in its work.

18 **SECTION 3.8.** Consultants. – The Commission may hire consultants to
19 assist with the study as provided in G.S. 120-32.02(b).

20 **SECTION 3.9.** Report. – The Commission shall report its findings and
21 recommendations to the General Assembly and the Environmental Review Commission
22 on or before 1 November 2006, at which time the Commission shall terminate.

23 **SECTION 3.10.** Funding. – From funds appropriated to the General
24 Assembly, the Legislative Services Commission shall allocate funds for the purpose of
25 conducting the study provided for in this act.

26 **SECTION 4.** This act is effective when it becomes law.