

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1559

Short Title: Family Farm Preservation Commission.

(Public)

Sponsors: Senators Albertson; Ballance, Blust, Carpenter, Cochrane, Cooper, Dalton, Forrester, Foxx, Garwood, Gulley, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lee, Martin of Pitt, McDaniel, Miller, Odom, Perdue, Phillips, Plyler, Purcell, Rand, Reeves, Shaw of Guilford, Soles, Warren, Weinstein, and Wellons.

Referred to: Rules and Operations of the Senate.

June 1, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE COMMISSION ON SMALL FAMILY FARM
3 PRESERVATION.

4 The General Assembly of North Carolina enacts:

5 Section 1. The Commission on Small Family Farm Preservation is created in
6 the General Assembly. The Commission shall study:

- 7 (1) Land-use and population trends in North Carolina.
8 (2) The causes of the declining number of small family farms in the State.
9 (3) The influence of federal and State taxes in the conversion of small
10 family farms to nonagriculture uses.
11 (4) Voluntary incentives and voluntary options to preserve small family
12 farms as well as enhance their economic viability and their use of
13 environmentally sustainable agriculture.
14 (5) The feasibility and desirability of using various farmland preservation
15 tools, such as: the purchase or lease of development rights, land-use tax
16 credits, estate and gift tax exemptions, comprehensive land-use plans,
17 redevelopment of urban areas and density development to eliminate

1 duplication of infrastructure, cluster zoning, agriculture protection
2 zoning, limits on annexation, and limits on extending utilities to
3 designated agriculture areas; and the adequacy of Article 61 of Chapter
4 106 of the General Statutes in preserving farmland in this State.

5 (6) Ways in which to improve the business climate for small family
6 farming.

7 (7) Ways in which to promote the small family farmers' role in the
8 environment and in protecting our State's natural resources.

9 (8) Ways in which to promote the small family farmer as a true asset to the
10 State.

11 (9) The final reports of other study commissions, task forces, or strategic
12 plans in other states as well as the final report of the National
13 Commission on Small Farms by the United States Department of
14 Agriculture and other resources on the subject of small farm
15 preservation.

16 (10) Ways in which the Department of Agriculture and Consumer Services,
17 the Department of Environment and Natural Resources, and the
18 Department of Commerce can work together cooperatively to preserve
19 small family farms that are environmentally sustainable and
20 economically viable.

21 Section 2. (a) The Commission on Small Family Farm Preservation shall consist of
22 19 members:

23 (1) Three members of the Senate appointed by the President Pro Tempore
24 of the Senate.

25 (2) Three members of the House of Representatives appointed by the
26 Speaker of the House of Representatives.

27 (3) Two farmers appointed by the Governor who currently operate well-
28 managed small family farms in North Carolina.

29 (4) The Master of the North Carolina State Grange, the President of the
30 North Carolina Farm Bureau Federation, the Commissioner of
31 Agriculture and Consumer Services, the Secretary of Environment and
32 Natural Resources, the Secretary of Commerce, the Dean of the School
33 of Agriculture and Life Sciences at North Carolina State University, the
34 Dean of the School of Agriculture at North Carolina Agricultural and
35 Technical State University, the Dean of the School of Design at North
36 Carolina State University, the Dean of the School of Regional Planning
37 at the University of North Carolina at Chapel Hill, the Director of the
38 North Carolina Environmental Defense Fund, the Director of the
39 Southern Environmental Law Center, or the designee of any of these
40 persons.

41 (b) The President Pro Tempore of the Senate and the Speaker of the House of
42 Representatives each shall select a cochair who is a member of the General Assembly. A
43 majority of the Commission shall constitute a quorum for the transaction of business.

1 Section 3. The Commission shall submit a final report of its findings and
2 recommendations to the 1999 General Assembly by filing the report with the President
3 Pro Tempore of the Senate and the Speaker of the House of Representatives prior to the
4 convening of the 1999 Session. The final report shall contain the findings,
5 recommendations, and any legislative proposals of the Commission.

6 Section 4. Members appointed to the Commission shall serve until the
7 Commission makes its final report. Vacancies on the Commission shall be filled by the
8 same appointing officer who made the original appointments. The Commission shall
9 terminate upon the filing of its final report.

10 Section 5. The Commission may contract for consultant services provided by
11 G.S. 120-32.02. The Commission may obtain assistance from the State's universities.
12 Upon approval of the Legislative Services Commission, the Legislative Administrative
13 Officer shall assign professional and clerical staff to assist in the work of the
14 Commission. Clerical staff shall be furnished to the Commission through the offices of
15 the House of Representatives' and Senate's Supervisors of Clerks. The Commission may
16 meet in the Legislative Building or the Legislative Office Building upon the approval of
17 the Legislative Services Commission. The Commission, while in the discharge of official
18 duties, may exercise all the powers provided under the provisions of G.S. 120-19 through
19 G.S. 120-19.4.

20 Section 6. Members of the Commission shall receive per diem, subsistence,
21 and travel allowances as follows:

22 (1) Commission members who are also General Assembly members, at the
23 rate established in G.S. 120-3.1.

24 (2) Commission members who are officials or employees of the State or
25 local government agencies, at the rate established in G.S. 138-6.

26 (3) All other Commission members, at the rate established in G.S. 138-5.

27 Section 7. There is appropriated from the General Fund to the General
28 Assembly, the Legislative Services Commission, the sum of fifty thousand dollars
29 (\$50,000) for the 1998-99 fiscal year for the expenses of the Commission under this act.

30 Section 8. This act becomes effective July 1, 1998.