

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

**H.B. 1094**  
**May 23, 2012**  
**HOUSE PRINCIPAL CLERK**

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HOUSE DRH90212-RFz-11A (04/18)

Short Title: Continue Local Food Advisory Council. (Public)

Sponsors: Representatives Bradley and Dixon (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO RENAME THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD  
3 ADVISORY COUNCIL AS THE NORTH CAROLINA LOCAL FOOD ADVISORY  
4 COUNCIL AND TO EXTEND THE SUNSET ON THE LAW ESTABLISHING THE  
5 COUNCIL, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON  
6 AGRICULTURAL REGULATIONS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Section 4 of S.L. 2009-530 reads as rewritten:

9 "**SECTION 4.** This act is effective when it becomes law and shall expire on July 31, ~~2012-~~  
10 2017."

11 **SECTION 2.** Article 70 of Chapter 106 of the General Statutes reads as rewritten:

12 "Article 70.

13 "North Carolina ~~Sustainable~~ Local Food Advisory Council.

14 "**§ 106-830. (For expiration date, see note) Purpose; definitions.**

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

25 (1) Health and wellness.

26 (2) Hunger and food access.

27 (3) Economic development.

28 (4) Preservation of farmlands and water resources.

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

30 (1) ~~Sustainable food.—An integrated system of plant and animal production~~  
31 ~~practices that have a site-specific application and that over the long term are~~  
32 ~~able to do all of the following:~~

33 a. ~~Satisfy human food and fiber needs.~~

34 b. ~~Enhance environmental quality and the natural resource base upon~~  
35 ~~which the agriculture economy depends.~~



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1 e. ~~Sustain the economic viability of farm operations.~~  
2 d. ~~Enhance the quality of life for farmers and the society as a whole.~~  
3 (2) ~~Local food.~~ Food Article, "local food" shall mean food grown within the borders  
4 of North Carolina.

5 **"§ 106-831. (For expiration date, see note) The North Carolina Sustainable- Local Food**  
6 **Advisory Council; creation; membership; terms.**

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

- 10 (1) The Commissioner of Agriculture or the Commissioner's designee, ex  
11 officio.
- 12 (2) The State Health Director or the State Health Director's designee, ex officio.
- 13 (3) The Secretary of Commerce or the Secretary's designee, ex officio.
- 14 (4) Two local organic food producers, one of which is an organic animal  
15 producer and one of which is an organic crop producer, to be appointed by  
16 the Speaker of the House of Representatives.
- 17 (5) ~~Two~~ Four local ~~conventional~~ food producers, ~~one two~~ of which ~~is an~~ are  
18 animal ~~producer~~ producers and ~~one two~~ of which ~~is are~~ are crop ~~producer,~~  
19 producers, to be appointed by the Commissioner of Agriculture.
- 20 (6) ~~Two local sustainable food producers, one of which is an animal producer~~  
21 ~~and one of which is a crop producer, to be appointed by the Commissioner~~  
22 ~~of Agriculture.~~
- 23 (7) One representative of the commercial fishing industry, to be appointed by  
24 the President Pro Tempore of the Senate.
- 25 (8) One representative of the NC State Grange, to be appointed by the Speaker  
26 of the House of Representatives.
- 27 (9) One representative of the North Carolina Farm Bureau Federation, Inc., to be  
28 appointed by the Speaker of the House of Representatives.
- 29 (10) One representative of the Sea Grant College Program at The University of  
30 North Carolina, to be appointed by the President Pro Tempore of the Senate.
- 31 (11) One representative of the Carolina Farm Stewardship Association, to be  
32 appointed by the Governor.
- 33 (12) One representative of the Center for Environmental Farming Systems, a  
34 partnership among North Carolina State University, North Carolina  
35 Agricultural and Technical State University, and the Department of  
36 Agriculture and Consumer Services, to be appointed by the Governor.
- 37 (13) One representative of the North Carolina Association of Black Lawyers'  
38 Land Loss Prevention Project, Inc., to be appointed by the Commissioner of  
39 Agriculture.
- 40 (14) One representative of the Appalachian Sustainable Agriculture Project, to be  
41 appointed by the President Pro Tempore of the Senate.
- 42 (15) One representative of the Center for Community Action, Inc., to be  
43 appointed by the Commissioner of Agriculture.
- 44 (16) One representative of the North Carolina Association of County  
45 Commissioners, to be appointed by the President Pro Tempore of the Senate.
- 46 (17) One representative of the Department of Public Instruction, Child Nutrition  
47 Services Section, to be appointed by the President Pro Tempore of the  
48 Senate.
- 49 (18) One representative of the North Carolina Cooperative Extension Service,  
50 jointly administered by North Carolina State University and North Carolina

- 1 Agricultural and Technical State University, to be appointed by the  
2 Governor.
- 3 (19) One representative of the Center for Health Promotion and Disease  
4 Prevention at the University of North Carolina at Chapel Hill, to be  
5 appointed by the President Pro Tempore of the Senate.
- 6 (20) One representative of a food bank located in North Carolina, to be appointed  
7 by the Governor.
- 8 (21) One representative of the food retail or food service industry, to be  
9 appointed by the Governor.
- 10 (22) One representative of the North Carolina Farm Transition Network, Inc., to  
11 be appointed by the Speaker of the House of Representatives.
- 12 (23) One representative of the North Carolina Rural Economic Development  
13 Center, Inc., to be appointed by the Speaker of the House of Representatives.
- 14 (24) One representative of a business engaged in the processing, packaging, or  
15 distribution of food, to be appointed by the Speaker of the House of  
16 Representatives, in consultation with the NC Agribusiness Council.
- 17 (b) Terms. – Appointments to the Council shall be for a term of three years. Terms shall  
18 be staggered so that eight terms shall expire on June 30 of each year, except that members of  
19 the Council shall serve until their successors are appointed and duly qualified as provided by  
20 G.S. 128-7.
- 21 (c) Chair. – The Council shall have one chair. The Council shall, by a majority of the  
22 members, select the chair every other year from among those members of the Council.
- 23 (d) Vacancies. – Any vacancy on the Council resulting from the resignation of a  
24 member or otherwise shall be filled in the same manner in which the original appointment was  
25 made, and the term shall be for the balance of the unexpired term of the member who created  
26 the vacancy.
- 27 (e) Compensation. – The Council members shall receive no salary as a result of serving  
28 on the Council but shall receive per diem, subsistence, and travel expenses in accordance with  
29 G.S. 120-3.1, 138-5, or 138-6, as applicable.
- 30 (f) Removal. – Members may be removed in accordance with G.S. 143B-13 as if that  
31 section applied to this Article.
- 32 (g) Meetings. – The chair shall call the meetings and shall notify the members of each  
33 meeting being called at least seven days before the date on which the meeting is to occur.  
34 Meetings shall be held as often as the chair deems necessary but not less than four times each  
35 calendar year. The chair shall arrange for the location and staffing of the meetings, the costs of  
36 which shall be borne by the Council from funds made available to the Council to conduct  
37 business.
- 38 (h) Quorum. – A quorum of the Council shall consist of 13 members of the Council for  
39 the transaction of business.
- 40 (i) Meeting Space. – The Department of Agriculture and Consumer Services shall  
41 provide without compensation meeting space in Raleigh for use by the Council.
- 42 **"§ 106-832. (For expiration date, see note) The North Carolina Sustainable-Local Food**  
43 **Advisory Council; duties.**
- 44 In developing ~~sustainable~~-local food programs and policies for North Carolina, the Council  
45 may consider any of the following programmatic and policy issues:
- 46 (1) An in-depth assessment of the foods that are served to public school students  
47 under the National School Lunch Program and the School Breakfast  
48 Program, including the possibility of increasing the amount of  
49 ~~sustainable~~local food used in these programs.

- 1 (2) An in-depth analysis of the possibility of making ~~sustainable~~ local food  
2 available under public assistance programs, including the possibility of being  
3 able to use food stamps at local farmers markets.
- 4 (3) An in-depth analysis of the possibility of promoting urban gardens and  
5 backyard gardens for the purpose of improving the health of citizens, making  
6 use of idle urban property, and lowering food costs for North Carolina urban  
7 dwellers during times of economic hardship.
- 8 (4) An in-depth analysis of the potential impacts that the production of  
9 ~~sustainable~~ local food would have on economic development in North  
10 Carolina, both the direct impacts for the producers of ~~sustainable~~ local food  
11 and the actual and potential indirect impacts, such as encouraging restaurants  
12 that feature locally raised agricultural products and promoting food and wine  
13 tourism.
- 14 (5) Issues regarding how local and regional efforts could promote a ~~sustainable~~  
15 local food economy by providing an information and engagement center that  
16 would assist entrepreneurs and farmers in working around any current  
17 barriers and in pursuing opportunities related to a ~~sustainable~~ local food  
18 economy.
- 19 (6) Issues regarding the identification and development of solutions to  
20 regulatory and policy barriers to developing a strong ~~sustainable~~ local food  
21 economy.
- 22 (7) Issues regarding strengthening local infrastructure and entrepreneurial  
23 efforts related to a ~~sustainable~~ local food economy.
- 24 (8) Any other program and policy issues the Council considers pertinent.

25 **"§ 106-833. (For expiration date, see note) The North Carolina ~~Sustainable~~ Local Food**  
26 **Advisory Council; report requirement.**

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

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