

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

SESSION LAW 2009-530
SENATE BILL 1067

AN ACT TO ESTABLISH THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD ADVISORY COUNCIL TO ADDRESS PROGRAM AND POLICY CONSIDERATIONS REGARDING THE DEVELOPMENT OF A SUSTAINABLE LOCAL FOOD ECONOMY IN NORTH CAROLINA.

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 70.

"North Carolina Sustainable Local Food Advisory Council.

"§ 106-830. Purpose; definitions.

(a) Purpose. – It is the purpose of the North Carolina Sustainable Local Food Advisory Council to contribute to building a local food economy, thereby benefiting North Carolina by creating jobs, stimulating statewide economic development, circulating money from local food sales within local communities, preserving open space, decreasing the use of fossil fuel and thus reducing carbon emissions, preserving and protecting the natural environment, increasing consumer access to fresh and nutritious foods, and providing greater food security for all North Carolinians. Recognizing the positive contributions of North Carolina's agricultural sector to the State's economy and environmental quality, it is the intent of the General Assembly that the Council consider and develop policies regarding the following subjects as they relate to North Carolinians:

- (1) Health and wellness.
- (2) Hunger and food access.
- (3) Economic development.
- (4) Preservation of farmlands and water resources.

(b) Definitions. – As used in this Article, the following definitions apply:

- (1) Sustainable food. – An integrated system of plant and animal production practices that have a site-specific application and that over the long term are able to do all of the following:
 - a. Satisfy human food and fiber needs.
 - b. Enhance environmental quality and the natural resource base upon which the agriculture economy depends.
 - c. Sustain the economic viability of farm operations.
 - d. Enhance the quality of life for farmers and the society as a whole.
- (2) Local food. – Food grown within the borders of North Carolina.

"§ 106-831. The North Carolina Sustainable Local Food Advisory Council; creation; membership; terms.

(a) Council Established; Membership. – The North Carolina Sustainable Local Food Advisory Council is hereby created within the Department of Agriculture and Consumer Services. The Council shall consist of 27 members as follows:



- (1) The Commissioner of Agriculture or the Commissioner's designee, ex officio.
- (2) The State Health Director or the State Health Director's designee, ex officio.
- (3) The Secretary of Commerce or the Secretary's designee, ex officio.
- (4) Two local organic food producers, one of which is an organic animal producer and one of which is an organic crop producer, to be appointed by the Speaker of the House of Representatives.
- (5) Two local conventional food producers, one of which is an animal producer and one of which is a crop producer, to be appointed by the Commissioner of Agriculture.
- (6) Two local sustainable food producers, one of which is an animal producer and one of which is a crop producer, to be appointed by the Commissioner of Agriculture.
- (7) One representative of the commercial fishing industry, to be appointed by the President Pro Tempore of the Senate.
- (8) One representative of the NC State Grange, to be appointed by the Speaker of the House of Representatives.
- (9) One representative of the North Carolina Farm Bureau Federation, Inc., to be appointed by the Speaker of the House of Representatives.
- (10) One representative of the Sea Grant College Program at The University of North Carolina, to be appointed by the President Pro Tempore of the Senate.
- (11) One representative of the Carolina Farm Stewardship Association, to be appointed by the Governor.
- (12) One representative of the Center for Environmental Farming Systems, a partnership among North Carolina State University, North Carolina Agricultural and Technical State University, and the Department of Agriculture and Consumer Services, to be appointed by the Governor.
- (13) One representative of the North Carolina Association of Black Lawyers' Land Loss Prevention Project, Inc., to be appointed by the Commissioner of Agriculture.
- (14) One representative of the Appalachian Sustainable Agriculture Project, to be appointed by the President Pro Tempore of the Senate.
- (15) One representative of the Center for Community Action, Inc., to be appointed by the Commissioner of Agriculture.
- (16) One representative of the North Carolina Association of County Commissioners, to be appointed by the President Pro Tempore of the Senate.
- (17) One representative of the Department of Public Instruction, Child Nutrition Services Section, to be appointed by the President Pro Tempore of the Senate.
- (18) One representative of the North Carolina Cooperative Extension Service, jointly administered by North Carolina State University and North Carolina Agricultural and Technical State University, to be appointed by the Governor.
- (19) One representative of the Center for Health Promotion and Disease Prevention at the University of North Carolina at Chapel Hill, to be appointed by the President Pro Tempore of the Senate.
- (20) One representative of a food bank located in North Carolina, to be appointed by the Governor.
- (21) One representative of the food retail or food service industry, to be appointed by the Governor.

- (22) One representative of the North Carolina Farm Transition Network, Inc., to be appointed by the Speaker of the House of Representatives.
- (23) One representative of the North Carolina Rural Economic Development Center, Inc., to be appointed by the Speaker of the House of Representatives.
- (24) One representative of a business engaged in the processing, packaging, or distribution of food, to be appointed by the Speaker of the House of Representatives, in consultation with the NC Agribusiness Council.

(b) Terms. – Appointments to the Council shall be for a term of three years. Terms shall be staggered so that eight terms shall expire on June 30 of each year, except that members of the Council shall serve until their successors are appointed and duly qualified as provided by G.S. 128-7.

(c) Chair. – The Council shall have one chair. The Council shall, by a majority of the members, select the chair every other year from among those members of the Council.

(d) Vacancies. – Any vacancy on the Council resulting from the resignation of a member or otherwise shall be filled in the same manner in which the original appointment was made, and the term shall be for the balance of the unexpired term of the member who created the vacancy.

(e) Compensation. – The Council members shall receive no salary as a result of serving on the Council but shall receive per diem, subsistence, and travel expenses in accordance with G.S. 120-3.1, 138-5, or 138-6, as applicable.

(f) Removal. – Members may be removed in accordance with G.S. 143B-13 as if that section applied to this Article.

(g) Meetings. – The chair shall call the meetings and shall notify the members of each meeting being called at least seven days before the date on which the meeting is to occur. Meetings shall be held as often as the chair deems necessary but not less than four times each calendar year. The chair shall arrange for the location and staffing of the meetings, the costs of which shall be borne by the Council from funds made available to the Council to conduct business.

(h) Quorum. – A quorum of the Council shall consist of 13 members of the Council for the transaction of business.

(i) Meeting Space. – The Department of Agriculture and Consumer Services shall provide without compensation meeting space in Raleigh for use by the Council.

"§ 106-832. The North Carolina Sustainable Local Food Advisory Council; duties.

In developing sustainable local food programs and policies for North Carolina, the Council may consider any of the following programmatic and policy issues:

- (1) An in-depth assessment of the foods that are served to public school students under the National School Lunch Program and the School Breakfast Program, including the possibility of increasing the amount of sustainable local food used in these programs.
- (2) An in-depth analysis of the possibility of making sustainable local food available under public assistance programs, including the possibility of being able to use food stamps at local farmers markets.
- (3) An in-depth analysis of the possibility of promoting urban gardens and backyard gardens for the purpose of improving the health of citizens, making use of idle urban property, and lowering food costs for North Carolina urban dwellers during times of economic hardship.
- (4) An in-depth analysis of the potential impacts that the production of sustainable local food would have on economic development in North Carolina, both the direct impacts for the producers of sustainable local food and the actual and potential indirect impacts, such as encouraging restaurants

that feature locally raised agricultural products and promoting food and wine tourism.

(5) Issues regarding how local and regional efforts could promote a sustainable local food economy by providing an information and engagement center that would assist entrepreneurs and farmers in working around any current barriers and in pursuing opportunities related to a sustainable local food economy.

(6) Issues regarding the identification and development of solutions to regulatory and policy barriers to developing a strong sustainable local food economy.

(7) Issues regarding strengthening local infrastructure and entrepreneurial efforts related to a sustainable local food economy.

(8) Any other program and policy issues the Council considers pertinent.

"§ 106-833. The North Carolina Sustainable Local Food Advisory Council; report requirement.

No later than October 1 of each year, the Council shall report its findings and recommendations, including any legislative proposals or proposals for administrative action, to the General Assembly, the Governor, and the Commissioner of Agriculture."

SECTION 2. The first report due under G.S. 106-833, as enacted by Section 1 of this act, is due no later than October 1, 2010.

SECTION 3. The initial terms of the members of the North Carolina Sustainable Local Food Advisory Council created by G.S. 106-831, as enacted by Section 1 of this act, shall commence no later than October 1, 2009. In order to provide for a system of staggered three-year terms for the members of the North Carolina Sustainable Local Food Advisory Council, the following provisions shall apply:

(1) The terms of the members initially appointed to serve in the positions established by G.S. 106-831(a)(4) through G.S. 106-831(a)(8) shall be three years and shall expire on July 1, 2012.

(2) The terms of the members initially appointed to serve in the positions established by G.S. 106-831(a)(9) through G.S. 106-831(a)(16) shall be four years and shall expire on July 1, 2013.

(3) The terms of the members initially appointed to serve in the positions established by G.S. 106-831(a)(17) through G.S. 106-831(a)(24) shall be five years and shall expire on July 1, 2014.

SECTION 4. This act is effective when it becomes law and shall expire on July 31, 2012.

In the General Assembly read three times and ratified this the 7th day of August, 2009.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 9:45 a.m. this 28th day of August, 2009