

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1163

Short Title: Sustainable Local Food Policy Council. (Public)

Sponsors: Representatives Rapp, Harrison, Wray, Fisher (Primary Sponsors); Allen, Bell, Bordsen, Braxton, Brisson, Burris-Floyd, Cole, Crawford, Dickson, England, Faison, Goforth, Haire, Hill, Insko, Lucas, Martin, Ross, Spear, Sutton, Tucker, R. Warren, Weiss, Williams, and Yongue.

Referred to: Agriculture, if favorable, Appropriations.

April 8, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD
3 POLICY COUNCIL TO ADDRESS POLICY CONSIDERATIONS REGARDING THE
4 DEVELOPMENT OF A SUSTAINABLE LOCAL FOOD ECONOMY IN NORTH
5 CAROLINA.

6 The General Assembly of North Carolina enacts:

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

9 "Article 70.

10 "North Carolina Sustainable Local Food Policy Council.

11 **"§ 106-830. Findings.**

12 The General Assembly finds that the time is right for the State to build its sustainable local
13 food economy. Building a local food economy will create jobs, stimulate statewide economic
14 development, and circulate money from local food sales within local communities. Other
15 important benefits of a sustainable local food economy in North Carolina include preserving
16 open space, decreasing the use of fossil fuel and thus reducing carbon emissions, preserving
17 and protecting the natural environment, increasing consumer access to fresh and nutritious
18 foods, and providing greater food security for all North Carolinians.

19 **"§ 106-831. The North Carolina Sustainable Local Food Policy Council; creation;**
20 **membership; terms.**

21 (a) Council Established; Membership. – The North Carolina Sustainable Local Food
22 Policy Council is hereby created within the Department of Agriculture and Consumer Services.
23 The Council shall consist of 18 members as follows:

- 24 (1) One local food producer, to be appointed by the Commissioner of
25 Agriculture.
26 (2) One representative of the Department of Agriculture and Consumer
27 Services, to be appointed by the Commissioner of Agriculture.
28 (3) One representative of the Department of Health and Human Services,
29 Division of Social Services, who works with the Food and Nutrition Services
30 Program, to be appointed by the President Pro Tempore of the Senate.
31 (4) One representative of the Center for Health Promotion and Disease
32 Prevention at the University of North Carolina at Chapel Hill, to be
33 appointed by the Speaker of the House of Representatives.



- 1 (5) One representative of the Department of Environment and Natural
2 Resources, Division of Water Quality, to be appointed by the Speaker of the
3 House of Representatives.
- 4 (6) One representative of the Department of Insurance, to be appointed by the
5 President Pro Tempore of the Senate.
- 6 (7) One representative of a food bank located in North Carolina, to be appointed
7 by the President Pro Tempore of the Senate.
- 8 (8) One representative of a business specializing in retail, service, or direct food,
9 to be appointed by the Secretary of Commerce.
- 10 (9) One representative of the Carolina Farm Stewardship Association, to be
11 appointed by the Speaker of the House of Representatives.
- 12 (10) One representative of the North Carolina Farm Bureau Federation, Inc., to be
13 appointed by the Speaker of the House of Representatives.
- 14 (11) One representative of the Appalachian Sustainable Agriculture Project, to be
15 appointed by the President Pro Tempore of the Senate.
- 16 (12) One representative of the North Carolina Farm Transition Network, Inc., to
17 be appointed by the Speaker of the House of Representatives.
- 18 (13) One representative of the Department of Public Instruction, Child Nutrition
19 Services Section, to be appointed by the President Pro Tempore of the
20 Senate.
- 21 (14) One representative of the North Carolina Association of County
22 Commissioners, to be appointed by the Speaker of the House of
23 Representatives.
- 24 (15) One representative of the North Carolina Rural Economic Development
25 Center, Inc., to be appointed by the President Pro Tempore of the Senate.
- 26 (16) One representative of the Department of Commerce, to be appointed by the
27 Secretary of Commerce.
- 28 (17) One representative of the Agricultural Extension Service of North Carolina
29 State University, to be appointed by the Commissioner of Agriculture.
- 30 (18) One representative of the Center for Environmental Farming Systems, a
31 partnership among: North Carolina State University at Raleigh, North
32 Carolina Agricultural and Technical State University, and the Department of
33 Agriculture and Consumer Services, to be appointed by the Speaker of the
34 House of Representatives.
- 35 (b) Terms. – Appointments to the Council shall be for a term of three years. Terms shall
36 be staggered so that three terms shall expire on 30 June of each year, except that members of
37 the Council shall serve until their successors are appointed and duly qualified as provided by
38 G.S. 128-7.
- 39 (c) Chair. – The Council shall have one Chair. The Council shall by a majority of the
40 members select the Chair every other year from among those members of the Council.
- 41 (d) Vacancies. – Any vacancy on the Council resulting from the resignation of a
42 member or otherwise shall be filled in the same manner in which the original appointment was
43 made, and the term shall be for the balance of the unexpired term of the member who created
44 the vacancy.
- 45 (e) Compensation. – The Council members shall receive no salary as a result of serving
46 on the Council but shall receive per diem, subsistence, and travel expenses in accordance with
47 G.S. 120-3.1, 138-5, or 138-6, as applicable.
- 48 (f) Removal. – Members may be removed in accordance with G.S. 143B-13 as if that
49 section applied to this Article.
- 50 (g) Meetings. – The Chair shall call the meetings and shall notify the members of each
51 meeting being called at least seven days before the date on which the meeting is to occur.

1 Meetings shall be held as often as the Chair deems necessary, but not less than four times each
2 calendar year. The Chair shall arrange for the location and staffing of the meetings, the costs of
3 which shall be borne by the Council from funds made available to the Council to conduct
4 business.

5 (h) Quorum. – A quorum of the Council shall consist of 10 members of the Council for
6 the transaction of business.

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

9 **"§ 106-832. The North Carolina Sustainable Local Food Policy Council; purpose; duties.**

10 (a) Purpose. – It is the purpose of the Council to contribute to building a local food
11 economy, thereby benefiting North Carolina by creating jobs, stimulating statewide economic
12 development, circulating money from local food sales within local communities, preserving
13 open space, decreasing the use of fossil fuel and thus reducing carbon emissions, preserving
14 and protecting the natural environment, increasing consumer access to fresh and nutritious
15 foods, and providing greater food security for all North Carolinians. It is also the purpose of the
16 Council to consider and develop policies regarding the following subjects as they relate to
17 North Carolinians:

18 (1) Health and wellness.

19 (2) Hunger and food access.

20 (3) Economic development.

21 (4) Farmlands and surface waters that are capable of producing food in a manner
22 that is sustainable.

23 (b) Duties. – In developing sustainable local food policies for North Carolina, the
24 Council shall consider any of the following policy issues:

25 (1) An in-depth look at the foods that are served to public school students under
26 the National School Lunch Program and the School Breakfast Program,
27 comparing those foods by nutritional content and cost to sustainably and
28 locally produced food, reviewing the research regarding the effect upon
29 student performance and student health, both current health and long-term
30 health, and considering the fiscal implications of improved student health.

31 (2) An in-depth look at the possibility of making sustainable local food available
32 under public assistance programs, including the possibility of being able to
33 use food stamps at local farmers markets.

34 (3) An in-depth look at the possibility of promoting urban gardens and backyard
35 gardens for the purpose of improving the health of citizens, making use of
36 idle urban property, and lowering food costs for North Carolina urban
37 dwellers during times of economic hardship.

38 (4) An in-depth look at the potential impacts that the production of sustainable
39 local food would have on economic development in North Carolina, both the
40 direct impacts for the producers of sustainable local food and the actual and
41 potential indirect impacts, such as encouraging restaurants that feature
42 locally raised agricultural products and promoting food and wine tourism.

43 (5) Issues regarding how a sustainable local food economy would affect health
44 and wellness, hunger and food access in North Carolina, economic
45 development, and farmlands and waters that are needed to be capable of
46 sustainably producing food.

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

- 1 (7) Issues regarding the identification and development of solutions to
2 regulatory and policy barriers to developing a strong sustainable local food
3 economy.
- 4 (8) Issues regarding strengthening local infrastructure and entrepreneurial
5 efforts related to a sustainable local food economy.
- 6 (9) Any other policy issues the Council considers pertinent.
- 7 (c) Additional Duties. – The Council shall also have all of the following additional
8 duties:
- 9 (1) Promote local and regional efforts by providing an information and
10 engagement hub that assists entrepreneurs and farmers in working around
11 barriers and pursuing opportunities.
- 12 (2) Identify and develop solutions to regulatory and policy barriers in
13 developing a strong sustainable local food economy.
- 14 (3) Strengthen local infrastructure and entrepreneurial efforts.
- 15 (4) Assign committees, as the Council deems needed, to fulfill specific tasks to
16 carry out the work of the Council under this Article.
- 17 (5) Engage in any other activity the Council determines is necessary to
18 accomplish its purposes.

19 **"§ 106-833. The North Carolina Sustainable Local Food Policy Council; report**
20 **requirement.**

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

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

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

- 31 (1) The terms of the members initially appointed to serve in the positions
32 established by G.S. 106-831(a)(1) through G.S. 106-831(a)(6) shall be three
33 years and shall expire on July 1, 2012.
- 34 (2) The terms of the members initially appointed to serve in the positions
35 established by G.S. 106-831(a)(7) through G.S. 106-831(a)(12) shall be four
36 years and shall expire on July 1, 2013.
- 37 (3) The terms of the members initially appointed to serve in the positions
38 established by G.S. 106-831(a)(13) through G.S. 106-831(a)(18) shall be
39 five years and shall expire on July 1, 2014.

40 **SECTION 4.** Of the funds available to the Department of Agriculture and
41 Consumer Services, the sum of one hundred thousand dollars (\$100,000) for the 2009-2010
42 fiscal year and the sum of one hundred thousand dollars (\$100,000) for the 2010-2011 fiscal
43 year shall be made available to the North Carolina Sustainable Local Food Policy Council
44 created by G.S. 106-831, as enacted by Section 1 of this act, for the costs of its work and for
45 any costs associated with implementing this act.

46 **SECTION 5.** This act becomes effective July 1, 2009.