

2009-2010

**HOUSE
AGRICULTURE**

MINUTES

HOUSE COMMITTEE ON AGRICULTURE 2009 -2010**Revised 6-23-2009**

<u>Member</u>		<u>Assistant</u>	<u>Phone</u>	<u>Office</u>	<u>Seat</u>
Hill, Dewey	Chair	Gennie Thurlow	733-5830	1309 LB	10
Bell, Larry	Vice Chair	Carolyn Edwards	733-5863	538 LOB	12
Braxton, Van	Vice Chair	Ada Finch	715-3017	2219 LB	46
Brisson, William	Vice Chair	Caroline Stirling	733-5772	1325 LB	78
Faison, Bill	Vice Chair	Lavada Vitalis	715-3019	611 LOB	84
Lewis, David	Vice Chair	Grace Rogers	715-3015	533 LOB	64
Williams, Arthur	Vice Chair	Pam Evans	733-5906	637 LOB	22
Coates, Lorene		Melissa Lennon	733-5784	633 LOB	19
Daughtry, Leo		Margaret Dockery	733-5605	1013 LB	40
Guice, W. David		Kerry Guice	715-4466	1015 LB	99
Holloway, Bryan		Lindsay McCargo	733-5609	502 LOB	98
Ingle, Dan		Edna Sykes	733-5905	503 LOB	38
Langdon, James		Jackson Stancil	733-5849	610 LOB	101
McCormick, Darrell G.		Anne Murtha	733-5654	1211 LB	116
Mobley, Annie		Janice Mobley-Bennett	733-5780	638 LOB	68
Starnes, Edgar		Pattie Fleming	733-5931	602 LOB	14
Steen, Fred		Chris Floyd	733-5881	514 LOB	37
Tarleton, Cullie		Susan Whitehead	733-7727	2221 LB	69
Tolson, Joe		Shirley Phillips	715-3024	307B2 LOB	59
Tucker, Russell		Sally Gillis	715-3021	416B LOB	48
Underhill, Alice		Judy Veorse	733-5853	1206 LB	33
Warren, Edith		Martha Hoover	715-3023	416A LOB	35
Wray, Michael		Mary Capps	733-5662	405 LOB	60
Riley, Barbara	Counsel		733-2578	545 LOB	
Pell, Hal	Counsel		733-2578	545 LOB	

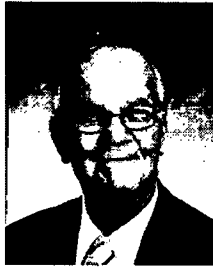
HOUSE COMMITTEE ON AGRICULTURE 2009 -2010

2-12-2009

<u>Member</u>		<u>Assistant</u>	<u>Phone</u>	<u>Office</u>	<u>Seat</u>
Hill, Dewey	Chair	Gennie Thurlow	733-5830	1309 LB	10
Bell, Larry	Vice Chair	Carolyn Edwards	733-5863	538 LOB	12
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Williams, Arthur	Vice Chair	Pam Evans	733-5906	637 LOB	22
Allred, Cary		Joanna Hogg	733-5905	503 LOB	38
Coates, Lorene		Melissa Lennon	733-5784	633 LOB	19
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**NORTH CAROLINA GENERAL ASSEMBLY
HOUSE AGRICULTURE COMMITTEE
2009 – 2010 SESSION**

Revised 6-23-2009



**Dewey Hill
Chair**



**Larry Bell
Vice chair**



**Van Braxton
Vice chair**



**William Brisson
Vice chair**



**Bill Faison
Vice chair**



**David Lewis
Vice chair**



**Arthur Williams
Vice chair**



Lorene Coates



Leo Daughtry



W. David Guice



Bryan Holloway



Dan Ingle

**NORTH CAROLINA GENERAL ASSEMBLY
HOUSE AGRICULTURE COMMITTEE
2009 – 2010 SESSION**

Revised 6-23-2009



James Langdon



**Darrell G.
McCormick**



Annie Mobley



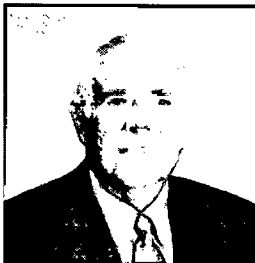
Edgar Starnes



Fred Steen



Cullie Tarleton



Joe Tolson



Russell Tucker



Alice Underhill



Edith Warren



Michael Wray

2-12-2009

**NORTH CAROLINA GENERAL ASSEMBLY
HOUSE AGRICULTURE COMMITTEE
2009 – 2010 SESSION**



**Dewey Hill
Chair**



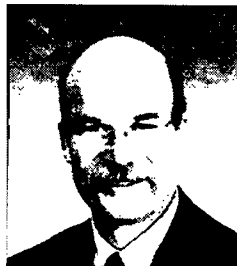
**Larry Bell
Vice chair**



**Van Braxton
Vice chair**



**William Brisson
Vice chair**



**Bill Faison
Vice chair**



**David Lewis
Vice chair**



**Arthur Williams
Vice chair**



Cary Allred



Lorene Coates



Leo Daughtry



W. David Guice



Bryan Holloway

**NORTH CAROLINA GENERAL ASSEMBLY
HOUSE AGRICULTURE COMMITTEE
2009 – 2010 SESSION**



James Langdon



**Darrell G.
McCormick**



Annie Mobley



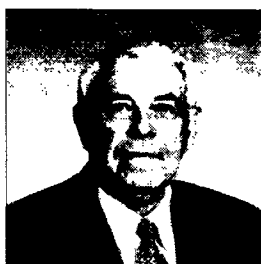
Edgar Starnes



Fred Steen



Cullie Tarleton



Joe Tolson



Russell Tucker



Alice Underhill



Edith Warren



Michael Wray

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ATTENDANCE

Revised 6-23-2009

HOUSE COMMITTEE ON AGRICULTURE

[illegible]

**MINUTES
HOUSE COMMITTEE ON AGRICULTURE**

February 18, 2009

The House Committee on Agriculture met on Wednesday, February 18, 2009, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs Bell, Braxton, Brisson, Faison, Lewis, and Williams; Representatives Allred, Coates, Guice, Holloway, Langdon, McCormick, Mobley, Steen, Tarleton, Tolson, and Warren.

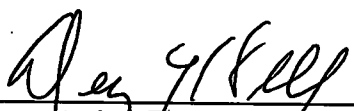
Representative Hill presided and called the meeting to order at 12:04 p.m. He welcomed the members of the Agriculture Committee and the visitors and made opening remarks.

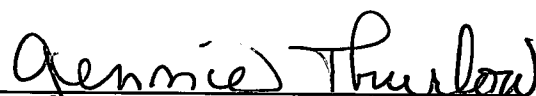
Representative Hill recognized the speaker, Commissioner Steve Troxler. A copy of his remarks and an agricultural fact sheet are attached.

Chair Hill made closing remarks.

The meeting was adjourned at 12:45 p.m.

Respectfully submitted,


Representative Dewey Hill, Chair


Gennie Thurlow, Committee Assistant

AGENDA

HOUSE COMMITTEE ON AGRICULTURE

**Wednesday, February 18, 2009
1228 Legislative Building**

12:00 Noon

WELCOME AND OPENING REMARKS

**Representative Dewey Hill
Chair, House Committee on Agriculture**

AGENDA ITEMS

Introduction of Committee Members

**Speaker: Commissioner Steve Troxler
 North Carolina Department of Agriculture**

CHAIR'S REMARKS

ADJOURNMENT

Remarks by Agriculture Commissioner Steve Troxler, Feb. 18, 2009

- Thank you for the invitation to speak to you today.
- I would like to start by introducing a few members of my staff who are with me.
[Introduce staff.]
- It has been a busy beginning to the New Year, and I know it will be an extremely challenging year ahead.
- Certainly the economy is the biggest challenge we all face.
- We have been tightening our belt in the department, and we plan to do our part to weather this economic storm. We have submitted proposed cuts of 7 percent as requested by Gov. Perdue.
- We already run a tight department, so I can tell you doing that did not come without pain.
- I intend to work hard to make sure the burden of balancing the budget is shared and doesn't fall solely on agriculture.
- Our operating portion of the state budget is less than one-third of 1 percent, so I know budget writers will have to look across all agencies of state government if they want to make large strides in erasing the deficit.
- My overall goal is to minimize the impact of budget cuts on the services we provide. Food safety, research, farmland preservation, and marketing agricultural products remain top priorities for the department, and we cannot afford to reduce our efforts in these areas.
- More than ever we need the jobs that agriculture provides and supports. Agriculture and agribusiness represent a nearly \$71 billion industry in this state that employs about one-fifth of the workforce. Could you imagine what our economy would be like without these farm and agribusiness jobs?
- And we need strong programs to support and enhance the agricultural industry of this state. I look at it as a short-and long-term investment in this industry and its future.
- I recently delivered my first-ever State of Agriculture address.

- I would characterize my remarks as cautiously optimistic about agriculture's long-term future in North Carolina.
- Yes, we face some challenging times ahead in the coming months, but as we start to emerge from this recession, there is reason to believe agriculture will be well-positioned for growth.
- We have resilient and innovative farmers who have managed their debt well. Also, global demand for food is going to continue to grow.
- North Carolina's population keeps growing, too. It's true that a growing population puts more development pressure on farms. But more people also mean more potential customers as interest in locally grown food continues to grow.
- So, I am hopeful we can survive this economic downturn and come out stronger on the other side.
- Agriculture has been, and continues to be, the economic backbone of this state.
- No doubt the economy is going to force some tough decisions, but I believe we have to continue to invest and support our businesses here.
- Now, on to some key areas of focus in our department:

Food safety

- Several of our divisions are involved in these efforts: Food and Drug Protection Division, Meat and Poultry Inspection Division, Veterinary Division.
- Food safety continues to make headlines almost daily with the latest recalls of products made with contaminated peanut butter paste.
- Our Food and Drug Protection Division remains actively involved in this national investigation through many activities, including testing product samples. We are supporting the efforts of the Food and Drug Administration.
- Our food safety efforts are a matter of public health, and we must maintain them even in tight budget times.

Research

- Research provided a foundation for agricultural advances through the years. It is our “seed corn.”
- Last year we had record yields for sweet potatoes, wheat and peanuts. Soybeans, cotton and tobacco all had strong yields. Vegetables and fruits did well, too.
- Better yields are the result of a lot of hard work by farmers, but also by researchers who work constantly on new seed varieties and production techniques.
- Research will be just as critical to where agriculture goes in the future – biotechnology, alternative fuels, improving yields to meet growing global food demands.
- I believe research should focus on practical applications – research that can be put to use on the farm. The advances that have come from our state’s investment in research stations have been numerous. We need to continue this valuable work.
- A committee made up of staff from our department, N.C. State and N.C. A&T is developing a long-range strategic plan for the state’s agricultural research stations. This plan will take into consideration the comments and discussions from listening forums we held around the state. This report is due to the legislature on May 1.
- I want to ask for your continued support of agricultural research. It remains just as critical today as in the past, maybe even more so.

Farmland preservation

- Farmland preservation still remains a critical issue for the state. Since 2002, we have lost 600,000 acres of farmland in North Carolina. That’s the equivalent of Sampson County, which is the state’s largest county in terms of land area.
- With the declining economy, we have seen some decrease in development pressure on farmland, but I expect that to be temporary. Once the economy rebounds, we are likely to see more and more pressure on farmland, particularly as the population in our state grows.
- Now is the time to make strides in farmland preservation.

Marketing N.C. ag products

- Another way to help preserve farms is through marketing their products.

- Over the past four years, our department has had great success in increasing both domestic and international sales of North Carolina ag products.
- Our Got to Be NC Agriculture program has helped grocery stores and farmers realize greater sales of local foods. Sales increases have ranged from 40 to a whopping 500 percent.
- As consumer interest in local food grows, this program will be even more successful.
- We've also seen growth in the value of our agricultural exports. Last year, this figure topped \$2.2 billion, a 10-year high.
- We will continue to be aggressive in marketing North Carolina agricultural products, and your support will be a worthwhile investment.
- We will be seeking your help with all of these areas this year.

Other legislative help

- There are other areas where we may need your help this year. In addition to the many services we provide farmers and consumers, our department also has a wide range of regulatory functions. Chances are, we'll be talking with you this session about tweaks to some of these statutes.
- Again, I want to thank you for the opportunity to be here today.
- I look forward to working with you to ensure that North Carolina agriculture remains vibrant and vital.
- Before I go, I want to let you know about two upcoming events of interest: Our "Flavors of Carolina" food show is March 11 from 4:30 to 7:30 p.m. at the North Raleigh Hilton. We'll have more than 55 North Carolina food companies displaying and sampling their products for food buyers.
- And on April 8, we'll be having our legislative dinner at the State Fairgrounds.
- You will be receiving invitations to both of these events soon.

2007 Census of Agriculture Released February 4

USDA's National Agricultural Statistics Service released the 2007 Census of Agriculture recently. The census is the most comprehensive source of county and state agricultural information nationwide, and is conducted every 5 years. Information on farm size and type, along with demographic detail of farm operations highlight the census. The 2007 survey was the first census to attempt to extensively count very small family farms. This includes limited resource farms, retirement farms, and residential/lifestyle farms. As a result of the efforts to more accurately count minority and limited resource farms, the 2007 census farm counts are not directly comparable to earlier years. NASS also incorporated this change with the annual farm numbers estimates released February 12. However, even with the additional efforts to find the smallest farms, the North Carolina total farm count continues to decline.

North Carolina Highlights:

- ✓ Total farm numbers in 2007, including small and limited resource farms, was 52,900, compared with 53,900 counted in the 2002 census. A further decline was seen in the 2008 annual Farm Numbers report, showing about 52,500 farms.
- ✓ Land in farms totaled 8.5 million acres in 2007, down 7%, or about 600,000 acres, since 2002. This is equivalent to losing all of Sampson County, the 2nd largest county in terms of land area in the State.
- ✓ Farms with sales between \$1,000 and \$1,000,000 totaled about 34,000, down 12%, and accounted for 65% of all farms, or 26% of total sales.
- ✓ Farms with sales over \$1,000,000 totaled about 2,800, compared with 1,500 in 2002. These farms represent 5% of the total farm count and 74% of total sales.
- ✓ Farms with sales of less than \$1,000, including many of the very small limited resource, retirement, and residential/lifestyle farms totaled 15,900, compared with 13,500 in 2002. This size group accounts for less than 1% of total sales and is where NASS spent more time and effort to count.
- ✓ There were fewer farms growing field crops in 2007 compared with 2002. Tobacco farms are down nearly 70% and totaled just over 2,600, compared with nearly 8,000 in 2002. Cotton farms dropped nearly 40% totaling about 1,300, compared with 2,100 in 2002.
- ✓ The number of cattle and broiler farms also declined, while small hog farms and places with backyard chickens were higher.
- ✓ The average age of principal farm operators in North Carolina is 57, compared with 56 in 2002.
- ✓ Women now account for 13% of all farm operators, up 3% from 2002.
- ✓ Family farms account for 97% of all farms. About 85% are classified as small family farms.

Complete census results are available at <http://www.agcensus.usda.gov/>.

VISITOR REGISTRATION SHEET

Agriculture
Name of Committee

2/18/09
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Carol L	private citizen
L. Andrews	NCFB
Ray Stalling	NCDACS
Zan Hedgecock	NCDACS
Brian Ly	NCDACS
Jim	RANC
Andrew Meehan	NC Co-ops
J. Bell	MNC
N. David Smith	NC Dept. of Agr.
Joy Arches	NCDACS

VISITOR REGISTRATION SHEET

Agriculture

Name of Committee

2/18/09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Jane Tzilvelis	1725 TW Alexander Dr. #1464 Durham, NC 27703 citizen
Tina Cucci	SAME AS ABOVE UNIT 505 CITIZEN
Howard J. Dy	NCDH & CS
David M. Lued	NCDH & CS
Fawn Pattison	Toxic Free NC
Edgar Miller	CTNCL
Henry Jones	Attorney - Raleigh
Russell Laughlin	NS
Al Bane	Bane Assoc.

House Pages

Agriculture Comm

Name Of Committee: _____

Date: _____

2/18/09

1. Name: Chelsea Narce County: Columbus Sponsor: Hill
2. Name: Natalie Singletary ✓ County: Columbus Sponsor: Dewey Hill
3. Name: Jordan Jeter Jeter County: Wake Sponsor: Marilyn Arila Rep Von Lenden
4. Name: Annie vonLenden County: Wake Sponsor: Warren R.
5. Name: Winston Jenter County: Wake Sponsor: Warren R.

Sgt-At-Arms

1. Name: Reggie Sills
2. Name: Martha GADISON
3. Name: David SHEARON
4. Name: Moussaint AVENT

**MINUTES
HOUSE COMMITTEE ON AGRICULTURE**

February 25, 2009

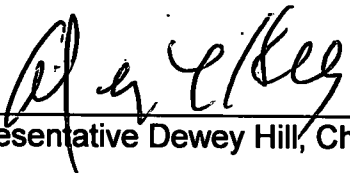
The House Committee on Agriculture met on Wednesday, February 25, 2009, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs Bell, Braxton, Brisson, Faison, and Lewis; Representatives Allred, Coates, Daughtry, Guice, Holloway, Langdon, McCormick, Mobley, Starnes, Steen, Tarleton, Tolson, Tucker, Warren, and Wray.

Chair Hill called the meeting to order at 12:05 p.m. He announced that **House Bill 27 Regulate Euthanasia of Animals** would be for discussion only and no vote would be taken.

Representative Braxton made a motion to adopt a proposed committee substitute, and the motion carried. The bill sponsor, Representative Tarleton, explained the proposed committee substitute.

The meeting adjourned at 12:49 p.m.

Respectfully submitted,


Representative Dewey Hill, Chair


Gennie Thurlow, Committee Assistant

AGENDA

HOUSE COMMITTEE ON AGRICULTURE

**Wednesday, February 25, 2009
1228 Legislative Building**

12:00 Noon

OPENING REMARKS

**Representative Dewey Hill
Chair, House Committee on Agriculture**

AGENDA ITEMS

**HB 27 Regulate Euthanasia of Animals
Representative Tarleton, Sponsor**

CHAIR'S REMARKS

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

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HOUSE BILL 27*

Short Title: Regulate Euthanasia of Animals.

(Public)

Sponsors: Representatives Tarleton, Allen (Primary Sponsors); Cole, Dickson, Earle, Faison, Goforth, Haire, McElraft, Moore, and Underhill.

Referred to: Rules, Calendar, and Operations of the House.

February 3, 2009

A BILL TO BE ENTITLED

AN ACT TO REGULATE THE EUTHANASIA OF ANIMALS AND TO PROHIBIT SPECIFIED METHODS OF EUTHANASIA OF ANIMALS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 19A-23(9) is repealed.

SECTION 2. G.S. 19A-24(5) reads as rewritten:

"§ 19A-24. Powers of Board of Agriculture.

The Board of Agriculture shall:

...

(5) Adopt rules on the euthanasia of animals in the ~~possession or custody~~ possession, custody, or control of any person required to obtain a certificate of registration under this Article. G.S. 19A-26. The rules shall, effective until January 1, 2011, be consistent with the method and delivery of method approved by the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association, but beginning January 1, 2011, shall be consistent with the restrictions on euthanasia contained in G.S. 19A-26.1 and shall address the anaesthetizing of animals prior to, or concurrently with, euthanasia by injection. An animal shall only be put to death by a method and delivery of method approved by the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association. The Department shall establish rules for the euthanasia process using any one or combination of methods and standards prescribed by the three aforementioned organizations. The rules shall address the equipment, the process, and the separation of animals, in addition to the animals' age and condition. If the gas method of euthanasia is approved, rules shall require that, when the gas method of euthanasia is used, (i) that only commercially compressed manufactured carbon monoxide gas is approved for use, and (ii) that the gas must be delivered in a commercially manufactured chamber that allows for the individual separation of animals. Rules shall also mandate training for any person who participates in the euthanasia process."

SECTION 3. Article 3 of Chapter 19A of the General Statutes is amended by adding a new section to read:

"§ 19A-26.1. Euthanasia of shelter animals.

(a) This section applies to the euthanizing or putting to death of animals:



* H 2 7 - V - 1 *

- (1) In possession or custody of an animal shelter;
(2) In possession or custody of a person providing foster care at the request of an animal shelter that previously had possession of the animal; and
(3) Removed from an animal shelter or from a person providing foster care for the purpose of being euthanized or put to death.

(b) Except as otherwise provided in this section, the following methods of euthanasia are expressly prohibited for animals covered by this section:

- (1) Intracardial injection or heartstick;
(2) Use of succinylcholine chloride, curare, curariform mixtures, or any substance that acts as a neuromuscular blocking agent;
(3) Electrocution;
(4) Blow to the head by metal bolt or other instrument;
(5) Drowning; and
(6) Use of a firearm.

(c) Livestock may be put to death by a method approved by the federal Humane Slaughter Act, 7 U.S.C. Sections 1901 through 1906, as amended.

(d) An animal may be put to death with the use of a firearm only in cases of emergency in which the animal presents an immediate danger to a human or another animal."

SECTION 4. Effective January 1, 2011, G.S. 19A-26.1, as enacted by Section 3 of this act, reads as rewritten:

"§ 19A-26.1. Euthanasia of shelter animals.

(a) This section applies to the euthanizing or putting to death of animals:

- (1) In possession or custody of an animal shelter;
(2) In possession or custody of a person providing foster care at the request of the animal shelter which previously had possession of the animal; and
(3) Removed from an animal shelter or from a person providing foster care for the purpose of being euthanized or put to death.

(a1) Euthanasia of dogs, cats, including feral cats, or other companion animals shall be accomplished only by a lethal injection of sodium pentobarbital or a derivative of sodium pentobarbital or other pharmaceutical approved for euthanasia by injection by the American Veterinary Medical Association or the Humane Society of the United States, using a procedure that results in rapid unconsciousness and death. Animals shall be anaesthetized prior to, or concurrently with, the receiving of a lethal injection pursuant to rules adopted by the Board of Agriculture.

(b) Except as otherwise provided in this section, the following methods of euthanasia are expressly prohibited for animals covered by this section:

- (1) Use of carbon monoxide, carbon dioxide, or other gas;
(1)(2) Intracardial injection or heartstick;
(2)(3) Use of succinylcholine chloride, curare, curariform mixtures, or any substance that acts as a neuromuscular blocking agent;
(3)(4) Electrocution;
(4)(5) Blow to the head by metal bolt or other instrument;
(5)(6) Drowning; and
(6)(7) Use of a firearm.

(b1) Wild animals (ferae naturae) may be put to death by use of carbon monoxide gas in accordance with rules made by the Board of Agriculture pursuant to G.S. 19A-24(5) if the operator of the animal shelter determines that euthanasia of a wild animal by lethal injection would risk harm to a human or to another animal. This subsection does not apply to wild animals that have been domesticated and treated as pets.

(c) Livestock may be put to death by a method approved by the federal Humane Slaughter Act, 7 U.S.C. Sections 1901 through 1906, as amended.

(d) An animal may be put to death with the use of a firearm only in cases of emergency in which the animal presents an immediate danger to a human or another animal."

SECTION 5. G.S. 130A-192 reads as rewritten:

"§ 130A-192. Dogs and cats not wearing required rabies vaccination tags.

The Animal Control Officer shall canvass the county to determine if there are any dogs or cats not wearing the required rabies vaccination tag. If a dog or cat is found not wearing the required tag, the Animal Control Officer shall check to see if the owner's identification can be found on the animal. If the animal is wearing an owner identification tag, or if the Animal Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner in writing to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal Control Officer within three days of the notification. If the animal is not wearing an owner identification tag and the Animal Control Officer does not otherwise know who the owner is, the Animal Control Officer may impound the animal. The duration of the impoundment of these animals shall be established by the county board of commissioners, but the duration shall not be less than 72 hours. During the impoundment period, the Animal Control Officer shall make a reasonable effort to locate the owner of the animal. If the animal is not reclaimed by its owner during the impoundment period, the animal shall be disposed of in one of the following manners:

(1) ~~returned~~Returned to the owner;

(2) ~~adopted~~Adopted as a pet by a new owner;

(3) ~~sold~~Sold to institutions within this State registered by the United States Department of Agriculture pursuant to the Federal Animal Welfare Act, as amended; or

(4) ~~put to death by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association.~~Euthanized by a legally-authorized procedure.

The Animal Control Officer shall maintain a record of all animals impounded under this section which shall include the date of impoundment, the length of impoundment, the method of disposal of the animal and the name of the person or institution to whom any animal has been released."

SECTION 6. Section 4 of this act becomes effective January 1, 2011. The remainder of this act becomes effective October 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

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HOUSE BILL 27*
PROPOSED COMMITTEE SUBSTITUTE H27-CSRF-1 [v.1]

2/24/2009 2:43:44 PM

Short Title: Regulate Euthanasia of Animals.

(Public)

Sponsors:

Referred to:

February 3, 2009

A BILL TO BE ENTITLED
AN ACT TO REGULATE THE EUTHANASIA OF ANIMALS AND TO PROHIBIT
SPECIFIED METHODS OF EUTHANASIA OF ANIMALS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 19A-23(9) is repealed.

SECTION 2. G.S. 19A-24(5) reads as rewritten:

"§ 19A-24. Powers of Board of Agriculture.

The Board of Agriculture shall:

- (5) Adopt rules on the euthanasia of animals in the ~~possession or custody~~
~~possession, custody, or control~~ of any person required to obtain a certificate
of registration under ~~this Article~~. G.S. 19A-26. The rules shall, effective
until January 1, 2011, be consistent with the method and delivery of method
approved by the American Veterinary Medical Association, the Humane
Society of the United States, or the American Humane Association, but
beginning January 1, 2011, shall be consistent with the restrictions on
euthanasia contained in G.S. 19A-26.1 and shall address the anaesthetizing
of animals prior to, or concurrently with, euthanasia by injection. An animal
shall only be put to death by a method and delivery of method approved by
the American Veterinary Medical Association, the Humane Society of the
United States, or the American Humane Association. The Department shall
establish rules for the euthanasia process using any one or combination of
methods and standards prescribed by the three aforementioned
organizations. The rules shall address the equipment, the process, and the
separation of animals, in addition to the animals' age and condition. If the
gas method of euthanasia is approved, rules shall require that, when
the gas method of euthanasia is used, (i) that only commercially compressed
manufactured carbon monoxide gas is approved for use, and (ii) that the gas
must be delivered in a commercially manufactured chamber that allows for
the individual separation of animals. Rules shall also mandate training for
any person who participates in the euthanasia process."

SECTION 3. Article 3 of Chapter 19A of the General Statutes is amended by
adding a new section to read:

"§ 19A-26.1. Euthanasia of shelter animals.



* H 2 7 - C S R F - 1 - V - 1 *

(a) This section applies to animals in any one of the following circumstances:

(1) In the possession or custody of an animal shelter.

(2) In the possession or custody of a person providing foster care, at the request of an animal shelter that previously had possession of the animal.

(3) Were removed from an animal shelter, or from a person providing foster care, for the purpose of being euthanized or put to death.

(b) Except as otherwise provided in this section, the following methods of euthanasia are expressly prohibited for animals covered by this section:

(1) Intracardial injection or heartstick;

(2) Use of succinylcholine chloride, curare, curariform mixtures, or any substance that acts as a neuromuscular blocking agent;

(3) Electrocution;

(4) Blow to the head by metal bolt or other instrument;

(5) Drowning; and

(6) Use of a firearm.

(c) Livestock may be put to death at a slaughterhouse operated in conformance with the federal Humane Slaughter Act, 7 U.S.C. Sections 1901 through 1906, as amended.

(d) An animal may be put to death with the use of a firearm only in cases of emergency in which the animal presents an immediate danger to a human or another animal.

(e) For purposes of this section, "animal" includes every living vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia, except human beings."

SECTION 4. Effective January 1, 2011, G.S. 19A-26.1, as enacted by Section 3 of this act, reads as rewritten:

"§ 19A-26.1. Euthanasia of shelter animals.

(a) This section applies to the euthanizing or putting to death of animals:

(1) In possession or custody of an animal shelter;

(2) In possession or custody of a person providing foster care at the request of the animal shelter which previously had possession of the animal; and

(3) Removed from an animal shelter or from a person providing foster care for the purpose of being euthanized or put to death.

(a1) Euthanasia of dogs, cats, including feral cats, or other companion animals shall be accomplished only by a lethal injection of sodium pentobarbital or a derivative of sodium pentobarbital or other pharmaceutical approved for euthanasia by injection by the American Veterinary Medical Association or the Humane Society of the United States, using a procedure that results in rapid unconsciousness and death. Animals shall be anaesthetized prior to, or concurrently with, the receiving of a lethal injection pursuant to rules adopted by the Board of Agriculture.

(b) Except as otherwise provided in this section, the following methods of euthanasia are expressly prohibited for animals covered by this section:

(1) Use of carbon monoxide, carbon dioxide, or other gas;

~~(1)~~(2) Intracardial injection or heartstick;

~~(2)~~(3) Use of succinylcholine chloride, curare, curariform mixtures, or any substance that acts as a neuromuscular blocking agent;

~~(3)~~(4) Electrocution;

~~(4)~~(5) Blow to the head by metal bolt or other instrument;

~~(5)~~(6) Drowning; and

~~(6)~~(7) Use of a firearm.

(b1) Wild animals (ferae naturae) may be put to death by use of carbon monoxide gas in accordance with rules made by the Board of Agriculture pursuant to G.S. 19A-24(5) if the operator of the animal shelter determines that euthanasia of a wild animal by lethal injection

1 would risk harm to a human or to another animal. This subsection does not apply to wild
2 animals that have been domesticated and treated as pets.

3 (c) Livestock may be put to death at a slaughterhouse operated in conformance with the
4 federal Humane Slaughter Act, 7 U.S.C. Sections 1901 through 1906, as amended.

5 (d) An animal may be put to death with the use of a firearm only in cases of emergency
6 in which the animal presents an immediate danger to a human or another animal.

7 (e) For purposes of this section, "animal" includes every living vertebrate in the classes
8 Amphibia, Reptilia, Aves, and Mammalia, except human beings."

9 SECTION 5. G.S. 130A-192 reads as rewritten:

10 "§ 130A-192. Dogs and cats not wearing required rabies vaccination tags.

11 The Animal Control Officer shall canvass the county to determine if there are any dogs or
12 cats not wearing the required rabies vaccination tag. If a dog or cat is found not wearing the
13 required tag, the Animal Control Officer shall check to see if the owner's identification can be
14 found on the animal. If the animal is wearing an owner identification tag, or if the Animal
15 Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the
16 owner in writing to have the animal vaccinated against rabies and to produce the required
17 rabies vaccination certificate to the Animal Control Officer within three days of the
18 notification. If the animal is not wearing an owner identification tag and the Animal Control
19 Officer does not otherwise know who the owner is, the Animal Control Officer may impound
20 the animal. The duration of the impoundment of these animals shall be established by the
21 county board of commissioners, but the duration shall not be less than 72 hours. During the
22 impoundment period, the Animal Control Officer shall make a reasonable effort to locate the
23 owner of the animal. If the animal is not reclaimed by its owner during the impoundment
24 period, the animal shall be disposed of in one of the following manners:

25 (1) ~~returned~~Returned to the owner;

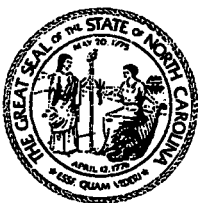
26 (2) ~~adopted~~Adopted as a pet by a new owner;

27 (3) ~~sold~~Sold to institutions within this State registered by the United States
28 Department of Agriculture pursuant to the Federal Animal Welfare Act, as
29 amended; or

30 (4) ~~put to death by a procedure approved by the American Veterinary Medical~~
31 ~~Association, the Humane Society of the United States or of the American~~
32 ~~Humane Association.~~Euthanized by a legally-authorized procedure.

33 The Animal Control Officer shall maintain a record of all animals impounded under this section
34 which shall include the date of impoundment, the length of impoundment, the method of
35 disposal of the animal and the name of the person or institution to whom any animal has been
36 released."

37 SECTION 6. Section 4 of this act becomes effective January 1, 2011. The
38 remainder of this act becomes effective October 1, 2009.



HOUSE BILL 27: Regulate Euthanasia of Animals

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, Judiciary II	Date:	February 24, 2009
Introduced by:	Rep. Tarleton	Prepared by:	Barbara Riley
Analysis of:	H27-CSRF-1		Committee Counsel

SUMMARY: *House Bill 27 effective January 1, 2011, would prohibit the use of carbon monoxide gas as a method of euthanasia for animals at animal shelters, except in circumstances involving the euthanasia of a wild animal. The bill provides that euthanasia of animals is to be done only by a lethal injection of sodium pentobarbital or other pharmaceutical approved for euthanasia by the American Veterinary Medical Association (AVMA) or the Humane Society of the United States (HUS). The proposed committee substitute adds a definition of animal to include all vertebrates except human beings. The pcs also provides for the slaughter of livestock in the custody of an animal shelter at a slaughterhouse operated in conformity with the federal Humane Slaughter Act.*

CURRENT LAW: Under the Animal Welfare Act, Article 3 of Chapter 19A of the General Statutes, the Board of Agriculture is directed to adopt rules on the euthanasia of animals in the custody of an animal shelter. G.S. 19A-24(5). Animals may only be put to death by a method approved by the AVMA, HUS, or the American Humane Association. *Id.* One of the approved methods is the use of carbon monoxide gas. If the gas method of euthanasia is used, the rules require that only commercially compressed carbon monoxide gas may be used and it must be delivered in a commercially manufactured chamber allowing for the separation of individual animals. *Id.*

BILL ANALYSIS: House Bill 27 would eliminate the use of carbon monoxide in euthanizing animals in animal shelters by 2011.

Section 1 eliminates the definition of euthanasia from Article 3 of Chapter 19A.

Section 2 amends G.S. 19A-24 in two ways. First, until the use of carbon monoxide is prohibited in 2011, the Board of Agriculture shall adopt rules requiring that for gas euthanasia, only commercially compressed, manufactured carbon monoxide gas may be used. Second, beginning January 1, 2011, the Board is to adopt rules that are consistent with new Section 19A-26.1, which provides that euthanasia may be done only by lethal injection of sodium pentobarbital or other approved drug, and that address anaesthetizing animals prior to or concurrently with euthanasia by injection.

Section 3 establishes a new section in Article 3 of Chapter 19A. New G.S. 19A-26.1:

- Applies to animals in custody or possession of (1) an animal shelter, (2) a person fostering an animal at the request of an animal shelter, and (3) an animal removed from a shelter or foster home for the purpose of euthanasia.
- Lists methods of euthanasia specifically prohibited including heartstick, drowning, electrocution, and use of firearms.
- Provides for the euthanasia of livestock at a slaughterhouse where the animal is then killed by a method approved by the Federal Humane Slaughter Act.
- Allows an animal to be euthanized by the use of a firearm in cases of emergency presenting an immediate danger to a human or another animal.

House Bill 27

Page 2

- For purposes of this section, defines "animal" to mean every living vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia, except human beings. The expanded definition is necessary as the Animal Welfare Act otherwise defines an animal to be a dog or cat.

Section 4 updates G.S. 19A-26.1 effective January 1, 2011. At that time, euthanasia shall be done only by lethal injection of sodium pentobarbital or other approved drug. Animals shall be anaesthetized prior to or concurrently with the lethal injection. The use of carbon monoxide gas is prohibited as a means of euthanasia, except for wild animals when the use of the lethal injection method would risk harm to a human or another animal. This exception does not apply to a wild animal that has been domesticated and treated as a pet.

Section 5 amends G.S. 130A-192, which provides for euthanasia of animals picked up by animal control that do not have an owner id and are not wearing the required rabies vaccination tag. If such animals cannot be returned to the owner or adopted out, they may be euthanized consistent a legally authorized procedure.

EFFECTIVE DATE: Section 4 of the act becomes effective January 1, 2011. The remainder of the act becomes effective October 1, 2009.

H27-SMRF-4(e2) v3

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Vicky Porter	NC Farm Bureau
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Ann Marie Austin	NCAE
Hester Fowler	NC Farm Bureau

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Sheila Jenkins	Farm Bureau
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Peter Daniel	NCFB
Larry Barton	NCFB Hog Farmer
Andrew ~~Wills~~	NCFB Cattle Farmer
JAMARA MOORE	NCFB HOG, CATTLE, GOAT FARMER
Brandon Moore	NCFB Hog, Cattle, goat Farmer 1165. W. H. Livingston Rd. Nashville, NC 27856

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De Ann Brown	DLC & Assoc
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N. C. Farm Bureau

PJP

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Larry Wooten

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Donald Stithy

"

Alton H. Bohrer

NE FB Bureau

ANGIE Whitener

NC Park

Zeh. Piment

CAA

Shirley Katz

CA

Jacob Shuman

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Danica + Kelly Vann

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Chrystal Castellae	NC Farm Bureau - Bertie Co.
Shelby Castellae	NC Farm Bureau - Bertie Co.
Joseph Baker	NC Farm Bureau - Bertie Co.
DR. ART DUCKWORTH	NC FARM BUREAU - GASTON Co.
Hugh W. Causey	NC Farm Bureau - Gaston Co.
Michele King	NC Coalition for Humane Endpoints
Kim PARKER	Cary, NC - Private citizen
Larry Taylor	N.C. Farm Bureau Cabarrus County
Tommy Porter	N.C. FARM BUREAU CABARRUS Co.

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Benny B. Hampton	N.C. Farm Bureau - Montgomery Co.
Peggy C. Hampton	N.C. Farm Bureau - Montgomery Co.
Judy Bare	NC Farm Bureau - Ashe Cty
Audrey Brown	NC Farm Bureau
Evelyn Reeves	NC Farm Bureau
Kenneth Blue	NC Farm Bureau
John Ambler	NC Farm Bureau
Betty Matthews	NC Farm Bureau
Wanda Pitts	NC Farm Bureau Perquimans County
Marie Hinson	Davies Law ; East Berd NC

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Michelle James	Union Co. Sheriff's Office 3340 Presson Rd. Monroe, NC 28110
Cl. Martin	Rowan County Animal Control 1811 E. FARMER ST SALESBURY, NC 28116
David M. Lord	NCDA & CS
Lee Hunter	NCDA & CS
UM ~~HERO~~	DPH - DPHS
Edwin Richard	NC FARM BUREAU 140 Richardson Rd ELLENBE NC 28338

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Carol Roberts	Farm Bureau
Becky Winslow	Farm Bureau
Barry Smith	Freedom Newspapers
James Romero	
Peter Hewitt	Private citizen
Robert F. Maher	Farm Bureau
Mary Anne Maher	Farm Bureau - Dare Co,

House Pages

Agriculture

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Date: _____

2/25/09

1. Name: Hunter McGuire ME Gun

County: McDowell

Sponsor: Gillespie

2. Name: Immanuel Vinson Vinson

County: Wake

Sponsor: SEAM

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

Sgt-At-Arms

1. Name: Reggie Sills

2. Name: Martha Forrist

3. Name: Toussaint Arden

4. Name: _____

ERIC
Chun/H11

**MINUTES
HOUSE COMMITTEE ON AGRICULTURE**

March 4, 2009

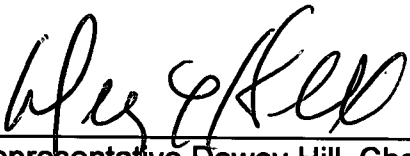
The House Committee on Agriculture met on Wednesday, March 4, 2009, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs, Braxton, Brisson, Faison, Lewis, and Williams; Representatives Allred, Coates, Daughtry, Guice, Langdon, McCormick, Mobley, Starnes, Steen, Tarleton, Tolson, Tucker, Underhill, and Warren.

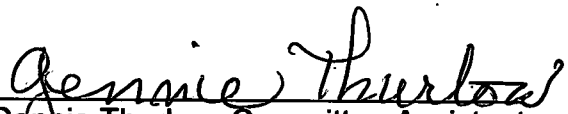
Chair Hill called the meeting to order at 12:00 Noon. He announced that a vote would not be taken on **House Bill 6 Davie's Law/Humane Euthanasia**.

The Chair recognized the four sponsors: Representatives Allred, Glazier, Harrell, and McElraft, and each spoke on the bill. Representative Lewis called a point of order for adjournment due to the time.

The meeting adjourned at 12:51 p.m.

Respectfully submitted,


Representative Dewey Hill, Chair


Gennie Thurlow, Committee Assistant

AGENDA

HOUSE COMMITTEE ON AGRICULTURE

**Wednesday, March 4, 2009
12:00 Noon
1228 Legislative Building**

OPENING REMARKS

**Representative Dewey Hill
Chair, House Committee on Agriculture**

AGENDA ITEM

HB 6	Davie's Law/Humane Euthanasia in Shelters.	Representative Allred Representative Glazier Representative Ty Harrell Representative McElraft

CHAIR'S REMARKS

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

1

HOUSE BILL 6

Short Title: Davie's Law/Humane Euthanasia in Shelters.

(Public)

Sponsors: Representatives Allred, Glazier, Harrell, McElraft (Primary Sponsors); M. Alexander, Cotham, Dickson, Dollar, Fisher, Grady, Harrison, Insko, Jeffus, Luebke, Martin, McComas, Moore, Ross, Stiller, Weiss, West, and Yongue.

Referred to: Rules, Calendar, and Operations of the House.

January 29, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR HUMANE EUTHANASIA OF ANIMALS IN ANIMAL
3 SHELTERS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 19A-23(9) is repealed.

6 SECTION 2. G.S. 19A-24 reads as rewritten:

7 "§ 19A-24. Powers of Board of Agriculture.

8 The Board of Agriculture shall:

9 ...
10 (5) Adopt rules on the euthanasia of animals in the possession or custody of any
11 person required to obtain a certificate of registration under this Article. An
12 animal shall only be put to death by a method and delivery of method
13 approved by the American Veterinary Medical Association, the Humane
14 Society of the United States, or the American Humane Association. The
15 Department shall establish rules for the euthanasia process using any one or
16 combination of methods and standards prescribed by the three
17 aforementioned organizations, consistent with the restrictions on euthanasia
18 contained in G.S. 19A-26.1. The rules shall address the equipment, the
19 process, and the separation of animals, in addition to the animals' age and
20 condition. If the gas method of euthanasia is approved, rules shall require (i)
21 that only commercially compressed carbon monoxide gas is approved for
22 use, and (ii) that the gas must be delivered in a commercially manufactured
23 chamber that allows for the individual separation of animals. Rules shall also
24 mandate training for any person who participates in the euthanasia process."

25 SECTION 3. Article 3 of Chapter 19A of the General Statutes is amended by
26 adding a new section to read:

27 "§ 19A-26.1. Euthanasia of shelter animals.

28 Euthanasia of an animal in the custody of an animal shelter shall be accomplished only by a
29 licensed veterinarian or a certified euthanasia technician administering a lethal dose of sodium



pentobarbital, or the equivalent of sodium pentobarbital as approved by the United States Food and Drug Administration or the American Veterinary Medical Association:

- (1) By a method of intravenous or intraperitoneal injection that results in rapid unconsciousness and immediate death; or
- (2) By oral injection of powdered sodium pentobarbital in capsules mixed with food, with the animal remaining separated from other animals until dead.

Under no circumstances may succinylcholine chloride, curare, curariform mixtures, or any substance that acts as a neuromuscular blocking agent be used on an animal in the custody or possession of an animal shelter for euthanasia."

SECTION 4. Effective April 1, 2011, G.S. 19A-26.1, as enacted by Section 3 of this act, reads as rewritten:

"§ 19A-26.1. Euthanasia of shelter animals.

(a) Euthanasia of an animal in the custody of an animal shelter shall be accomplished only by a licensed veterinarian or a certified euthanasia technician administering a lethal dose of sodium pentobarbital, or the equivalent of sodium pentobarbital as approved by the United States Food and Drug Administration or the American Veterinary Medical Association:

- (1) By a method of intravenous or intraperitoneal injection that results in rapid unconsciousness and immediate death; or
- (2) By oral injection of powdered sodium pentobarbital in capsules mixed with food, with the animal remaining separated from other animals until dead.

Under no circumstances may succinylcholine chloride, curare, curariform mixtures, or any substance that acts as a neuromuscular blocking agent be used on an animal in the custody or possession of an animal shelter for euthanasia.

(b) No animal shelter may maintain on its premises any facility or equipment used for the euthanasia of animals with carbon monoxide or any other gas."

SECTION 5. G.S. 130A-192 reads as rewritten:

"§ 130A-192. Dogs and cats not wearing required rabies vaccination tags.

The Animal Control Officer shall canvass the county to determine if there are any dogs or cats not wearing the required rabies vaccination tag. If a dog or cat is found not wearing the required tag, the Animal Control Officer shall check to see if the owner's identification can be found on the ~~animal~~ animal by owner identification tag or by microchip. If the animal is wearing an owner identification tag, or if the Animal Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner in writing to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal Control Officer within three days of the notification. If the animal is not ~~wearing~~ identified by an owner identification tag or by microchip and the Animal Control Officer does not otherwise know who the owner is, the Animal Control Officer may impound the animal. The duration of the impoundment of these animals shall be established by the county board of commissioners, but the duration shall not be less than 72 hours. During the impoundment period, the Animal Control Officer shall make a reasonable effort to locate the owner of the animal. If the animal is not reclaimed by its owner during the impoundment period, the animal shall be disposed of in one of the following manners: returned to the owner; adopted as a pet by a new owner; sold to institutions within this State registered by the United States Department of Agriculture pursuant to the Federal Animal Welfare Act, as amended; or put to death ~~by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association~~ only by euthanasia as authorized by G.S. 19A-26.1. The Animal Control Officer shall maintain a record of all animals impounded under this section which shall include the date of impoundment, the length of impoundment, the method of disposal of the animal and the name of the person or institution to whom any animal has been released."

1 **SECTION 6.** Any gas chambers in the custody or possession of an animal shelter
2 in this State shall be dismantled, destroyed, or otherwise removed from the premises no later
3 than April 1, 2011, in compliance with the provisions of G.S. 19A-26.1(b).

4 **SECTION 7.** Section 4 of this act becomes effective April 1, 2011. The remainder
5 of this act becomes effective January 1, 2011.



HOUSE BILL 6: Davie's Law/Humane Euthanasia in Shelters

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, Judiciary II	Date:	March 2, 2009
Introduced by:	Reps. Allred, Glazier, Harrell, McElraft	Prepared by:	Hal Pell
Analysis of:	First Edition		Committee Co-Counsel

SUMMARY: *Effective January 1, 2011, the act would prohibit the use of carbon monoxide gas as a method of euthanasia for animals at animal shelters. The bill provides that euthanasia of animals is to be done only by a lethal dose of sodium pentobarbital or other pharmaceutical approved for euthanasia by the United States Food and Drug Administration, or the American Veterinary Medical Association (AVMA). The act would animal shelters to remove any facility or equipment relating to gas euthanasia from their premises by April 1, 2011.*

[As introduced, this bill was identical to S199, as introduced by Sen. Hoyle, which is currently in Senate Judiciary I.]

BILL ANALYSIS:

Section 1: Deletes the definition of "euthanasia" from the Animal Welfare Act: "[T]he humane destruction of an animal accomplished by a method that involves rapid unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during such loss of consciousness."

Section 2: Amends the statute that provides rulemaking authority to the Board of Agriculture. Current law allows the Board to establish rules that are consistent with methods or standards prescribed by the AVMA, the Humane Society of the United States, or the American Humane Association. Portions of the statute that described requirements for the use of gas euthanasia are deleted. The act requires the Department to adopt rules that are consistent with the method specified by the act in Section 3.

Section 3: On or after January 1, 2011, requires that animals in the custody of an animal shelter be euthanized only:

- By a licensed veterinarian or a certified euthanasia technician.
- By administering a lethal dose of sodium pentobarbital, or an equivalent approved by the United States Drug Administration or the AVMA, as follows:
 - Utilizing a method of intravenous or intraperitoneal injection that results in rapid unconsciousness and immediate death; or
 - Utilizing a method of oral ingestion encapsulated sodium pentobarbital, mixed with food, with the animal segregated from other animals until death.

The use of any agent that acts as a neuromuscular blocking agent would be prohibited.

Section 4: Effective April 1, 2011, the act would prohibit any animal shelter from maintaining any equipment associated with administering any gas form of euthanasia.

Section 5: Makes conforming changes to the public health statute relating to the disposition by euthanasia of dogs and cats without rabies vaccination tags. The law currently requires animal control officers to check for an owner identification tag; the act adds a "microchip" to the check requirement.

House Bill 6

Page 2

Section 6: Mandates that animal shelters comply with the provisions of Section 4 of the act (prohibits gas related euthanasia equipment), by removal or other disposition no later than April 1, 2011, the effective date of Section 4.

EFFECTIVE DATE: Section 4 is effective April 1, 2011; the remainder of the act becomes effective January 1, 2011.

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Agriculture
Name of Committee

3-4-09
Date

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Marie Hinson	Yadkin Co.
Annette Ward White, DVM	NCVMA
James Dobies, DVM	NCVMA
Scotty Gibbs DVM	NCVMA
Charles Livaudais, DVM	NCVMA
David Stanley III	Brunswick Co. Health Dept
Dr. Debra Osina	NCVMA
Jennifer Jones Shults	NCVMA
Donna Hill DVM	NCVMA
Shirley Singh	NCDAVCS
Alice Singh	Yadkin Co.

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Denise Sacks DVM	NCVMA
ANTHONY ALLEN	NEACC
Max Sink DVM Mrs " "	NCVMA
Philip McHugh	"
Suzanne Sewell	NCVMA
Sharon Jennings	NCVMA
Julie Packard	NCVMA
Jon Carr	Lobbyist, Jordan Price Law Firm
Laura Gaylord	NCVMA

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

NANCY K. ROBINSON, RVT NCVMB

Janice Moseley

North Carolina Association of Veterinary Technicians

Gail Harrell - RVT

North Carolina Assoc. of Vet. Techs.

Jennah Bosch, RVT

NCAVT

Amanda Dillard, RVT

NCAVT

William Richard DVM

NCVMA

Glen B. Powers, DVM

NCVMA

DAVID WEBSTER

NCVMA

Barbara Mansfield

concerned citizen

Shawn Biggs
Brennan Biggs

concerned citizens

PB Page

nc farm Bureau

STEVE TROKER

NCDA

Mingie Whitener

NCPC

Courtney Parnell

citizen

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Dava Stone	NC CHE - Randolph Co NC
Dixon Herman	Concerned Citizen
Leif Sawyer	Concerned Citizen
Joe McCles	McCles Consulting Joe McCles
Lyndell Turner	NCALITH
Jim Blackburn	Association of County Commissioners
Michele King	NC Coalition for Humane Endanazo
Shemi McCles	McCles Consulting
Alicia [Signature]	IN WC
CHRIS GARVILLE Teca Garville	CDC
James Garville Julia Garville	St. Paul Education Center

VISITOR REGISTRATION SHEET

Agriculture

3-4-2009

Name of Committee

Date

Agriculture

3-4-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

SHERRY FORBES

4620 Atterbury Ct. Raleigh NC 27604

Don Yousey

Health Director, Brunswick Co.

iana Beattie

1300-b Mayruth Dr., Durham NC 27713

Karen Ray

Mooresville NC

Bob Redner

NCVMA

Brian Long

NCDAICS

April Ward

NCVMA
Local veterinarian, Raleigh NC

L.V. Taylor

Wake Co. resident

Jocelyn Pease

NCVMA

Zandy Albright

NCVMA

Alex Albright

NCVMA

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Chessie Green, DVM

NCVMA

Cheryl Stroud, DVM, PhD

NCVMA

Michael Martin, DVM, ACVP

NCVMA

Erine Kramer, DVM

NCVMA, Friends of the Animals of Iredell Co.,
Monroe Road Animal Hosp., 3736 Monroe Rd, Charlotte
28205

Joy Hicks

NCDA & CS

David Marshall

NCDA & CS

MaryAnn McBride

NCVMA

Debbie Hatley

Greyhound Friends NC
HSAC - Graham, NC

Shirley Phillips

Companion Animal Ministry,
(Wake Cnty non-profit)

Annifer
Federico

North Carolina Veterinary
Medical Association (NCVMA)

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Peter MacQueen III Pres.	Humane Society of Eastern NC.
Melissa Horanowski	volunteer Paw Feet Match rescue - ^{Nanny} ^{Pammy} ^{Patsy} ^{Sith}
TINA CUCCI	1725 TW ALEXANDER DR #505 DURHAM, NC 27703
Jane Tribells	
Kim Parker	102 Bowditch Ct. Cary, NC 27518
Hub Ward	133 Jamison Woods Pk Apex 27539
Amanda Arrington	HSUS
Calley Gerber	Gerber Animal Law Center 4601 Six Forks Rd, Suite 500 Raleigh 27609
Hailey Queen	400 Hillstone Dr. Raleigh, NC 27615
Maryanne Kalman	133 Loch Pointe Dr. Cary, NC 27518
Pat Archer	5544 Fieldcross, Raleigh, NC

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Peter Daniel

NC Farm Bureau

Chester Lowder

NC Farm Bureau

Sandy + David Pravica

119 Greenwood Dr. Greenville NC 27834

Shirley Doherty

6351 Pleasant Grove Ch. Rd. Kannapolis, NC 28081
5410 Osban Rd. Marshville, NC 28103

Kay La Gooden

1875 Mt Hope Ch Rd

Brenda Kirby

Salisbury, N.C. 28146 HSRC

Courtney Atwood

1312 Holland Hills Drive, Fuquay Varina, NC 27526 - American Humane

House Pages

Name Of Committee: Agriculture Date: 3 - 4 - 2009

1. Name: Vernon Arrington

County: Edgecombe

Sponsor: Farmer-Butterfield

2. Name: Cameron Pierce

County: Burke

Sponsor: Hugh Blackwell

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

Sgt-At-Arms

1. Name: Reggie Sills

2. Name: Altha Gadsden

3. Name: David Shearon

4. Name: _____

**MINUTES
HOUSE COMMITTEE ON AGRICULTURE**

March 11, 2009

The House Committee on Agriculture met on Wednesday, March 11, 2009, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs Braxton, Brisson, Faison, and Lewis; Representatives Allred, Coates, Daughtry, Guice, Holloway, Langdon, McCormick, Mobley, Starnes, Tarleton, Tolson, Tucker, Underhill, and Warren.

Chair Hill called the meeting to order at 12:04 p.m. and made opening remarks.

Representative Faison was recognized to speak on his bill, **House Bill 28 LRC Study GHG Credits**. Discussion followed. Representative Lewis moved that House Bill 28 be reported without prejudice and re-referred to the Committee on Rules, Calendar, and Operations of the House. The motion carried.

The meeting adjourned at 12:23 p.m.

Respectfully submitted,


Representative Dewey Hill, Chair


Gennie Thurlow, Committee Assistant

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

HB 28 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE FEASIBILITY AND ADVISABILITY OF EXTENDING CREDITS TO FARMING AS A BUSINESS IN ANY "CAP-AND-TRADE" PROGRAM FOR GREENHOUSE GAS EMISSIONS IN WHICH THE STATE PARTICIPATES.

☒ Without prejudice and recommendation that the bill be re-referred to the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

AGENDA

HOUSE COMMITTEE ON AGRICULTURE

**Wednesday, March 11, 2009
12:00 Noon**

1228 Legislative Building

OPENING REMARKS

**Representative Dewey Hill
Chair, House Committee on Agriculture**

AGENDA ITEMS

HB 28	LRC Study GHG Credits for Farming.	Representative Faison
HB 255	Zoning/Agri. Annexation Exemption.	Representative Cleveland Representative Hill Representative Langdon, Jr. Representative McGee
HB 265	Burgaw/Official State Blueberry Festival.	Representative Hughes Representative Justice

CHAIR'S REMARKS

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

1

HOUSE BILL 28

Short Title: LRC Study GHG Credits for Farming.

(Public)

Sponsors: Representatives Faison; and Lucas.

Referred to: Rules, Calendar, and Operations of the House.

February 3, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY
THE FEASIBILITY AND ADVISABILITY OF EXTENDING CREDITS TO FARMING
AS A BUSINESS IN ANY "CAP-AND-TRADE" PROGRAM FOR GREENHOUSE GAS
EMISSIONS IN WHICH THE STATE PARTICIPATES.

The General Assembly of North Carolina enacts:

SECTION 1. The Legislative Research Commission may study the feasibility and
advisability of extending credits to the business of farming in the same manner that credits are
extended to other businesses in the event North Carolina participates in a market-based
"Cap-and-Trade" program for greenhouse gas (GHG) emissions adopted either by the federal
government or by the State. As used in this section, a "Cap-and-Trade" program is any
program that places a limit, the cap, on the total amount of GHG emissions that is allowed
under the specific target for GHG emissions set under the program, allocates GHG emissions as
credits to individual businesses so that the total credits allocated equal the cap, and allows
businesses to bank credits for the future or to buy and sell credits based on whether a particular
business reduced or increased its GHG emissions in a given year and the value of the credits in
the marketplace. In its study, the Commission may consider all of the following:

- (1) How farmers can monitor GHG emissions.
- (2) What the anticipated costs are to farmers to participate in a "Cap-and-Trade"
program for GHG emissions, including the costs of monitoring GHG
emissions, satisfying reporting requirements, and any other costs.
- (3) How farmers can reduce GHG emissions on a farm.
- (4) How farmers can increase their farms' ability to act as "carbon sinks," that is,
utilize the carbon-absorbing abilities of plants and trees to remove carbon
dioxide from the atmosphere.
- (5) If farms can act as "carbon sinks" under subdivision (4) of this section,
whether the removal of carbon dioxide from the atmosphere should receive
some market value under the "Cap-and-Trade" program.
- (6) How much farmers are likely to increase their annual incomes by
participating as businesses in a "Cap-and-Trade" program for GHG
emissions.
- (7) In the event the "Cap-and-Trade" program is a federal program, whether
North Carolina has the authority to extend credits in North Carolina to the
business of farming in the same manner that credits are extended to other
businesses.
- (8) Any other issues the Commission considers relevant to this topic.

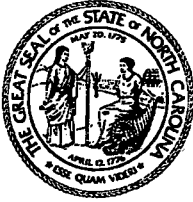


* H 2 8 - V - 1 *

1 **SECTION 2.** The Legislative Research Commission may make an interim report to
2 the 2009 General Assembly, Regular Session 2010, and shall make its final report to the 2011
3 General Assembly.

4 **SECTION 3.** The Legislative Services Officer shall allocate funds appropriated to
5 the General Assembly for the expenditures of the Legislative Services Commission in
6 conducting this study.

7 **SECTION 4.** This act becomes effective July 1, 2009.



HOUSE BILL 28: LRC Study GHG Credits for Farming

2009-2010 General Assembly

Committee:	Agriculture, if favorable, Rules, Calendar, and Operations of the House	Date:	March 9, 2009
Introduced by:	Rep. Faison	Prepared by:	Hal Pell
Analysis of:	First Edition		Committee Co-Counsel

SUMMARY: *The act would authorize the Legislative Research Commission to study the feasibility and advisability of including agricultural businesses in any State or federal "Cap-and-Trade" greenhouse gas emissions program. This act becomes effective July 1, 2009.*

BACKGROUND: Cap and Trade is a market-based policy tool for protecting human health and the environment. A cap and trade program first sets an aggressive cap, or maximum limit, on emissions. Sources covered by the program then receive authorizations to emit in the form of emissions allowances, with the total amount of allowances limited by the cap. Each source can design its own compliance strategy to meet the overall reduction requirement, including sale or purchase of allowances, installation of pollution controls, implementation of efficiency measures, among other options. Individual control requirements are not specified under a cap and trade program, but each emissions source must surrender allowances equal to its actual emissions in order to comply. Sources must also completely and accurately measure and report all emissions in a timely manner to guarantee that the overall cap is achieved. (<http://www.epa.gov/airmarkets/cap-trade/index.html>)

BILL ANALYSIS: The act authorizes the Legislative Research Commission (LRC) to study the feasibility and advisability of extending credits to the business of farming if North Carolina should participate in a market-based "Cap-and-Trade" program for greenhouse gas (GHG) emissions. The bill provides a list of considerations for the committee, including monitoring, costs, reduction of emissions, and increase in income by participation in the program. The LRC would be authorized to make an interim report to the 2009 General Assembly, Regular Session 2010, and would make its final report to the 2011 General Assembly.

EFFECTIVE DATE: This act becomes effective July 1, 2009.

H28-SMRK-11(e1) v2

VISITOR REGISTRATION SHEET

Agriculture

Name of Committee

3/11/2009

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Tommy Stevens	NRPC
Terry Hardest	NRPC
JB P	NCFB
Tom BEAN	NC EDF, NCSEA
Lindsey Smith	UNC School of Law - Career Services Office
Holly Bryan	"
Brian Lewis	"
Alicia Darr	MWC
Estherine Darr	EC
Will Culpepper	Moore & Van Allen
Jay Hicks	NCDA & SS

VISITOR REGISTRATION SHEET

Agriculture
Name of Committee

3/11/2009
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Edgar Miller	CTNL
David M. Lord	NCDH & CS
L. V. Taylor	Wake Co.
Conley A. Miller	NC Community Action
Dan Crawford	CCNZ
Becki Gray	John Locke Foundation
Erica Peterson	NCAg
JOHN GOODMAN	NC CHAMBER

VISITOR REGISTRATION SHEET

Agriculture

Name of Committee

3-11-2009

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Ray Stantling

NCDA:CS

Courtney Darnell

Paul Sherman

NCFB

Cady Thomas

NC AGSN & PERMITS

House Pages

Agriculture

Name Of Committee: _____

Date: _____

3/11/09

1. Name: Josh Horrell

County: Gates

Sponsor: Mobley

2. Name: Carson Meyer

County: Forsyth

Sponsor: Dale Folwell

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

Sgt-At-Arms

1. Name: Reggie Sills -

2. Name: Mike Martin -

3. Name: Fred Hines -

4. Name: _____

5. Name: _____

**MINUTES
HOUSE COMMITTEE ON AGRICULTURE**

March 18, 2009

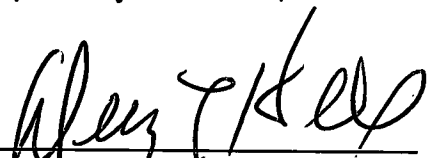
The House Committee on Agriculture met on Wednesday, March 18, 2009, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs Bell, Braxton, Brisson, Faison, Lewis, and Williams; Representatives Coates, Daughtry, Guice, Holloway, McCormick, Starnes, Steen, Tolson, Tucker, Underhill, and Warren.

Chair Hill called the meeting to order at 12:01 p.m. and made opening remarks.

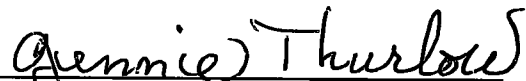
Charles Hall, CEO, North Carolina Soybean Producers Association, was introduced and gave a DVD video presentation on *The Perfect Crop*.

The meeting adjourned at 12:27 p.m.

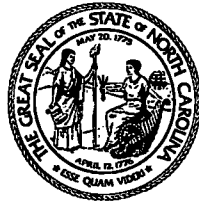
Respectfully submitted,



Representative Dewey Hill, Chair



Gennie Thurlow, Committee Assistant



**NORTH CAROLINA GENERAL ASSEMBLY
HOUSE COMMITTEE ON AGRICULTURE**

AGENDA

**Wednesday, March 18, 2009
12:00 PM
Legislative Building – Room 1228**

OPENING REMARKS

Representative Dewey Hill, Chair

AGENDA ITEMS

**HB 424 Certified Technicians for Animal Euthanasia.
Representative Allred
Representative Pierce**

Presentation:

***The Perfect Crop*
Charles Hall, CEO
North Carolina Soybean Producers Association**

DISCUSSION

ADJOURNMENT

VISITOR REGISTRATION SHEET

Agriculture
Name of Committee

3-18-2009
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jerry Herdeth	NPCC
Angie Whitener	NC Pork
Courtney Parnell	
John Sauls	NC ANIMAL LAW COM.
David McLeod	NC DA & CS
Quinn Tarrington	NS
PPS DO	NLFB

VISITOR REGISTRATION SHEET

Agriculture

Name of Committee

3-18-2009

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Alicia Darr

MWE

Edgar Mills

CTNC

Ray Stalling

NK Dept of Agriculture & Consumer Services

House Pages

Agriculture
Name Of Committee: _____

Date: 3/18/09

1. Name: Mariah Governor

County: Columbus

Sponsor: Dewey Hill

2. Name: Sarah Austin

County: Columbus

Sponsor: Dewey Hill

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

Sgt-At-Arms

1. Name: Reggie Sills

2. Name: Tom Wilder

3. Name: Martha Gadison

4. Name: _____

5. Name: _____

**MINUTES
HOUSE COMMITTEE ON AGRICULTURE**

March 25, 2009

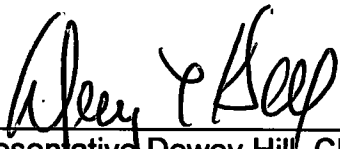
The House Committee on Agriculture met on Wednesday, March 25, 2009, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs Bell, Braxton, Brisson, and Faison; Representatives Coates, Daughtry, Guice, Langdon, McCormick, Mobley, Starnes, Tarleton, Tucker, Underhill, and Warren.

Chair Hill called the meeting to order at 11:56 a.m. and made opening remarks.

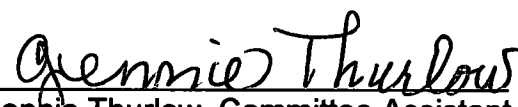
Representative Setzer was recognized to explain his bill, **House Bill 434 Enhanced Notice for Animal Waste Permittees**. Representative Braxton made a motion to accept the Proposed Committee Substitute for discussion, and the motion carried. Representative Tucker moved for a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Environment and Natural Resources. The motion passed.

The meeting adjourned at 12:08 p.m.

Respectfully submitted,



Representative Dewey Hill, Chair



Gennie Thurlow, Committee Assistant

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

HB 434 A BILL TO BE ENTITLED AN ACT TO REQUIRE INDIVIDUAL NOTICE TO ANIMAL WASTE MANAGEMENT SYSTEM GENERAL OR INDIVIDUAL PERMIT HOLDERS PRIOR TO ANY PUBLIC MEETINGS CONDUCTED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES REGARDING REVISIONS TO OR RENEWAL OF THE GENERAL OR INDIVIDUAL PERMIT.

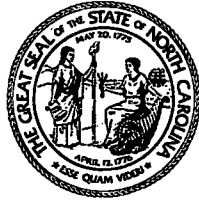
☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on ENVIRONMENT AND NATURAL RESOURCES.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE COMMITTEE ON AGRICULTURE

AGENDA

Wednesday, March 25, 2009
12:00 PM
Legislative Building – Room 1228

OPENING REMARKS

Representative Dewey Hill, Chair

AGENDA ITEMS

HB 434 Enhanced Notice for Animal Waste Permittees.
Representative Setzer

DISCUSSION

ADJOURNMENT

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 434

Short Title: Enhanced Notice for Animal Waste Permittees.

(Public)

Sponsors: Representatives Setzer; and R. Warren.

Referred to: Agriculture, if favorable, Environment and Natural Resources.

March 9, 2009

A BILL TO BE ENTITLED.

AN ACT TO REQUIRE INDIVIDUAL NOTICE TO ANIMAL WASTE MANAGEMENT SYSTEM GENERAL OR INDIVIDUAL PERMIT HOLDERS PRIOR TO ANY PUBLIC MEETINGS CONDUCTED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES REGARDING REVISIONS TO OR RENEWAL OF THE GENERAL OR INDIVIDUAL PERMIT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.1 reads as rewritten:

"§ 143-215.1. Control of sources of water pollution; permits required.

...
(b) Commission's Power as to Permits. –

(3) General permits may be issued under rules adopted pursuant to Chapter 150B of the General Statutes. Such rules may provide that minor activities may occur under a general permit issued in accordance with conditions set out in such rules. All persons covered under general permits shall be subject to all enforcement procedures and remedies applicable under this Article. Prior to reissuing, revising, or replacing a general permit, the Commission shall provide advance notice of the reissued, revised, or replacement general permit and of any public meetings held by the Commission or by the Department regarding the reissuance, revision, or replacement of the general permit to all permittees covered by the general permit using any of the following methods:

a. Deposit in the United States mail of such notice in an envelope with postage prepaid, addressed to the permittee at his address as shown by the records of the Department.

b. Delivery of such notice via facsimile or electronic mail to the facsimile number or electronic mail address of the permittee as shown by the records of the Department.

...."

SECTION 2. This act becomes effective October 1, 2009, and applies to any general permits reissued, revised, or replaced after that date.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 434
Corrected Copy 3/17/09
PROPOSED COMMITTEE SUBSTITUTE H434-CSRK-6 [v.1]

3/23/2009 2:35:14 PM

Short Title: Enhanced Notice for Animal Waste Permittees.

(Public)

Sponsors:

Referred to:

March 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE INDIVIDUAL NOTICE TO ANIMAL WASTE MANAGEMENT
3 SYSTEM GENERAL PERMIT HOLDERS PRIOR TO ANY PUBLIC MEETINGS
4 CONDUCTED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL
5 RESOURCES REGARDING REVISIONS TO OR RENEWAL OF THE GENERAL
6 PERMIT.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 143-215.1 reads as rewritten:

9 "§ 143-215.1. Control of sources of water pollution; permits required.

10 ...
11 (b) Commission's Power as to Permits. –

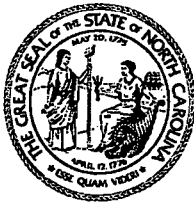
12 ...
13 (3) General permits may be issued under rules adopted pursuant to Chapter
14 150B of the General Statutes. Such rules may provide that minor activities
15 may occur under a general permit issued in accordance with conditions set
16 out in such rules. All persons covered under general permits shall be subject
17 to all enforcement procedures and remedies applicable under this Article.
18 Prior to reissuing, revising, or replacing a general permit, the Commission
19 shall provide 45 days advance notice of the reissued, revised, or replacement
20 general permit and 30 days notice of any public meetings held by the
21 Commission or by the Department regarding the reissuance, revision, or
22 replacement of the general permit to all permittees covered by the general
23 permit using any of the following methods:

24 a. Deposit in the United States mail of such notice in an envelope with
25 postage prepaid, addressed to the permittee at his address as shown
26 by the records of the Department.

27 b. Delivery of such notice via facsimile or electronic mail to the
28 facsimile number or electronic mail address of the permittee as
29 shown by the records of the Department.

30"

31 SECTION 2. This act becomes effective October 1, 2009, and applies to any
32 general permits reissued, revised, or replaced after that date.



HOUSE BILL 434: Enhanced Notice for Animal Waste Permittees

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, Environment and Natural Resources	Date:	March 23, 2009
Introduced by:	Rep. Setzer	Prepared by:	Hal Pell
Analysis of:	PCS to Second Edition H434-CSRK-6		Committee Co-Counsel

SUMMARY: *This act would require notice to be given to general permit holders if permits are being revised, reissued, or replaced, or if there will be a public hearing on these type actions. This act becomes effective October 1, 2009, and applies to any general permits reissued, revised, or replaced after that date.*

BACKGROUND: The General Statutes provide that the North Carolina Environmental Management Commission is authorized to develop, adopt, modify and revoke effluent standards or limitations and waste treatment management practices as it determines necessary to prohibit, abate, or control water pollution. The Commission has the power to grant permits with such conditions attached as the Commission deems necessary.

BILL ANALYSIS: The act would require the Commission to provide notice (45 days) that it intends to revise, reissue, or replace a general permit. It would also be required to provide notice (30 days) if it intended to have a public meeting regarding the revision, reissue, or replacement of a general permit. The notice could be accomplished by (i) deposit in the U.S. Mail with postage prepaid and addressed to permittee at record address; or (ii) by facsimile or electronic mail at the number or address of record.

EFFECTIVE DATE: This act becomes effective October 1, 2009, and applies to any general permits reissued, revised, or replaced after that date.

VISITOR REGISTRATION SHEET

Agriculture

Name of Committee

3/25/89

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Keith Larick

NC DENR

House Pages

Agriculture
Name Of Committee: _____

Date: 3/25/09

1. Name: Woody Horton

County: Bladen

Sponsor: Brisson

2. Name: Jessica Williford

County: Wake

Sponsor: Paul Starr

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

Sgt-At-Arms

1. Name: Reggie Sills

2. Name: Martha Gadison

3. Name: Kenneth Burroughs

4. Name: _____

5. Name: _____

**MINUTES
HOUSE COMMITTEE ON AGRICULTURE**

April 1, 2009

The House Committee on Agriculture met on Wednesday, April 1, 2009, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs Bell, Braxton, Brisson, and Faison; Representatives Allred, Coates, Daughtry, Guice, Holloway, Langdon, McCormick, Mobley, Starnes, Steen, Tarleton, Tolson, Tucker, Underhill, Warren, and Wray.

Chair Hill called the meeting to order at 12:02 p.m. and made opening remarks.

Representative Owens was recognized to explain his bill, **House Bill 588 Adopt Official NC Potato Festival**. Representative Coates moved for a favorable report and recommendation that the bill be re-referred to the Committee on Rules, Calendar, and Operations of the House. The motion carried.

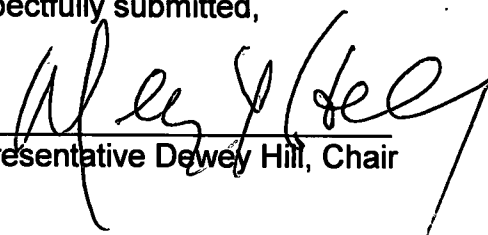
Representative Cole was introduced to speak on his bill, **House Bill 756 Equine Industry Commission**. Representative Tarleton moved for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. The motion carried.

Representative Harrison was recognized to explain **House Bill 684 NC Farmland Preservation Trust Fund**. Representative Bell moved for a favorable report and recommendation that the bill be re-referred to Appropriations. The motion carried.

Representative Cleveland was acknowledged to speak on **House Bill 255 Zoning/Agri. Annexation Exemption**. Representative Guice moved to accept the Proposed Committee Substitute for discussion. The motion passed. An amendment was offered and explained by Representative Faison, and it was adopted. Representative McGee spoke on the bill. Representative Holloway moved for a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Finance. The motion carried.

The meeting adjourned at 12:46 p.m.

Respectfully submitted,


Representative Dewey Hill, Chair


Gennie Thurlow, Committee Assistant

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

HB 255 A BILL TO BE ENTITLED AN ACT PROVIDING A ZONING EXEMPTION FOR ANY AGRICULTURAL INTEREST ANNEXED BY A MUNICIPALITY.

☒ With a favorable report as to the committee substitute bill, ^{which changes the title,} unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on FINANCE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

HB 588 A BILL TO BE ENTITLED AN ACT TO ADOPT THE ALBEMARLE POTATO FESTIVAL AS THE OFFICIAL POTATO FESTIVAL OF THE STATE OF NORTH CAROLINA.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

HB 684 A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE NORTH CAROLINA AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND IS A NONREVERTING ACCOUNT, TO MAKE A CHANGE TO THE MEMBERSHIP OF THE ADVISORY COMMITTEE FOR THE TRUST FUND, AND TO MAKE TECHNICAL CHANGES.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on APPROPRIATIONS.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

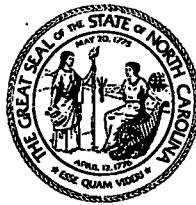
HB 756 A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE EQUINE INDUSTRY COMMISSION AND TO APPROPRIATE FUNDS TO SUPPORT THE WORK AND STAFFING OF THE EQUINE INDUSTRY COMMISSION.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on FINANCE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE COMMITTEE ON AGRICULTURE

AGENDA

Wednesday, April 1, 2009
12:00 PM
Legislative Building – Room 1228

OPENING REMARKS

Representative Dewey Hill, Chair

AGENDA ITEMS

HB 255	Zoning/Agri. Annexation Exemption.	Representative Cleveland
		Representative Hill
		Representative Langdon, Jr.
		Representative McGee
HB 588	Adopt Official NC Potato Festival.	Representative Owens, Jr.
HB 684	NC Farmland Preservation Trust Fund.	Representative Harrison
		Representative Hill
HB 756	Equine Industry Commission.	Representative Cole

DISCUSSION

ADJOURNMENT

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 588

Short Title: Adopt Official NC Potato Festival.

(Public)

Sponsors: Representative Owens.

Referred to: Agriculture, if favorable, Rules, Calendar, and Operations of the House.

March 16, 2009

A BILL TO BE ENTITLED

AN ACT TO ADOPT THE ALBEMARLE POTATO FESTIVAL AS THE OFFICIAL
POTATO FESTIVAL OF THE STATE OF NORTH CAROLINA.

Whereas, North Carolina's northeast region has been home of the Albemarle Potato Festival, now known as the North Carolina Potato Festival, for 24 years; and

Whereas, of the 16,000 acres statewide used for potato cultivation, the northeast region of the Albemarle contains 12,000 of those acres; and

Whereas, the economic impact of potato farming is at least 13 to 16 million dollars annually in the northeast region; and

Whereas, the festival showcases the Albemarle area's major potato producing counties, with Pasquotank County being the largest producer in the State; and

Whereas, the festival entertainment, street fair, water activities, and evening dance draw attention throughout the northeast region; and

Whereas, the tourism industry flourishes during the North Carolina Potato Festival, benefiting the economy of not only the northeast region but also the entire State; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 145 of the General Statutes is amended by adding a new section to read:

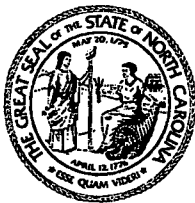
"§ 145-30. State potato festival.

The Albemarle Potato Festival is adopted as the official potato festival of the State of North Carolina."

SECTION 2. This act is effective when it becomes law.



* H 5 8 8 - V - 1 *



HOUSE BILL 588: Adopt Official NC Potato Festival

2009-2010 General Assembly

Committee:	Agriculture, if favorable, Rules, Calendar, and Operations of the House	Date:	March 26, 2009
Introduced by:	Rep. Owens	Prepared by:	Kelly Quick
Analysis of:	First Edition		Research Assistant

SUMMARY: *This act establishes the Albemarle Potato Festival as the official potato festival of the State of North Carolina. This act is effective when it becomes law.*

CURRENT LAW: This act would add a new section to Chapter 145 of the General Statutes, which delineates the State symbols and other official adoptions.

BILL ANALYSIS: This act establishes the Albemarle Potato Festival as the official potato festival of the State of North Carolina.

EFFECTIVE DATE: The act is effective when it becomes law.

BACKGROUND: North Carolina's Northeast region has been home of the Albemarle Potato Festival for 24 years.

H588-SMTH-1(e1) v4

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 756*

Short Title: Equine Industry Commission.

(Public)

Sponsors: Representatives Cole; Braxton, Crawford, Dickson, Hill, Lucas, McLawhorn, Rapp, Underhill, R. Warren, and Wray.

Referred to: Agriculture, if favorable, Finance, if favorable, Appropriations.

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE EQUINE INDUSTRY COMMISSION AND TO APPROPRIATE FUNDS TO SUPPORT THE WORK AND STAFFING OF THE EQUINE INDUSTRY COMMISSION.

Whereas, there are 306,889 head of equine in the State and 53,095 households with equine in the State; and

Whereas, the average equine operation has 39 acres of land associated with its operation; and

Whereas, a total of 2,123,800 acres of land are dedicated to equine operations in the State; and

Whereas, the equine industry provides a total of 19,183 full- and part-time jobs in the State; and

Whereas, total spending on goods and services by equine owners is over \$1.4 billion, with 89.7% of these expenditures occurring within the State; and

Whereas, 27% of horse show exhibitors at the three State-operated horse show facilities were nonresidents of North Carolina and these exhibitors spent \$66.6 million while attending horse show events in the State; and

Whereas, a total of \$196 million in federal, State, and local tax revenue is provided by the North Carolina equine industry; and

Whereas, the total value of the equine industry in North Carolina is estimated at \$2.2 billion, and the total additional economic impact of the industry is \$1.9 billion; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Article 9 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 30. Equine Industry Commission.

"§ 143B-426.50. Equine Industry Commission established; membership.

(a) Establish Commission. – The Equine Industry Commission is established. The Commission shall be an independent agency located within the Department of Administration for organizational, budgetary, and administrative purposes.

(b) Purpose. – The purpose of the Equine Industry Commission is to promote and expand the equine industry in North Carolina.

(c) Membership. – The Commission shall consist of 15 members, three of whom shall serve as nonvoting ex officio members. The members of the Commission who are appointed shall be chosen from among individuals who have demonstrated their ability and commitment



* H 7 5 6 - V - 1 *

to promote and fulfill the purposes of the Commission under subsection (b) of this section. The members shall be as follows:

- (1) Four members appointed by the Governor.
- (2) Four members appointed by the President Pro Tempore of the Senate.
- (3) Four members appointed by the Speaker of the House of Representatives.
- (4) The Chairman of the North Carolina Horse Council or the Chairman's designee.
- (5) The Commissioner of Agriculture or the Commissioner's designee.
- (6) The President of the North Carolina Farm Bureau Federation or the President's designee.

(d) Terms. – The members of the Commission, except those members serving in an ex officio capacity, shall be appointed for terms of two years and shall serve until their successors are appointed and qualified. Members who are appointed may be reappointed indefinitely.

(e) Chair. – The Commission shall have one Chair. The Commission shall by a majority of appointed, voting members select the Chair every other year from among those members of the Commission that are not ex officio members.

(f) Vacancies. – Any vacancy on the Commission 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.

(g) Compensation. – The Commission members shall receive no salary as a result of serving on the Commission but shall receive per diem, subsistence, and travel expenses in accordance with G.S. 120-3.1, 138-5, or 138-6, as applicable. When approved by the Commission, members may be reimbursed for subsistence and travel expenses in excess of these statutory amounts.

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

(i) Scheduling 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.

(j) Quorum. – A quorum of the Commission shall consist of eight members of the Commission for the transaction of business.

(k) Assignment of Property. – Upon request of the Commission, the head of any State agency may assign property, equipment, and personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Part. The Commission shall not compensate or reimburse any agency for any assignment under this subsection. In the event the Commission is terminated by the General Assembly, any property or equipment that remains in the possession of the Commission at the time of its termination shall revert to the agency from which the property was assigned.

(l) Office Space. – The Department of Administration shall provide office space in Raleigh for use as offices by the Commission, and the Department of Administration shall receive no compensation from the Commission for the use of this property.

"§ 143B-426.51. Equine Industry Commission; duties and authority.

(a) Duties. – The Equine Industry Commission shall review and evaluate the recommendations as contained in the report to the Joint Legislative Commission on Governmental Operations, which report resulted from the Equine Industry Study conducted by the Rural Economic Development Center, Inc., under Section 13.14A of S.L. 2007-323, and included an assessment of the numbers, composition, and value of the equine industry in North Carolina, an analysis of the direct and indirect impacts of the industry on the State's economy,

1 and the development of a comprehensive plan to maximize the economic opportunities
2 presented by the equine industry.

3 (b) Additional Duties. – The Commission shall have the following additional duties:

- 4 (1) To appoint a director to serve as a legislative liaison for the Commission; to
5 employ other staff as the Commission deems necessary and to fix their
6 compensation; and to manage the affairs of the Commission or to contract
7 with another entity to manage the affairs of the Commission.
- 8 (2) To develop bylaws, to be adopted by a majority vote of the Commission.
- 9 (3) To adopt guidelines under which the Commission may accept donations of
10 money, property, or personal services, and to determine the value of
11 donations of property or personal services.
- 12 (4) To accept and retain in an account with the State Treasurer grants and
13 contributions to be used for the costs of supporting the Commission.
- 14 (5) To accept devises, bequests, gifts, and services provided to the Commission
15 for its support.
- 16 (6) To develop plans, in cooperation with other State agencies and other entities
17 that represent different aspects of the equine industry, for initiatives,
18 incentives, tax credits, or appropriations that would promote the retention of
19 equine facilities, events, and other equine industry entities in the State.
- 20 (7) To develop plans to attract new equine facilities, events, and equine industry
21 entities to the State.
- 22 (8) To act as an advocacy group for the enactment or implementation of any
23 recommendations, legislative proposals, or administrative action
24 recommended by the Commission in its report under G.S. 143B-426.52.

25 (c) Contract Authority. – The Commission may procure supplies, services, and property
26 as appropriate, and may enter into contracts, leases, or other legal agreements to carry out the
27 purposes of this Part. All contracts, leases, or legal agreements entered into by the Commission
28 shall terminate upon the termination of the Commission. Disputes or causes of action of the
29 Commission that arise before the Commission is terminated shall not be affected by the
30 termination of the Commission, and the Department of Administration may prosecute or defend
31 any causes of action arising before the date of termination on behalf of the Commission. All
32 property acquired by the Commission that remains in the possession of the Commission on the
33 date of its termination shall become the property of the Department of Administration.

34 (d) The Director of the Equine Industry Commission appointed under subdivision (1) of
35 subsection (b) of this section shall be exempt from the State Personnel Act. Any staff of the
36 Commission employed under subdivision (1) of subsection (b) of this section shall be subject to
37 the State Personnel Act.

38 (e) The salary and employment benefits of the Director of the Equine Industry
39 Commission appointed under subdivision (1) of subsection (b) of this section shall not exceed
40 the salary and employment benefits of a State employee with an assigned pay grade of 72.

41 **"§ 143-426.52. Equine Industry Commission; reporting requirements.**

42 No later than October 1 of each year and more often if deemed necessary by the Equine
43 Industry Commission, the Commission shall submit to the General Assembly, the Chairs of the
44 Senate and House of Representatives Appropriations Committees, to the Office of the
45 Governor, the Commissioner of Agriculture, and the Secretary of Commerce a comprehensive
46 report incorporating specific recommendations of the Commission for retaining and expanding
47 the equine industry in the State. This report shall also include any recommendations that result
48 from the Commission's review and evaluation, under subsection (a) of G.S. 143B-426.51, of the
49 recommendations resulting from the Equine Industry Study. The report shall include findings
50 and recommendations, any legislative proposals and proposals for administrative action to

1 promote and develop the equine industry, and an accounting of funds received and expended by
2 the Commission during the previous fiscal year."

3 **SECTION 2.** The initial terms of the members of the Equine Industry Commission,
4 created under G.S. 143B-426.50, as enacted by Section 1 of this act, shall commence on July 1,
5 2009. Notwithstanding the provisions of G.S. 143B-426.50(d), as enacted by Section 1 of this
6 act, the terms for the initial appointments under G.S. 143B-426.50 shall be as follows:

7 (1) The four members appointed by the Governor shall serve two-year terms.

8 (2) Two of the four members appointed by the President Pro Tempore of the
9 Senate shall serve two-year terms and two shall serve three-year terms.

10 (3) Two of the four members appointed by the Speaker of the House of
11 Representatives shall serve two-year terms and two shall serve three-year
12 terms.

13 **SECTION 3.** The initial report required under G.S. 143B-426.52, as enacted by
14 Section 1 of this act, shall be submitted no later than October 1, 2010.

15 **SECTION 4.** There is appropriated from the General Fund to the Department of
16 Administration the sum of two hundred fifty thousand dollars (\$250,000) for the 2009-2010
17 fiscal year and the sum of two hundred fifty thousand dollars (\$250,000) for the 2010-2011
18 fiscal year to be used for the Equine Industry Commission's work and to implement this act.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 684*

Short Title: NC Farmland Preservation Trust Fund. (Public)

Sponsors: Representatives Harrison, Hill (Primary Sponsors); Faison, Fisher, Lucas, Starnes, Tarleton, Wainwright, R. Warren, and Wray.

Referred to: Agriculture, if favorable, Appropriations.

March 19, 2009

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE NORTH CAROLINA AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND IS A NONREVERTING ACCOUNT, TO MAKE A CHANGE TO THE MEMBERSHIP OF THE ADVISORY COMMITTEE FOR THE TRUST FUND, AND TO MAKE TECHNICAL CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 106-744(c) reads as rewritten:

"(c) There is established a "North Carolina Agricultural Development and Farmland Preservation Trust Fund" to be a nonreverting account that is administered by the Commissioner of Agriculture. The Trust Fund shall consist of all monies received for the purpose of purchasing agricultural conservation easements or funding programs that promote the development and sustainability of farming and assist in the transition of existing farms to new farm families, or monies transferred from counties or private sources. The Trust Fund shall be invested as provided in G.S. 147-69.2 and G.S. 147-69.3. The Commissioner shall use Trust Fund monies for any of the ~~following~~following purposes:

- (1) ~~The~~For the purchase of agricultural conservation easements, including transaction costs.
- (2) ~~Public~~For the costs of public and private enterprise programs that will promote profitable and sustainable family farms through assistance to farmers in developing and implementing plans for the production of food, fiber, and value-added products, agritourism activities, marketing and sales of agricultural products produced on the farm, and other agriculturally related business activities.
- (3) To fund conservation agreements to bring into or maintain farmland in active production of food, fiber, and other agricultural products.
- (4) ~~The~~For the costs of administering the program under this Article, including the cost of staff and staff support."

SECTION 2. G.S. 106-744(c1) reads as rewritten:

"(c1) The Commissioner shall distribute Trust Fund monies for ~~such purchases~~only the purposes under subsection (c) of this section, including transaction costs, as follows:

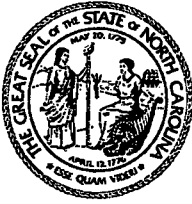
- (1) To a private nonprofit conservation organization that matches thirty percent (30%) of the Trust Fund monies it receives with funds from sources other than the Trust Fund.
- (2) To counties according to the match requirements under subsection (c2) of this section."



1 **SECTION 3.** G.S. 106-744(g)(11) reads as rewritten:

2 "(11) ~~The Director of the Southeast Regional Office of the American Farmland~~
3 ~~Trust or the~~ The Executive Director of the Rural Advancement Foundation
4 International – USA or the Executive Director's designee."

5 **SECTION 4.** This act is effective when it becomes law and the change in
6 membership of the Agricultural Development and Farmland Preservation Trust Fund Advisory
7 Committee under G.S. 106-744, as amended by Section 3 of this act, shall occur prior to the
8 next quarterly meeting of the Advisory Committee that occurs on or after that date.



HOUSE BILL 684: NC Farmland Preservation Trust Fund

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, Appropriations	Date:	March 26, 2009
Introduced by:	Reps. Harrison, Hill	Prepared by:	Hal Pell
Analysis of:	First Edition		Committee Co-Counsel

SUMMARY: *This act clarifies that the North Carolina Agricultural Development and Farmland Preservation Trust Fund is a nonreverting fund, makes technical changes, and makes a change of membership on the Advisory Committee. This act is effective when it becomes law, with the membership change occurring at the first quarterly meeting on or after the effective date.*

[As introduced, this bill was identical to S846, as introduced by Sen. Albertson, which is currently in Senate Appropriations/Base Budget.]

BACKGROUND:

The Commissioner of Agriculture administers the North Carolina Agricultural Development and Farmland Preservation Trust Fund. The Trust Fund consists of all monies received for the purpose of purchasing agricultural conservation easements or funding programs that promote the development and sustainability of farming and assist in the transition of existing farms to new farm families, or monies transferred from counties or private sources. The Commissioner is authorized to distribute the funds to private nonprofit conservation organizations, or counties.

BILL ANALYSIS:

This act clarifies that the North Carolina Agricultural Development and Farmland Preservation Trust Fund is a nonreverting account, and that it may be used for the specific purposes set out in the law. The act amends the membership of the Advisory Committee by deleting the Director of the Southeast Regional Office of the American Farmland Trust, and substituting the Executive Director of the Rural Advancement Foundation International--USA, or the Executive Director's designee.

EFFECTIVE DATE: This act is effective when it becomes law, and the membership change provision is to occur at the next quarterly meeting, on or after the effective date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

1

HOUSE BILL 255

Short Title: Zoning/Agri. Annexation Exemption.

(Public)

Sponsors: Representatives Cleveland, Hill, Langdon, McGee (Primary Sponsors); Allred, Blackwood, Brown, Brubaker, Burris-Floyd, Coates, Current, Dockham, Dollar, Faison, McElraft, Moore, Neumann, Rhyne, Sager, Setzer, Tucker, and West.

Referred to: Agriculture, if favorable, Finance.

February 23, 2009

A BILL TO BE ENTITLED

AN ACT PROVIDING A ZONING EXEMPTION FOR ANY AGRICULTURAL INTEREST ANNEXED BY A MUNICIPALITY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 4A of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-393. Part not applicable to annexed agricultural interest.

(a) The provisions of this Part are not applicable to any agricultural interest included in an area to be annexed by a municipality pursuant to Article 4A of this Chapter.

(b) For the purposes of this section, the phrase "agricultural interest" means an area of land, including any structures, used primarily for, or as, any of the following:

(1) The production of produce, grains, livestock, or fibers.

(2) The production of horticultural products.

(3) The production of aquaculture products.

(4) A demonstration, research, or test farm.

(5) A petting zoo."

SECTION 2. This act is effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 255
PROPOSED COMMITTEE SUBSTITUTE H255-CSRF-15 [v.1]

4/1/2009 11:32:41 AM

Short Title: Zoning/Agri. Annexation Exemption.

(Public)

Sponsors:

Referred to:

February 23, 2009

1 AN ACT PROVIDING A ZONING EXEMPTION FOR ANY AGRICULTURAL INTEREST
2 ANNEXED BY A MUNICIPALITY AND EXEMPTING COVERAGE OF ANY
3 AGRICULTURAL INTEREST IN THE EXTRATERRITORIAL PLANNING
4 JURISDICTION OF A MUNICIPALITY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 19 of Chapter 160A of the General Statutes is amended by
7 adding a new section to read:

8 **"§ 160A-393. Part not applicable to annexed agricultural interest.**

9 (a) The provisions of this Part are not applicable to any agricultural interest included in
10 an area to be annexed by a municipality pursuant to Article 4A of this Chapter.

11 (b) For the purposes of this section, the phrase "agricultural interest" means an area of
12 land, including any structures, used primarily for, or as, any of the following:

13 (1) The production of produce, grains, livestock, or fibers.

14 (2) The production of horticultural products.

15 (3) The production of aquaculture products.

16 (4) The production of trees and timber.

17 (5) A demonstration, research, or test farm.

18 (6) A petting zoo."

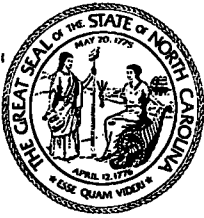
19 SECTION 2. G.S. 160A-360 is amended by adding a new subsection to read:

20 (a2) The provisions of this section are not applicable to any agricultural interest located
21 within the extraterritorial jurisdiction of a municipality. For the purposes of this subsection, the
22 phrase "agricultural interest" means an area of land, including any structures, used primarily
23 for, or as, any of the following: (i) the production of produce, grains, livestock, or fibers; (ii)
24 the production of horticultural products; (iii) the production of aquaculture products; (iv) the
25 production of trees and timber (v) a demonstration, research, or test farm; or (vi) a petting zoo."

26 SECTION 3. This act is effective when it becomes law.



* H 2 5 5 - C S R F - 1 5 - V - 1 *



HOUSE BILL 255: Zoning/Agri. Annexation Exemption

2009-2010 General Assembly

Committee: House Agriculture, if favorable, Finance
Introduced by: Reps. Cleveland, Hill, Langdon, McGee
Analysis of: PCS to First Edition
H255-CSLR-2

Date: March 31, 2009
Prepared by: Barbara Riley
Committee Counsel

SUMMARY: *House Bill 255 provides an exemption for "agricultural interests" from municipal zoning ordinances. The PCS adds a new section exempting agricultural interests from municipal authority within its ETJ.*

CURRENT LAW: Agriculture enjoys some protection from the ordinance making authority of counties and municipalities. Under Article 18 of Chapter 153A, property used for bona fide farm purposes, except for swine farms, is exempt from county zoning authority. Bona fide farm purposes include "the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products as defined in G.S. 106-581.1 having a domestic or foreign market. G.S. 153A-340. In addition to this limitation on county zoning authority, the statutes also provide that any local government ordinances that would make the operation of an agricultural or forestry operation a nuisance or provide for its abatement shall be null and void, unless the nuisance results from the negligent or improper management of the operation or the operation or the agricultural operation was within the city limits at the time of the enactment of the ordinance. G.S. 106-701. Agricultural operations are defined in this statute as including any facility for the commercial production of crops, livestock, poultry, livestock products, or poultry products.

BILL ANALYSIS: Section 1 of House Bill 255 adds a new section to the municipal zoning laws, Part 3 of Article 19 of the General Statutes. The new section, G.S. 160A-393, provides that when a city extends its corporate limits it may not apply its zoning authority to "agricultural interests" included in the area annexed. Agricultural interests are defined as an area of land, including structures used primarily for:

- Production of produce, grains, livestock, or fibers.
- Horticultural products.
- Aquaculture products
- Demonstration, research, or test farms.
- Petting zoos.

Section 2 of the bill amends G.S. 160A-360, setting out the authority of a municipality to exercise is authority within its extraterritorial jurisdiction. The new subsection (a2) provides that the provisions of G.S. 160A-360 are not applicable to any agricultural interest located within the ETJ of a municipality. "Agricultural interest" has the same definition as set forth in new G.S. 160A-393.

EFFECTIVE DATE: The act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

DATE _____

S. B. No. _____

Amendment No. _____

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

Rep.) Faison
)
Sen.)

1 moves to amend the bill on page _____, line _____

2 () WHICH CHANGES THE TITLE

3 by p 1 bt line 18 and 19 by adding the
4 phrase

5 " (7) Agitourism ~~activities~~ "

6 (8) Equine activities "

7 and on page 1, line 25, ~~by adding after~~
~~the word "zoo", the phrase " (vii) agitourism "~~

9
10 by rewriting that line to read:

11
12 " production of trees and timber; (v) a demonstration,
13 research, or test farm; (vi) a petting zoo;
14 (vii) agitourism; or (viii) equine activities. "

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____



HOUSE BILL 756: Equine Industry Commission

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, Finance, if favorable, Appropriations	Date:	March 31, 2009
Introduced by:	Rep. Cole	Prepared by:	Barbara Riley
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 756 establishes the Equine Industry Commission for the purpose of promoting and expanding the equine industry in North Carolina.*

BILL ANALYSIS: House Bill 756 establishes the Equine Industry Commission for the purpose of promoting and expanding the equine industry in the State. The Commission is to be administratively located in the Department of Administration

The Commission shall consist of 15 members; 4 each appointed by the Governor, President Pro Tem of the Senate and the Speaker of the House. The other 3 members are non voting ex officio members and include the Chair of the NC Horse Council, the Commissioner of Agriculture, and the President of the Farm Bureau, or their designees. Appointed members shall serve 2 year terms and may be reappointed indefinitely. The terms of the members will begin on July 1, 2009 and shall be staggered. Vacancies shall be filled in the manner the original appointment was made. The Chair of the Commission shall be elected every other year from among the appointed members by a majority vote of the appointed members. Commission members shall receive no salary but may receive per diem, subsistence, and travel expenses. When approved by the Commission, members may be reimbursed for subsistence and travel above the statutory amounts.

The Chair shall call the meetings and provide at least 7 days notice to the members. The committee shall meet at least 4 times a year. A quorum of the committee is 8 members.

The Department of Administration shall provide office space in Raleigh for the Commission. The head of any State agency may assign property, equipment and personnel to the Commission to assist the Commission in carrying out its duties. No agency shall receive compensation from the Commission for the provision of property, equipment or personnel. If the General Assembly terminates the Commission, such property and equipment shall revert to the agency who provided it.

The Equine Industry Commission is tasked with the review and evaluation of the recommendations contained in a report on the equine industry that should be forthcoming from the Rural Center. In addition the Commission shall: (1) appoint a director to serve as legislative liaison to the General Assembly, employ staff, and manage the affairs of the Commission or contract with another entity to manage those affairs; (2) develop bylaws; (3) adopt guidelines for the acceptance of donations of money, property or personal services; (4) accept and retain in an account with the State Treasurer, grants and contributions; (5) accept gifts, devises and services provided to the Commission for its support; (6) develop plans for initiative, tax credits, or appropriations to promote the retention of equine facilities, events, and other equine industry entities in the State; (7) develop plans to attract new equine facilities, events and industry entities; (8) act as an advocacy group for the implementation of recommendations and administrative action and the enactment of legislation.

The Commission has the authority to enter into contracts to carry out its purposes. All contracts, leases, or legal agreements terminate with termination of the Commission, however, disputes that arise prior to its termination shall not be affected the termination. The Director of the Commission shall be exempt from the State Personnel Act and his or her salary shall not exceed that of a State employee at Grade 72.

House Bill 756

Page 2

The Commission shall report no later than October 1 of each year to the General Assembly, the Chairs of the Senate and House Appropriations Committees, the Office of the Governor, the Commissioner of Agriculture, and the Secretary of Commerce on its recommendations for retaining and expanding the equine industry in the State. The first Commission report is due no later than October 1, 2010.

\$250,000 is appropriated from the General Fund for fiscal year 2009-2010 and \$250,000 for fiscal year 2010-2011 to support the Commission's work.

EFFECTIVE DATE: The act becomes effective July 1, 2009.

H756-SMRF-30(e1) v1

North Carolina Equine Industry

Equine Households	53,095
Average Number of Equine	5.8
Total Number of Equine	306,889
Total Number of Jobs	19,183
Total Spending on Goods and Services	\$ 1.4 Billion
Expenses Within County	72 Percent
Expenditures Within State	90 Percent
Total Economic Impact	\$ 1.9 Billion
Federal, State and Local Taxes Paid	\$ 196 Million

Top 20 Equine Counties

County	Equine Inventory
Union	11,683
Guilford	10,942
Iredell	9,966
Cumberland	9,791
Mecklenburg	9,504
Rockingham	8,258
Stanly	8,019
Moore	7,921
Wake	7,727
Rowan	7,540
Forsyth	7,425
Cabarrus	7,336
Franklin	6,057
Orange	5,839
Chatham	5,675
Buncombe	5,674
Burke	5,615
Johnston	5,579
Durham	5,492
Wilkes	5,332

VISITOR REGISTRATION SHEET

Agriculture
Name of Committee

4-1-2009
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

<u>Jessi Hays</u>	<u>NC HBAT</u>
<u>Fawn Pattison</u>	<u>Toxic Free NC</u>
<u>Reid Wilson</u>	<u>Conservation Trust for NC</u>
<u>Pat Hogler</u>	<u>Tyfon</u>
<u>Ray Stalling</u>	<u>NCDA&CS</u>
<u>Courtney Parnell</u>	
<u>LARRY HARDESTY</u>	<u>NC PC</u>
<u>Michelle Frazier</u>	<u>MFS</u>
<u>Kim Hibbard</u>	<u>NCLM</u>
<u>Keeli Kerha</u>	<u>NCLM</u>
<u>Bob Soeman</u>	<u>NCFA</u>

VISITOR REGISTRATION SHEET

Agriculture

Name of Committee

4/1/09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Alicia Davis

MWC

Tommy Stevens

NCPC

Joy Hiles

NCDACS

David McLeod

NCDACS

Steve Vooch

NCFB

L Andrews

NCPB

Ben Casey

Panama Can College

Ken Melton

KMA

John P. Smith

NMA

VISITOR REGISTRATION SHEET

AGRICULTURE
Name of Committee

4-1-09
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joe Johnson	COAHC
AMERICAN	ONE
Allison Fowler	NC State Grange
Steen Ferry	NCHC Comm
Robert Howard	MCIC
Jim	FAM - Toy Works
Emily Louie	Citizen
Elizabeth McCoy	Pamlico Community College
Cathie Green	Student PCC
Carolyn Broughton Casey	Pamlico CC, Program Director
Carl Powell	Pamlico CC student

VISITOR REGISTRATION SHEET

Agriculture

Name of Committee

4/1/09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Katrina Gurnes	Pamlico Community College
Charlie Diehl	Nc Trucking Assn.
Chris Jordan	Pamlico Community College
Juanisha Boone	Pamlico Community College
Michaela Murrell	Pamlico Community College
Jake Moulder	Pamlico Community College
ABD	nc fto

**MINUTES
HOUSE COMMITTEE ON AGRICULTURE**

April 8, 2009

The House Committee on Agriculture met on Wednesday, April 8, 2009, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs Bell, Braxton, Brisson, Faison, and Lewis; Representatives Allred, Daughtry, Guice, Holloway, Langdon, McCormick, Mobley, Starnes, Tarleton, Tolson, Tucker, Underhill, and Warren.

Chair Hill called the meeting to order at 12:05 p.m. and made opening remarks.

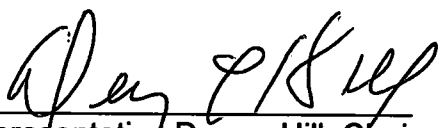
Representative Brubaker was recognized to explain his bill, **House Bill 780 Building Code/Exempt Equestrian Arenas**. The bill was displaced.

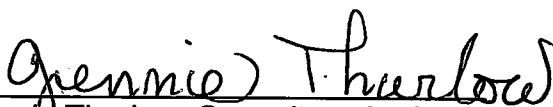
Representative Spear was introduced to speak on his bill, **House Bill 837 Remove Controlled Access Highway Restriction**. Representative Faison moved for a favorable report and recommendation that the bill be re-referred to the Committee on Transportation. The motion carried.

Representative Spear was recognized to explain his bill **House Bill 838 Create Exemption/Size-Weight for Sage Haulers**. Representative Bell moved to accept the proposed committee substitute for discussion. The motion passed. Representative Braxton moved for a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that committee substitute bill be re-referred to the Committee on Transportation. The motion carried.

The meeting adjourned at 12:47 p.m.

Respectfully submitted,


Representative Dewey Hill, Chair


Gennie Thurlow, Committee Assistant

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

HB 837 A BILL TO BE ENTITLED AN ACT TO ALLOW THE OPERATION OF
OVERSIZED SELF-PROPELLED FARM EQUIPMENT, NOT EXCEEDING TWENTY-FIVE FEET,
ON HIGHWAYS THAT ARE FULLY CONTROLLED ACCESS HIGHWAYS.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
TRANSPORTATION.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

HB 838 A BILL TO BE ENTITLED AN ACT TO CREATE AN EXEMPTION FOR SIZE AND WEIGHT RESTRICTIONS OF HAULERS OF SAGE.

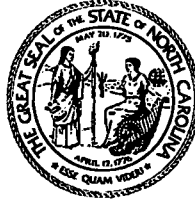
☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on TRANSPORTATION.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE COMMITTEE ON AGRICULTURE

AGENDA

Wednesday, April 8, 2009
12:00 PM
Legislative Building – Room 1228

OPENING REMARKS

Representative Dewey Hill, Chair

AGENDA ITEMS

HB 780	Building Code/Exempt Equestrian Arenas.	Representative Brubaker
HB 837	Remove Controlled Access Highway Restriction.	Representative Spear
HB 838	Create Exemption/Size-Weight for Sage Haulers.	Representative Spear
HB 880	Motor Vehicle Size and Weight Law Changes.	Representative Cole

DISCUSSION

ADJOURNMENT

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 780

Short Title: Building Code/Exempt Equestrian Arenas. (Public)

Sponsors: Representative Brubaker.

Referred to: Agriculture, if favorable, State Government/State Personnel.

March 26, 2009

A BILL TO BE ENTITLED

**AN ACT TO CLARIFY THE NORTH CAROLINA BUILDING CODE EXEMPTION FOR
FARM BUILDINGS TO INCLUDE EQUINE ARENAS USED FOR LESSONS
OFFERED TO THE GENERAL PUBLIC BUT NOT FOR SPECTATOR EVENTS.**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-138(b) reads as rewritten:

"§ 143-138. North Carolina State Building Code.

...
(b) Contents of the Code. – The North Carolina State Building Code, as adopted by the Building Code Council, may include reasonable and suitable classifications of buildings and structures, both as to use and occupancy; general building restrictions as to location, height, and floor areas; rules for the lighting and ventilation of buildings and structures; requirements concerning means of egress from buildings and structures; requirements concerning means of ingress in buildings and structures; rules governing construction and precautions to be taken during construction; rules as to permissible materials, loads, and stresses; rules governing chimneys, heating appliances, elevators, and other facilities connected with the buildings and structures; rules governing plumbing, heating, air conditioning for the purpose of comfort cooling by the lowering of temperature, and electrical systems; and such other reasonable rules pertaining to the construction of buildings and structures and the installation of particular facilities therein as may be found reasonably necessary for the protection of the occupants of the building or structure, its neighbors, and members of the public at large.

In addition, the Code may regulate activities and conditions in buildings, structures, and premises that pose dangers of fire, explosion, or related hazards. Such fire prevention code provisions shall be considered the minimum standards necessary to preserve and protect public health and safety, subject to approval by the Council of more stringent provisions proposed by a municipality or county as provided in G.S. 143-138(e). These provisions may include regulations requiring the installation of either battery-operated or electrical smoke detectors in every dwelling unit used as rental property, regardless of the date of construction of the rental property. For dwelling units used as rental property constructed prior to 1975, smoke detectors shall have an Underwriters' Laboratories, Inc., listing or other equivalent national testing laboratory approval, and shall be installed in accordance with either the standard of the National Fire Protection Association or the minimum protection designated in the manufacturer's instructions, which the property owner shall retain or provide as proof of compliance.

The Code may contain provisions requiring the installation of either battery-operated or electrical carbon monoxide detectors in every dwelling unit having a fossil-fuel burning heater or appliance, fireplace, or an attached garage. Carbon monoxide detectors shall be those listed



* H 7 8 0 - V - 1 *

1 by a nationally recognized testing laboratory that is OSHA-approved to test and certify to
2 American National Standards Institute/Underwriters Laboratories Standards ANSI/UL2034 or
3 ANSI/UL2075 and shall be installed in accordance with either the standard of the National Fire
4 Protection Association or the minimum protection designated in the manufacturer's
5 instructions, which the property owner shall retain or provide as proof of compliance. A carbon
6 monoxide detector may be combined with smoke detectors if the combined detector does both
7 of the following: (i) complies with ANSI/UL2034 or ANSI/UL2075 for carbon monoxide
8 alarms and ANSI/UL217 for smoke detectors; and (ii) emits an alarm in a manner that clearly
9 differentiates between detecting the presence of carbon monoxide and the presence of smoke.

10 The Code may contain provisions regulating every type of building or structure, wherever it
11 might be situated in the State.

12 Provided further, that building rules do not apply to (i) farm buildings that are located
13 outside the building-rules jurisdiction of any municipality, or (ii) farm buildings that are located
14 inside the building-rules jurisdiction of any municipality if the farm buildings are greenhouses.
15 A-For purposes of this Article, a "farm building" is any building that is not open to the general
16 public and is used primarily for a bona fide farm purpose, and "greenhouse" is a structure that
17 has a glass or plastic roof, has one or more glass or plastic walls, has an area over ninety-five
18 percent (95%) of which is used to grow or cultivate plants, is built in accordance with the
19 National Greenhouse Manufacturers Association Structural Design manual, and is not used for
20 retail sales. A "bona fide farm purpose" shall include equine training offered to members of the
21 general public, but shall not include equine spectator events. Additional provisions addressing
22 distinct life safety hazards shall be approved by the local building-rules jurisdiction.

23 Provided further, that no building permit shall be required under the Code or any local
24 variance thereof approved under subsection (e) for any construction, installation, repair,
25 replacement, or alteration costing five thousand dollars (\$5,000) or less in any single family
26 residence or farm building unless the work involves: the addition, repair, or replacement of load
27 bearing structures; the addition (excluding replacement of same size and capacity) or change in
28 the design of plumbing; the addition, replacement or change in the design of heating, air
29 conditioning, or electrical wiring, devices, appliances, or equipment, the use of materials not
30 permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding
31 replacement of like grade of fire resistance) of roofing.

32 Provided further, that no building permit shall be required under such Code from any State
33 agency for the construction of any building or structure, the total cost of which is less than
34 twenty thousand dollars (\$20,000), except public or institutional buildings.

35 For the information of users thereof, the Code shall include as appendices [the following:]

- 36 (1) Any rules governing boilers adopted by the Board of Boiler and Pressure
37 Vessels Rules,
- 38 (2) Any rules relating to the safe operation of elevators adopted by the
39 Commissioner of Labor, and
- 40 (3) Any rules relating to sanitation adopted by the Commission for Public
41 Health which the Building Code Council believes pertinent.

42 In addition, the Code may include references to such other rules of special types, such as
43 those of the Medical Care Commission and the Department of Public Instruction as may be
44 useful to persons using the Code. No rule issued by any agency other than the Building Code
45 Council shall be construed as a part of the Code, nor supersede that Code, it being intended that
46 they be presented with the Code for information only.

47 Nothing in this Article shall extend to or be construed as being applicable to the regulation
48 of the design, construction, location, installation, or operation of (1) equipment for storing,
49 handling, transporting, and utilizing liquefied petroleum gases for fuel purposes or anhydrous
50 ammonia or other liquid fertilizers, except for liquefied petroleum gas from the outlet of the
51 first stage pressure regulator to and including each liquefied petroleum gas utilization device

1 within a building or structure covered by the Code, or (2) equipment or facilities, other than
2 buildings, of a public utility, as defined in G.S. 62-3, or an electric or telephone membership
3 corporation, including without limitation poles, towers, and other structures supporting electric
4 or communication lines.

5 Nothing in this Article shall extend to or be construed as being applicable to the regulation
6 of the design, construction, location, installation, or operation of industrial machinery.
7 However, if during the building code inspection process, an electrical inspector has any
8 concerns about the electrical safety of a piece of industrial machinery, the electrical inspector
9 may refer that concern to the Occupational Safety and Health Division in the North Carolina
10 Department of Labor but shall not withhold the certificate of occupancy nor mandate
11 third-party testing of the industrial machinery based solely on this concern. For the purposes of
12 this paragraph, "industrial machinery" means equipment and machinery used in a system of
13 operations for the explicit purpose of producing a product. The term does not include
14 equipment that is permanently attached to or a component part of a building and related to
15 general building services such as ventilation, heating and cooling, plumbing, fire suppression or
16 prevention, and general electrical transmission.

17 In addition, the Code may contain rules concerning minimum efficiency requirements for
18 replacement water heaters, which shall consider reasonable availability from manufacturers to
19 meet installation space requirements and may contain rules concerning energy efficiency that
20 require all hot water plumbing pipes that are larger than one-fourth of an inch to be insulated.

21 No State, county, or local building code or regulation shall prohibit the use of special
22 locking mechanisms for seclusion rooms in the public schools approved under
23 G.S. 115C-391.1(e)(1)e., provided that the special locking mechanism shall be constructed so
24 that it will engage only when a key, knob, handle, button, or other similar device is being held
25 in position by a person, and provided further that, if the mechanism is electrically or
26 electronically controlled, it automatically disengages when the building's fire alarm is activated.
27 Upon release of the locking mechanism by a supervising adult, the door must be able to be
28 opened readily."

29 **SECTION 2.** This act is effective when it becomes law.

4-8-2009 Handout
Hal Bell
Passed out at
meeting.
D

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

HOUSE BILL 780
PROPOSED COMMITTEE SUBSTITUTE H780-CSRK-13 [v.2]

4/7/2009 2:07:06 PM

Short Title: Building Code/Exempt Equestrian Arenas. (Public)

Sponsors:

Referred to:

March 26, 2009

1. A BILL TO BE ENTITLED
2. AN ACT TO CLARIFY THE NORTH CAROLINA BUILDING CODE EXEMPTION FOR
3. FARM BUILDINGS TO ALLOW EQUINE ACTIVITIES.

4. The General Assembly of North Carolina enacts:

5. SECTION 1. G.S. 143-138(b) reads as rewritten:

6. "§ 143-138. North Carolina State Building Code.

7. ...

8. (b) Contents of the Code. – The North Carolina State Building Code, as adopted by the
9. Building Code Council, may include reasonable and suitable classifications of buildings and
10. structures, both as to use and occupancy; general building restrictions as to location, height, and
11. floor areas; rules for the lighting and ventilation of buildings and structures; requirements
12. concerning means of egress from buildings and structures; requirements concerning means of
13. ingress in buildings and structures; rules governing construction and precautions to be taken
14. during construction; rules as to permissible materials, loads, and stresses; rules governing
15. chimneys, heating appliances, elevators, and other facilities connected with the buildings and
16. structures; rules governing plumbing, heating, air conditioning for the purpose of comfort
17. cooling by the lowering of temperature, and electrical systems; and such other reasonable rules
18. pertaining to the construction of buildings and structures and the installation of particular
19. facilities therein as may be found reasonably necessary for the protection of the occupants of
20. the building or structure, its neighbors, and members of the public at large.

21. In addition, the Code may regulate activities and conditions in buildings, structures, and
22. premises that pose dangers of fire, explosion, or related hazards. Such fire prevention code
23. provisions shall be considered the minimum standards necessary to preserve and protect public
24. health and safety, subject to approval by the Council of more stringent provisions proposed by
25. a municipality or county as provided in G.S. 143-138(e). These provisions may include
26. regulations requiring the installation of either battery-operated or electrical smoke detectors in
27. every dwelling unit used as rental property, regardless of the date of construction of the rental
28. property. For dwelling units used as rental property constructed prior to 1975, smoke detectors
29. shall have an Underwriters' Laboratories, Inc., listing or other equivalent national testing
30. laboratory approval, and shall be installed in accordance with either the standard of the
31. National Fire Protection Association or the minimum protection designated in the
32. manufacturer's instructions, which the property owner shall retain or provide as proof of
33. compliance.



* H 7 8 0 - C S R K - 1 3 - V - 2 *

1 The Code may contain provisions requiring the installation of either battery-operated or
2 electrical carbon monoxide detectors in every dwelling unit having a fossil-fuel burning heater
3 or appliance, fireplace, or an attached garage. Carbon monoxide detectors shall be those listed
4 by a nationally recognized testing laboratory that is OSHA-approved to test and certify to
5 American National Standards Institute/Underwriters Laboratories Standards ANSI/UL2034 or
6 ANSI/UL2075 and shall be installed in accordance with either the standard of the National Fire
7 Protection Association or the minimum protection designated in the manufacturer's
8 instructions, which the property owner shall retain or provide as proof of compliance. A carbon
9 monoxide detector may be combined with smoke detectors if the combined detector does both
10 of the following: (i) complies with ANSI/UL2034 or ANSI/UL2075 for carbon monoxide
11 alarms and ANSI/UL217 for smoke detectors; and (ii) emits an alarm in a manner that clearly
12 differentiates between detecting the presence of carbon monoxide and the presence of smoke.

13 The Code may contain provisions regulating every type of building or structure, wherever it
14 might be situated in the State.

15 Provided further, that building rules do not apply to (i) farm buildings that are located
16 outside the building-rules jurisdiction of any municipality, ~~or~~ (ii) farm buildings that are located
17 inside the building-rules jurisdiction of any municipality if the farm buildings are ~~greenhouses-~~
18 greenhouses, or (iii) farm buildings that are located inside the building-rules jurisdiction of any
19 municipality if the farm buildings are used for equine activities, including but not limited to
20 boarding, instruction, or training. A "greenhouse" is a structure that has a glass or plastic roof,
21 has one or more glass or plastic walls, has an area over ninety-five percent (95%) of which is
22 used to grow or cultivate plants, is built in accordance with the National Greenhouse
23 Manufacturers Association Structural Design manual, and is not used for retail sales.
24 Additional provisions addressing distinct life safety hazards shall be approved by the local
25 building-rules jurisdiction.

26 Provided further, that no building permit shall be required under the Code or any local
27 variance thereof approved under subsection (e) for any construction, installation, repair,
28 replacement, or alteration costing five thousand dollars (\$5,000) or less in any single family
29 residence or farm building unless the work involves: the addition, repair, or replacement of load
30 bearing structures; the addition (excluding replacement of same size and capacity) or change in
31 the design of plumbing; the addition, replacement or change in the design of heating, air
32 conditioning, or electrical wiring, devices, appliances, or equipment, the use of materials not
33 permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding
34 replacement of like grade of fire resistance) of roofing.

35 Provided further, that no building permit shall be required under such Code from any State
36 agency for the construction of any building or structure, the total cost of which is less than
37 twenty thousand dollars (\$20,000), except public or institutional buildings.

38 For the information of users thereof, the Code shall include as appendices [the following:]

- 39 (1) Any rules governing boilers adopted by the Board of Boiler and Pressure
40 Vessels Rules,
- 41 (2) Any rules relating to the safe operation of elevators adopted by the
42 Commissioner of Labor, and
- 43 (3) Any rules relating to sanitation adopted by the Commission for Public
44 Health which the Building Code Council believes pertinent.

45 In addition, the Code may include references to such other rules of special types, such as
46 those of the Medical Care Commission and the Department of Public Instruction as may be
47 useful to persons using the Code. No rule issued by any agency other than the Building Code
48 Council shall be construed as a part of the Code, nor supersede that Code, it being intended that
49 they be presented with the Code for information only.

50 Nothing in this Article shall extend to or be construed as being applicable to the regulation
51 of the design, construction, location, installation, or operation of (1) equipment for storing,

1 handling, transporting, and utilizing liquefied petroleum gases for fuel purposes or anhydrous
2 ammonia or other liquid fertilizers, except for liquefied petroleum gas from the outlet of the
3 first stage pressure regulator to and including each liquefied petroleum gas utilization device
4 within a building or structure covered by the Code, or (2) equipment or facilities, other than
5 buildings, of a public utility, as defined in G.S. 62-3, or an electric or telephone membership
6 corporation, including without limitation poles, towers, and other structures supporting electric
7 or communication lines.

8 Nothing in this Article shall extend to or be construed as being applicable to the regulation
9 of the design, construction, location, installation, or operation of industrial machinery.
10 However, if during the building code inspection process, an electrical inspector has any
11 concerns about the electrical safety of a piece of industrial machinery, the electrical inspector
12 may refer that concern to the Occupational Safety and Health Division in the North Carolina
13 Department of Labor but shall not withhold the certificate of occupancy nor mandate
14 third-party testing of the industrial machinery based solely on this concern. For the purposes of
15 this paragraph, "industrial machinery" means equipment and machinery used in a system of
16 operations for the explicit purpose of producing a product. The term does not include
17 equipment that is permanently attached to or a component part of a building and related to
18 general building services such as ventilation, heating and cooling, plumbing, fire suppression or
19 prevention, and general electrical transmission.

20 In addition, the Code may contain rules concerning minimum efficiency requirements for
21 replacement water heaters, which shall consider reasonable availability from manufacturers to
22 meet installation space requirements and may contain rules concerning energy efficiency that
23 require all hot water plumbing pipes that are larger than one-fourth of an inch to be insulated.

24 No State, county, or local building code or regulation shall prohibit the use of special
25 locking mechanisms for seclusion rooms in the public schools approved under
26 G.S. 115C-391.1(e)(1)e., provided that the special locking mechanism shall be constructed so
27 that it will engage only when a key, knob, handle, button, or other similar device is being held
28 in position by a person, and provided further that, if the mechanism is electrically or
29 electronically controlled, it automatically disengages when the building's fire alarm is activated.
30 Upon release of the locking mechanism by a supervising adult, the door must be able to be
31 opened readily."

32 **SECTION 2.** This act is effective when it becomes law.



4-8-2009 Hal Pell
- passed out
at meeting.

HOUSE BILL 780: Building Code/Exempt Equestrian Arenas

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, State Government/State Personnel	Date:	April 8, 2009
Introduced by:	Rep. Brubaker	Prepared by:	Hal Pell
Analysis of:	PCS to First Edition H780-CSRK-13		Committee Co-Counsel

SUMMARY: *This act would amend the State Building Code's exemption provision to add farm buildings inside municipalities that are used for equine activities. This act is effective when it becomes law.*

CURRENT LAW: Farm buildings that are inside the building-rules jurisdiction of any municipality are exempt from the building code if the farm building is a greenhouse.

BILL ANALYSIS: This act provides that farm buildings that are inside the building-rules jurisdiction of a municipality, and are used for equine activities, are excluded from the State Building Code. Examples as set forth in the bill are boarding, instruction, or training.

EFFECTIVE DATE: This act is effective when it becomes law.

H780-SMRK-37(CSRK-13) v1

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

1

HOUSE BILL 837*

Short Title: Remove Controlled Access Highway Restriction.

(Public)

Sponsors: Representative Spear.

Referred to: Agriculture, if favorable, Transportation.

March 30, 2009

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE OPERATION OF OVERSIZED SELF-PROPELLED FARM EQUIPMENT, NOT EXCEEDING TWENTY-FIVE FEET, ON HIGHWAYS THAT ARE FULLY CONTROLLED ACCESS HIGHWAYS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-116(j) reads as rewritten:

"(j) Nothing in this section shall be construed to prevent the operation of self-propelled grain combines or other farm equipment self-propelled, pulled, or otherwise, not exceeding 25 feet in width on any highway, except a highway ~~or section of highway that is a fully controlled access highway or that~~ is a part of the National System of Interstate and Defense Highways. Farm equipment includes a vehicle that is designed exclusively to transport compressed seed cotton from a farm to a gin and has a self-loading bed. Combines or equipment which exceed 10 feet in width may be operated only if they meet all of the conditions listed in this subsection. A violation of one or more of these conditions does not constitute negligence per se.

(1) The equipment may only be operated during daylight hours.

(2) The equipment must display a red flag on front and rear ends. The flags shall not be smaller than three feet wide and four feet long. The flags shall be attached to a stick, pole, staff, etc., not less than four feet long and they shall be attached to the equipment as to be visible from both directions at all times while being operated on the public highway for not less than 300 feet.

(3) Equipment covered by this section, which by necessity must travel more than 10 miles or where by nature of the terrain or obstacles the flags referred to in subdivision (2) of this subsection are not visible from both directions for 300 feet at any point along the proposed route, must be preceded at a distance of 300 feet and followed at a distance of 300 feet by a flagman in a vehicle having mounted thereon an appropriate warning light or flag. No flagman in a vehicle shall be required pursuant to this subdivision if the equipment is being moved under its own power or on a trailer from any field to another field, or from the normal place of storage of the vehicle to any field, for no more than ten miles and if visible from both directions for 300 feet at any point along the proposed route.

(4) Every piece of equipment so operated shall operate to the right of the center line when meeting traffic coming from the opposite direction and at all other times when possible and practical.

(5) Repealed by Session Laws 2008-221, s. 6, effective September 1, 2008.

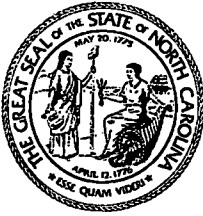
(6) When the equipment is causing a delay in traffic, the operator of the equipment shall move the equipment off the paved portion of the highway at



1 the nearest practical location until the vehicles following the equipment have
2 passed.

3 (7) The equipment shall be operated in the designed transport position that
4 minimizes equipment width. No removal of equipment or appurtenances is
5 required under this subdivision."

6 **SECTION 2.** This act becomes effective October 1, 2009.



HOUSE BILL 837: Remove Controlled Access Highway Restriction

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, Transportation	Date:	April 7, 2009
Introduced by:	Rep. Spear	Prepared by:	Barbara Riley
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 837 would allow oversized, self propelled farm equipment not exceeding 25' on fully controlled access highways.*

[As introduced, this bill was identical to S656, as introduced by Sen. Jones, which is currently in Senate Commerce.]

CURRENT LAW: G.S. 20-116(j) regulates the size of vehicles and loads on highways. Subsection (j) of that section provides an exemption for self propelled grain combines or other farm equipment not exceeding 25' in width on any highway except a fully controlled access highway or a highway that is part of the National System of Interstate and Defense Highways. Operation of such farm equipment on the highways is subject to a number of conditions including operation only during daylight hours and the display of red flags front and rear.

BILL ANALYSIS: House Bill 837 would amend G.S. 20-116(j) and expand the exemption for self propelled grain combines and other farm equipment not exceeding 25' in width to allow such vehicles to operate on fully controlled access highways.

EFFECTIVE DATE: The act becomes effective October 1, 2009.

H837-SMRF-38(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

1

HOUSE BILL 838*

Short Title: Create Exemption/Size-Weight for Sage Haulers.

(Public)

Sponsors: Representative Spear.

Referred to: Agriculture, if favorable, Transportation.

March 30, 2009

A BILL TO BE ENTITLED

AN ACT TO CREATE AN EXEMPTION FOR SIZE AND WEIGHT RESTRICTIONS OF
HAULERS OF SAGE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-116(d) reads as rewritten:

"(d) Maximum Length. – The following maximum lengths apply to vehicles. A truck-tractor and semitrailer shall be regarded as two vehicles for the purpose of determining lawful length and license taxes.

(1) Except as otherwise provided in this subsection, a single vehicle having two or three axles shall not exceed 40 feet in length overall of dimensions inclusive of front and rear bumpers.

(2) Trucks transporting unprocessed cotton from farm to gin-gin, or unprocessed sage from farm to market shall not exceed 50 feet in length overall of dimensions inclusive of front and rear bumpers.

(3) Recreational vehicles shall not exceed 45 feet in length overall, excluding bumpers and mirrors."

SECTION 2. G.S. 20-118(k) reads as rewritten:

"(k) From September 1 through March 1 of each year, a vehicle which is equipped with a self-loading bed and which is designed and used exclusively to transport compressed seed cotton from the farm to a cotton gin-gin, or sage to market, may operate on the highways of the State, except interstate highways, with a tandem-axle weight not exceeding 50,000 pounds. Such vehicles shall be exempt from light-traffic road limitations only from point of origin on the light-traffic road to the nearest State-maintained road which is not posted to prohibit the transportation of statutory load limits. This exemption does not apply to restricted, posted bridge structures."

SECTION 3. This act becomes effective October 1, 2009.



* H 8 3 8 - V - 1 *

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 838*
PROPOSED COMMITTEE SUBSTITUTE H838-CSRF-19 [v.1]

4/7/2009 11:54:10 AM

Short Title: Create Exemption/Size-Weight for Sage Haulers.

(Public)

Sponsors:

Referred to:

March 30, 2009

A BILL TO BE ENTITLED
AN ACT TO CREATE AN EXEMPTION FOR SIZE AND WEIGHT RESTRICTIONS OF
HAULERS OF SAGE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-116(d) reads as rewritten:

"(d) Maximum Length. – The following maximum lengths apply to vehicles. A truck-tractor and semitrailer shall be regarded as two vehicles for the purpose of determining lawful length and license taxes.

(1) Except as otherwise provided in this subsection, a single vehicle having two or three axles shall not exceed 40 feet in length overall of dimensions inclusive of front and rear bumpers.

(2) Trucks transporting unprocessed cotton from farm to ~~gin~~ gin, or unprocessed sage from farm to market shall not exceed 50 feet in length overall of dimensions inclusive of front and rear bumpers.

(3) Recreational vehicles shall not exceed 45 feet in length overall, excluding bumpers and mirrors."

SECTION 2. G.S. 20-118(k) reads as rewritten:

"(k) ~~From September 1 through March 1 of each year, a~~ A vehicle which is equipped with a self-loading bed and which is designed and used exclusively to transport compressed seed cotton from the farm to a cotton ~~gin~~ gin, or sage to market, may operate on the highways of the State, except interstate highways, with a tandem-axle weight not exceeding 50,000 pounds. Such vehicles shall be exempt from light-traffic road limitations only from point of origin on the light-traffic road to the nearest State-maintained road which is not posted to prohibit the transportation of statutory load limits. This exemption does not apply to restricted, posted bridge structures."

SECTION 3. This act becomes effective October 1, 2009.



HOUSE BILL 838: Create Exemption/Size-Weight for Sage Haulers

2009-2010 General Assembly

Committee: House Agriculture, if favorable,
Transportation

Date: April 7, 2009

Introduced by: Rep. Spear

Prepared by: Barbara Riley
Committee Counsel

Analysis of: PCS to First Edition
H838-CSRF-19

SUMMARY: *House Bill 838 provides sage haulers an exemption from the Department of Transportation size and weight restrictions.*

[As introduced, this bill was identical to S654, as introduced by Sen. Jones, which is currently in Senate Commerce.]

CURRENT LAW: G.S. 20-116 sets out size limitations for vehicles and loads. G.S. 20-116(d)(1) limits a single vehicle with 2 or 3 axles to 40' in length overall. Subsection (d)(2) allows trucks transporting cotton from farm to gin to be up to 50' in length.

G.S. 20-118 provides for vehicle weights and loads. G.S. 20-118(b)(2) limits the tandem axle weight of a vehicle to 38,000 pounds. G.S. 20-118(k) provides an exception for vehicles with self loading beds that are designed and exclusively to haul compressed seed cotton from farm to gin. Such trucks may operate on the highways with a tandem axle weight not exceeding 44,000 pounds. The exemption is only applicable from the point of origin on a light traffic road to the nearest State maintained road that is not posted to prohibit such loads. It does not apply to restricted, posted bridges.

BILL ANALYSIS: Section 1 of HB 838 would amend G.S. 20-116(d)(2) to add trucks carrying sage from farm to market to the exception allowed for trucks carrying cotton from farm to gin. Trucks carrying sage from farm to market may be up to 50' in length.

Section 2 of the bill amends G.S. 20-118(d) to add sage trucks hauling from farm to market to the weight exemption provided for trucks transporting cotton. Trucks transporting sage may have a tandem axle weight of up to 44,000 pounds.

The proposed committee substitute deletes the provision in G.S. 20-118(k) limiting the exception for trucks hauling cotton from September 1 through March 1 of each year.

EFFECTIVE DATE: The act becomes effective October 1, 2009.

H838-SMRF-37(CSRF-19) v1

VISITOR REGISTRATION SHEET

Agriculture
Name of Committee

4/8/09
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

Please Print

NAME

FIRM OR AGENCY AND ADDRESS

<u>John Bon</u>	<u>Bon & Asso,</u>
<u>Alicia DAA</u>	<u>MWC</u>
<u>TIM BRADLEY</u>	<u>NC DOI</u>
<u>Michelle Frazier</u>	<u>MFS</u>
<u>Don Crawford</u>	<u>CCNC</u>
<u>Angie Whitener</u>	<u>NE Pork</u>
<u>Dena Cohen</u>	
<u>Amanda Arington</u>	<u>HSUS</u>
<u>Nancy Thompson</u>	<u>Weyerhaeuser</u>
<u>Edgar Miller</u>	<u>CTNC</u>

VISITOR REGISTRATION SHEET

Agriculture
Name of Committee

4/8/05
Date

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FIRM OR AGENCY AND ADDRESS

Marvin Waters	CCPS
Dwight M. Lutz	NCDACS
Paul Sherman	NCFB
Paula Page	" "
Walter Bell	" "
Devin Jones	N.C. Horse Council
Joy Hicks	NCDACS
Ray Sturling	" "
PBP	NCFB
Renee Roach	NCDOT
Johanna Reese	DOT

VISITOR REGISTRATION SHEET

Agriculture

Name of Committee

4/8/09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Chuck Stone

SEAWC/NEAHC

Tommy Stevens

NSPC

Evan Pritchett

CAA

Tom Coors

House Pages

Agriculture Comm Date: 4/8/09
Name Of Committee: _____

1. Name: Samantha Wade
County: Wayne Wake
Sponsor: Adam Stan

2. Name: Brooke Weatherspoon
County: Wake Wake
Sponsor: Blue Blue

3. Name: Olivia McCormick McConde
County: Yadkin York
Sponsor: McCormick "

4. Name: _____
County: _____
Sponsor: _____

5. Name: _____
County: _____
Sponsor: _____

Sgt.-At-Arms

1. Name: Reggie Sills

2. Name: Martha Godison

3. Name: Judy Turner

4. Name: _____

**MINUTES
HOUSE COMMITTEE ON AGRICULTURE**

April 15, 2009

The House Committee on Agriculture met on Wednesday, April 15, 2009, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs Bell, Braxton, Brisson, Faison, Lewis, and Williams; Representatives Coates, Daughtry, Guice, Holloway, Langdon, McCormick, Mobley, Starnes, Tarleton, Underhill, Warren, and Wray.

Chair Hill called the meeting to order at 12:01 p.m. and made opening remarks.

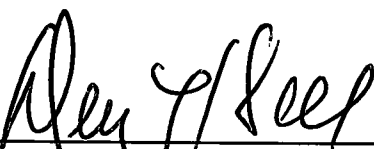
Representative Brubaker was recognized to explain his bill, **House Bill 780 Building Code/Exempt Equestrian Arenas**. Representative Braxton made a motion to adopt the proposed committee substitute for discussion. The motion carried. Representative Starnes and Lewis moved for a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that committee substitute bill be re-referred to the Committee on State Government/State Personnel. The motion carried.

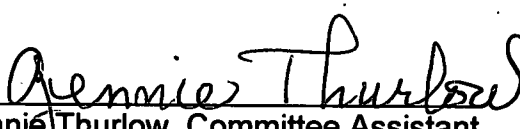
Representative Lewis was introduced to speak on his bill, **House Bill 513 Study Fire Ants**. Representative Bell made a motion to adopt the proposed committee substitute for consideration. The motion passed. Representative McCormick moved for a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that committee substitute bill be re-referred to the Committee on Rules, Calendar, and Operations of the House. The motion carried.

Representative Rapp was recognized to explain his bill **House Bill 1163 Sustainable Local Food Policy Council**. Representative Tarleton moved for a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations. The motion carried.

The meeting adjourned at 12:27 p.m.

Respectfully submitted,


Representative Dewey Hill, Chair


Gennie Thurlow, Committee Assistant

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

HB 780 A BILL TO BE ENTITLED AN ACT TO CLARIFY THE NORTH CAROLINA BUILDING CODE EXEMPTION FOR FARM BUILDINGS TO INCLUDE EQUINE ARENAS USED FOR LESSONS OFFERED TO THE GENERAL PUBLIC BUT NOT FOR SPECTATOR EVENTS.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on STATE GOVERNMENT/STATE PERSONNEL.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

HB 513 A BILL TO BE ENTITLED AN ACT TO CREATE THE LEGISLATIVE STUDY
COMMITTEE ON THE IMPACT AND CONTROL OF FIRE ANTS IN NORTH CAROLINA.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and
recommendation that the committee substitute bill be re-referred to the Committee on RULES,
CALENDAR, AND OPERATIONS OF THE HOUSE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed
on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint)
resolution No. _____) is placed on the Unfavorable Calendar.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

HB 1163 A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD POLICY COUNCIL TO ADDRESS POLICY CONSIDERATIONS REGARDING THE DEVELOPMENT OF A SUSTAINABLE LOCAL FOOD ECONOMY IN NORTH CAROLINA.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on APPROPRIATIONS.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE COMMITTEE ON AGRICULTURE

AGENDA

Wednesday, April 15, 2009
12:00 PM
Legislative Building – Room 1228

OPENING REMARKS

Representative Dewey Hill, Chair

AGENDA ITEMS

HB 513	Study Fire Ants.	Representative Lewis
HB 780	Building Code/Exempt Equestrian Arenas.	Representative Brubaker
HB 1074	Clarify Closest Market.	Representative Lewis Representative Braxton Representative Brisson Representative Burr
HB 1163	Sustainable Local Food Policy Council.	Representative Rapp Representative Harrison Representative Wray Representative Fisher

DISCUSSION

ADJOURNMENT

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 780

Short Title: Building Code/Exempt Equestrian Arenas. (Public)

Sponsors: Representative Brubaker.

Referred to: Agriculture, if favorable, State Government/State Personnel.

March 26, 2009

A BILL TO BE ENTITLED

**AN ACT TO CLARIFY THE NORTH CAROLINA BUILDING CODE EXEMPTION FOR
FARM BUILDINGS TO INCLUDE EQUINE ARENAS USED FOR LESSONS
OFFERED TO THE GENERAL PUBLIC BUT NOT FOR SPECTATOR EVENTS.**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-138(b) reads as rewritten:

"§ 143-138. North Carolina State Building Code.

...

(b) Contents of the Code. – The North Carolina State Building Code, as adopted by the Building Code Council, may include reasonable and suitable classifications of buildings and structures, both as to use and occupancy; general building restrictions as to location, height, and floor areas; rules for the lighting and ventilation of buildings and structures; requirements concerning means of egress from buildings and structures; requirements concerning means of ingress in buildings and structures; rules governing construction and precautions to be taken during construction; rules as to permissible materials, loads, and stresses; rules governing chimneys, heating appliances, elevators, and other facilities connected with the buildings and structures; rules governing plumbing, heating, air conditioning for the purpose of comfort cooling by the lowering of temperature, and electrical systems; and such other reasonable rules pertaining to the construction of buildings and structures and the installation of particular facilities therein as may be found reasonably necessary for the protection of the occupants of the building or structure, its neighbors, and members of the public at large.

In addition, the Code may regulate activities and conditions in buildings, structures, and premises that pose dangers of fire, explosion, or related hazards. Such fire prevention code provisions shall be considered the minimum standards necessary to preserve and protect public health and safety, subject to approval by the Council of more stringent provisions proposed by a municipality or county as provided in G.S. 143-138(e). These provisions may include regulations requiring the installation of either battery-operated or electrical smoke detectors in every dwelling unit used as rental property, regardless of the date of construction of the rental property. For dwelling units used as rental property constructed prior to 1975, smoke detectors shall have an Underwriters' Laboratories, Inc., listing or other equivalent national testing laboratory approval, and shall be installed in accordance with either the standard of the National Fire Protection Association or the minimum protection designated in the manufacturer's instructions, which the property owner shall retain or provide as proof of compliance.

The Code may contain provisions requiring the installation of either battery-operated or electrical carbon monoxide detectors in every dwelling unit having a fossil-fuel burning heater or appliance, fireplace, or an attached garage. Carbon monoxide detectors shall be those listed



1 by a nationally recognized testing laboratory that is OSHA-approved to test and certify to
2 American National Standards Institute/Underwriters Laboratories Standards ANSI/UL2034 or
3 ANSI/UL2075 and shall be installed in accordance with either the standard of the National Fire
4 Protection Association or the minimum protection designated in the manufacturer's
5 instructions, which the property owner shall retain or provide as proof of compliance. A carbon
6 monoxide detector may be combined with smoke detectors if the combined detector does both
7 of the following: (i) complies with ANSI/UL2034 or ANSI/UL2075 for carbon monoxide
8 alarms and ANSI/UL217 for smoke detectors; and (ii) emits an alarm in a manner that clearly
9 differentiates between detecting the presence of carbon monoxide and the presence of smoke.

10 The Code may contain provisions regulating every type of building or structure, wherever it
11 might be situated in the State.

12 Provided further, that building rules do not apply to (i) farm buildings that are located
13 outside the building-rules jurisdiction of any municipality, or (ii) farm buildings that are located
14 inside the building-rules jurisdiction of any municipality if the farm buildings are greenhouses.
15 A-For purposes of this Article, a "farm building" is any building that is not open to the general
16 public and is used primarily for a bona fide farm purpose, and "greenhouse" is a structure that
17 has a glass or plastic roof, has one or more glass or plastic walls, has an area over ninety-five
18 percent (95%) of which is used to grow or cultivate plants, is built in accordance with the
19 National Greenhouse Manufacturers Association Structural Design manual, and is not used for
20 retail sales. A "bona fide farm purpose" shall include equine training offered to members of the
21 general public, but shall not include equine spectator events. Additional provisions addressing
22 distinct life safety hazards shall be approved by the local building-rules jurisdiction.

23 Provided further, that no building permit shall be required under the Code or any local
24 variance thereof approved under subsection (e) for any construction, installation, repair,
25 replacement, or alteration costing five thousand dollars (\$5,000) or less in any single family
26 residence or farm building unless the work involves: the addition, repair, or replacement of load
27 bearing structures; the addition (excluding replacement of same size and capacity) or change in
28 the design of plumbing; the addition, replacement or change in the design of heating, air
29 conditioning, or electrical wiring, devices, appliances, or equipment, the use of materials not
30 permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding
31 replacement of like grade of fire resistance) of roofing.

32 Provided further, that no building permit shall be required under such Code from any State
33 agency for the construction of any building or structure, the total cost of which is less than
34 twenty thousand dollars (\$20,000), except public or institutional buildings.

35 For the information of users thereof, the Code shall include as appendices [the following:]

- 36 (1) Any rules governing boilers adopted by the Board of Boiler and Pressure
37 Vessels Rules,
- 38 (2) Any rules relating to the safe operation of elevators adopted by the
39 Commissioner of Labor, and
- 40 (3) Any rules relating to sanitation adopted by the Commission for Public
41 Health which the Building Code Council believes pertinent.

42 In addition, the Code may include references to such other rules of special types, such as
43 those of the Medical Care Commission and the Department of Public Instruction as may be
44 useful to persons using the Code. No rule issued by any agency other than the Building Code
45 Council shall be construed as a part of the Code, nor supersede that Code, it being intended that
46 they be presented with the Code for information only.

47 Nothing in this Article shall extend to or be construed as being applicable to the regulation
48 of the design, construction, location, installation, or operation of (1) equipment for storing,
49 handling, transporting, and utilizing liquefied petroleum gases for fuel purposes or anhydrous
50 ammonia or other liquid fertilizers, except for liquefied petroleum gas from the outlet of the
51 first stage pressure regulator to and including each liquefied petroleum gas utilization device

1 within a building or structure covered by the Code, or (2) equipment or facilities, other than
2 buildings, of a public utility, as defined in G.S. 62-3, or an electric or telephone membership
3 corporation, including without limitation poles, towers, and other structures supporting electric
4 or communication lines.

5 Nothing in this Article shall extend to or be construed as being applicable to the regulation
6 of the design, construction, location, installation, or operation of industrial machinery.
7 However, if during the building code inspection process, an electrical inspector has any
8 concerns about the electrical safety of a piece of industrial machinery, the electrical inspector
9 may refer that concern to the Occupational Safety and Health Division in the North Carolina
10 Department of Labor but shall not withhold the certificate of occupancy nor mandate
11 third-party testing of the industrial machinery based solely on this concern. For the purposes of
12 this paragraph, "industrial machinery" means equipment and machinery used in a system of
13 operations for the explicit purpose of producing a product. The term does not include
14 equipment that is permanently attached to or a component part of a building and related to
15 general building services such as ventilation, heating and cooling, plumbing, fire suppression or
16 prevention, and general electrical transmission.

17 In addition, the Code may contain rules concerning minimum efficiency requirements for
18 replacement water heaters, which shall consider reasonable availability from manufacturers to
19 meet installation space requirements and may contain rules concerning energy efficiency that
20 require all hot water plumbing pipes that are larger than one-fourth of an inch to be insulated.

21 No State, county, or local building code or regulation shall prohibit the use of special
22 locking mechanisms for seclusion rooms in the public schools approved under
23 G.S. 115C-391.1(e)(1)e., provided that the special locking mechanism shall be constructed so
24 that it will engage only when a key, knob, handle, button, or other similar device is being held
25 in position by a person, and provided further that, if the mechanism is electrically or
26 electronically controlled, it automatically disengages when the building's fire alarm is activated.
27 Upon release of the locking mechanism by a supervising adult, the door must be able to be
28 opened readily."

29 **SECTION 2.** This act is effective when it becomes law.

1 manufacturer's instructions, which the property owner shall retain or provide as proof of
2 compliance.

3 (b2) The Code may contain provisions requiring the installation of either
4 battery-operated or electrical carbon monoxide detectors in every dwelling unit having a
5 fossil-fuel burning heater or appliance, fireplace, or an attached garage. Carbon monoxide
6 detectors shall be those listed by a nationally recognized testing laboratory that is
7 OSHA-approved to test and certify to American National Standards Institute/Underwriters
8 Laboratories Standards ANSI/UL2034 or ANSI/UL2075 and shall be installed in accordance
9 with either the standard of the National Fire Protection Association or the minimum protection
10 designated in the manufacturer's instructions, which the property owner shall retain or provide
11 as proof of compliance. A carbon monoxide detector may be combined with smoke detectors if
12 the combined detector does both of the following: (i) complies with ANSI/UL2034 or
13 ANSI/UL2075 for carbon monoxide alarms and ANSI/UL217 for smoke detectors; and (ii)
14 emits an alarm in a manner that clearly differentiates between detecting the presence of carbon
15 monoxide and the presence of smoke.

16 (b3) The Code may contain provisions regulating every type of building or structure,
17 wherever it might be situated in the State.

18 (b4) ~~Provided further, that building~~ Building rules do not apply to (i) farm buildings that are
19 located outside the building-rules jurisdiction of any municipality, or (ii) farm buildings that are
20 located inside the building-rules jurisdiction of any municipality if the farm buildings are
21 greenhouses. For the purposes of this subsection:

22 (1) A "farm building" shall include any structure used or associated with equine
23 activities, including but not limited to, the care, management, boarding, or
24 training of horses, and the instruction and training of riders. Structures that
25 are associated with equine activities include, but are not limited to, free
26 standing or attached sheds, barns, or other structures that are utilized to store
27 any equipment, tools, commodities, or other items that are maintained or
28 used in conjunction with equine activities. The specific types of equine
29 activities, structures, and uses set forth in this subdivision are for illustrative
30 purposes, and should not be construed to limit, in any manner, the types of
31 activities, structures, or uses that may be considered under this subsection as
32 exempted from building rules. A farm building that might otherwise qualify
33 for exemption from building rules shall not be exempt if it is used for a
34 spectator event and more than 10 members of the public are present at the
35 farm building for the event.

36 (2) A "greenhouse" is a structure that has a glass or plastic roof, has one or more
37 glass or plastic walls, has an area over ninety-five percent (95%) of which is
38 used to grow or cultivate plants, is built in accordance with the National
39 Greenhouse Manufacturers Association Structural Design manual, and is not
40 used for retail sales. Additional provisions addressing distinct life safety
41 hazards shall be approved by the local building-rules jurisdiction.

42 (b5) ~~Provided further, that no~~ No building permit shall be required under the Code or any
43 local variance thereof approved under subsection (e) for any construction, installation, repair,
44 replacement, or alteration costing five thousand dollars (\$5,000) or less in any single family
45 residence or farm building unless the work involves: the addition, repair, or replacement of load
46 bearing structures; the addition (excluding replacement of same size and capacity) or change in
47 the design of plumbing; the addition, replacement or change in the design of heating, air
48 conditioning, or electrical wiring, devices, appliances, or equipment, the use of materials not
49 permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding
50 replacement of like grade of fire resistance) of roofing.

1 ~~(b6) Provided further, that no~~ No building permit shall be required under such Code from
2 any State agency for the construction of any building or structure, the total cost of which is less
3 than twenty thousand dollars (\$20,000), except public or institutional buildings.

4 For the information of users thereof, the Code shall include as appendices [the following:]

- 5 (1) Any rules governing boilers adopted by the Board of Boiler and Pressure
6 Vessels Rules,
- 7 (2) Any rules relating to the safe operation of elevators adopted by the
8 Commissioner of Labor, and
- 9 (3) Any rules relating to sanitation adopted by the Commission for Public
10 Health which the Building Code Council believes pertinent.

11 ~~(b7) In addition, the~~ The Code may include references to such other rules of special
12 types, such as those of the Medical Care Commission and the Department of Public Instruction
13 as may be useful to persons using the Code. No rule issued by any agency other than the
14 Building Code Council shall be construed as a part of the Code, nor supersede that Code, it
15 being intended that they be presented with the Code for information only.

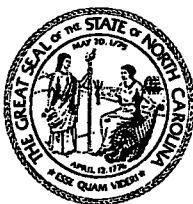
16 ~~(b8)~~ Nothing in this Article shall extend to or be construed as being applicable to the
17 regulation of the design, construction, location, installation, or operation of (1) equipment for
18 storing, handling, transporting, and utilizing liquefied petroleum gases for fuel purposes or
19 anhydrous ammonia or other liquid fertilizers, except for liquefied petroleum gas from the
20 outlet of the first stage pressure regulator to and including each liquefied petroleum gas
21 utilization device within a building or structure covered by the Code, or (2) equipment or
22 facilities, other than buildings, of a public utility, as defined in G.S. 62-3, or an electric or
23 telephone membership corporation, including without limitation poles, towers, and other
24 structures supporting electric or communication lines.

25 ~~(b9)~~ Nothing in this Article shall extend to or be construed as being applicable to the
26 regulation of the design, construction, location, installation, or operation of industrial
27 machinery. However, if during the building code inspection process, an electrical inspector has
28 any concerns about the electrical safety of a piece of industrial machinery, the electrical
29 inspector may refer that concern to the Occupational Safety and Health Division in the North
30 Carolina Department of Labor but shall not withhold the certificate of occupancy nor mandate
31 third-party testing of the industrial machinery based solely on this concern. For the purposes of
32 this paragraph, "industrial machinery" means equipment and machinery used in a system of
33 operations for the explicit purpose of producing a product. The term does not include
34 equipment that is permanently attached to or a component part of a building and related to
35 general building services such as ventilation, heating and cooling, plumbing, fire suppression or
36 prevention, and general electrical transmission.

37 ~~(b10) In addition, the~~ The Code may contain rules concerning minimum efficiency
38 requirements for replacement water heaters, which shall consider reasonable availability from
39 manufacturers to meet installation space requirements and may contain rules concerning energy
40 efficiency that require all hot water plumbing pipes that are larger than one-fourth of an inch to
41 be insulated.

42 ~~(b11)~~ No State, county, or local building code or regulation shall prohibit the use of
43 special locking mechanisms for seclusion rooms in the public schools approved under
44 G.S. 115C-391.1(e)(1)e., provided that the special locking mechanism shall be constructed so
45 that it will engage only when a key, knob, handle, button, or other similar device is being held
46 in position by a person, and provided further that, if the mechanism is electrically or
47 electronically controlled, it automatically disengages when the building's fire alarm is activated.
48 Upon release of the locking mechanism by a supervising adult, the door must be able to be
49 opened readily."

1 **SECTION 2.** This act is effective when it becomes law, and applies to all farm
2 buildings, including farm buildings where construction either began or was completed prior to
3 the effective date of this act.



HOUSE BILL 780: Building Code/Exempt Equestrian Arenas

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, State Government/State Personnel	Date:	April 13, 2009
Introduced by:	Rep. Brubaker	Prepared by:	Hal Pell
Analysis of:	PCS to First Edition. H780-CSRK-14		Committee Co-Counsel

SUMMARY: *This act would amend the State Building Code to clarify that the term "farm buildings" includes structures that are used for equine activities, and are exempt from the building rules if located outside of a municipality. This act is effective when it becomes law.*

CURRENT LAW: Farm buildings that are outside the building-rules jurisdiction of a municipality are excluded from the State Building Code. A "greenhouse" is the only type of "farm" building inside a building-rules jurisdiction that is exempt from the building-rules jurisdiction of a municipality.

BILL ANALYSIS: This act clarifies that buildings or structures associated with equine activities are "farm buildings." Equine activities include the care, management, boarding, or training of horses, or instruction and training of riders. Any building or structure associated with equine activities, including those used to store equipment or food, are included. However, a farm building outside a municipality's building rules jurisdiction that is used for equine activities loses its exempt status if it is used for spectator events, and more than 10 people are present.

EFFECTIVE DATE: This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

1

HOUSE BILL 513

Short Title: Study Fire Ants.

(Public)

Sponsors: Representatives Lewis; Blackwood, E. Floyd, Hughes, Langdon, and Lucas.

Referred to: Agriculture, if favorable, Rules, Calendar, and Operations of the House.

March 10, 2009

A BILL TO BE ENTITLED

AN ACT TO CREATE THE LEGISLATIVE STUDY COMMITTEE ON THE IMPACT
AND CONTROL OF FIRE ANTS IN NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. The Legislative Study Committee on The Impact and Control of Fire Ants in North Carolina is created. The Committee shall consist of 14 members, seven appointed by the Speaker of the House of Representatives and seven appointed by the President Pro Tempore of the Senate. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a chair of the Committee. Vacancies on the committee shall be filled by the original appointing authority. A majority of the members of the Committee shall constitute a quorum.

SECTION 2. The Committee shall study issues relating to the impact, control, and eradication of fire ants in North Carolina. In its study, the Committee may consider the following:

- (1) The origin of fire ants and their entry into and spread throughout the State.
- (2) The economic impact of fire ants on agriculture, recreation, tourism, and other activities.
- (3) The impact of fire ants on human and animal health and on the environment.
- (4) Methods to control or eradicate fire ants on both private and State property and costs of such measures.
- (5) State regulatory efforts to control the spread of fire ants.
- (6) Ongoing research on fire ants at North Carolina State University, the Department of Agriculture and Consumer Services and other institutions in the State.
- (7) Efforts in other States and by the federal government to control and eradicate fire ants.
- (8) The use of income tax credits as an incentive for fire ant control and eradication.
- (9) Any other issues that the Committee deems relevant to the topic.

SECTION 3. While in the discharge of its official duties, the Committee may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1, G.S. 138-5 or G.S. 138.6, as appropriate. With the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The House of Representatives' and Senate's Directors of Legislative Assistants shall assign clerical staff to the Committee. The Committee may contract for professional, clerical, or consultant services as provided by



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1 G.S. 120-32.02. The Committee may meet in the Legislative Building or Legislative Office
2 Building and may meet at various locations around the State in order to promote greater public
3 participation in its deliberations.

4 **SECTION 4.** The Committee shall submit a final report to the 2011 Regular
5 Session of the General Assembly and may submit interim reports as it deems necessary. The
6 Committee shall terminate upon filing its final report or upon the convening of the 2011
7 General Assembly, whichever comes first.

8 **SECTION 5.** This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

D

**HOUSE BILL 513
PROPOSED COMMITTEE SUBSTITUTE H513-CSRF-21 [v.1]**

4/13/2009 4:20:21 PM

Short Title: Study Fire Ants.

(Public)

Sponsors:

Referred to:

March 10, 2009

A BILL TO BE ENTITLED

**AN ACT TO CREATE THE LEGISLATIVE STUDY COMMITTEE ON THE IMPACT
AND CONTROL OF FIRE ANTS IN NORTH CAROLINA.**

The General Assembly of North Carolina enacts:

SECTION 1. The Legislative Study Committee on The Impact and Control of Fire Ants in North Carolina is created. The Committee shall consist of 14 members, seven appointed by the Speaker of the House of Representatives and seven appointed by the President Pro Tempore of the Senate. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a chair of the Committee. Vacancies on the committee shall be filled by the original appointing authority. A majority of the members of the Committee shall constitute a quorum.

SECTION 2. The Committee shall study issues relating to the impact, control, and eradication of fire ants in North Carolina. In its study, the Committee may consider the following:

- (1) The origin of fire ants and their entry into and spread throughout the State.
- (2) The economic impact of fire ants on agriculture, recreation, tourism, and other activities.
- (3) The impact of fire ants on human and animal health and on the environment.
- (4) Methods to control or eradicate fire ants on both private and State property and costs of such measures.
- (5) State regulatory efforts to control the spread of fire ants.
- (6) Ongoing research on fire ants at North Carolina State University, the Department of Agriculture and Consumer Services and other institutions in the State.
- (7) Efforts in other States and by the federal government to control and eradicate fire ants.
- (8) The use of income tax credits as an incentive for fire ant control and eradication.
- (9) Any other issues that the Committee deems relevant to the topic.

SECTION 3. While in the discharge of its official duties, the Committee may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1, G.S. 138-5 or G.S. 138-6, as appropriate. With the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The House of Representatives' and

1 Senate's Directors of Legislative Assistants shall assign clerical staff to the Committee. The
2 Committee may contract for professional, clerical, or consultant services as provided by
3 G.S. 120-32.02. The Committee may meet in the Legislative Building or Legislative Office
4 Building and may meet at various locations around the State in order to promote greater public
5 participation in its deliberations.

6 **SECTION 4.** The Committee shall submit a final report to the 2011 Regular
7 Session of the General Assembly and may submit interim reports as it deems necessary. The
8 Committee shall terminate upon filing its final report or upon the convening of the 2011
9 General Assembly, whichever comes first.

10 **SECTION 5.** This act is effective when it becomes law.



HOUSE BILL 513: Study Fire Ants

2009-2010 General Assembly

Committee:	Agriculture, if favorable, Rules, Calendar, and Operations of the House	Date:	April 13, 2009
Introduced by:	Rep. Lewis	Prepared by:	Barbara Riley
Analysis of:	PCS to First Edition H513-CSRF-21		Committee Counsel

SUMMARY: *House bill 513 establishes a legislative committee to study the impact and control of fire ants in the State. The proposed committee substitute corrects a citation error.*

BILL ANALYSIS: Section 1 of House Bill 513 creates the Legislative Study Committee on the Impact and Control of Fire Ants in North Carolina. The Committee will consist of 14 members, 7 appointed by the President Pro Tem of the Senate and 7 by the Speaker of the House. The President Pro Tem and Speaker shall each appoint a cochair. Vacancies shall be filled by the original appointing authority.

Section 2 outlines the issues to be studied by the Committee. These include:

- The origin, entry and spread of fire ants in North Carolina.
- Their economic impact on agriculture, tourism, recreation and other activities..
- Their impact on human and animal health and the environment.
- Methods of control and eradication and State regulatory efforts to control their spread.
- Research in North Carolina, other states and at the federal level to control and eradicate the ants.
- The use of income tax credits as an incentive for fire ant control and eradication.

Section 3 provides for the receipt by members of the Committee of travel and per diem expenses, the assignment of professional and clerical staff and authority to contract for professional and consultant services. The Committee may exercise all the powers provided for in G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4 (provision of information by State agencies, examination of witnesses, subpoenas). The Committee may meet in Raleigh or in locations around the State to promote greater public participation in its deliberations.

Section 4 of the bill provides that the Committee shall submit a final report to the 2011 Session of the General Assembly. The Committee terminates on the filing of its final report or the convening of the 2011 session, whichever comes first.

EFFECTIVE DATE: The act is effective when it becomes law.

H513-SMRF-45(CSRF-21) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

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

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD POLICY COUNCIL TO ADDRESS 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 Policy Council.

"§ 106-830. Findings.

The General Assembly finds that the time is right for the State to build its sustainable local food economy. Building a local food economy will create jobs, stimulate statewide economic development, and circulate money from local food sales within local communities. Other important benefits of a sustainable local food economy in North Carolina include 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.

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

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

- (1) One local food producer, to be appointed by the Commissioner of Agriculture.
- (2) One representative of the Department of Agriculture and Consumer Services, to be appointed by the Commissioner of Agriculture.
- (3) One representative of the Department of Health and Human Services, Division of Social Services, who works with the Food and Nutrition Services Program, to be appointed by the President Pro Tempore of the Senate.
- (4) 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 Speaker of the House of Representatives.



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- (5) One representative of the Department of Environment and Natural Resources, Division of Water Quality, to be appointed by the Speaker of the House of Representatives.
- (6) One representative of the Department of Insurance, to be appointed by the President Pro Tempore of the Senate.
- (7) One representative of a food bank located in North Carolina, to be appointed by the President Pro Tempore of the Senate.
- (8) One representative of a business specializing in retail, service, or direct food, to be appointed by the Secretary of Commerce.
- (9) One representative of the Carolina Farm Stewardship Association, to be appointed by the Speaker of the House of Representatives.
- (10) One representative of the North Carolina Farm Bureau Federation, Inc., to be appointed by the Speaker of the House of Representatives.
- (11) One representative of the Appalachian Sustainable Agriculture Project, to be appointed by the President Pro Tempore of the Senate.
- (12) One representative of the North Carolina Farm Transition Network, Inc., to be appointed by the Speaker of the House of Representatives.
- (13) One representative of the Department of Public Instruction, Child Nutrition Services Section, to be appointed by the President Pro Tempore of the Senate.
- (14) One representative of the North Carolina Association of County Commissioners, to be appointed by the Speaker of the House of Representatives.
- (15) One representative of the North Carolina Rural Economic Development Center, Inc., to be appointed by the President Pro Tempore of the Senate.
- (16) One representative of the Department of Commerce, to be appointed by the Secretary of Commerce.
- (17) One representative of the Agricultural Extension Service of North Carolina State University, to be appointed by the Commissioner of Agriculture.
- (18) One representative of the Center for Environmental Farming Systems, a partnership among: North Carolina State University at Raleigh, North Carolina Agricultural and Technical State University, and the Department of Agriculture and Consumer Services, to be appointed by the Speaker of the House of Representatives.

(b) Terms. – Appointments to the Council shall be for a term of three years. Terms shall be staggered so that three terms shall expire on 30 June 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.

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.

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

"§ 106-833. The North Carolina Sustainable Local Food Policy 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 Policy 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 Policy 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)(1) through G.S. 106-831(a)(6) 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)(7) through G.S. 106-831(a)(12) 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)(13) through G.S. 106-831(a)(18) shall be five years and shall expire on July 1, 2014.

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

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



HOUSE BILL 1163: Sustainable Local Food Policy Council

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, Appropriations	Date:	April 14, 2009
Introduced by:	Reps. Rapp, Harrison, Wray, Fisher	Prepared by:	Barbara Riley
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 1163 creates the 18 member North Carolina Local Food Policy Council for the purpose of contributing to the building of a local food economy which would help create jobs, stimulate economic development, circulate money within local communities, and providing greater food security for North Carolinians.*

BILL ANALYSIS: House Bill 1163 would add Article 70 to Chapter 106 of the General Statutes. Article 70 would create the North Carolina Local Food Policy Council within the Department of Agriculture and Consumer Services (DACS). The Council would consist of 18 members as follows:

- A local food producer, appointed by the Commissioner of Agriculture.
- A representative of the DACS, appointed by the Commissioner of Agriculture.
- A representative of the Department of Health and Human Services, Division of Social Services, who works with the Food and Nutrition Services Program, appointed by the President Pro Tempore of the Senate.
- A representative of the Center for Health Promotion and Disease Prevention at the University of North Carolina at Chapel Hill, appointed by the Speaker.
- A representative of the Department of Environment and Natural Resources, Division of Water Quality, appointed by the Speaker.
- A representative of the Department of Insurance, appointed by the President Pro Tempore.
- A representative of a North Carolina food bank appointed by the President Pro Tempore.
- A representative of a business specializing in retail, service, or direct food, appointed by the Secretary of Commerce.
- A representative of the Carolina Farm Stewardship Association, appointed by the Speaker.
- A representative of the North Carolina Farm Bureau Federation, Inc., appointed by the Speaker of the House of Representatives.
- A representative of the Appalachian Sustainable Agriculture Project, appointed by the President Pro Tempore.
- A representative of the North Carolina Farm Transition Network, Inc., appointed by the Speaker.
- A representative of the Department of Public Instruction, Child Nutrition Services Section, appointed by the President Pro Tempore.
- A representative of the Association of County Commissioners, appointed by the Speaker.
- A representative of the North Carolina Rural Economic Development Center, Inc., appointed by the President Pro Tempore.
- A representative of the Department of Commerce, appointed by the Secretary of Commerce.
- A representative of the Agricultural Extension Service of North Carolina State University, appointed by the Commissioner of Agriculture.
- A representative of the Center for Environmental Farming Systems, a partnership among: North Carolina State University at Raleigh, North Carolina Agricultural and Technical State University, and the Department of Agriculture and Consumer Services, appointed by the Speaker.

House Bill 1163

Page 2

Appointments to the Council are for 3 years and will be staggered. The Chair of the Council shall be elected from the members by the members every other year. Vacancies will be filled for the remainder of a term by the original appointing authority. Members shall not receive a salary, but will be entitled to per diem, subsistence, and travel expenses. Meetings will be held on the call of the Chair, but no less than 4 times per year. A quorum shall consist of 10 members of the Council for the transaction of business. DACS will provide meeting space to the Council at no charge.

The purpose of the Council is to contribute to building a local food economy. It is also to consider and develop policies regarding (1) health and wellness; (2) hunger and food access; (3) economic development; and (4) farmlands and surface waters that are capable of producing food in a sustainable manner.

The Council shall develop sustainable local food policies for the State and shall consider:

- An in-depth look at the foods served to public school students and a comparison of those foods by nutrient content and cost to sustainably and locally produced food, including reviews of research on the effect on student health and performance.
- An in-depth look at making sustainably, locally produced food available under public assistance programs, including the use of food stamps at local farmers markets.
- An in-depth look at promoting urban and backyard gardens for the purpose of improving health and reducing food costs during economic hardship.
- An in-depth look at the potential impacts, both direct and indirect, that the production of sustainable local foods would have on economic development in the State.
- Issues on how a local sustainable food economy would affect health, hunger, food access, and economic development, the farmlands and waters that are needed to be capable of sustainably producing food, the identification and development of solutions to regulatory and policy barriers, and strengthening local infrastructure and entrepreneurial efforts.
- Issues on how local and regional efforts could promote a local food economy by providing an information and engagement center to assist entrepreneurs and farmers.

The Council shall provide an information and engagement hub to assist entrepreneurs, identify and develop solutions to regulatory barriers, strengthen local infrastructure and entrepreneurial efforts, and assign committees to fulfill specific tasks.

The Council shall report its findings and recommendations to the General Assembly, the Governor, and the Commissioner of Agriculture no later than October 1 each year, the first report being due October 1, 2010.

DACS is to provide \$100,000 for fiscal year 2009-2010 and for 2010-2011 out of funds available to the Department for the costs of the work of the Council and implementing this act.

EFFECTIVE DATE: The act becomes effective July 1, 2009.

H1163-SMRF-46(e1) v2



Beware of the Bugs: Fire Ants Can Kill Americans

A South Carolina Woman Died After Being Stung by Fire Ants

July 2, 2006 —

Last week, Janet Wallace Roedl Shiansky, a 68-year-old South Carolina woman, went into anaphylactic shock and died after being attacked by ants while she was gardening. The ants that attacked her are called fire ants and are the most aggressive ants in the world -- and they are spreading to other parts of the country.

Entomologist Mike Raupp said that when fire ants attack they usually cause minor red welts and a pustule that will fade in a couple days. In about five percent of cases, fire ants can actually cause death.

"In those cases, where people have a volatile reaction, some of them actually do die," said Raupp. "It's a severe allergic reaction -- throats swell up and people literally suffocate. But that is very rare. Most people won't react that way."

Shiansky died after several ants ran up her sneaker last weekend and stung her foot. Her husband brushed them off and treated the stings with ammonia, according to the Associated Press. A few minutes later, he went inside to check on her and found her lying on a bed unresponsive with her sunglasses still on. At the hospital, doctors found that her brain had begun to swell. She died the next day from what doctors said was an allergic reaction that caused her airways to close.

Dangerous Ants

Fire ants, which often attack and kill small animals like kittens, are primarily found in the Southeast, Raupp said. Their range extends from North Carolina across Tennessee, Oklahoma and Texas -- and there is also a colony in California.

"You might find some in other parts of the country -- but there aren't large concentrations in the North," Raupp said. "If you see them in the northern states it's largely due to landscaping transplants. The fire ants are transported on plants that are taken from the South and planted in the North. & But most fire ant stings happen to people in the southern states."

Fire ants have become such a problem in the Southeast that phorid flies have been imported to combat them. The flies lay larvae on the ants. When the larvae hatch they eat the fire ants' heads.

There are 280 species of fire ants found all over the world. One species, known as the red imported fire ant, has become an "invasive" species in the United States. It was introduced to the country via Brazilian cargo entering the port of Mobile, Ala., around 70 years ago.

Raupp said that the main difference between regular ants and fire ants is their aggressiveness. They look the same.

"They live in a mound," Raupp said. "It's a large mound that you will be able to see on the ground. If you bump into that nest, they will swarm out immediately and aggressively attack you, and no other ants will do that. There are no other stinging ants in North America. So if you get stung by an ant, you can pretty much assume it's a fire ant."

Fire ant stings very distinctive, Raupp said. Mosquito bites usually go unfelt and only are noticeable when they begin itching. Fire ant bites are noticeable immediately. The bites begin as little red marks that turn into white pustules or blisters, Raupp said. They go away after several days unless they become infected.

Tips to Avoid and Treat Fire Ant Bites

Common reaction to fire ant bites:

- Pain
- Swelling
- Redness
- Itching

Allergic reaction to fire ant bites:

- Vomiting
- Dizziness
- Disorientation
- Wheezing

Treating fire ant bites:

- Raupp recommends bleach or ammonia mixed with water, which he said will denature the ant venom, which are proteins. Put the mixture on the affected skin.
- Meat tenderizer will also denature the venom.
- Go to a doctor if neither method works.

Take precautions:

- If you are allergic to bees or wasps, be wary of fire ants. There tends to be an allergic connection, Raupp said.
- Point out mounds to kids.



Fire Ant Bites Kill Florida Man

01.09.2008 ■ Source: ■ URL: <http://english.pravda.ru/society/anomal/106266-fireantman-0>

SEMINOLE COUNTY, Florida: Tropical Storm Fay left much of northeastern and central Florida covered with flood water as it stalled over the state for days. The deadly fire ants were in a colony floating on floodwaters that were spawned by Tropical Storm Fay.

Seminole County authorities announced that a victim had died in a hospital from anaphylactic shock, an allergy to the ant bites he sustained. A flooded road prevented a quick rescue when Bob Cunningham, in his 60s, went into anaphylactic shock. He made it to the hospital, but died from his body's reaction to the ant bites. Death by fire ants may seem difficult to believe, but the tiny insects killed the man in Chuluota, Florida as he walked his dog outside his home located just off Old Christmas Road. Apparently the man was swarmed when he stepped in an ant pile.

One should consider oneself lucky to never have been bitten by fire ants. These types of ants are found throughout the United States, especially the southern states. Fire ants can also be found in South America, Australia, the Philippines, Taiwan, and China.

Fire ant nests are dome-shaped and sandy-looking, they look like a pile of sand, and can be quite large: up to 40 cm high by 35 cm in diameter and a meter or deeper. They nest in moist soil areas. The mounds can normally be found next to objects on the ground such as wood, rocks, paving stones and bricks. They can also be found in sunny open areas such as lawns, uncultivated farmland or pastures, and along the side of roads, rivers and ponds.

These highly aggressive ants will swarm in a few seconds. When a fire ant bites, it first grabs the skin with its mandibles. This anchors the ant so that it can thrust its abdominal stinger and venom into the victim's skin. A fire ant delivers a very painful and burning sting to its victims. This fiery burning pain is intensified because of the likelihood of multiple bites or stings. It is for this reason that the fire ant got its name.

The problem is that fire ants do not bite or sting only once. In fact, one fire ant will sting relentlessly. This multiple stinging or biting (7 or 8 stings) is usually in a circular pattern around the area where the fire ant anchored itself. In addition, encounters with fire ants usually involve several or even up to hundreds of ants. Therefore, the amount of fire ant bites in an attack can be significant with each one of those fire ants stinging multiple times.

Symptoms of an allergic reaction from a fire ant bite are similar to stings from other insects. These include flushing of skin, hives all over the body, swelling of the face, eyes, tongue, lips and throat, slurred speech, chest pains, headache, sweating and nausea, feeling faint and wheezing or difficulty breathing (anaphylaxis). These systems usually occur immediately or within an hour of the stinging. In rare cases, such as that of Mr. Cunningham, serious reactions to fire ant bites may occur several hours after the attack.

Individuals who know they are allergic to insect stings should have an epinephrine auto-injector such as an Epi-Pen with them. The Epi-Pen should be administered if the signs of an allergic reaction become evident. After injection, the victim should be transported to hospital immediately. At the hospital more epinephrine may be given as well as oral steroids.

To avoid fire ant bites, when outside in an area where fire ants are known to reside or in areas where fire ants are more likely to be, shoes and socks should always be worn. Careful attention should be paid to avoid standing or stepping in a fire ant mound. Brightly colored clothing should be avoided and long

pants are preferable. Sitting or lying down on grass is highly inadvisable in areas where fire ants may be present. By wearing gloves when working in grassy areas or in the garden, a fire ant bite can be prevented as well.

Because of the incident, the Seminole County Florida Fire Department set up a temporary rescue station in western Chuluota. Lake Mills Road, the quickest rescue route for that area, is so badly damaged it will likely be closed for some time and it will pose an obstacle to anyone needing emergency assistance of any type.

Mary BARNCASTLE

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Health Care Industry

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Fire ants: the death march

Journal of Family Practice , Oct, 1991 by Meyer P. Schwartz

- Email
- Print

Fire ants, virtually indestructible insects able to wreak havoc on everything from human and animal life to highway systems and farm machinery, are on the move in the United States. Since arriving in this country some time before World War II, they have spread across more than 150 million acres in 13 states, from Florida to Texas (Figure 1), with sightings also reported in New Mexico, Arizona, and California. For humans, the consequences of fire ant bites range from an annoying burning sensation to anaphylaxis and death.

Case Report

Most Recent Health Care Articles

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A 31-year-old man arrived at the emergency department 30 minutes after suffering one fire ant bite on the right thumb. The patient stated that 20 to 3 minutes after the bite, he noted a metallic taste in his mouth and a sudden onset of the "worst headache of my life," bitemporal and "spreading out." Shakiness, paresthesia, and tachycardia to 140 beats per minute developed. The patient also noted flushing. At no time did respiratory compromise occur. Since the patient had some medical knowledge, he took 30 mL of Dimetapp and called a friend to take him to the hospital.

Neither the patient nor his family had any known hypersensitivities. He had lived his entire life in the Midwest, except for 1 year as an infant (during which time, he later learned, he had his first fire ant exposure). There was no personal or family history of headaches, heart disease, or diabetes. The patient was in good health before the sting.

On presentation, the patient's vital signs were stable (blood pressure, 150/90 mm Hg, pulse, 115 beats per minute, respiration rate, 20 breaths per minute, temperature, 37.8 [degrees]C [100 [degrees]F]). Physical examination was unremarkable except for a 2-mm indurated area on the right thumb. The neurologic examination was normal. Since the risk of acute intracranial hemorrhage was in the differential, a lumbar puncture (LP) and a computed tomography (CT) scan were obtained. The LP had a slightly elevated opening pressure of 232

mm [H.sub.2.O] and slightly elevated protein of 56 mg/dL (normal, 15 to 45 mg/dL). Neither of these were ever explained. There were no white blood cells, red blood cells, or organisms in the cerebrospinal fluid, however, and the glucose level was normal. The CT scan of the head was within normal limits. The diagnosis of fire ant hypersensitivity was made, and the patient was observed in the hospital overnight.

The patient underwent intradermal allergy testing for fire ant sensitivity at 4 weeks postexposure. He reacted at 1:1 million (wt/vol) for fire ant whole-body extract (a typical reaction level for patients with systemic symptoms), but declined testing for cross-reactivity for other stinging insects (Hymenoptera). The patient underwent desensitization and maintenance therapy. He has suffered one further bite, approximately 1 year after the initial reaction, which resulted in only local erythema. No treatment was needed.

Discussion

Two imported species of the fire ant (Figure 2) have been introduced into the United States: the black imported fire ant, *Solenopsis richteri* (native to Argentina and Uruguay), and the red imported fire ant, *Solenopsis invicta* (native to Paraguay and Brazil). Both entered by ship through the port city of Mobile, Alabama, early in this century.[1-3] In the 1950s, the US Department of Agriculture issued regulations to limit the spread of fire ants.[4] Nevertheless, fire ants now cover between 160 and 250 million acres in 13 southern states.[2,3] The imported fire ants have overwhelmed the two native groups, *Solenopsis geminata* and *Solenopsis xyloni*, which are primarily forest-dwelling ants,[5] are nonaggressive, and generally do not represent a significant risk to man or animal.[6] *S. invicta* now accounts for 90% of all ants in heavily infested areas.[2]

The imported fire ants have exploited newly constructed areas. Ants build mounds (Figure 3) in yards, playgrounds, and open fields in concentrations as high as 400 mounds per acre.[7] On farms they can damage equipment, and the tunnels under their mounds can collapse roads. Imported fire ants kill other ground-dwelling insects and many small animals and birds. They are less active in winter, but their colonies are perennial.[8]

The average fire ant mound is from 0.25 to 0.38 m (10 to 15 in.) high, although it can be 0.9 m (3 ft) above ground and extend 0.9 to 1.5 m (3 to 5 ft) underground, radiating 39 m (130 ft).[3]

Chemical control has been extremely difficult because fire ants rapidly reproduce and replenish their colonies. Several thousand queens are produced by each colony, many of which are fertile, thus increasing the colony's resistance to natural threats and pesticides.[9]

Currently, Andro (American Cyanamid) is the best legally available chemical for destroying fire ants.[5] Treating individual mounds gives only temporary relief. "Broadcast treatment," which uses attractant baits of soybean oil, grits, and a chemical agent that the ants take deep into the mound to the queen, appears to be more capable of clearing large areas.[3]

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- 2
- 3
- 4

VISITOR REGISTRATION SHEET

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4/15/09

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**MINUTES
HOUSE COMMITTEE ON AGRICULTURE**

April 22, 2009

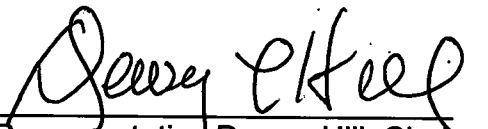
The House Committee on Agriculture met on Wednesday, April 22, 2009, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs Braxton, Brisson, Faison, and Lewis; Representatives Allred, Coates, Daughtry, Guice, Holloway, Langdon, McCormick, Mobley, Starnes, Steen, Tarleton, Tolson, Underhill, and Warren.

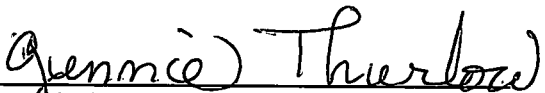
Chair Hill called the meeting to order at 12:01 p.m. and made opening remarks.

Representative Tarleton was recognized to explain his bill, **House Bill 27 Regulate Euthanasia of Animals**. Representative Brisson made a motion to adopt the proposed committee substitute for discussion. The motion carried. Representative Braxton and Faison moved for a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that committee substitute bill be re-referred to the Committee on Judiciary II. The motion failed

The meeting adjourned at 12:25 p.m.

Respectfully submitted,


Representative Dewey Hill, Chair


Gennie Thurlow, Committee Assistant



NORTH CAROLINA GENERAL ASSEMBLY

HOUSE COMMITTEE ON AGRICULTURE

AGENDA

**Wednesday, April 22, 2009
12:00 Noon
Legislative Building – Room 1228**

OPENING REMARKS

Representative Dewey Hill, Chair

AGENDA ITEMS

HB 27	Regulate Euthanasia of Animals.	Representative Tarleton
HB 733	Regulate Comm. Breeding/Dogs.	Representative McElraft
		Representative Dickson
		Representative Sager
		Representative Allen
HB 1063	Update Rabies Law.	Representative Farmer-Butterfield
		Representative Earle
		Representative England, M.D.
HB 1083	Extend State Vet's Animal Disease Authority.	Representative Hill
HB 1103	Update Seed Law/Increase Seed License Fees.	Representative Rapp
		Representative Hill
HB 1170	Study Land Application of Septage and Sludge.	Representative Blackwood, Jr.
HB 1206	Disposal of Unclaimed Animals.	Representative Harrison
		Representative Ty Harrell
		Representative Cotham
		Representative Glazier

DISCUSSION

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 27*

Short Title: Regulate Euthanasia of Animals.

(Public)

Sponsors: Representatives Tarleton, Allen (Primary Sponsors); Cole, Dickson, Earle, Faison, Goforth, Haire, McElraft, Moore, and Underhill.

Referred to: Rules, Calendar, and Operations of the House.

February 3, 2009

A BILL TO BE ENTITLED

AN ACT TO REGULATE THE EUTHANASIA OF ANIMALS AND TO PROHIBIT
SPECIFIED METHODS OF EUTHANASIA OF ANIMALS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 19A-23(9) is repealed.

SECTION 2. G.S. 19A-24(5) reads as rewritten:

"§ 19A-24. Powers of Board of Agriculture.

The Board of Agriculture shall:

(5) Adopt rules on the euthanasia of animals in the ~~possession or custody~~ possession, custody, or control of any person required to obtain a certificate of registration under ~~this Article.~~ G.S. 19A-26. The rules shall, effective until January 1, 2011, be consistent with the method and delivery of method approved by the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association, but beginning January 1, 2011, shall be consistent with the restrictions on euthanasia contained in G.S. 19A-26.1 and shall address the anaesthetizing of animals prior to, or concurrently with, euthanasia by injection. ~~An animal shall only be put to death by a method and delivery of method approved by the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association. The Department shall establish rules for the euthanasia process using any one or combination of methods and standards prescribed by the three aforementioned organizations. The rules shall address the equipment, the process, and the separation of animals, in addition to the animals' age and condition. If the gas method of euthanasia is approved, rules shall require that, when the gas method of euthanasia is used, (i) that only commercially compressed manufactured carbon monoxide gas is approved for use, and (ii) that the gas must be delivered in a commercially manufactured chamber that allows for the individual separation of animals. Rules shall also mandate training for any person who participates in the euthanasia process."~~

SECTION 3. Article 3 of Chapter 19A of the General Statutes is amended by adding a new section to read:

"§ 19A-26.1. Euthanasia of shelter animals.

(a) This section applies to the euthanizing or putting to death of animals:



1 (d) An animal may be put to death with the use of a firearm only in cases of emergency
2 in which the animal presents an immediate danger to a human or another animal."

3 **SECTION 5.** G.S. 130A-192 reads as rewritten:

4 **"§ 130A-192. Dogs and cats not wearing required rabies vaccination tags.**

5 The Animal Control Officer shall canvass the county to determine if there are any dogs or
6 cats not wearing the required rabies vaccination tag. If a dog or cat is found not wearing the
7 required tag, the Animal Control Officer shall check to see if the owner's identification can be
8 found on the animal. If the animal is wearing an owner identification tag, or if the Animal
9 Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the
10 owner in writing to have the animal vaccinated against rabies and to produce the required
11 rabies vaccination certificate to the Animal Control Officer within three days of the
12 notification. If the animal is not wearing an owner identification tag and the Animal Control
13 Officer does not otherwise know who the owner is, the Animal Control Officer may impound
14 the animal. The duration of the impoundment of these animals shall be established by the
15 county board of commissioners, but the duration shall not be less than 72 hours. During the
16 impoundment period, the Animal Control Officer shall make a reasonable effort to locate the
17 owner of the animal. If the animal is not reclaimed by its owner during the impoundment
18 period, the animal shall be disposed of in one of the following manners:

19 (1) ~~returned~~Returned to the owner;

20 (2) ~~adopted~~Adopted as a pet by a new owner;

21 (3) ~~sold~~Sold to institutions within this State registered by the United States
22 Department of Agriculture pursuant to the Federal Animal Welfare Act, as
23 amended; or

24 (4) ~~put to death by a procedure approved by the American Veterinary Medical~~
25 ~~Association, the Humane Society of the United States or of the American~~
26 ~~Humane Association.~~Euthanized by a legally-authorized procedure.

27 The Animal Control Officer shall maintain a record of all animals impounded under this section
28 which shall include the date of impoundment, the length of impoundment, the method of
29 disposal of the animal and the name of the person or institution to whom any animal has been
30 released."

31 **SECTION 6.** Section 4 of this act becomes effective January 1, 2011. The
32 remainder of this act becomes effective October 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 27*
PROPOSED COMMITTEE SUBSTITUTE H27-CSRK-21 [v.6]

4/21/2009 1:45:45 PM

Short Title: Regulate Euthanasia of Animals.

(Public)

Sponsors:

Referred to:

February 3, 2009

A BILL TO BE ENTITLED
AN ACT TO REGULATE THE EUTHANASIA OF ANIMALS AND TO SPECIFY
CERTAIN METHODS OF EUTHANASIA OF ANIMALS.

Whereas, the 2005 General Assembly directed the North Carolina Department of Agriculture and Consumer Affairs (NCDA&CS) to adopt rules containing standards for euthanasia of animals, selecting "methods approved by the American Veterinary Medical Association, the Humane Society of the United States, and the American Humane Association;" and

Whereas, NCDA&CS complied with this legislative directive by adopting rules containing euthanasia requirements that included directing animal shelters, when performing euthanasia by use of carbon monoxide in situations in which use of the gas was not specifically prohibited by the rules to abide by the euthanasia guidelines of the three organizations; and

Whereas, it is now apparent that the euthanasia guidelines of the three organizations are inconsistent; and

Whereas, the General Assembly has determined that the appropriate organization to supply guidelines for rules made by NCDA&CS is the American Veterinary Medical Association; and

Whereas, it is necessary and appropriate to clarify by statute any ambiguities concerning euthanasia of animals; Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 19A-24(5) reads as rewritten:

"(5) Adopt rules on the euthanasia of animals in the possession or custody of any person required to obtain a certificate of registration under this Article. An animal shall ~~only~~ be put to death only by a method and delivery of method pursuant to G.S. 19A-26.1, with procedures for such methods and delivery of methods being further described in the following:

- a. Rules adopted by the Board of Agriculture. Any rules relating to the method or delivery of method for euthanasia may reference only American Veterinary Medical Association rules or guidelines, and may not reference the rules or guidelines promulgated by any other society, association, or group that promulgates rules or guidelines relating to the animal euthanasia process.



- b. Guidelines published by the American Veterinary Medical Association, but only if the rules adopted by the Board are silent as to any necessary or required procedure or process for animal euthanasia approved by the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association. The Department shall establish rules for the euthanasia process using any one or combination of methods and standards prescribed by the three aforementioned organizations. The
- (6) Any rules adopted by the Board shall address the equipment, the process, and the separation of animals, in addition to the animals' age and condition. If
- (7) When the carbon monoxide gas method of euthanasia is approved, used, rules shall require (i) that only commercially compressed carbon monoxide gas in containers is approved for use, and (ii) that the carbon monoxide gas must be delivered-administered in a commercially manufactured chamber that allows for the individual separation of animals. Rules shall also mandate training for any person who participates in the euthanasia process."
- (8) Any person who participates in the euthanasia process shall receive training in the approved methods and methods of delivery under this Article.

SECTION 2. Article 3 of Chapter 19A of the General Statutes is amended by adding a new section to read:

"§ 19A-26.1. Euthanasia of shelter animals.

(a) Euthanasia of an animal in the possession or custody of an animal shelter shall be accomplished only by (i) a licensed veterinarian, (ii) a Certified Euthanasia Technician (CET), or (iii) a Probationary CET under the direct supervision of a licensed veterinarian or a CET, and only by one of the following three methods:

- (1) By the administration of a lethal dose of sodium pentobarbital, or the equivalent of sodium pentobarbital, by the method of intravenous injection.
- (2) By the administration of a lethal dose of sodium pentobarbital, or the equivalent of sodium pentobarbital, by the method of intraperitoneal injection.
- (3) By the use of carbon monoxide gas.

(b) The licensed veterinarian or CET shall, in his or her discretion, determine which method of euthanasia, set forth in subsection (a) of this section, is used on each animal.

(c) The animal shelter shall keep a log which shall include, for each animal, all of the following information:

- (1) The method of euthanasia.
- (2) The name of the licensed veterinarian or CET who chose the method of euthanasia.
- (3) The basis or reason for choosing the method of euthanasia that was chosen.

SECTION 3. G.S. 130A-192 reads as rewritten:

"§ 130A-192. Dogs and cats not wearing required rabies vaccination tags.

The Animal Control Officer shall canvass the county to determine if there are any dogs or cats not wearing the required rabies vaccination tag. If a dog or cat is found not wearing the required tag, the Animal Control Officer shall check to see if the owner's identification can be found on the animal. If the animal is wearing an owner identification tag, or if the Animal Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner in writing to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal Control Officer within three days of the notification. If the animal is not wearing an owner identification tag and the Animal Control

1 Officer does not otherwise know who the owner is, the Animal Control Officer may impound
2 the animal. The duration of the impoundment of these animals shall be established by the
3 county board of commissioners, but the duration shall not be less than 72 hours. During the
4 impoundment period, the Animal Control Officer shall make a reasonable effort to locate the
5 owner of the animal. If the animal is not reclaimed by its owner during the impoundment
6 period, the animal shall be disposed of in one of the following ~~manners:manners,~~ in the
7 following preferred sequence:

8 (1) ~~returned~~Returned to the owner;

9 (2) ~~adopted~~Adopted as a pet by a new owner;

10 (3) ~~sold~~Sold to institutions within this State registered by the United States
11 Department of Agriculture pursuant to the Federal Animal Welfare Act, as
12 amended; or

13 (4) ~~put to death by a procedure approved by the American Veterinary Medical~~
14 ~~Association, the Humane Society of the United States or of the American~~
15 ~~Humane Association.~~ Put to death in a legally-authorized manner.

16 The Animal Control Officer shall maintain a record of all animals impounded under this section
17 which shall include the (i) date of impoundment, (ii) the length of impoundment, (iii) the
18 method of disposal of the ~~animal~~ animal, and (iv) the name of the person or institution to whom
19 any animal has been released."

20 SECTION 4. This act becomes effective October 1, 2010.



HOUSE BILL 27: Regulate Euthanasia of Animals

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, Judiciary II	Date:	April 21, 2009
Introduced by:	Rep. Tarleton	Prepared by:	Hal Pell
Analysis of:	PCS to First Edition		Committee Co-Counsel
	H27-CSRK-21		

SUMMARY: *This act amends the euthanasia laws to provide that only three methods may be utilized by animal shelters; specifies the authorities for rules or procedures used in the euthanasia process; requires a log to be kept with information relating to each animal euthanized; and provides a preferred sequence of disposition methods. This act becomes effective October 1, 2010.*

CURRENT LAW: Under the Animal Welfare Act, Article 3 of Chapter 19A of the General Statutes, the Board of Agriculture is directed to adopt rules on the euthanasia of animals in the custody of an animal shelter. Animals may only be put to death by a method approved by one of three different organizations: the American Veterinary Medical Association (AVMA), the Humane Society of the United States, or the American Humane Association.

BILL ANALYSIS:

Section 1 provides that

- Animals in animal shelters may only be put to death in accordance with State law, rules adopted by the Board of Agriculture, or guidelines issued by the AVMA—if the rules are silent on a euthanasia process or procedure.
- Only commercially compressed carbon monoxide gas that is in containers may be used.

Section 2 provides a new statute that limits the methods by which euthanasia may be accomplished. The methods are (1) administration of sodium pentobarbital by intravenous injection; (2) administration of sodium pentobarbital by intraperitoneal injection; and (3) by carbon monoxide gas. The euthanasia may be accomplished by one of the following:

- A licensed veterinarian
- A Certified Euthanasia Technician (CET)
- A Probationary Certified Euthanasia Technician under the direct supervision of a licensed veterinarian or a CET.

A licensed veterinarian or CET would be required, in his or her discretion to select which method of euthanasia is to be utilized. A log would be kept that included, for each animal euthanized, the name of the decision-maker, the method used, and the basis for the decision.

Section 3 makes conforming changes G.S. 130A-192, which provides for the impoundment and disposition of animals whose owner cannot be identified and are not wearing the required rabies vaccination tag. The four methods of disposition are stated in a "preferred" sequence.

EFFECTIVE DATE: The act becomes effective October 1, 2010.

H27-SMRK-61(CSRK-21) v1

VISITOR REGISTRATION SHEET

Agriculture
Name of Committee

4.22.2009
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
<i>Marcia Gallina, Secretary</i>	<i>Fayetteville Animal Protection Society (FAPS)</i>
<i>Dianne MacIlwain</i>	<i>Fayetteville Animal Protection Society</i>
<i>Tony Adams</i>	<i>NCOAA</i>
<i>Debra DeCamillis</i>	<i>UNC LOG</i>
<i>PBF</i>	<i>NC 7B</i>
<i>Aminda Hingst</i>	<i>HUS</i>
<i>Tammy Wood</i>	
<i>Shion McRae</i>	<i>NC Sporting Dog ASSO.</i>
<i>Angie Whitener</i>	<i>NC Pork Council</i>
<i>Preston Howard</i>	<i>MCIC</i>
<i>Mitch Peeler</i>	<i>NCFB</i>

Agiculture
Name of Committee

VISITOR REGISTRATION SHEET

4.22.2009
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
SCOTT ALBORN	Puppy Mill Awareness Day
Kim Albourn	"
ERIN DAVENPORT	BTRNC
Matt Hawell	TPG
Jimmy Ferrell	Hound and Pet dog owner
Leroy McIntosh	Coastal Carolina Hunter Assoc
John Allen	NMRS
Thomas Rayne	VETERINARIAN PUBLIC HEALTH
Emelyndawhorne	EMBR
Linda H. Lewis	FAYETTEVILLE Animal Protection Society No Kill, non profit - Fayetteville, NC 8649040

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Joy Hicks	NZDAICS
Matt Norriss	CONSTITUENT 2521 Delkreeve Rd, 27615
Steve Waller	NC Federation of Dog Clubs
L.C. Jones	NC Sporting Dog Assoc Hampshire-Dorset Hunting Assoc
Chris Dahl	NC Sporting Dog Assoc Dupont & Dunsford Hunting Assoc
Shirley McEles	McEles Consulting
Susan Wiley	Sportswomen & Animal Owners Voting Alliance
E.P. Ratledge	NCR AOA
Mark Johnson	New's Observer / Charlotte Observer
Rory E. Champion	Johnston Co. Rescues For Rescues
Joel & Sylvia Butler	Salisbury Kennel Club

VISITOR REGISTRATION SHEET

AgriCulture

Name of Committee

4-22-09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Peter David	NCFB
CURT KENNEDY	Cory Kennel Club
Diane A. Wallis	Durham Kennel Club, Central Cavalier
Amy Leigh Martin	Central Carolina Cavalier King Charles Club
JUDITH COATES	Summit Club HPW Real Estate Piedmont Kennel Club + NCFD Southeastern Working Group Assoc.
Tommy Dail	N.C. Running Hound Assoc. V.P.
Diane Dail	" " "
Michelle Lennon	Durham KC OPPOSED H 733
WILLIAM G. PFEIFFER	RALEIGH KENNEL CLUB GERMAN SHEPHERD DOG CLUB of GR RALEIGH NC FEDERATION OF DOG CLUBS
CINDY Stansell	North Carolina Federation of Dog Clubs
James Dees	1547 N.E. 222E. Fremont, N.C. 27830

VISITOR REGISTRATION SHEET

Agriculture
Name of Committee

4.22.2009
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Gary Godwin	1603 Spring Dr. Garner NC 27529
~~D. Keith Lyndall~~	~~6701 Hwy 55-B NEW BORN, N.C. 28560~~
Chester Lowder	NC Farm Bureau
Tammy Stevens	NC PC
ANTHONY ANON	<u>NCACE</u>
Hailey Queen	400 Hillstone Dr. Raleigh NC 27615
Bethany Nuechterlein	209 Jones Ferry Rd, Carrboro NC 27510
Marilyn Haskell	NCDHHS - Raleigh
Alicia DAA	MWC
Anette Newkirk	Greenhouse Office
MaryAnn McBride	NCVMA
Howard Dls	NCDA&CS

VISITOR REGISTRATION SHEET

Agriculture
Name of Committee

4.22.2009
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Cady Thomas	NC Assn. of REALTORS
Sara Nunow	NC Department of Commerce
Tim Malfitano	City of Jacksonville Police Dept
Boyd Cusler	City of Charlotte
Andy Leonard	City of Charlotte
Mark Newbold	City of Charlotte
Colleen Kochanek	KLG
CHRIS MCKEEL	Durham Assn. of Realtors
Kim GRIFFIN JR	" " "
Ben Brawley	Self
Will Culpepper	Moore + Van Allen

VISITOR REGISTRATION SHEET

Agriculture
Name of Committee

4-22-2009
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

<u>Lynn Cape</u>	<u>943 Rodell Barrow Rd.</u>
<u>Maileu Kerr</u>	<u>Sp. Orange, NC 28551 (Wayne Co.)</u>
<u>Loachim Blutrach</u>	<u>8029 Bud Morris Rd. (Wake Co.)</u>
<u>Robert Blutrach</u>	<u>Wake Forest, NC 27587</u>
<u>Reg Cook</u>	<u>PO Box 580</u>
<u>Marsha Moore</u>	<u>Wingate, NC 28174</u>
<u>Martha Ann Traylor</u>	<u>PO Box 580 Union</u>
<u>Kathleen Ryan</u>	<u>Wingate, NC 28174 Co.</u>
<u>Judy Cosler</u>	<u>1706 Medfield Road</u>
	<u>Raleigh 27607</u>
	<u>879 Chev's Rd</u>
	<u>Zebulon NC 27597 (Franklin Co.)</u>
	<u>DKC Durham</u>
	<u>DKC - Durham NC</u>
	<u>DKC Durham</u>

Signature _____
Name of Committee

4.22.2009

Date

NAME _____

FIRM OR AGENCY AND ADDRESS

D. McLeod

NCDA CS

David Marshall

$$\text{NcHA} + \text{CS}$$

Sarah O'Hanlon

Jayeterville Animal Protection Society

House Pages

Agriculture
Name of Committee: _____

Date: 4/22/09

1. Name: Justin Harvey

County: Wake

Sponsor: Tarheel Challenge Academy

2. Name: Austin Peggett (Doggett)

County: Sampson

Sponsor: Tarheel challenge Academy

Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

Sgt.-At-Arms

Name: Reggie Sills

2. Name: Garth Adams

3. Name: _____

4. Name: _____

**MINUTES
HOUSE COMMITTEE ON AGRICULTURE**

April 29, 2009

The House Committee on Agriculture met on Wednesday, April 29, 2009, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs Bell, Braxton, Faison, and Lewis; Representatives Coates, Guice, Holloway, Langdon, McCormick, Mobley, Starnes, Steen, Tarleton, Tolson, Underhill, and Warren.

Representative Hill called the meeting to order at 12:03 p.m. and made opening remarks.

Representative Owens was recognized to explain his bill, **House Bill 1513 Funds for Vernon G. James Research Center**. Representative Tolson moved for a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations. The motion carried.

Representative Farmer-Butterfield was acknowledged to explain her bill, **House Bill 1063 Update Rabies Law**. Representative Braxton made a motion to adopt the proposed committee substitute for discussion. The motion carried. Representative Mobley moved for a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that committee substitute bill be re-referred to the Committee on Health. The motion passed.

Representative Hill asked Representative Bell to chair the meeting. Representative Hill spoke on his bill, **House Bill 1175 Update NPDES permitting for CAFOs**. Representative Tarleton moved for a favorable report and recommendation that the bill be re-referred to the Committee on Environment and Natural Resources. The motion passed.

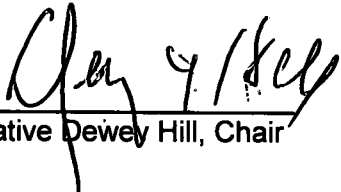
Representative Hill spoke on his bill, **House Bill 1083 Extend State Vet's Animal Disease Authority**. Representative Tolson moved for a favorable report and recommendation that the bill be re-referred to the Committee on Judiciary III. The motion passed.

Representative Hill explained his bill, **House Bill 1103 Update Seed Law/Increase Seed License Fees**. Representative Warren made a motion for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. The motion passed.

Representative Hill described his bill, **House Bill 1109 State Fairgrounds Special Police/Mutual Aid**. Representative Tolson moved for a favorable report and recommendation that the bill be re-referred to the Committee on Judiciary III. The motion carried.

The meeting adjourned at 12:27 p.m.

Respectfully submitted,


Representative Dewey Hill, Chair


Genie Thurlow, Committee Assistant

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

HB 1513 A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR NORTH CAROLINA STATE UNIVERSITY TO USE TO EXPAND THE LABORATORY SPACE, DEVELOPMENT, AND SCOPE OF THE VERNON G. JAMES RESEARCH AND EXTENSION CENTER AND TO FUND RESEARCH AND SUPPORT ADDITIONAL STAFF POSITIONS AT THE CENTER.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on APPROPRIATIONS.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

HB 1063

A BILL TO BE ENTITLED AN ACT TO AMEND THE RABIES LAWS TO CONFORM WITH RECOMMENDATIONS FROM THE CENTERS FOR DISEASE CONTROL AND THE NATIONAL ASSOCIATION OF STATE PUBLIC HEALTH VETERINARIANS AND TO ALLOW A STRAY OR FERAL ANIMAL TO BE IMMEDIATELY EUTHANIZED AND TESTED FOR RABIES IF THE ANIMAL BITES A HUMAN.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on HEALTH.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

HB 1175 A BILL TO BE ENTITLED AN ACT TO UPDATE THE NATIONAL
POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITTING REQUIREMENTS
FOR CONFINED ANIMAL FEEDING OPERATIONS (CAFOS).

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
ENVIRONMENT AND NATURAL RESOURCES.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

HB 1083 A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND OTHER FOREIGN ANIMAL DISEASES.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on JUDICIARY III.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

HB 1103 A BILL TO BE ENTITLED AN ACT TO UPDATE THE SEED LAW AND TO INCREASE FEES FOR SEED DEALER LICENSES.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on FINANCE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

HB 1109 A BILL TO BE ENTITLED AN ACT TO ENABLE COMPANY POLICE AGENCIES OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO ENTER INTO MUTUAL AID AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on JUDICIARY III.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE COMMITTEE ON AGRICULTURE

AGENDA

Wednesday, April 29, 2009
12:00 Noon
Legislative Building – Room 1228

OPENING REMARKS

Representative Dewey Hill, Chair

AGENDA ITEMS

HB 1063	Update Rabies Law.	Representative Farmer- Butterfield
		Representative Earle
		Representative England, M.D.
HB 1083	Extend State Vet's Animal Disease Authority.	Representative Hill
HB 1103	Update Seed Law/Increase Seed License Fees.	Representative Rapp
		Representative Hill
HB 1104	Update NC Meat Inspection Act.	Representative Hill
HB 1108	Clarify License Req/Out of State Weighmasters.	Representative Hill
HB 1109	State Fairgrounds Special Police/Mutual Aid.	Representative Hill
HB 1175	Update NPDES Permitting for CAFOs.	Representative Hill
HB 1513	Funds for Vernon G. James Research Center.	Representative Owens, Jr.
		Representative Spear

ADJOURNMENT

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H.

1

HOUSE BILL 1513

Short Title: Funds for Vernon G. James Research Center. (Public)

Sponsors: Representatives Owens, Spear (Primary Sponsors); and Hughes.

Referred to: Agriculture, if favorable, Appropriations.

April 20, 2009

A BILL TO BE ENTITLED

**AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE
UNIVERSITY OF NORTH CAROLINA FOR NORTH CAROLINA STATE
UNIVERSITY TO USE TO EXPAND THE LABORATORY SPACE, DEVELOPMENT,
AND SCOPE OF THE VERNON G. JAMES RESEARCH AND EXTENSION CENTER
AND TO FUND RESEARCH AND SUPPORT ADDITIONAL STAFF POSITIONS AT
THE CENTER.**

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Board of
Governors of The University of North Carolina to be allocated to North Carolina State
University the sum of two million one hundred thousand dollars (\$2,100,000) for the
2009-2010 fiscal year and the sum of one million four hundred thousand dollars (\$1,400,000)
for the 2010-2011 fiscal year to be used to expand the laboratory space, fund research, and
expand the development and scope of the Vernon G. James Research and Extension Center and
also to support additional staff positions at the Center. The Vernon G. James Research and
Extension Center is a research facility located near Plymouth, North Carolina. The Center is
used for plant biotechnology and biofuels research and is also a key asset for marketing
Northeastern North Carolina to biotechnology companies interested in research on, and the
development of, GMO crops.

SECTION 2. This act becomes effective July 1, 2009.



* H 1 5 1 3 - V - 1 *



HOUSE BILL 1513: Funds for Vernon G. James Research Center

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, Appropriations	Date:	April 28, 2009
Introduced by:	Reps. Owens, Spear	Prepared by:	Barbara Riley
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 1513 would appropriate \$2,100,000 for FY 2009-2010 and \$1,400,000 for FY 2010-2011 to the Board of Governors of The University of North Carolina to be used to expand the laboratory space, fund research, and expand the development and scope of the Vernon G. James Research and Extension Center. The funds would also be used to support additional staff positions at the Center.*

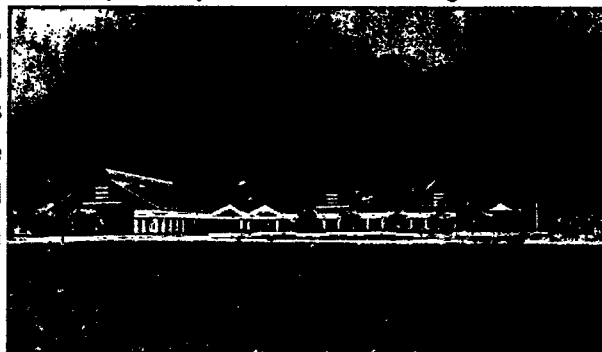
EFFECTIVE DATE: The act would become effective July 1, 2009.

BACKGROUND: See reverse for additional information about the Vernon G. James Research and Extension Center.

H1513-SMRF-65(e1) v1

About The Vernon James Center

The Vernon G. James Center is located on the NCDA Tidewater Research Station. The 32,000 square foot facility was opened in February, 1991, and houses NCSU faculty, North Carolina Department of Agriculture (NCDA) management, and support personnel. Operated by North Carolina State University, it is one of the off-campus centers which provides a focal point for activities in regions removed from the main campus at Raleigh. Research and Extension goals are primarily associated with agriculture and natural resource topics. A 300 person auditorium, seven laboratories, conference rooms, offices and support space are located within the center. Activities conducted at both Tidewater Research Station and the James Center are designed to enhance the agricultural enterprises, natural resources and environment in Northeastern North Carolina.



The Tidewater Research Station was established in 1943 in Washington County. It replaced the Blackland Test Farm in Wenona which was established in 1912. The Station occupies 1558 acres of which 840 are woodland, 428 are cropland, 195 are pastures and 95 are used for roadways, waterways, support facilities, and aquaculture ponds. Research studies conducted at the Station involve field crops, livestock, aquaculture, horticulture, and soil & water.

The Station/Center is located five miles east of Plymouth just off highway 64, and is part of the statewide system of agricultural research farms.

The Facility is jointly administered by NCDA and NCSU.

Home

Vernon G. James Research and Extension Center, NCSU Phone: (252) 793-4428. Fax: (252) 793-5142.

Problems or Comments? Contact our **Web Design Group**. Updated: February 4, 2004

Employment and program opportunities are offered to all people regardless of race, color, national origin, sex, age or handicap. North Carolina State University, North Carolina A&T State University, U.S. Department of Agriculture, and local governments cooperating.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

1

HOUSE BILL 1063

Short Title: Update Rabies Law. (Public)

Sponsors: Representatives Farmer-Butterfield, Earle, England (Primary Sponsors); Barnhart, Brisson, Faison, Insko, Justus, Neumann, Parmon, and Rapp.

Referred to: Agriculture, if favorable, Health.

April 6, 2009

A BILL TO BE ENTITLED
AN ACT TO AMEND THE RABIES LAWS TO CONFORM WITH RECOMMENDATIONS
FROM THE CENTERS FOR DISEASE CONTROL AND THE NATIONAL
ASSOCIATION OF STATE PUBLIC HEALTH VETERINARIANS AND TO ALLOW A
STRAY OR FERAL ANIMAL TO BE IMMEDIATELY EUTHANIZED AND TESTED
FOR RABIES IF THE ANIMAL BITES A HUMAN.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 130A-184 reads as rewritten:

"§ 130A-184. Definitions.

The following definitions shall apply throughout this Part:

- (1) "Animal Control Officer" means a city or county employee designated as dog warden, animal control officer, animal control official or other designations that may be used whose responsibility includes animal control.
- (2) "Cat" means a domestic feline.
- (3) "Certified rabies vaccinator" means a person appointed and certified to administer rabies vaccine to animals in accordance with this Part.
- (4) "Dog" means a domestic canine.
- (4a) "Feral" means any dog, cat, or ferret that is born in the wild and is not socialized; is the offspring of an owned or feral dog, cat, or ferret and is not socialized; or is a formerly owned dog, cat, or ferret that has been abandoned and is no longer socialized.
- (4b) "Ferret" means a domestic ferret (Mustela putorius furo).
- (5) "Rabies vaccine" means an animal rabies vaccine licensed by the United States Department of Agriculture and approved for use in this State by the Commission.
- (6) "State Public Health Veterinarian" means a person appointed by the Secretary to direct the State public health veterinary program.
- (6a) "Stray" means any dog, cat, or ferret that:
 - a. Is beyond the limits of confinement or is lost, and
 - b. Is not wearing any tags, microchips, tattoos, or other methods of identification.
- (7) "Vaccination" means the administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator."

SECTION 1.(b) G.S. 130A-185 reads as rewritten:

"§ 130A-185. Vaccination of all ~~dogs and cats~~ dogs, cats, and ferrets.



* H 1 0 6 3 - V - 1 *

(a) The owner of every ~~dog and cat~~dog, cat, and ferret over four months of age shall have the animal vaccinated against rabies. The time or times of vaccination shall be established by the Commission. Rabies vaccine shall be administered only by a licensed veterinarian or by a certified rabies vaccinator.

(b) Only animal rabies vaccine licensed by the United States Department of Agriculture and approved by the Commission shall be used on animals in this State."

SECTION 1.(c) G.S. 130A-187 reads as rewritten:

"§ 130A-187. County rabies vaccination clinics.

The local health director shall organize or assist other county departments to organize at least one countywide rabies vaccination clinic per year for the purpose of vaccinating ~~dogs and cats~~dogs, cats, and ferrets. Public notice of the time and place of rabies vaccination clinics shall be published in a newspaper having general circulation within the area."

SECTION 1.(d) G.S. 130A-188 reads as rewritten:

"§ 130A-188. Fee for vaccination at county rabies vaccination clinics.

The county board of commissioners is authorized to establish a fee to be charged at the county rabies vaccination clinics. The fee ~~shall include an administrative charge not to exceed four dollars (\$4.00) per vaccination~~may include an administrative charge and a charge for the actual cost of the vaccine, the vaccination certificate, and the rabies vaccination tag."

SECTION 1.(e) G.S. 130A-189 reads as rewritten:

"§ 130A-189. Rabies vaccination certificates.

A licensed veterinarian or a certified rabies vaccinator who administers rabies vaccine to a ~~dog or cat~~dog, cat, or ferret shall complete a three-copy rabies vaccination ~~certificate~~certificate that includes, at a minimum, the following items:

- (1) The owner's name, address, and telephone number;
- (2) The animal's species, age, sex, weight, breed, name, and predominant colors or markings;
- (3) The animal's rabies tag number;
- (4) The animal's microchip number (if any);
- (5) The date the animal was vaccinated and the date the next vaccination is due;
- (6) The name of the product used to vaccinate the animal, the first three letters of the vaccine manufacturer, and the vaccine serial (lot) number; and
- (7) The veterinarian's name, address, license number, and signature.

The Commission may adopt rules requiring that additional items be included on the rabies vaccination certificate. The original rabies vaccination certificate shall be given to the owner of each ~~dog or cat~~dog, cat, or ferret that receives rabies vaccine. One copy of the rabies vaccination certificate shall be retained by the licensed veterinarian or the certified rabies vaccinator. The other copy shall be given to the county agency responsible for animal control, provided the information given to the county agency shall not be used for commercial purposes."

SECTION 1.(f) G.S. 130A-190 reads as rewritten:

"§ 130A-190. Rabies vaccination tags.

(a) Issuance. – A licensed veterinarian or a certified rabies vaccinator who administers rabies vaccine to a ~~dog or cat~~dog, cat, or ferret shall issue a rabies vaccination tag to the owner of the animal. The rabies vaccination tag shall show the year issued, a vaccination number, the words "North Carolina" or the initials "N.C." and the words "rabies vaccine." ~~Dogs and cats~~Dogs, cats, and ferrets shall wear rabies vaccination tags at all times. However, cats may be exempted from wearing the tags by local ordinance.

(b) Fee. – Rabies vaccination tags, links, and rivets may be obtained from the Department. The Secretary is authorized to establish by rule a fee for the rabies tags, links, and rivets in accordance with this subsection. The fee for each tag is the sum of the following:

- (1) The actual cost of the rabies tag, links, and rivets.

(2) Transportation costs.

(3) Five cents (5¢). This portion of the fee shall be used to fund rabies education and prevention programs.

(4) Twenty cents (20¢). This portion of the fee shall be credited to the Spay/Neuter Account established in G.S. 19A-62 and used to fund statewide spay/neuter programs. This portion of the fee shall not be imposed for tags provided to persons who operate establishments primarily for the purpose of boarding or training hunting dogs or who own and vaccinate 10 or more dogs per year.

(c) Repealed by Session Laws 2007-487, s. 1, effective January 1, 2008."

SECTION 1.(g) G.S. 130A-192 reads as rewritten:

"§ 130A-192. ~~Dogs and cats~~Dogs, cats, and ferrets not wearing required rabies vaccination tags.

The Animal Control Officer shall canvass the county to determine if there are any ~~dogs or cats~~dogs, cats, or ferrets not wearing the required rabies vaccination tag. If a ~~dog or cat~~dog, cat, or ferret is found not wearing the required tag, the Animal Control Officer shall check to see if the owner's identification can be found on the animal. If the animal is wearing an owner identification tag, or if the Animal Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner in writing to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal Control Officer within three days of the notification. If the animal is not wearing an owner identification tag and the Animal Control Officer does not otherwise know who the owner is, the Animal Control Officer may impound the animal. The duration of the impoundment of these animals shall be established by the county board of commissioners, but the duration shall not be less than 72 hours. During the impoundment period, the Animal Control Officer shall make a reasonable effort to locate the owner of the animal. If the animal is not reclaimed by its owner during the impoundment period, the animal shall be disposed of in one of the following manners: returned to the owner; adopted as a pet by a new owner; sold to institutions within this State registered by the United States Department of Agriculture pursuant to the Federal Animal Welfare Act, as amended; or put to death by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association. The Animal Control Officer shall maintain a record of all animals impounded under this section which shall include the date of impoundment, the length of impoundment, the method of disposal of the animal and the name of the person or institution to whom any animal has been released."

SECTION 1.(h) G.S. 130A-193 reads as rewritten:

"§ 130A-193. Vaccination and confinement of ~~dogs and cats~~dogs, cats, and ferrets brought into this State.

(a) A ~~dog or cat~~dog, cat, or ferret brought into this State shall immediately be securely confined and shall be vaccinated against rabies within one week after entry. The animal shall remain confined for two weeks after vaccination.

(b) The provisions of subsection (a) shall not apply to:

(1) A ~~dog or cat~~dog, cat, or ferret brought into this State for exhibition purposes if the animal is confined and not permitted to run at large; or

(2) A ~~dog or cat~~dog, cat, or ferret brought into this State accompanied by a certificate issued by a licensed veterinarian showing that the ~~dog or cat~~dog, cat, or ferret is apparently free from and has not been exposed to rabies and that the ~~dog or cat~~dog, cat, or ferret has received rabies vaccine within the past year."

SECTION 1.(i) G.S. 130A-194 reads as rewritten:

"§ 130A-194. Quarantine of districts infected with rabies.

1 An area may be declared under quarantine against rabies by the local health director when
2 the disease exists to the extent that the lives of persons are endangered. When quarantine is
3 declared, each ~~dog and cat~~ dog, cat, and ferret in the area shall be confined on the premises of
4 the owner or in a veterinary hospital. However, ~~dogs or cats~~ dogs, cats, or ferrets on a leash or
5 under the control and in the sight of a responsible adult may be permitted to leave the premises
6 of the owner or the veterinary hospital."

7 **SECTION 1.(j)** G.S. 130A-195 reads as rewritten:

8 "**§ 130A-195. Destroying stray ~~dogs and cats~~ dogs, cats, and ferrets in quarantine districts.**

9 When quarantine has been declared and ~~dogs and cats~~ dogs, cats, and ferrets continue to run
10 uncontrolled in the area, any peace officer or Animal Control Officer shall have the right, after
11 reasonable effort has been made to apprehend the animals, to destroy the uncontrolled ~~dogs and~~
12 ~~eats~~ dogs, cats, and ferrets and properly dispose of their bodies."

13 **SECTION 1.(k)** G.S. 130A-196 reads as rewritten:

14 "**§ 130A-196. Confinement of all biting ~~dogs and cats~~; dogs, cats, and ferrets; notice to**
15 **local health director; reports by physicians; certain dogs exempt.**

16 When a person has been bitten by a ~~dog or cat~~ dog, cat, or ferret, the person or parent,
17 guardian or person standing in loco parentis of the person, and the person owning the animal or
18 in control or possession of the animal shall notify the local health director immediately and
19 give the name and address of the person bitten and the owner of the animal. If, in the opinion of
20 the local health director or an Animal Control Officer, the dog, cat, or ferret that bit the person
21 is a stray or feral animal, the animal may be euthanized immediately and the head may be sent
22 to the State Laboratory of Public Health for rabies diagnostic testing. All ~~dogs and cats~~ dogs,
23 cats, and ferrets that bite a person shall be immediately confined for 10 days in a place
24 designated by the local health director. However, the local health director may authorize a dog
25 trained and used by a law enforcement agency to be released from confinement to perform
26 official duties upon submission of proof that the dog has been vaccinated for rabies in
27 compliance with this Part. After reviewing the circumstances of the particular case, the local
28 health director may allow the owner to confine the animal on the owner's property. An owner
29 who fails to confine his animal in accordance with the instructions of the local health director
30 shall be guilty of a Class 2 misdemeanor. If the owner or the person who controls or possesses
31 a ~~dog or cat~~ dog, cat, or ferret that has bitten a person refuses to confine the animal as required
32 by this section, the local health director may order seizure of the animal and its confinement for
33 10 days at the expense of the owner. A physician who attends a person bitten by an animal
34 known to be a potential carrier of rabies shall report within 24 hours to the local health director
35 the name, age and sex of that person. A veterinarian who has knowledge of any mammal biting
36 a person shall report to the local health director the name, age, and sex of that person, if known,
37 and the type and whereabouts of the mammal responsible for the bite, if known."

38 **SECTION 1.(l)** G.S. 130A-197 reads as rewritten:

39 "**§ 130A-197. Infected ~~dogs and cats~~ dogs, cats, and ferrets to be destroyed; protection of**
40 **vaccinated ~~dogs and cats~~ dogs, cats, and ferrets.**

41 When the local health director reasonably suspects that a ~~dog or cat~~ dog, cat, or ferret has
42 been exposed to the saliva or nervous tissue of a proven rabid animal or animal reasonably
43 suspected of having rabies that is not available for laboratory diagnosis, the ~~dog or cat~~ dog, cat,
44 or ferret shall be considered to have been exposed to rabies. A ~~dog or cat~~ dog, cat, or ferret
45 exposed to rabies shall be destroyed immediately by its owner, the county Animal Control
46 Officer or a peace officer unless the ~~dog or cat~~ dog, cat, or ferret has been vaccinated against
47 rabies in accordance with this Part and the rules of the Commission more than three weeks
48 prior to being exposed, and is given a booster dose of rabies vaccine within three days of the
49 exposure. As an alternative to destruction, the ~~dog or cat~~ dog, cat, or ferret may be quarantined
50 at a facility approved by the local health director for a period up to six months, and under
51 reasonable conditions imposed by the local health director."

1 **SECTION 1.(m)** G.S. 130A-198 reads as rewritten:

2 "**§ 130A-198. Confinement.**

3 A person who owns or has possession of an animal which is suspected of having rabies
4 shall immediately notify the local health director or county Animal Control Officer and shall
5 securely confine the animal in a place designated by the local health director. ~~Dogs and~~
6 ~~eats~~Dogs, cats, and ferrets shall be confined for a period of 10 days. Other animals may be
7 destroyed at the discretion of the State Public Health Veterinarian."

8 **SECTION 1.(n)** G.S. 130A-199 reads as rewritten:

9 "**§ 130A-199. Rabid animals to be destroyed; heads to be sent to State Laboratory of**
10 **Public Health.**

11 An animal diagnosed as having rabies by a licensed veterinarian shall be destroyed and its
12 head sent to the State Laboratory of Public Health. The heads of all ~~dogs and cats~~dogs, cats,
13 and ferrets that die during the 10-day confinement period required by G.S. 130A-196, shall be
14 immediately sent to the State Laboratory of Public Health for rabies diagnosis."

15 **SECTION 2.** This act becomes effective July 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 1063
PROPOSED COMMITTEE SUBSTITUTE H1063-CSRK-25 [v.1]

4/28/2009 11:15:56 AM

Short Title: Update Rabies Law.

(Public)

Sponsors:

Referred to:

April 6, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE RABIES LAWS TO CONFORM WITH RECOMMENDATIONS
3 FROM THE CENTERS FOR DISEASE CONTROL AND THE NATIONAL
4 ASSOCIATION OF STATE PUBLIC HEALTH VETERINARIANS AND TO ALLOW
5 STRAY OR FERAL ANIMALS TO BE EUTHANIZED AND TESTED FOR RABIES
6 AFTER BITING A HUMAN.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 130A-184 reads as rewritten:

9 "§ 130A-184. Definitions.

10 The following definitions shall apply throughout this Part:

- 11 (1) 'Animal Control Officer' means a city or county employee designated as dog
12 warden, animal control officer, animal control official or other designations
13 that may be used whose responsibility includes animal control.
- 14 (2) 'Cat' means a domestic ~~feline~~. feline of the genus and species Felis catus.
- 15 (3) 'Certified rabies vaccinator' means a person appointed and certified to
16 administer rabies vaccine to animals in accordance with this Part.
- 17 (4) 'Dog' means a domestic ~~canine~~. canine of the genus, species, and subspecies
18 Canis lupus familiaris.
- 19 (4a) 'Feral' means any animal that is born in the wild and is not socialized; is the
20 offspring of a dog, cat, or ferret that is owned or born in the wild and is not
21 socialized; or is a formerly owned dog, cat, or ferret that has been abandoned
22 and is no longer socialized.
- 23 (4b) 'Ferret' means a domestic mammal of the genus, species, and subspecies
24 Mustela putorius furo.
- 25 (5) 'Rabies vaccine' means an animal rabies vaccine licensed by the United
26 States Department of Agriculture and approved for use in this State by the
27 Commission.
- 28 (6) 'State Public Health Veterinarian' means a person appointed by the Secretary
29 to direct the State public health veterinary program.
- 30 (6a) 'Stray' means any animal that is (i) beyond the limits of confinement or lost
31 and (ii) not wearing any tags, microchips, tattoos, or other methods of
32 identification.
- 33 (7) 'Vaccination' means the administration of rabies vaccine by a licensed
34 ~~veterinarian~~ veterinarian, by a registered veterinary technician under the

1 direct supervision of a licensed veterinarian, or by a certified rabies
2 vaccinator."

3 **SECTION 2. G.S. 130A-185(a) reads as rewritten:**

4 **"§ 130A-185. Vaccination of all ~~dogs and cats~~ dogs, cats, and ferrets.**

5 (a) The owner of every ~~dog and cat~~ dog, cat, and ferret over four months of age shall
6 have the animal vaccinated against rabies. The time or times of vaccination shall be established
7 by the Commission. Rabies vaccine shall be administered only by a licensed ~~veterinarian~~
8 veterinarian, by a registered veterinary technician under the direct supervision of a licensed
9 veterinarian, or by a certified rabies vaccinator."

10 **SECTION 3. G.S. 130A-187 reads as rewritten:**

11 **"§ 130A-187. County rabies vaccination clinics.**

12 The local health director shall organize or assist other county departments to organize at
13 least one countywide rabies vaccination clinic per year for the purpose of vaccinating ~~dogs and~~
14 ~~eats~~ dogs, cats, and ferrets. Public notice of the time and place of rabies vaccination clinics
15 shall be published in a newspaper having general circulation within the area."

16 **SECTION 4. G.S. 130A-188 reads as rewritten:**

17 **"§ 130A-188. Fee for vaccination at county rabies vaccination clinics.**

18 The county board of commissioners is authorized to establish a fee to be charged at the
19 county rabies vaccination clinics. The fee ~~shall~~ may include an administrative charge ~~not to~~
20 ~~exceed four dollars (\$4.00) per vaccination,~~ and a charge for the actual cost of the vaccine, the
21 vaccination certificate, and the rabies vaccination tag."

22 **SECTION 5. G.S. 130A-189 reads as rewritten:**

23 **"§ 130A-189. Rabies vaccination certificates.**

24 A licensed veterinarian or a certified rabies vaccinator who administers rabies vaccine to a
25 ~~dog or cat~~ dog, cat, or ferret shall complete a ~~three-copy~~ rabies vaccination certificate. The
26 Commission shall adopt rules establishing the specific information required to be included on
27 the certificate. ~~The~~ An original rabies vaccination certificate shall be given to the owner of each
28 ~~dog or cat~~ dog, cat, or ferret that receives rabies vaccine. ~~One~~ A copy of the rabies vaccination
29 certificate shall be retained by the licensed veterinarian or the certified rabies vaccinator. ~~The~~
30 ~~other~~ A copy shall also be given to the county agency responsible for animal control, provided
31 the information given to the county agency shall not be used for commercial purposes."

32 **SECTION 6. G.S. 130A-190(a) reads as rewritten:**

33 "(a) Issuance. – A licensed veterinarian or a certified rabies vaccinator who administers
34 rabies vaccine to a ~~dog or cat~~ dog, cat, or ferret shall issue a rabies vaccination tag to the owner
35 of the animal. The rabies vaccination tag shall show the year issued, a vaccination number, the
36 words "North Carolina" or the initials "N.C." and the words "rabies vaccine." ~~Dogs and~~
37 ~~eats~~ Dogs, cats, and ferrets shall wear rabies vaccination tags at all times. However, cats and
38 ferrets may be exempted from wearing the tags by local ordinance."

39 **SECTION 7. G.S. 130A-192 reads as rewritten:**

40 **"§ 130A-192. ~~Dogs and cats~~ Dogs, cats, and ferrets not wearing required rabies**
41 **vaccination tags.**

42 The Animal Control Officer shall canvass the county to determine if there are any ~~dogs or~~
43 ~~eats~~ dogs, cats, or ferrets not wearing the required rabies vaccination tag. If a ~~dog or cat~~ dog, cat,
44 or ferret is found not wearing the required tag, the Animal Control Officer shall check to see if
45 the owner's identification can be found on the animal. If the animal is wearing an owner
46 identification tag, or if the Animal Control Officer otherwise knows who the owner is, the
47 Animal Control Officer shall notify the owner in writing to have the animal vaccinated against
48 rabies and to produce the required rabies vaccination certificate to the Animal Control Officer
49 within three days of the notification. If the animal is not wearing an owner identification tag
50 and the Animal Control Officer does not otherwise know who the owner is, the Animal Control
51 Officer may impound the animal. The duration of the impoundment of these animals shall be

1 established by the county board of commissioners, but the duration shall not be less than 72
2 hours. During the impoundment period, the Animal Control Officer shall make a reasonable
3 effort to locate the owner of the animal. If the animal is not reclaimed by its owner during the
4 impoundment period, the animal shall be disposed of in one of the following manners: returned
5 to the owner; adopted as a pet by a new owner; sold to institutions within this State registered
6 by the United States Department of Agriculture pursuant to the Federal Animal Welfare Act, as
7 amended; or put to death by a procedure approved by the American Veterinary Medical
8 Association, the Humane Society of the United States or of the American Humane Association.
9 The Animal Control Officer shall maintain a record of all animals impounded under this section
10 which shall include the date of impoundment, the length of impoundment, the method of
11 disposal of the animal and the name of the person or institution to whom any animal has been
12 released."

13 **SECTION 8. G.S. 130A-193 reads as rewritten:**

14 **"§ 130A-193. Vaccination and confinement of ~~dogs and cats~~dogs, cats, and ferrets**
15 **brought into this State.**

16 (a) A ~~dog or cat~~dog, cat, or ferret brought into this State shall immediately be securely
17 confined and shall be vaccinated against rabies within one week after entry. The animal shall
18 remain confined for two weeks after vaccination.

19 (b) The provisions of subsection (a) shall not apply to:

20 (1) A ~~dog or cat~~dog, cat, or ferret brought into this State for exhibition purposes
21 if the animal is confined and not permitted to run at large; or

22 (2) A ~~dog or cat~~dog, cat, or ferret brought into this State accompanied by a
23 certificate issued by a licensed veterinarian showing that the ~~dog or cat~~dog,
24 cat, or ferret is apparently free from and has not been exposed to rabies and
25 that the ~~dog or cat~~dog, cat, or ferret has received rabies vaccine within the past year.
26 dog, cat, or ferret is currently vaccinated against rabies."

27 **SECTION 9. G.S. 130A-194 reads as rewritten:**

28 **"§ 130A-194. Quarantine of districts infected with rabies.**

29 An area may be declared under quarantine against rabies by the local health director when
30 the disease exists to the extent that the lives of persons are endangered. When quarantine is
31 declared, each ~~dog and cat~~dog, cat, and ferret in the area shall be confined on the premises of
32 the owner or in a veterinary hospital. However, ~~dogs or cats~~a dog, cat, or ferret on a leash or
33 under the control and in the sight of a responsible adult may be permitted to leave the premises
34 of the owner or the veterinary hospital."

35 **SECTION 10. G.S. 130A-195 reads as rewritten:**

36 **"§ 130A-195. Destroying stray dogs and cats in quarantine districts.**

37 When quarantine has been declared and ~~dogs and cats~~dogs, cats, and ferrets continue to run
38 uncontrolled in the area, any peace officer or Animal Control Officer shall have the right, after
39 reasonable effort has been made to apprehend the animals, to destroy the uncontrolled ~~dogs and~~
40 ~~eats~~dogs, cats, and ferrets and properly dispose of their bodies."

41 **SECTION 11. G.S. 130A-196 reads as rewritten:**

42 **"§ 130A-196. Confinement of all biting ~~dogs and cats~~dogs, cats, and ferrets; notice to**
43 **local health director; reports by physicians; certain dogs exempt.**

44 When a person has been bitten by a ~~dog or cat~~dog, cat, or ferret, the person or parent,
45 guardian or person standing in loco parentis of the person, and the person owning the animal or
46 in control or possession of the animal shall notify the local health director immediately and
47 give the name and address of the person bitten and the owner of the animal. All ~~dogs and cats~~
48 dogs, cats, and ferrets that bite a person shall be immediately confined for 10 days in a place
49 designated by the local health director. However, in the event a stray or feral dog, cat, or ferret
50 bites a person, the local agency responsible for animal control shall make a reasonable attempt
51 to locate the owner of the animal. If the owner cannot be identified within 72 hours of the event

1 the local health director may authorize the animal be euthanized and the head of the animal
2 shall be immediately sent to the State Laboratory of Public Health for rabies diagnosis.
3 However, the local health director may authorize a dog trained and used by a law enforcement
4 agency to be released from confinement to perform official duties upon submission of proof
5 that the dog has been vaccinated for rabies in compliance with this Part. After reviewing the
6 circumstances of the particular case, the local health director may allow the owner to confine
7 the animal on the owner's property. An owner who fails to confine his-an animal in accordance
8 with the instructions of the local health director shall be guilty of a Class 2 misdemeanor. If the
9 owner or the person who controls or possesses a ~~dog or cat~~ dog, cat, or ferret that has bitten a
10 person refuses to confine the animal as required by this section, the local health director may
11 order seizure of the animal and its confinement for 10 days at the expense of the owner. A
12 physician who attends a person bitten by an animal known to be a potential carrier of rabies
13 shall report within 24 hours to the local health director the name, age and sex of that person."

14 **SECTION 12.** G.S. 130A-197 reads as rewritten:

15 **"§ 130A-197. Infected ~~dogs and cats~~ dogs, cats, and ferrets to be destroyed; protection of**
16 **vaccinated dogs and cats. dogs, cats, and ferrets.**

17 When the local health director reasonably suspects that a ~~dog or cat~~ dog, cat, or ferret has
18 been exposed to the saliva or nervous tissue of a proven rabid animal or animal reasonably
19 suspected of having rabies that is not available for laboratory diagnosis, the ~~dog or cat~~ dog, cat,
20 or ferret shall be considered to have been exposed to rabies. A ~~dog or cat~~ dog, cat, or ferret
21 exposed to rabies shall be destroyed immediately by its owner, the county Animal Control
22 Officer or a peace officer unless the ~~dog or cat~~ dog, cat, or ferret has been vaccinated against
23 rabies in accordance with this Part and the rules of the Commission more than ~~three weeks~~ 28
24 days prior to being exposed, and is given a booster dose of rabies vaccine within ~~three~~ five days
25 of the exposure. As an alternative to destruction, the ~~dog or cat~~ dog, cat, or ferret may be
26 quarantined at a facility approved by the local health director for a period up to six months, and
27 under reasonable conditions imposed by the local health director."

28 **SECTION 13.** G.S. 130A-198 reads as rewritten:

29 **"§ 130A-198. Confinement.**

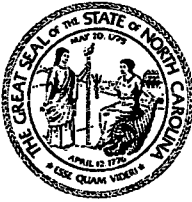
30 A person who owns or has possession of an animal which is suspected of having rabies
31 shall immediately notify the local health director or county Animal Control Officer and shall
32 securely confine the animal in a place designated by the local health director. ~~Dogs and~~
33 Dogs, cats, and ferrets shall be confined for a period of 10 days. Other animals may be
34 destroyed at the discretion of the State Public Health Veterinarian."

35 **SECTION 14.** G.S. 130A-199 reads as rewritten:

36 **"§ 130A-199. Rabid animals to be destroyed; heads to be sent to State Laboratory of**
37 **Public Health.**

38 An animal diagnosed as having rabies by a licensed veterinarian shall be destroyed and its
39 head sent to the State Laboratory of Public Health. The heads of all ~~dogs and cats~~ dogs, cats,
40 and ferrets that die during the 10-day confinement period required by G.S. 130A-196, shall be
41 immediately sent to the State Laboratory of Public Health for rabies diagnosis."

42 **SECTION 15.** This act is effective when it becomes law.



HOUSE BILL 1063: Update Rabies Law

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, Health	Date:	April 28, 2009
Introduced by:	Reps. Farmer-Butterfield, Earle, England	Prepared by:	Hal Pell
Analysis of:	PCS to First Edition H1063-CSRK-25		Committee Counsel

SUMMARY: *This act amends the public health and rabies laws to include ferrets, and make other changes in State laws on rabies vaccination and disposition of animals that are suspected of having rabies. This act is effective when it becomes law.*

CURRENT LAW: Public laws regulate the rabies vaccination procedures for dogs and cats, including registration and confinement if a person is bitten.

BILL ANALYSIS: This act does the following:

- Clarifies the definition of "dog" and "cat" and defines "ferret."
- Provides a definition for a "feral" or a "stray" animal.
- Allows a registered veterinary technician under supervision of a licensed veterinarian to administer the rabies vaccine.
- Amends the public laws on rabies vaccinations and other regulatory statutes to include "ferrets" along with dogs and cats—including the requirement that each wear a rabies vaccination tag (except cats exempted by local ordinance), and quarantining if brought into the State without proof of current rabies vaccination.
- Amends the statute which describes what information must be included on rabies vaccination certificates, and authorizes the Commission for Public Health to adopt rules to provide for any additional information on the certificate.
- Eliminates the maximum of four dollars (\$4.00) that can be charged as an administrative fee per vaccination at a rabies vaccination clinic, and allows the Board of County Commissioners to set "an administrative charge."
- Allows the local health director to order the immediate euthanasia of a stray or feral dog, cat, or ferret that has bitten a person, so that rabies testing can be done, if the local animal control agency cannot locate the animal's owner within 72 hours,

EFFECTIVE DATE: This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 1175

Short Title: Update NPDES Permitting for CAFOs. (Public)

Sponsors: Representatives Hill; and Lucas.

Referred to: Agriculture, if favorable, Environment and Natural Resources.

April 8, 2009

A BILL TO BE ENTITLED

AN ACT TO UPDATE THE NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM (NPDES) PERMITTING REQUIREMENTS FOR CONFINED ANIMAL
FEEDING OPERATIONS (CAFOS).

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.10C reads as rewritten:

"§ 143-215.10C. Applications and permits.

(a) No person shall construct or operate an animal waste management system for an animal operation or operate an animal waste management system for a dry litter poultry facility that is ~~subject to regulation under 40 Code of Federal Regulations § 122.23 (1 July 2003)~~ required to be permitted under 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20, 2008), without first obtaining an individual permit or a general permit under this Article. The Commission shall develop a system of individual and general permits for animal operations and dry litter poultry facilities based on species, number of animals, and other relevant factors. It is the intent of the General Assembly that most animal waste management systems be permitted under a general permit. The Commission, in its discretion, may require that an animal waste management system be permitted under an individual permit if the Commission determines that an individual permit is necessary to protect water quality, public health, or the environment. The owner or operator of an animal operation shall submit an application for a permit at least 180 days prior to construction of a new animal waste management system or expansion of an existing animal waste management system and shall obtain the permit prior to commencement of the construction or expansion. The owner or operator of a dry litter poultry facility that is ~~subject to regulation under 40 Code of Federal Regulations § 122.23 (1 July 2003)~~ required to be permitted under 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20, 2008), shall submit an application for a permit at least 180 days prior to operation of a new animal waste management system.

(a1) An owner or operator of an animal waste management system for an animal operation or a dry litter poultry facility that is ~~subject to regulation under 40 Code of Federal Regulations § 122.23(e)(3) (1 July 2003)~~ required to be permitted under 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20, 2008), shall apply for an individual National Pollutant Discharge Elimination System (NPDES) permit or a general NPDES permit under this Article ~~within 90 days of notification by the Department that the facility is subject to regulation under 40 Code of Federal Regulations § 122.23(e)(3) (1 July 2003)~~ and may not discharge into waters of the State except in compliance with an NPDES permit.



* H 1 1 7 5 - V - 1 *

1 (b) An animal waste management system that is not required to be permitted under 40
2 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20,
3 2008), shall be designed, constructed, and operated so that the animal operation served by the
4 animal waste management system does not cause pollution in the waters of the State except as
5 may result because of rainfall from a storm event more severe than the 25-year, 24-hour storm
6 or if required by 40 Code of Federal Regulations § 122.23 (1 July 2003) from a storm event
7 more severe than the 100-year, 24-hour storm.storm.

8 (b1) An existing animal waste management system that is required to be permitted under
9 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November
10 20, 2008), shall be designed, constructed, maintained, and operated in accordance with 40 Code
11 of Federal Regulations § 412, as amended at 73 Federal Register 70418 (November 20, 2008),
12 so that the animal operation served by the animal waste management system does not cause
13 pollution in waters of the State except as may result because of rainfall from a storm event
14 more severe than the 25-year, 24-hour storm. A new animal operation or dry litter poultry
15 facility that is required to be permitted under 40 Code of Federal Regulations § 412.46, as
16 amended at 73 Federal Register 70418 (November 20, 2008), shall be designed, constructed,
17 maintained, and operated so that there is no discharge of pollutants to waters of the State.

18 (c) The Commission shall act on a permit application as quickly as possible and may
19 conduct any inquiry or investigation it considers necessary before acting on an application.

20 (d) All applications for permits or for renewal of an existing permit shall be in writing,
21 and the Commission may prescribe the form of the applications. All applications shall include
22 an animal waste management system plan approved by a technical specialist. The Commission
23 may require an applicant to submit additional information the Commission considers necessary
24 to evaluate the application. Permits and renewals issued pursuant to this section shall be
25 effective until the date specified therein or until rescinded unless modified or revoked by the
26 Commission.

27 (e) An animal waste management plan for an animal operation shall include all of the
28 following components:

- 29 (1) A checklist of potential odor sources and a choice of site-specific,
30 cost-effective remedial best management practices to minimize those
31 sources.
- 32 (2) A checklist of potential insect sources and a choice of site-specific,
33 cost-effective best management practices to minimize insect problems.
- 34 (3) Provisions that set forth acceptable methods of disposing of mortalities.
- 35 (4) Provisions regarding best management practices for riparian buffers or
36 equivalent controls, particularly along perennial streams.
- 37 (5) Provisions regarding the use of emergency spillways and site-specific
38 emergency management plans that set forth operating procedures to follow
39 during emergencies in order to minimize the risk of environmental damage.
- 40 (6) Provisions regarding periodic testing of waste products used as nutrient
41 sources as close to the time of application as practical and at least within 60
42 days of the date of application and periodic testing, at least annually, of soils
43 at crop sites where the waste products are applied. Nitrogen shall be a
44 rate-determining element. Phosphorus shall be evaluated according to the
45 nutrient management standard approved by the Soil and Water Conservation
46 Commission and the Natural Resources Conservation Service of the United
47 States Department of Agriculture for facilities that are ~~subject to regulation~~
48 ~~under 40 Code of Federal Regulations § 122.23 (1 July 2003).~~ required to be
49 permitted under 40 Code of Federal Regulations § 122, as amended at 73
50 Federal Register 70418 (November 20, 2008). If the evaluation demonstrates
51 the need to limit the application of phosphorus in order to comply with the

1 nutrient management standard, then phosphorus shall be a rate-determining
2 element. Zinc and copper levels in the soils shall be monitored, and
3 alternative crop sites shall be used when these metals approach excess levels.

4 (7) Provisions regarding waste utilization plans that assure a balance between
5 nitrogen application rates and nitrogen crop requirements, that assure that
6 lime is applied to maintain pH in the optimum range for crop production,
7 and that include corrective action, including revisions to the waste utilization
8 plan based on data of crop yields and crops analysis, that will be taken if this
9 balance is not achieved as determined by testing conducted pursuant to
10 subdivision (6) of this subsection.

11 (8) Provisions regarding the completion and maintenance of records on forms
12 developed by the Department, which records shall include information
13 addressed in subdivisions (6) and (7) of this subsection, including the dates
14 and rates that waste products are applied to soils at crop sites, and shall be
15 made available upon request by the Department.

16 (f) Any owner or operator of a dry litter poultry facility that is not ~~subject to regulation~~
17 ~~under 40 Code of Federal Regulations § 122.23 (1 July 2003)~~ required to be permitted under 40
18 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20,
19 2008), but that involves 30,000 or more birds shall develop an animal waste management plan
20 that complies with the testing and record-keeping requirements under subdivisions (6) through
21 (8) of subsection (e) of this section. Any operator of this type of animal waste management
22 system shall retain records required under this section and by the Department on-site for three
23 years.

24 (f1) An animal waste management plan for a dry litter poultry facility ~~subject to~~
25 ~~regulation under 40 Code of Federal Regulations § 122.23 (1 July 2003)~~ required to be
26 permitted under 40 Code of Federal Regulations § 122, as amended at 73 Federal Register
27 70418 (November 20, 2008), shall include the components set out in subdivisions (3), (6), (7),
28 and (8) of subsection (e) of this section, and to the extent required by ~~40 Code of Federal~~
29 ~~Regulations § 122.23 (1 July 2003)~~ 40 Code of Federal Regulations § 122, as amended at 73
30 Federal Register 70418 (November 20, 2008), for land application discharges, subdivision (4)
31 of subsection (e) of this section.

32 (g) The Commission shall encourage the development of alternative and innovative
33 animal waste management technologies. The Commission shall provide sufficient flexibility in
34 the regulatory process to allow for the timely evaluation of alternative and innovative animal
35 waste management technologies and shall encourage operators of animal waste management
36 systems to participate in the evaluation of these technologies. The Commission shall provide
37 sufficient flexibility in the regulatory process to allow for the prompt implementation of
38 alternative and innovative animal waste management technologies that are demonstrated to
39 provide improved protection to public health and the environment.

40 (h) The owner or operator of an animal waste management system shall:

41 (1) In the event of a discharge of 1,000 gallons or more of animal waste to the
42 surface waters of the State, issue a press release to all print and electronic
43 news media that provide general coverage in the county where the discharge
44 occurred setting out the details of the discharge. The owner or operator shall
45 issue the press release within 48 hours after the owner or operator has
46 determined that the discharge has reached the surface waters of the State.
47 The owner or operator shall retain a copy of the press release and a list of the
48 news media to which it was distributed for at least one year after the
49 discharge and shall provide a copy of the press release and the list of the
50 news media to which it was distributed to any person upon request.

(2) In the event of a discharge of 15,000 gallons or more of animal waste to the surface waters of the State, publish a notice of the discharge in a newspaper having general circulation in the county in which the discharge occurs and in each county downstream from the point of discharge that is significantly affected by the discharge. The Secretary shall determine, at the Secretary's sole discretion, which counties are significantly affected by the discharge and shall approve the form and content of the notice and the newspapers in which the notice is to be published. The notice shall be captioned "NOTICE OF DISCHARGE OF ANIMAL WASTE". The owner or operator shall publish the notice within 10 days after the Secretary has determined the counties that are significantly affected by the discharge and approved the form and content of the notice and the newspapers in which the notice is to be published. The owner or operator shall file a copy of the notice and proof of publication with the Department within 30 days after the notice is published. Publication of a notice of discharge under this subdivision is in addition to the requirement to issue a press release under subdivision (1) of this subsection.

(i) A person who obtains an individual permit under G.S. 143-215.1 for an animal waste management system that serves a public livestock market shall not be required to obtain a permit under this Part and is not subject to the requirements of this Part."

SECTION 2. This act is effective when it becomes law.



HOUSE BILL 1175: Update NPDES Permitting for CAFOs

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, Environment and Natural Resources	Date:	April 28, 2009
Introduced by:	Rep. Hill	Prepared by:	Barbara Riley
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 1175 updates the National Pollutant Discharge Elimination System (NPDES) permitting requirements for Confined Animal Feeding Operations (CAFO's) by updating citations to the Code of Federal Regulations (CFR). The bill also provides that an owner or operator of an animal operation or dry litter poultry operation that must be permitted under the federal regulations shall apply for an individual or general NPDES permit under Article 21 of Chapter 143 and may not discharge into the waters of the State except in compliance with the NPDES permit. Further, an existing animal waste management system permitted under the federal regulations must be designed, constructed, maintained and operated in accordance with those regulations so that the animal operation served does not pollute the waters of the State except as may result from rainfall from a storm event more severe than the 25 year, 24 hour storm. New animal operations or dry litter poultry facilities required to be permitted must be designed, constructed, maintained, and operated so that there is no discharge of pollutants to the waters of the State.*

CURRENT LAW: G.S. 143-215.10C requires a person to obtain an individual or general permit for the construction or operation of an animal waste management system for an animal operation or a dry litter poultry facility that is required to be permitted under 40 CFR §122.23 (July 1, 2003). The owner or operator of an animal waste management system required to be permitted under 40 CFR §122.23 must apply for an individual or general permit within 90 days of being notified by the Department of Environment and Natural Resources that the facility is subject to regulation. Facilities that are not required to be permitted under the federal regulations must be designed, constructed, and operated so that the animal operation served by the waste management system does not cause pollution to the waters of the State except that may result from rainfall from a storm event more severe than the 25 year, 24 hour storm.

The 2003 EPA rules on permitting for CAFO's were challenged by a number of environmental groups in *Waterkeeper Alliance et. al. vs. U.S. Environmental Protection Agency*, 399 F.2d 486 (2d Cir. 2005). The Second Circuit Court of Appeals issued its decision in the case in 2005, upholding some of the challenged provisions of the rules, but also remanding others back to EPA. In response, EPA revised its rules regarding the NPDES permitting requirements and effluent limitations guidelines and standards for CAFO's. The final rule was issued in November of 2008. 73 Federal Register 70418 (November 20, 2008).

BILL ANALYSIS: House Bill 1175 updates the National Pollutant Discharge Elimination System (NPDES) permitting requirements for Confined Animal Feeding Operations (CAFO's) by updating citations to reflect changes to the Code of Federal Regulations (CFR) that came about as a result of the court decision in *Waterkeeper Alliance et. al. vs. U.S. Environmental Protection Agency*, 399 F.2d 486 (2d Cir. 2005). The bill also amends G.S. 143-215.10C by deleting the requirement that an animal facility subject to regulation apply for a permit within 90 days of notice by DENR and providing that an owner or operator of an animal operation or dry litter poultry operation that must be permitted under the federal regulations shall apply for an individual or general NPDES permit under Article 21 of Chapter 143 and may not discharge into the waters of the State except in compliance with the NPDES permit.

House Bill 1175

Page 2

The bill further amends G.S. 143-215.10C by adding a new subsection (b1) providing that an existing animal waste management system permitted under the federal regulations must be designed, constructed, maintained and operated in accordance with those regulations so that the animal operation served does not pollute the waters of the State except as may result from rainfall from a storm event more severe than the 25 year, 24 hour storm. New animal operations or dry litter poultry facilities required to be permitted must be designed, constructed, maintained, and operated so that there is no discharge of pollutants to the waters of the State.

EFFECTIVE DATE: The act is effective when it becomes law.

H1175-SMRF-67(e1) v2

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

1

HOUSE BILL 1083

Short Title: Extend State Vet's Animal Disease Authority. (Public)

Sponsors: Representatives Hill, Rapp (Primary Sponsors); Faison, Lucas, and Wray.

Referred to: Agriculture, if favorable, Judiciary III.

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE SUNSET PROVISION OF THE ACT THAT
STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO
PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE
AND OTHER FOREIGN ANIMAL DISEASES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 11 of S.L. 2001-12, as amended by S.L. 2003-6 and S.L.
2005-21, reads as rewritten:

"**SECTION 11.** This act is effective when it becomes law and expires October 1,
2009.law."

SECTION 2. This act becomes effective September 30, 2009.





HOUSE BILL 1083: Extend State Vet's Animal Disease Authority

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, Judiciary III	Date:	April 21, 2009
Introduced by:	Reps. Hill, Rapp	Prepared by:	Barbara Riley
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 1083 removes the sunset on the provisions in the statutes authorizing the State Veterinarian, in consultation with the Commissioner of Agriculture and the approval of the Governor, to implement emergency measures in the event of an imminent threat within the State of a contagious animal disease that has the potential for very serious and rapid spread. Emergency measures authorized in the statutes include restrictions on the transportation of potentially infected animals, agricultural products, and other commodities into and out of potentially infected areas, restrictions on access to such areas, quarantines, and emergency disinfectant and other control measures at portals of entry to the State. The original legislation, S.L. 2002-12, was subject to a sunset provision as of April 2003. The sunset was extended in 2003 and again in 2005. The current authorization expires October 1, 2009.*

EFFECTIVE DATE: The act becomes effective September 30, 2009.

H1083-SMRF-57(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

1

HOUSE BILL 1103

Short Title: Update Seed Law/Increase Seed License Fees.

(Public)

Sponsors: Representatives Hill; and Faison.

Referred to: Agriculture, if favorable, Finance.

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO UPDATE THE SEED LAW AND TO INCREASE FEES FOR SEED DEALER
LICENSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 106-277 reads as rewritten:

"§ 106-277. Purpose.

The purpose of this Article is to regulate the labeling, possessing for sale, sale and offering or exposing for sale or otherwise providing for planting purposes of agricultural ~~seeds, seeds~~ and vegetable ~~seeds and screenings; seeds;~~ to prevent misrepresentation thereof; and for other purposes."

SECTION 2. G.S. 106-277.2 reads as rewritten:

"§ 106-277.2. Definitions.

As used in this Article, unless the context clearly requires otherwise:

(7a) The term "conditioning" means cleaning, scarifying, or blending to obtain uniform quality and other operations that would change the purity or germination of the seed and therefore require retesting to determine the quality of the seed, but does not include operations such as packaging, labeling, blending together of uniform lots of the same kind, or kind and variety, without cleaning, or preparation of a mixture without cleaning, any of which would not require retesting to determine the quality of the seed.

(21) The term "North Carolina seed analysis tag" ~~shall mean~~ means the tag designed and prescribed by the Commissioner as the official North Carolina seed analysis tag, ~~said tag to be purchased from the Commissioner.~~ tag.

(27) ~~The term "processing" means cleaning, scarifying or blending to obtain uniform quality and other operations which would change the purity or germination of the seed and therefore require retesting to determine the quality of the seed, but does not include operations such as packaging, labeling, blending together of uniform lots of the same kind or kind and variety without cleaning, or preparation of a mixture without cleaning, any of which would not require retesting to determine the quality of the seed.~~

(31) ~~The term "screenings" includes seed, inert matter and other materials removed from agricultural or vegetable seed by cleaning or processing.~~



* H 1 1 0 3 - V - 1 *

1 **SECTION 3.** G.S. 106-277.5(2) reads as rewritten:

2 "(2) Lot ~~number or other~~ lot identification."

3 **SECTION 4.** G.S. 106-277.6 reads as rewritten:

4 **"§ 106-277.6. Labels for vegetable seeds in containers of one pound or less.**

5 Labels for vegetable seeds in containers of one pound or less shall show the following
6 information:

7 (1) Name of kind and variety of seed.

8 (2) ~~Origin, for pepper seed in containers of one ounce or more. If unknown, so~~
9 ~~stated.~~

10 (2a) Lot identification.

11 (3) ~~The year for which the seed is packed, provided the words "packed for" shall~~
12 ~~precede the year, or the percentage of germination, month and year tested.~~

13 (3a) One of the following, as applicable:

14 a. The statement "Packer for (year)" or "Sell by (year)."

15 b. The statement "Sell by (month) (year)" where the month and year in
16 which the germination test was complete is no more than 12 months
17 from the date of the test, exclusive of the month and year of the test.

18 c. The percentage germination and the calendar month and year that the
19 test was completed to determine the percentage, provided that the
20 germination test was completed within 12 months, exclusive of the
21 month and year of the test.

22 "

23 **SECTION 5.** G.S. 106-277.7 reads as rewritten:

24 **"§ 106-277.7. Labels for vegetable seeds in containers of more than one pound.**

25 Vegetable seeds in containers of more than one pound shall be labeled to show the
26 following information:

27 (1) The name of each kind and variety present in excess of five percent (5%)
28 and the percentage by weight of each in order of its predominance.

29 (2) Lot ~~number or other~~ lot identification.

30 (3) ~~Origin, for snap bean and pepper seed only. If unknown, so stated.~~

31 "

32 **SECTION 6.** G.S. 106-277.9 reads as rewritten:

33 **"§ 106-277.9. Prohibitions.**

34 It shall be unlawful for any person:

35 (1) To transport, to offer for transportation, to sell, distribute, offer for sale or
36 expose for sale within this State agricultural or vegetable seeds for seeding
37 purposes:

38 a. Unless a seed license has been obtained in accordance with the
39 provisions of this Article.

40 b. Unless the test to determine the percentage of germination required
41 by G.S. 106-277.5 through 106-277.7 shall have been completed (i)
42 on agricultural seed within a nine-month period, exclusive of the
43 calendar month in which the test was completed, (ii) on cool season
44 lawn seeds and mixtures of cool season lawn seeds, including but not
45 limited to, Kentucky bluegrass, red fescue, chewings fescue, hard
46 fescue, tall fescue, perennial ryegrass, intermediate ryegrass, annual
47 ryegrass, colonial bent grass, creeping bent grass, within a 15-month
48 period, exclusive of the calendar month in which the test was
49 completed, and (iii) on vegetable seed within a 12-month period,
50 exclusive of the calendar month in which the test was completed,
51 immediately prior to sale, exposure for sale, or offering for sale or

transportation; provided, the North Carolina Board of Agriculture may adopt ~~after a public hearing, following public notice, rules and regulations~~ to designate a longer period for any kind of agricultural or vegetable seed which is packaged in such container materials (hermetically sealed), and under such other conditions prescribed, that will, during such longer period, maintain the viability of said seed under ordinary conditions of handling.

~~Pepper seed in containers holding one ounce or more of seed, unless treated in accordance with a procedure approved by the North Carolina Commissioner of Agriculture and labeled to reflect the procedure used.~~

- ...
- (2) To transport, offer for transportation, sell, offer for ~~sale~~ sale, or expose for sale seeds, whole grain and ~~screenings~~ not for seeding purposes unless labeled "not for seeding purposes.
 - (3) To detach, alter, ~~deface~~ deface, or destroy any label provided for in this Article or the rules and regulations promulgated hereunder, or to alter or substitute seed in any manner that defeats the purposes of this Article.
 - (4) To disseminate false or misleading advertisement in any manner concerning agricultural ~~seeds, seeds or vegetable seeds or screenings.~~ seeds.

...."

SECTION 7. G.S. 106-277.10(c) reads as rewritten:

"(c) The label requirements for peanuts, cotton and tobacco seed may be limited to:

- (1) Lot ~~number or other~~ identification."

SECTION 8. G.S. 106-277.10(d) reads as rewritten:

"(d) The provisions of G.S. 106-277.3 through 106-277.7 do not apply:

- (1) To seed or grain sold or represented to be sold for purposes other than for seeding provided that said seed is labeled "not for seeding purposes" and that the vendor shall make it unmistakably clear to the purchaser of such seed or grain that it is not for seeding purposes.
- (2) To seed for ~~processing~~ conditioning when consigned to, being transported to or stored in an approved ~~processing~~ conditioning establishment, provided that the invoice or labeling accompanying said seed bears the statement "seed for ~~processing~~ conditioning" and provided further that other labeling or representation which may be made with respect to the unlearned or ~~unprocessed~~ unconditioned seed shall be subject to this Article.
- (3) To seed sold by a farmer grower to a seed dealer or ~~processor, conditioner,~~ or to seed in storage in or consigned to a seed-cleaning or ~~processing~~ conditioning plant; provided that any labeling or other representation which may be made with respect to the unlearned or ~~unprocessed~~ unconditioned seed shall be subject to this Article.
- (4) To any carrier in respect to any seed or screenings transported or delivered for transportation in the ordinary course of its business as a carrier; provided that such carrier is not engaged in producing, ~~processing~~ conditioning, or marketing agricultural or vegetable seeds ~~or screenings~~ subject to provisions of this Article."

SECTION 9. G.S. 106-277.23 reads as rewritten:

"§ 106-277.23. Notice of violations; hearings, prosecutions or warnings.

It shall be the duty of the Commissioner to give notice of every violation of the provisions of this Article with respect to agricultural or vegetable seeds, or mixtures of such seeds, ~~or~~

1 screenings to the person in whose hands such seeds ~~or screenings~~ are found, and to send copies
 2 of such notice to the shipper of such seed ~~or screenings~~ and to the person whose "analysis tag or
 3 label" is attached to the container of such seeds ~~or screenings~~, seeds, in which notice he may
 4 designate a time and place for a hearing. The person or persons involved shall have the right to
 5 introduce evidence either in person or by agent or attorney. If, after hearing, or without such
 6 hearing in the event the person fails or refuses to appeal, the Commissioner is of the opinion
 7 that the evidence warrants prosecution he may institute proceedings in a court of competent
 8 jurisdiction in the locality which the violation occurred or, if he believes the public interest will
 9 be adequately served thereby, he may direct to the alleged violator a suitable written notice or
 10 warning."

11 **SECTION 10.** G.S. 106-277.25 reads as rewritten:

12 **"§ 106-277.25. Seizure and disposition of seeds violating Article.**

13 Any lot of agricultural or vegetable seeds, mixtures of such seeds ~~or screenings~~ being sold,
 14 exposed for sale, offered for sale or held with intent to sell in this State contrary to the
 15 provisions of this Article shall be subject to seizure on complaint of the Commissioner to the
 16 resident judge of the superior court in the county in which the seeds, mixtures of such seeds ~~or~~
 17 ~~screenings~~ are located. In the event the court finds the seeds ~~or screenings~~ to be in violation of
 18 the provisions of this Article and orders the condemnation thereof, such seeds ~~or screenings~~
 19 shall be denatured, processed, destroyed, relabeled, or otherwise disposed of in compliance
 20 with the laws of this State; provided that in no instance shall such disposition be ordered by the
 21 court without first having given the claimant an opportunity to apply to the court for the release
 22 of the seeds, ~~mixtures of such seeds or screenings~~ with permission to process or reliable to
 23 bring them into compliance with the provisions of this Article."

24 **SECTION 11.** G.S. 106-277.28(2) reads as rewritten:

25 "(2) Each seed dealer who offers for sale any agricultural, vegetable, or lawn or
 26 turf seeds for seeding purposes shall register with the Commissioner and
 27 shall obtain an annual license, for each location where activities are
 28 conducted, by January 1 of each year and shall pay the following license fee:
 29 a. Wholesale or combined wholesale and retail
 30 seed dealer..... ~~\$100.00~~ \$125.00
 31 b. Retail seed dealer with sales of no more than
 32 \$500.00 ~~5.00~~
 33 c. Retail seed dealer with sales of more than
 34 \$500.00 but no more than \$1,000 ~~15.00~~
 35 d. Retail seed dealer with sales of more than
 36 \$1,000 ~~25.00~~ \$30.00."

37 **SECTION 12.** This act becomes effective October 1, 2009.



HOUSE BILL 1103: Update Seed Law/Increase Seed License Fees

2009-2010 General Assembly

Committee: House Agriculture, if favorable, Finance
Introduced by: Rep. Hill
Analysis of: First Edition

Date: April 21, 2009
Prepared by: Barbara Riley
Committee Counsel

SUMMARY: *House Bill 1103 updates the North Carolina Seed Law and increases the license fees for wholesale and retail seed dealers.*

CURRENT LAW: Article 31 of Chapter 106 is the North Carolina Seed Law. The law governs the transportation, distribution, testing, labeling and tagging of agricultural and vegetable seeds. The Commissioner of Agriculture is authorized to register, after field testing for performance and trueness to variety, of any variety, blend or hybrid seed and to prohibit the sale of inferior or misrepresented seed. All seed dealers are required to register with the Department and obtain a license. Actions prohibited under the statutes include the transportation, distribution or sale of seed unless a license has been obtained, a germination test has been completed within a 9 month period immediately prior to sale; and the seed is properly labeled. Sale of seed containing noxious weed seed is also prohibited. Violation of the Seed Law is a Class 3 misdemeanor and punishable by a fine of not more than \$500.

BILL ANALYSIS: House Bill 1103 makes several changes to the NC Seed Law.

Section 1 amends G.S. 106-277 to delete regulation of "screenings" from the law. Screenings are seed, inert matter, and other materials removed from seeds by cleaning or processing.

Section 2 of the bill amends G.S. 106-277.2, Definition. The term "processing" is replaced by the term "conditioning", meaning the cleaning, scarifying or blending to obtain uniform quality or other operations that would change the seed such that retesting is required to determine the quality of the seed.

Section 3 amends G.S. 106-277.5, labels for agricultural seed, by changing the lot identification requirement to "lot number."

Section 4 amends 106-277.6 and changes the label requirements for vegetable seeds in containers of one pound or less. The changes include deleting the requirement to include the origin of pepper seed and including a lot identification and information regarding "Packed" or "Sell By" date or germination rate and month and year the test was completed.

Section 5 amends G.S. 106-277.7 Labels for vegetable seeds in containers of more than one pound by deleting a requirement to include origin of pepper seed and by clarifying that labels should contain lot identification.

Section 6 amends G.S. 106-277.9, Prohibitions, by making changes to the time frames in which the germination tests must be conducted on different types of seeds. Germination tests on agricultural seed must be completed within a 9 month period immediately prior to sale or offering for sale. Germination tests on cool season lawn seeds or mixtures of such seeds must be completed within a 15 month period and vegetable seed within a 12 month period. The changes also delete the requirement for public hearing to designate a longer time period and eliminate the treatment requirements for pepper seed.

Sections 7 and 8 amend. G.S. 277.10, Exemptions. G.S. 106-277.10(c) is amended by changing the requirements on lot identification for labels for peanuts, cotton and tobacco seed to "lot number." Subsection (d) is amended by deleting the term "processing" and substituting the term "conditioning" as per the change in definitions in Section 2 of the bill.

House Bill 1103

Page 2

Section 9 amends G.S. 106-277.23, Notice of violations, and Section 10 amends G.S. 106-277.25 by deleting the term "screenings" consistent with the changes made in Section 1 of the bill that eliminates screenings from the Seed Law.

Section 11 amends G.S. 106-277.28 to change the license fees for various categories of seed dealers. Wholesale or combined wholesale retail dealers increase from \$100 to \$125. The license fee structure for retail seed dealers by level of sales is eliminated and replaced by a single license, Retail Seed Dealer, with a license fee of \$30. The fees previously ranged from \$5 to \$25.

EFFECTIVE DATE: The act becomes effective October 1, 2008.

H1103-SMRF-58(e1) v2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 1109

Short Title: State Fairgrounds Special Police/Mutual Aid. (Public)

Sponsors: Representatives Hill; and Lucas.

Referred to: Agriculture, if favorable, Judiciary III.

April 7, 2009

A BILL TO BE ENTITLED
AN ACT TO ENABLE COMPANY POLICE AGENCIES OF THE DEPARTMENT OF
AGRICULTURE AND CONSUMER SERVICES TO ENTER INTO MUTUAL AID
AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-288(d) reads as rewritten:

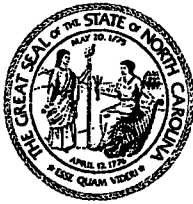
"(d) For purposes of this section, the following shall be considered the equivalent of a municipal police department:

- (1) Campus law-enforcement agencies established pursuant to G.S. 115D-21.1(a) or ~~G.S. 116-40.5(a); and~~ G.S. 116-40.5(a).
- (2) Colleges or universities which are licensed, or exempted from licensure, by G.S. 116-15 and which employ company police officers commissioned by the Attorney General pursuant to Chapter 74E or Chapter 74G of the General ~~Statutes; and~~ Statutes.
- (3) Law enforcement agencies operated or eligible to be operated by a municipality pursuant to ~~G.S. 63-53(2); and~~ G.S. 63-53(2).
- (4) Butner Public Safety.
- (5) A Company Police agency of the Department of Agriculture and Consumer Services commissioned by the Attorney General pursuant to Chapter 74E of the General Statutes."

SECTION 2. This act is effective when it becomes law.



* H 1 1 0 9 - V - 1 *



HOUSE BILL 1109: State Fairgrounds Special Police/Mutual Aid

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, Judiciary III	Date:	April 28, 2009
Introduced by:	Rep. Hill	Prepared by:	Hal Pell
Analysis of:	First Edition		Committee Counsel

SUMMARY: *This act adds a company police agency of the Department of Agriculture and Consumer Services as an equivalent to a municipal police department for the purposes of entering into mutual aid agreements. This act is effective when it becomes law.*

CURRENT LAW: The head of a law enforcement agency is authorized by statute to provide assistance to another law enforcement agency if requested to do so in writing by the head of the requesting agency. The statute provides the guidelines and applicable regulations when there is an aid agreement, including grant of jurisdiction, operational control, and all other rights, privileges and immunities. All pay, and other personnel and administrative matters, remain with the lending agency for officers that are assisting the requesting agency.

BILL ANALYSIS: The act adds Company Police of the Department of Agriculture and Consumer Services as the equivalent of a municipal law enforcement agency; consequently, the head of the Company Police would be authorized to enter into agreements with other municipal agencies, or agencies that have also been given that status.

EFFECTIVE DATE: This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Agriculture

4.29.2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Ray Starling	NCDA & CS
Micki D	MNC
Lee Hunter	NCDA & CS
THOMAS MICKEY	NC VETERINARY MEDICAL BOARD
Linwood Jernigan, DVM	NC Veterinary Medical Board
Amanda Dillard, RVT	NC Association of Veterinary Technicians
Jonathan Loftis, RVT	NC Association of Veterinary Technicians
Keith Larick	NC DENR - DWQ
Thomas RHYNE	NC DIV OF PUBLIC HEALTH
CARL WILLIAMS	NC DHHS
Linda Andrews	NCFB

VISITOR REGISTRATION SHEET

Agriculture
Name of Committee

4/29/09
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
<u>David McLeod</u>	<u>Group Protection of N.C. Agriculture Alliance of N.C.</u> <u>NCDACS</u>
<u>Jocel Keith</u>	<u>NCDACS</u>
<u>Shirley McEles</u>	<u>McEles Consulting</u>
<u>Tommy Stevens</u>	<u>NCP</u>
<u>Jerry Hardesty</u>	<u>NCP</u>
<u>Bob Ford</u>	<u>NCPF</u>
<u>Henry Jones</u>	<u>Attorney Raleigh</u>
<u>Colleen A. Sillins</u>	<u>NCDENR/DWR</u>
<u>Klene Crow</u>	<u>NCDACS - Plant Industry Division</u>
<u>Tom Ray</u>	<u>NCDACS, Veterinary Division</u>
<u>[Signature]</u>	<u>NAM - AANDS</u>

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

FIRM OR AGENCY AND ADDRESS

SOG-Daily Bulletin

CCNK
Cary, NC

Can, NC

VISITOR REGISTRATION SHEET

Name of Committee**Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME .

FIRM OR AGENCY AND ADDRESS

7C B

NMR &

Sincerely,

Agriculture

House Pages

Name of Committee: _____

Date: _____

4.29.2009

1. Name: _____

Reese Miller ✓

County: _____

Wake

Sponsor: _____

Stam)

2. Name: _____

Michelle Mann ✓

County: _____

Alamance

Sponsor: _____

Allred)

Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

1. Name: _____

Reggie Sills ✓

Sgt At-Arms

2. Name: _____

Carlton Adams ✓

3. Name: _____

Toussant Avent ✓

4. Name: _____

**MINUTES
HOUSE COMMITTEE ON AGRICULTURE**

May 6, 2009

The House Committee on Agriculture met on Wednesday, May 6, 2009, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs Bell, Braxton, Brisson, Faison, and Lewis; Representatives Allred, Coates, Daughtry, Guice, Langdon, McCormick, Mobley, Starnes, Steen, Tarleton, Tolson, Tucker, Underhill, Warren, Wray.

Representative Hill called the meeting to order at 12:03 p.m. and made opening remarks.

Representative Tarleton was recognized to explain his bill, **House Bill 27 Regulate Euthanasia of Animals**. Representative Faison made a motion to adopt the proposed committee substitute for discussion. The motion carried. Representative Faison moved for a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Judiciary II. The motion carried.

Representative Faison was asked to chair and Representative Hill was recognized to explain his bill, **House Bill 1104 Update NC Meat Inspection Act**. Representative Daughtry moved for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. The motion passed.

Representative Hill spoke on his bill, **House Bill 1108 Clarify License Req/Out of State Weighmasters**. Representative Underhill made a motion for a favorable report and recommendation that the bill be re-referred to the Committee on State Government/State Personnel. The motion passed.

Representative Bryant spoke on her bill, **House Bill 1460 Collaborate to Stop Property Loss**. Representative Braxton made a motion to adopt the proposed committee substitute for discussion. The motion carried. Representative Mobley moved for a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Ways and Means/Broadband Connectivity. The motion carried.

Representative Harrison was recognized to explain her bill, **House Bill 1206 Disposal of Unclaimed Animals**. Representative Faison made a motion to adopt the proposed committee substitute for discussion. The motion carried. Representative Mobley moved for a favorable report as to the committee substitute bill, as amended, unfavorable as to the original bill, and recommendation that committee substitute bill be re-referred to the Committee on Judiciary I. The motion failed.

The meeting adjourned at 12:45 p.m.

Respectfully submitted,


Representative Dewey Hill, Chair


Genhie Thurlow, Committee Assistant

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

HB 27 A BILL TO BE ENTITLED AN ACT TO REGULATE THE EUTHANASIA OF ANIMALS AND TO PROHIBIT SPECIFIED METHODS OF EUTHANASIA OF ANIMALS.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on JUDICIARY II.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

HB 1104 A BILL TO BE ENTITLED AN ACT TO UPDATE NORTH CAROLINA'S MEAT INSPECTION ACT TO BE EQUIVALENT TO FEDERAL STANDARDS BY EXEMPTING OSTRICHES FROM INSPECTION FEES, EXEMPTING RABBITS FROM THE POULTRY PRODUCTS INSPECTION ACT, AND CHANGING THE THRESHOLDS UNDER THE POULTRY PRODUCER EXEMPTION FOR PROCESSING POULTRY PRODUCTS FOR INTERSTATE COMMERCE.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on FINANCE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

HB 1108 A BILL TO BE ENTITLED AN ACT TO CLARIFY LICENSURE
REQUIREMENTS FOR OUT-OF-STATE WEIGHMASTERS UNDER THE LAWS REGULATING
PUBLIC WEIGHMASTERS.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on STATE
GOVERNMENT/STATE PERSONNEL.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

HB 1460 A BILL TO BE ENTITLED AN ACT TO DIRECT THE LAND LOSS PREVENTION PROJECT, THE COALITION OF FARM AND RURAL FAMILIES, AND THE NORTH CAROLINA AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE TO COLLABORATE TO STUDY AND IMPLEMENT BEST PRACTICES TO REDUCE LAND LOSS AMONG HEIR PROPERTY OWNERS AND OTHER JOINT OWNERS OF REAL PROPERTY, PARTICULARLY IN RURAL AREAS.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on WAYS AND MEANS/BROADBAND CONNECTIVITY.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE COMMITTEE ON AGRICULTURE

AGENDA

Wednesday, May 6, 2009
12:00 PM
Legislative Building – Room 1228

OPENING REMARKS

Representative Dewey Hill, Chair

AGENDA ITEMS

HB 27	Regulate Euthanasia of Animals.	Representative Tarleton
HB 1052	Strengthen Pesticide Law for Workers.	Representative Blue
HB 1104	Update NC Meat Inspection Act.	Representative Harrison
HB 1108	Clarify License Req/Out of State Weighmasters.	Representative Hill
HB 1206	Disposal of Unclaimed Animals.	Representative Hill
HB 1460	Collaborate to Stop Property Loss.	Representative Harrison
		Representative Ty Harrell
		Representative Cotham
		Representative Glazier
		Representative Bryant

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 27*

Short Title: Regulate Euthanasia of Animals.

(Public)

Sponsors: Representatives Tarleton, Allen (Primary Sponsors); Cole, Dickson, Earle, Faison, Goforth, Haire, McElraft, Moore, and Underhill.

Referred to: Rules, Calendar, and Operations of the House.

February 3, 2009

A BILL TO BE ENTITLED
AN ACT TO REGULATE THE EUTHANASIA OF ANIMALS AND TO PROHIBIT
SPECIFIED METHODS OF EUTHANASIA OF ANIMALS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 19A-23(9) is repealed.

SECTION 2. G.S. 19A-24(5) reads as rewritten:

"§ 19A-24. Powers of Board of Agriculture.

The Board of Agriculture shall:

- ...
- (5) Adopt rules on the euthanasia of animals in the ~~possession or custody~~ possession, custody, or control of any person required to obtain a certificate of registration under ~~this Article~~. G.S. 19A-26. The rules shall, effective until January 1, 2011, be consistent with the method and delivery of method approved by the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association, but beginning January 1, 2011, shall be consistent with the restrictions on euthanasia contained in G.S. 19A-26.1 and shall address the anaesthetizing of animals prior to, or concurrently with, euthanasia by injection. An animal shall only be put to death by a method and delivery of method approved by the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association. The Department shall establish rules for the euthanasia process using any one or combination of methods and standards prescribed by the three aforementioned organizations. The rules shall address the equipment, the process, and the separation of animals, in addition to the animals' age and condition. If the gas method of euthanasia is approved, rules shall require that, when the gas method of euthanasia is used, (i) that only commercially compressed manufactured carbon monoxide gas is approved for use, and (ii) that the gas must be delivered in a commercially manufactured chamber that allows for the individual separation of animals. Rules shall also mandate training for any person who participates in the euthanasia process."

SECTION 3. Article 3 of Chapter 19A of the General Statutes is amended by adding a new section to read:

"§ 19A-26.1. Euthanasia of shelter animals.

- (a) This section applies to the euthanizing or putting to death of animals:



(d) An animal may be put to death with the use of a firearm only in cases of emergency in which the animal presents an immediate danger to a human or another animal."

SECTION 5. G.S. 130A-192 reads as rewritten:

"§ 130A-192. Dogs and cats not wearing required rabies vaccination tags.

The Animal Control Officer shall canvass the county to determine if there are any dogs or cats not wearing the required rabies vaccination tag. If a dog or cat is found not wearing the required tag, the Animal Control Officer shall check to see if the owner's identification can be found on the animal. If the animal is wearing an owner identification tag, or if the Animal Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner in writing to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal Control Officer within three days of the notification. If the animal is not wearing an owner identification tag and the Animal Control Officer does not otherwise know who the owner is, the Animal Control Officer may impound the animal. The duration of the impoundment of these animals shall be established by the county board of commissioners, but the duration shall not be less than 72 hours. During the impoundment period, the Animal Control Officer shall make a reasonable effort to locate the owner of the animal. If the animal is not reclaimed by its owner during the impoundment period, the animal shall be disposed of in one of the following manners:

(1) ~~returned~~Returned to the owner;

(2) ~~adopted~~Adopted as a pet by a new owner;

(3) ~~sold~~Sold to institutions within this State registered by the United States Department of Agriculture pursuant to the Federal Animal Welfare Act, as amended; or

(4) ~~put to death by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association.~~Euthanized by a legally-authorized procedure.

The Animal Control Officer shall maintain a record of all animals impounded under this section which shall include the date of impoundment, the length of impoundment, the method of disposal of the animal and the name of the person or institution to whom any animal has been released."

SECTION 6. Section 4 of this act becomes effective January 1, 2011. The remainder of this act becomes effective October 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 27*
PROPOSED COMMITTEE SUBSTITUTE H27-CSRK-37 [v.2]

5/4/2009 4:47:31 PM

Short Title: Regulate Euthanasia of Animals.

(Public)

Sponsors:

Referred to:

February 3, 2009

A BILL TO BE ENTITLED
AN ACT TO REGULATE THE EUTHANASIA OF ANIMALS AND TO SPECIFY
CERTAIN METHODS OF EUTHANASIA OF ANIMALS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 19A-24(5) reads as rewritten:

"(5) Adopt rules on the euthanasia of animals in the possession or custody of any person required to obtain a certificate of registration under this Article. An animal ~~shall~~ may only be put to death by a method and delivery of method approved by the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association, but only if this Article and the rules adopted by the Board are silent as to any necessary or required procedure or process for animal euthanasia. The Department ~~shall~~ may establish rules for the euthanasia process using only American Veterinary Medical Association guidelines. ~~any one or combination of methods and standards prescribed by the three aforementioned organizations.~~ The rules shall address the equipment, the process, and the separation of animals, in addition to the animals' age and condition. If the gas method of euthanasia is approved, rules shall require (i) that only commercially compressed carbon monoxide gas in containers is approved for use, and (ii) that the gas must be delivered in a commercially manufactured chamber that allows for the individual separation of animals. Rules shall also mandate training for any person who participates in the euthanasia process."

SECTION 2. Article 3 of Chapter 19A of the General Statutes is amended by adding a new section to read:

"§ 19A-26.1. Euthanasia of shelter animals.

(a) Euthanasia of an animal in the possession or custody of an animal shelter shall be accomplished only by (i) a licensed veterinarian, (ii) a Certified Euthanasia Technician (CET), or (iii) a Probationary CET under the direct supervision of a licensed veterinarian or a CET, and only by one of the following three methods:

(1) By the administration of a lethal dose of sodium pentobarbital, or the equivalent of sodium pentobarbital, by the method of intravenous injection.

1 (2) By the administration of a lethal dose of sodium pentobarbital, or the
2 equivalent of sodium pentobarbital, by the method of intraperitoneal
3 injection.

4 (3) By the use of carbon monoxide gas.

5 (b) The licensed veterinarian or CET shall, in his or her discretion, determine which
6 method of euthanasia, set forth in subsection (a) of this section, is used on each animal.

7 (c) The animal shelter shall keep a log which shall include, for each animal, all of the
8 following information:

9 (1) The method of euthanasia.

10 (2) The name of the licensed veterinarian or CET who chose the method of
11 euthanasia.

12 (3) The basis or reason for choosing the method of euthanasia that was chosen.

13 SECTION 3. G.S. 130A-192 reads as rewritten:

14 "§ 130A-192. **Dogs and cats not wearing required rabies vaccination tags.**

15 The Animal Control Officer shall canvass the county to determine if there are any dogs or
16 cats not wearing the required rabies vaccination tag. If a dog or cat is found not wearing the
17 required tag, the Animal Control Officer shall check to see if the owner's identification can be
18 found on the animal. If the animal is wearing an owner identification tag, or if the Animal
19 Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the
20 owner in writing to have the animal vaccinated against rabies and to produce the required
21 rabies vaccination certificate to the Animal Control Officer within three days of the
22 notification. If the animal is not wearing an owner identification tag and the Animal Control
23 Officer does not otherwise know who the owner is, the Animal Control Officer may impound
24 the animal. The duration of the impoundment of these animals shall be established by the
25 county board of commissioners, but the duration shall not be less than 72 hours. During the
26 impoundment period, the Animal Control Officer shall make a reasonable effort to locate the
27 owner of the animal. If the animal is not reclaimed by its owner during the impoundment
28 period, the animal shall be disposed of in one of the following ~~manners:manners,~~ in the
29 following preferred sequence:

30 (1) ~~returned~~Returned to the owner;

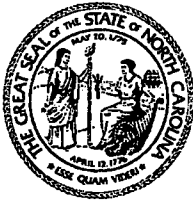
31 (2) ~~adopted~~Adopted as a pet by a new owner;

32 (3) ~~sold~~Sold to institutions within this State registered by the United States
33 Department of Agriculture pursuant to the Federal Animal Welfare Act, as
34 amended; or

35 (4) ~~put to death by a procedure approved by the American Veterinary Medical~~
36 ~~Association, the Humane Society of the United States or of the American~~
37 ~~Humane Association.~~Put to death in a legally-authorized manner.

38 The Animal Control Officer shall maintain a record of all animals impounded under this section
39 which shall include the (i) date of impoundment, (ii) the length of impoundment, (iii) the
40 method of disposal of the ~~animal~~animal, and (iv) the name of the person or institution to whom
41 any animal has been released."

42 SECTION 4. This act becomes effective October 1, 2010.



HOUSE BILL 27: Regulate Euthanasia of Animals

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, Judiciary II	Date:	May 4, 2009
Introduced by:	Rep. Tarleton	Prepared by:	Hal Pell
Analysis of:	PCS to First Edition H27-CSRK-37		Committee Counsel

SUMMARY: *This act amends the euthanasia laws to provide which types of euthanasia are authorized in animal shelters, and amends the recordkeeping provisions. This act becomes effective October 1, 2010.*

BILL ANALYSIS:

Section 1 provides that

- Animals in animal shelters may only be put to death in accordance with State law, rules adopted by the Board of Agriculture, or guidelines issued by the AVMA—if the rules are silent on a euthanasia process or procedure that is authorized by law.
- Only commercially compressed carbon monoxide gas that is in containers may be used.

Section 2 provides a new statute that limits the methods by which euthanasia may be accomplished. The methods are

- (1) administration of sodium pentobarbital by intravenous injection;
- (2) administration of sodium pentobarbital by intraperitoneal injection; and
- (3) by carbon monoxide gas. The euthanasia may be accomplished by one of the following:
 - A licensed veterinarian
 - A Certified Euthanasia Technician (CET)
 - A Probationary Certified Euthanasia Technician under the direct supervision of a licensed veterinarian or a CET.

A licensed veterinarian or CET would be required, in his or her discretion to select which method of euthanasia is to be utilized.

Current rules require that a log is kept of each animal euthanasia. The act would require that the name of the person authorizing the type of euthanasia be included in the log.

Section 3 makes conforming changes G.S. 130A-192, which provides for the impoundment and disposition of animals whose owner cannot be identified and are not wearing the required rabies vaccination tag. The four methods of disposition are stated in a "preferred" sequence.

EFFECTIVE DATE: The act becomes effective October 1, 2010.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 1104

Short Title: Update NC Meat Inspection Act.

(Public)

Sponsors: Representatives Hill; Hughes, Lucas, and Wray.

Referred to: Agriculture, if favorable, Finance.

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO UPDATE NORTH CAROLINA'S MEAT INSPECTION ACT TO BE EQUIVALENT TO FEDERAL STANDARDS BY EXEMPTING OSTRICHES FROM INSPECTION FEES, EXEMPTING RABBITS FROM THE POULTRY PRODUCTS INSPECTION ACT, AND CHANGING THE THRESHOLDS UNDER THE POULTRY PRODUCER EXEMPTION FOR PROCESSING POULTRY PRODUCTS FOR INTERSTATE COMMERCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 106-549.39(b) reads as rewritten:

"(b) Inspection Fees. – The Commissioner may establish a fee at an hourly rate to be paid by an establishment preparing an animal listed in this subsection as a meat food product. The fee shall be credited to the Department as a departmental receipt and applied to the cost of inspecting these animals to be used for food. The animals whose inspection is subject to the fee imposed under this subsection are:

(1) Bison.

(2) ~~Ostriches and other ratites.~~"

SECTION 2. G.S. 106-549.51A is repealed.

SECTION 3. G.S. 106-549.62(c) reads as rewritten:

"(c) The exemptions provided for in subdivisions (a)(6) and (7) above shall not apply if the poultry producer or other person engages in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in such subdivisions. No exemption under subdivisions (a)(6) or (7) or subsection (b) shall apply to any poultry producer or other person who slaughters or processes the products of more than 5,000 turkeys ~~or an equivalent number of poultry of all species in the current calendar year (four birds of other species being deemed the equivalent of one turkey).~~ 20,000 birds of all species during the calendar year for which this exemption is being applied."

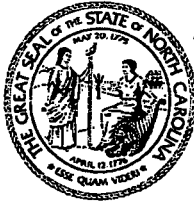
SECTION 4. G.S. 106-549.62(e) reads as rewritten:

"(e) The provisions of this Article shall not apply to poultry producers with respect to poultry of their own raising on their own farms if (i) such producers slaughter not more than ~~250 turkeys, or not more than an equivalent number of birds of all species during the calendar year for which this exemption is being determined (four birds of other species being deemed the equivalent of one turkey).~~ 1,000 birds of all species during the calendar year for which this exemption is being determined; (ii) such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms; and (iii) such poultry moves only in intrastate commerce."

SECTION 5. This act is effective when it becomes law.



* H 1 1 0 4 - V - 1 *



HOUSE BILL 1104: Update NC Meat Inspection Act

2009-2010 General Assembly

Committee: House Agriculture, if favorable, Finance
Introduced by: Rep. Hill
Analysis of: First Edition

Date: April 28, 2009
Prepared by: Hal Pell
Committee Counsel

SUMMARY: *This act deletes an inspection fee requirement for ostriches and other ratites; removes domesticated rabbits from regulation under the Poultry Products Inspection Act, and makes changes to the exemption provisions applicable to the poultry processors in intrastate commerce. This act is effective when it becomes law.*

BILL ANALYSIS:

- Deletes the inspection fee requirement for establishments preparing ostriches and other ratites as a meat food product.
- Repeals the statute which made the Poultry Products Inspection Act applicable to domesticated rabbits.
- Amends provisions which determine eligibility for exemption from regulations applicable to the slaughter and processing of poultry in intrastate commerce. Exempts the processor from the cited provisions unless the person slaughters or processes the products of more than 20,000 birds of all species during that calendar year [was, more than 5,000 turkeys or an equivalent number of poultry of all species in the current calendar year (four birds of other species being deemed the equivalent of one turkey)].
- Exempts poultry producers with respect to poultry of their own raising on their own farms if such producers slaughter not more than 1,000 birds of all species during that calendar year [was, not more than 250 turkeys, or not more than an equivalent number of birds of all species during the calendar year for which this exemption is being determined (four birds of other species being deemed the equivalent of one turkey)]

EFFECTIVE DATE: This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 1108

Short Title: Clarify Lic Req/Out-of-State Weighmasters.

(Public)

Sponsors: Representatives Hill; and Lucas.

Referred to: Agriculture, if favorable, State Government/State Personnel.

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO CLARIFY LICENSURE REQUIREMENTS FOR OUT-OF-STATE
WEIGHMASTERS UNDER THE LAWS REGULATING PUBLIC WEIGHMASTERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 81A-52 reads as rewritten:

"§ 81A-52. License.

All public weighmasters shall be licensed. Any person not less than 18 years of age who wishes to be a public weighmaster shall apply to the Department on a form provided by the Department. A person operating as a public weighmaster outside of this State shall include with the person's application for licensure in this State a copy of the most recent weighing device inspection report performed by the person's local or state weights and measures officials within the 12-month period immediately preceding the date of application. The Board may adopt rules for determining the qualifications of the applicant for a license. Public weighmasters shall be licensed for a period of one year beginning the first day of July and ending on the thirtieth day of June, and a fee of nineteen dollars (\$19.00) shall be paid for each person licensed at the time of the filing of the application."

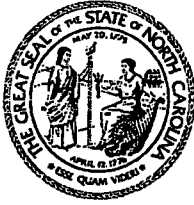
SECTION 2. G.S. 81A-61 reads as rewritten:

"§ 81A-61. Approval of devices used.

When making a weight determination, a public weighmaster shall use a weighing device that is of a type suitable for the weighing of the product to be weighed and that has been tested and approved for use by the Commissioner or by the public weighmaster's local or state weights and measures officials within a period of 12 months the 12-month period immediately preceding the date of the weighing."

SECTION 3. This act becomes effective October 1, 2009, and applies to applicants for licensure on or after that date.





HOUSE BILL 1108: Clarify Lic Req/Out-of-State Weighmasters

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, State Government/State Personnel	Date:	April 28, 2009
Introduced by:	Rep. Hill	Prepared by:	Hal Pell
Analysis of:	First Edition		Committee Counsel

SUMMARY: *This act amends the requirements for State licensure of weighmasters from out-of-state, and allows the use of weighing devices that have been approved by a local weighmaster's local or State weights and measures officials. The act becomes effective October 1, 2009, and applies to applicants for licensure on or after that date.*

BILL ANALYSIS:

Section 1 of the act provides that a weighmaster who is licensed out-of-state, and who applies for North Carolina licensure, must provide the most recent inspection report performed by their local or State weights and measures official. The report must have been made within the 12 months preceding the application for State licensure.

Section 2 of the act allows a public weighmaster to use a device that has been approved by the weighmaster's local or State weights and measures officials within the 12 month period immediately preceding the weighing date.

EFFECTIVE DATE: This act becomes effective October 1, 2009, and applies to applicants for licensure on or after that date.

H1108-SMRK-74(e1) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 1460

Short Title: Collaborate to Stop Property Loss. (Public)

Sponsors: Representatives Bryant; Harrison and Hughes.

Referred to: Agriculture, if favorable, Ways and Means/Broadband Connectivity.

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE LAND LOSS PREVENTION PROJECT, THE COALITION OF FARM AND RURAL FAMILIES, AND THE NORTH CAROLINA AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE TO COLLABORATE TO STUDY AND IMPLEMENT BEST PRACTICES TO REDUCE LAND LOSS AMONG HEIR PROPERTY OWNERS AND OTHER JOINT OWNERS OF REAL PROPERTY, PARTICULARLY IN RURAL AREAS.

The General Assembly of North Carolina enacts:

SECTION 1. In order to ensure that funding from the State to prevent land loss is being used efficiently and effectively, the Land Loss Prevention Project, the Coalition of Farm and Rural Families, and the North Carolina Agricultural Development and Farmland Preservation Trust Fund Advisory Committee shall collaborate to study the issue of land loss by heir property landowners and other joint owners of real property and to implement the best practices to prevent land loss. Those organizations shall together examine and implement options and best practices to achieve the following:

- (1) Reverse land loss among property owners, especially among heir property owners.
- (2) Educate joint property owners about options to preserve land ownership, especially rural land ownership, so as to prevent further land loss.
- (3) Increase the cooperation and collaboration among organizations seeking to reduce land loss among landowners.

SECTION 2. The organizations named in Section 1 of this act shall provide a preliminary report of their findings to the House of Representatives and Senate Appropriations Subcommittees on Natural and Economic Resources no later than May 1, 2010. The report shall contain the results of the study and shall contain actions already implemented and recommended implementation actions, including programming, funding, and legislation. A final report shall be filed by January 1, 2011. The study and reporting requirement imposed by this act is in addition to any other reporting requirement imposed under any other law.

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



**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

D

**HOUSE BILL 1460
PROPOSED COMMITTEE SUBSTITUTE H1460-CSRF-43 [v.1]**

5/6/2009 11:22:22 AM

Short Title: Collaborate to Stop Property Loss.

(Public)

Sponsors:

Referred to:

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE LAND LOSS PREVENTION PROJECT, THE COALITION OF FARM AND RURAL FAMILIES, THE SOUTHERN COALITION FOR SOCIAL JUSTICE AND THE NORTH CAROLINA AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE TO COLLABORATE TO STUDY AND IMPLEMENT BEST PRACTICES TO REDUCE LAND LOSS AMONG HEIR PROPERTY OWNERS AND OTHER JOINT OWNERS OF REAL PROPERTY, PARTICULARLY IN RURAL AREAS.

The General Assembly of North Carolina enacts:

SECTION 1. In order to ensure that funding from the State to prevent land loss is being used efficiently and effectively, the Land Loss Prevention Project, the Coalition of Farm and Rural Families, the Southern Coalition for Social Justice, and the North Carolina Agricultural Development and Farmland Preservation Trust Fund Advisory Committee shall collaborate to study the issue of land loss by heir property landowners and other joint owners of real property and to implement the best practices to prevent land loss. Those organizations shall together examine and implement options and best practices to achieve the following:

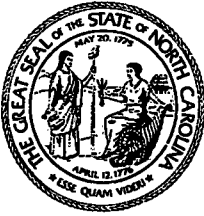
- (1) Reverse land loss among property owners, especially among heir property owners.
- (2) Educate joint property owners about options to preserve land ownership, especially rural land ownership, so as to prevent further land loss.
- (3) Increase the cooperation and collaboration among organizations seeking to reduce land loss among landowners.

SECTION 2. The organizations named in Section 1 of this act shall provide a preliminary report of their findings to the House of Representatives and Senate Appropriations Subcommittees on Natural and Economic Resources no later than May 1, 2010. The report shall contain the results of the study and shall contain actions already implemented and recommended implementation actions, including programming, funding, and legislation. A final report shall be filed by January 1, 2011. The study and reporting requirement imposed by this act is in addition to any other reporting requirement imposed under any other law.

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



* H 1 4 6 0 - C S R F - 4 3 - V - 1 *



HOUSE BILL 1460: Collaborate to Stop Property Loss

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, Ways and Means/Broadband Connectivity	Date:	May 5, 2009
Introduced by:	Rep. Bryant	Prepared by:	Barbara Riley
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 1460 directs the Land Loss Prevention Project, the Coalition of Farm and Rural Families, and the NC Agricultural Development and Farmland Preservation Trust Fund Advisory Committee to collaborate to study and implement best practices to reduce land loss among heir property owners and joint owners, particularly in rural areas.*

BILL ANALYSIS: House Bill 1460 seeks to ensure that State funding for land loss prevention is being used effectively and efficiently. To accomplish this end, the bill directs the Land Loss Prevention Project, the Coalition of Farm and Rural Families, and the NC Agricultural Development and Farmland Preservation Trust Fund Advisory Committee to collaborate to study and implement best practices to reduce land loss among heir property owners and joint owners, particularly in rural areas. Specifically, the organizations are directed to examine and implement best practices to:

- Reverse land loss among property owners, especially heir property owners.
- Educate joint property owners about options to preserve land ownership, especially rural land ownership.
- Increase cooperation and collaboration among organizations seeking to reduce land loss.

The organizations shall provide a preliminary report to the House and Senate Appropriations Subcommittees on Natural Resources by May 1, 2010 and a final report by January 1, 2011.

EFFECTIVE DATE: The act is effective when it becomes law.

H1460-SMRF-80(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 1206

Short Title: Disposal of Unclaimed Animals. (Public)

Sponsors: Representatives Harrison, Harrell, Cotham, Glazier (Primary Sponsors); Insko,
Mackey, Martin, and Wray.

Referred to: Agriculture, if favorable, Judiciary I.

April 8, 2009

A BILL TO BE ENTITLED
AN ACT TO EXPAND APPLICATION OF THE LAW CONCERNING THE HOLDING
AND DISPOSAL OF UNCLAIMED ANIMALS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-192 reads as rewritten:

"§ 130A-192. Dogs and cats not wearing required rabies vaccination tags.

(a) The Animal Control Officer shall canvass the county to determine if there are any dogs or cats not wearing the required rabies vaccination tag. If a dog or cat is found not wearing the required tag, the Animal Control Officer shall check to see if the owner's identification can be found on the animal. If the animal is wearing an owner identification tag, tag with information enabling the owner of the animal to be contacted, or if the Animal Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner in writing to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal Control Officer within three days of the notification. If the animal is not wearing an owner identification tag and the Animal Control Officer does not otherwise know who the owner is, the Animal Control Officer may impound the animal. The duration of the impoundment of these animals shall be established by the county board of commissioners, but the duration shall not be less than 72 hours. During the impoundment period, the Animal Control Officer shall make a reasonable effort to locate the owner of the animal. If the Animal Control Officer has access at no cost or at a reasonable cost to a microchip scanning device, the Animal Control Officer shall scan the animal and utilize any information that may be available through a microchip to locate the owner of the animal, if possible. If the animal is not reclaimed by its owner during the impoundment period, the animal shall be disposed of in one of the following manners: returned to the owner; adopted as a pet by a new owner; sold to institutions within this State registered by the United States Department of Agriculture pursuant to the Federal Animal Welfare Act, as amended; or put to death by a procedure approved by rules adopted by the Department of Agriculture and Consumer Services or, in the absence of such rules, by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association.

Before an animal may be sold or put to death, it must be made available for adoption under procedures that enable members of the public to inspect the animal, except in cases in which the animal is found by the operator of the shelter to be unadoptable due to injury or defects of health or temperament.

A person who comes to an animal shelter attempting to locate a lost pet is entitled to view every animal held at the shelter, subject to rules providing for such viewing during at least four hours a day, three days a week.



* H 1 2 0 6 - V - 1 *

The Animal Control Officer shall maintain a record of all animals impounded under this section which shall include the date of impoundment, the length of impoundment, the method of disposal of the animal and the name of the person or institution to whom any animal has been released.

(b) In addition to domesticated dogs and cats not wearing the required rabies tags, the provisions of subsection (a) of this section concerning the holding of animals for at least 72 hours and the permissible means of disposition of animals after expiration of that holding period also apply to:

(1) Feral cats;

(2) Animals other than livestock, in addition to dogs and cats, that appear to be pet animals;

(3) Dogs and cats that are wearing rabies tags but are taken into custody for violation of statutes or ordinances not related to rabies control, such as ordinances requiring the leashing or restraining of dogs and cats; and

(4) Animals surrendered to an animal shelter by the owners of the animals, unless an owner provides to the shelter some proof of ownership of the animal and signs a writing consenting to the disposition of the animal in a manner authorized by this section before the expiration of the 72-hour holding period or of a longer period established by ordinance or local rule to which the shelter is subject.

(c) If an animal not wearing tags or other mode of identification indicating its owner is delivered to the animal shelter by a person who has found and captured the animal, or by an approved rescue organization with which such finder has deposited the animal, the shelter may in writing appoint the finder or approved rescue organization to be the agent of the shelter to hold the animal for the 72-hour holding period provided for in subsection (a) of this section or such longer holding period that may be applicable to the shelter by ordinance or local rule. After the expiration of that holding period, the shelter may transfer the animal by adoption to the person or organization that has held it as agent or may extend the period of time the finder or rescue organization holds the animal as agent of the shelter. A shelter may terminate an agency created under this subsection at any time by directing the finder or rescue organization to deliver the animal to the shelter. The city, county, or organization operating the animal shelter, as principal in the agency relationship, shall not be liable to reimburse the agent for the costs of care of the animal and shall not be liable to the owner of the animal for harm to the animal caused by the agent, absent a written contract providing otherwise. For purposes of this subsection, the term "approved rescue organization" means a nonprofit corporation or association that cares for stray animals that has been favorably assessed by the operator of the animal shelter through the application of written standards.

(d) During the 72-hour or longer holding period established under subsection (a) of this section, the animal shelter may place an animal it is holding in foster care. During this period, an animal that is seriously ill or injured may be euthanized if a veterinarian states in a signed writing that it is appropriate to do so."

SECTION 2. G.S. 130A-184(1) reads as rewritten:

"(1) "Animal Control Officer" means a city or county employee designated as dog warden, animal control officer, animal control official or other designations that may be used whose responsibility includes animal control. The term "Animal Control Officer" also includes agents of a private organization that is operating an animal shelter under contract with a city or county whenever those agents are performing animal control functions at the shelter."

SECTION 3. This act becomes effective January 1, 2010.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 1206
PROPOSED COMMITTEE SUBSTITUTE H1206-CSRK-20 [v.3]

4/20/2009 5:09:54 PM

Short Title: Disposal of Unclaimed Animals.

(Public)

Sponsors:

Referred to:

April 8, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND APPLICATION OF THE LAW CONCERNING THE HOLDING
3 AND DISPOSAL OF UNCLAIMED ANIMALS.
4 The General Assembly of North Carolina enacts:
5 SECTION 1. G.S. 130A-192 reads as rewritten:
6 "§ 130A-192. Dogs and cats not wearing required rabies vaccination tags.
7 (a) The Animal Control Officer shall canvass the county to determine if there are any
8 dogs or cats not wearing the required rabies vaccination tag. If a dog or cat is found not
9 wearing the required tag, the Animal Control Officer shall check to see if the owner's
10 identification can be found on the animal. If the animal is wearing an owner identification tag,
11 tag with information enabling the owner of the animal to be contacted, or if the Animal Control
12 Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner
13 in writing to have the animal vaccinated against rabies and to produce the required rabies
14 vaccination certificate to the Animal Control Officer within three days of the notification. If the
15 animal is not wearing an owner identification tag and the Animal Control Officer does not
16 otherwise know who the owner is, the Animal Control Officer may impound the animal. The
17 duration of the impoundment of these animals shall be established by the county board of
18 commissioners, but the duration shall not be less than 72 hours. During the impoundment
19 period, the Animal Control Officer shall make a reasonable effort to locate the owner of the
20 animal. If the Animal Control Officer has access at no cost or at a reasonable cost to a
21 microchip scanning device, the Animal Control Officer shall scan the animal and utilize any
22 information that may be available through a microchip to locate the owner of the animal, if
23 possible. If the animal is not reclaimed by its owner during the impoundment period, the animal
24 shall be disposed of in one of the following manners: returned to the owner; adopted as a pet by
25 a new owner; sold to institutions within this State registered by the United States Department of
26 Agriculture pursuant to the Federal Animal Welfare Act, as amended; or put to death by a
27 procedure approved by rules adopted by the Department of Agriculture and Consumer Services
28 or, in the absence of such rules, by a procedure approved by the American Veterinary Medical
29 Association, the Humane Society of the United States or of the American Humane Association.
30 (a1) Before an animal may be sold or put to death, it must be made available for
31 adoption under procedures that enable members of the public to inspect the animal, except in
32 cases in which the animal is found by the operator of the shelter to be unadoptable due to injury
33 or defects of health or temperament.

1 (a2) A person who comes to an animal shelter attempting to locate a lost pet is entitled to
2 view every animal held at the shelter, subject to rules providing for such viewing during at least
3 four hours a day, three days a week.

4 (a3) The Animal Control Officer shall maintain a record of all animals impounded under
5 this section which shall include the date of impoundment, the length of impoundment, the
6 method of disposal of the animal and the name of the person or institution to whom any animal
7 has been released.

8 (b) In addition to domesticated dogs and cats not wearing the required rabies tags, the
9 provisions of subsection (a) of this section concerning the holding of animals for at least 72
10 hours and the permissible means of disposition of animals after expiration of that holding
11 period also apply to all of the following:

12 (1) Feral cats.

13 (2) Animals other than livestock, in addition to dogs and cats, that appear to be
14 pet animals.

15 (3) Dogs and cats that are wearing rabies tags but are taken into custody for
16 violation of statutes or ordinances not related to rabies control, such as
17 ordinances requiring the leashing or restraining of dogs and cats.

18 (4) Animals surrendered to an animal shelter by the owners of the animals,
19 unless an owner provides to the shelter the following:

20 a. some proof of ownership of the animal, and

21 b. signs a writing consenting to the disposition of the animal, in
22 a manner authorized by this section, before the expiration of
23 the 72-hour holding period or of a longer period established
24 by ordinance or local rule to which the shelter is subject.

25 (c) If an animal not wearing tags, or other mode of identification indicating its owner, is
26 delivered to an animal shelter by (i) a person who has found and captured the animal, or (ii) by
27 an approved rescue organization that received the animal from a person who found and
28 captured the animal, then the shelter may, in writing, appoint the finder or approved rescue
29 organization to be the agent of the shelter. For purposes of this subsection, the term "approved
30 rescue organization" means a nonprofit corporation or association that cares for stray animals
31 that has been favorably assessed by the operator of the animal shelter through the application of
32 written standards.

33 (1) The finder or approved rescue organization shall hold the animal for the
34 72-hour holding period provided for in subsection (a) of this section or such
35 longer holding period that may be applicable to the shelter by ordinance or
36 local rule.

37 (2) After the expiration of that holding period, the shelter may:

38 a. Transfer the animal by adoption to the person or organization that
39 has held it as agent, or

40 b. Extend the period of time the finder or rescue organization holds the
41 animal as agent of the shelter.

42 (3) A shelter may terminate an agency created under this subsection at any time
43 by directing the finder or rescue organization to deliver the animal to the
44 shelter.

45 (4) The city, county, or organization operating the animal shelter, as principal in
46 the agency relationship, shall not be liable to reimburse the agent for the
47 costs of care of the animal and shall not be liable to the owner of the animal
48 for harm to the animal caused by the agent, absent a written contract
49 providing otherwise.

50 (d) During the 72-hour or longer holding period established under subsection (a) of this
51 section, the animal shelter may place an animal it is holding in foster care. During this period,

1 an animal that is seriously ill or injured may be euthanized if a veterinarian states in a signed
2 writing that it is appropriate to do so."

3 (e) If an animal shelter transfers physical possession of an animal under subsections (c)
4 or (d) of this section, so that the animal is no longer on the animal shelter premises, at least one
5 photograph which depicts the head and face of the animal shall (i) be displayed at the shelter in
6 a conspicuous location that is available to the general public during hours of operation, and (ii)
7 remain posted for the 72-hour or longer holding period established under subsection (a) of this
8 section.

9 **SECTION 2.** G.S. 130A-184(1) reads as rewritten:

10 "(1) "Animal Control Officer" means a city or county employee designated as
11 dog warden, animal control officer, animal control official or other
12 designations that may be used whose responsibility includes animal control.
13 The term "Animal Control Officer" also includes agents of a private
14 organization that is operating an animal shelter under contract with a city or
15 county whenever those agents are performing animal control functions at the
16 shelter."

17 **SECTION 3.** This act becomes effective January 1, 2010.



HOUSE BILL 1206: Disposal of Unclaimed Animals

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, Judiciary I	Date:	April 20, 2009
Introduced by:	Reps. Harrison, Harrell, Cotham, Glazier	Prepared by:	Hal Pell
Analysis of:	PCS to First Edition H1206-CSRK-20		Committee Counsel

SUMMARY: *This act amends the laws on the confinement and disposition of unclaimed animals. This act becomes effective January 1, 2010.*

[As introduced, this bill was identical to S467, as introduced by Sen. McKissick, which is currently in Senate Agriculture/Environment/Natural Resources.]

BILL ANALYSIS: This act:

- Provides that animal control officers shall use a microchip scanning device to scan animals to determine if there is a chip with identifying information, if the scan can be done without cost, or at a reasonable cost.
- Requires that the rules adopted by the Department of Agriculture and Consumer Services be used to euthanize animals. If the absence of such rules, procedures approved by one of the three organizations listed in the statutes would be used (American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association).
- Requires that before an animal is sold or euthanized, that it must be made available to the public for inspection and adoption, unless it is not adoptable due to injury, or defects due to health or temperament.
- Requires that animal shelters are open at least three days per week, for four hours each day, to persons seeking to find lost animals. Those attempting to find an animal are entitled to view every animal at the shelter.
- Expands the type of animals that are subject to the 72 hour holding period, and the disposal procedures. The types of animals added to dogs and cats include: feral animals; animals that appear to be pets, except for livestock; dogs and cats that are held for reasons other than relating to rabies control; and animals surrendered by the animal's owner—unless the owner provides proof of ownership and agrees in writing to a waiver of the prescribed holding period before disposition.
- Provides that animals without identifying information that are delivered to shelters by:
 - (1) A person who found and captured the animal, or
 - (2) An approved rescue organization that received the animal from a person who found and captured the animal,

may be appointed by the animal shelter as its agent. The agency is terminable at will by the agency. The animal shelter, absent a contract, is immune from liability to the owner for any harm to the animal, and is not liable for any costs for care of the animal while it is with the agent.

House Bill 1206

Page 2

The finder or rescue organization must hold the animal for the prescribed period. After the prescribed period, the animal shelter may:

- (1) Transfer by adoption the animal to the finder or rescue organization, or
 - (2) Extend the holding period time.
- During the prescribed holding period, the animal may be placed by the animal shelter into foster care. If an animal is seriously ill or injured, it may be euthanized if a veterinarian signs a statement that it is appropriate to do so.
 - If an animal leaves the animal shelter premises (put with an agent or on foster care), then a photograph of the animal must be displayed at the animal shelter during the prescribed holding period. It must be displayed in a conspicuous location that is open to the general public for the entire prescribed holding period.
 - Expands the definition of "animal control officer" to include those agents of private organizations that are operating animal shelters under contract with a city or county, during the time that those agents are performing animal control functions at the shelter.

EFFECTIVE DATE: This act becomes effective January 1, 2010.

VISITOR REGISTRATION SHEET

Agriculture
Name of Committee

5-6-09
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

BERT LINCONIS	TOWN OF RIVERBEND
"Bud" Van Slyke	" "
Bill Rowe	NC Justice Center
LINDA BURTON, RN	MIGRANT FARMWORKER HEALTH OF WAKE CO.
Melissa Miles	Office of Rural Health + Community Care
Carol Brooke	NC Justice Ctr
Melinda Wiggins	Student Action with Farmworkers
Elizabeth Lambart	Office of Rural Health and Community Care
Ana Duncan Pardo	Toxic Free North Carolina
<i>[Signature]</i>	<i>[Signature]</i>
<i>[Signature]</i>	<i>[Signature]</i>
Linda Andrews	NCFB

VISITOR REGISTRATION SHEET

Agriculture

Name of Committee

5/6/09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Mitch Peele	NCFB
Angie Whitener	NC Pork
Erica Peterson	NCAg
Hester Lawder	NCFB
D. M. Lark	NCDACS
Edgar Miller	CTNZ
John Fulk	River Bend
Drew Haven	River Bend
BILL FEATHER	TOWN OF GRANITE QUARRY
Blair Fenn	Crop Protection Division N.C.
Joy Hicks	Agalliance N.C.
	NCDACS

VISITOR REGISTRATION SHEET

Agriculture

Name of Committee

5/6/09
Date

Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Ray Stanley

NCDA & CS

Jon Lawr

NC Vet. Medical Assoc

Chaire Hollen

Paula A. Wolf

El Pueblo

Doug Hiron

Williams. Mamen

John F. Campbell

6407 Dunham Hk., Kay, NC.
26 304

24304

VISITOR REGISTRATION SHEET

Agri-Care June
Name of Committee

5/6/09
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Brian Long	NCDACS
David Marshall	NCDACS
LEE Hunter	NCDACS
CARL WILLIAMS	NCDHHS
Howard Long	NCDACS
Sarah Clapp	NCURC
Gordon Myers	NCURC

House Pages

Agriculture

Name of Committee: _____

Date: _____

5/6/09

1. Name: Katheryn Thompson

County: Buncombe

Sponsor: Stam

2. Name: Jeremy Strickland

County: Sampson

Sponsor: David Lewis

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

Sgt-At-Arms

Name: Reggie Sills

1. Name: Young BAE

3. Name: _____

4. Name: _____

**MINUTES
HOUSE COMMITTEE ON AGRICULTURE**

May 27, 2009

The House Committee on Agriculture met on Wednesday, May 27, 2009, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs Braxton, Brisson, and Faison; Representatives Coates, Daughtry, Guice, Holloway, Langdon, McCormick, Mobley, Starnes, and Tarleton.

Representative Hill called the meeting to order at 12:01 p.m. and made opening remarks.

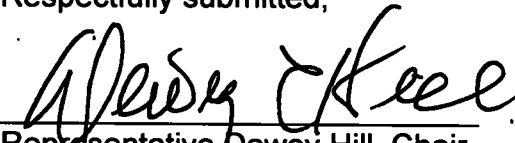
Senator Jenkins was recognized to explain his bill, **Senate Bill 1000 Motor Vehicle Size and Weight Law Changes**. Representative Braxton made a motion to adopt the House proposed committee substitute for discussion. The motion carried. Representative Brisson moved for a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the House committee substitute bill be re-referred to the Committee on Transportation. The motion carried.

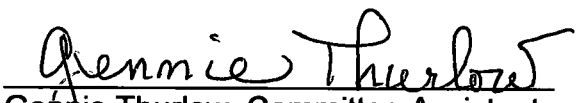
Senator McKissick was recognized to speak on his bill, **Senate Bill 467 Recover Pets/Relieve Overcrowding at Shelters**. Representative Braxton made a motion to accept the House proposed committee substitute for discussion. The motion carried. Representative Faison moved for a favorable report as to the House committee substitute bill, unfavorable as to the Senate Committee Substitute Bill and recommendation that the House committee substitute bill be re-referred to the Committee on Judiciary I. The motion carried.

Senator Jenkins was acknowledged to spoke on his bill, **Senate Bill 295 Clarify Closest Market**. Representative Braxton moved for a favorable report and recommendation that the bill be re-referred to the Committee on Transportation. The motion passed.

The meeting adjourned at 12:25 p.m.

Respectfully submitted,


Representative Dewey Hill, Chair


Gennie Thurlow, Committee Assistant

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

SB 1000 A BILL TO BE ENTITLED AN ACT TO RESTRICT THE OVERALL LENGTH OF A SINGLE VEHICLE WITH TWO OR MORE AXLES TO FORTY FEET, TO RESTRICT THE OVERALL LENGTH OF VEHICLES TRANSPORTING POLES FOR EMERGENCY REPAIR TO FIFTY-THREE FEET, AND TO MAKE CERTAIN FARM VEHICLES BE SELF-PROPELLED.

☒ With a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the House committee substitute bill be re-referred to the Committee on TRANSPORTATION.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☒ Committee Substitute for

SB 467 A BILL TO BE ENTITLED AN ACT TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL SHELTERS, AND FACILITATE ADOPTIONS OF ANIMALS FROM SHELTERS.

☒ With a favorable report as to the House committee substitute bill, unfavorable as to Senate Committee Substitute Bill and recommendation that the House committee substitute bill be re-referred to the Committee on JUDICIARY I.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☒ Committee Substitute for

SB 295 A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CLOSEST MARKET TO WHICH A CROP MAY BE HAULED TO BE WITHIN ONE HUNDRED FIFTY MILES OF THE FARM FROM WHICH THE CROP IS HAULED.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on TRANSPORTATION.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE COMMITTEE ON AGRICULTURE

AGENDA

Wednesday, May 27, 2009
12:00 PM
Legislative Building – Room 1228

OPENING REMARKS

Representative Dewey Hill, Chair

AGENDA ITEMS

SB 295	Clarify Closest Market.	Senator Jenkins
SB 467	Recover Pets/Relieve Overcrowding at Shelters.	Senator McKissick
SB 1000	Motor Vehicle Size and Weight Law Changes.	Senator Jenkins

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

1

SENATE BILL 1000

Short Title: Motor Vehicle Size and Weight Law Changes.

(Public)

Sponsors: Senator Jenkins.

Referred to: Commerce.

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO RESTRICT THE OVERALL LENGTH OF A SINGLE VEHICLE WITH TWO OR MORE AXLES TO FORTY FEET, TO RESTRICT THE OVERALL LENGTH OF VEHICLES TRANSPORTING POLES FOR EMERGENCY REPAIR TO FIFTY-THREE FEET, AND TO MAKE CERTAIN FARM VEHICLES BE SELF-PROPELLED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-116 reads as rewritten:

"§ 20-116. Size of vehicles and loads.

(a) The total outside width of any vehicle or the load thereon shall not exceed 102 inches, except as otherwise provided in this section. When hogsheads of tobacco are being transported, a tolerance of six inches is allowed. When sheet or bale tobacco is being transported the load must not exceed a width of 114 inches at the top of the load and the bottom of the load at the truck bed must not exceed the width of 102 inches inclusive of allowance for load shifting or settling. Vehicles (other than passenger buses) that do not exceed the overall width of 102 inches and otherwise provided in this section may be operated in accordance with G.S. 20-115.1(c), (f), and (g).

(b) No passenger-type vehicle or recreational vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.

(c) No vehicle, unladen or with load, shall exceed a height of 13 feet, six inches. Provided, however, that neither the State of North Carolina nor any agency or subdivision thereof, nor any person, firm or corporation, shall be required to raise, alter, construct or reconstruct any underpass, wire, pole, trestle, or other structure to permit the passage of any vehicle having a height, unladen or with load, in excess of 12 feet, six inches. Provided further, that the operator or owner of any vehicle having an overall height, whether unladen or with load, in excess of 12 feet, six inches, shall be liable for damage to any structure caused by such vehicle having a height in excess of 12 feet, six inches.

(d) Maximum Length. — The following maximum lengths apply to vehicles. A truck-tractor and semitrailer shall be regarded as two vehicles for the purpose of determining lawful length and license taxes.

(1) Except as otherwise provided in this subsection, a single vehicle having two or ~~three more~~ axles shall not exceed 40 feet in length overall of dimensions inclusive of front and rear bumpers.

(2) Trucks transporting unprocessed cotton from farm to gin shall not exceed 50 feet in length overall of dimensions inclusive of front and rear bumpers.



(3) Recreational vehicles shall not exceed 45 feet in length overall, excluding bumpers and mirrors.

(e) Except as provided by G.S. 20-115.1, no combination of vehicles coupled together shall consist of more than two units and no such combination of vehicles shall exceed a total length of 60 feet inclusive of front and rear bumpers, subject to the following exceptions: Motor vehicle combinations of one semitrailer of not more than 53 feet in length and a truck tractor (power unit) may exceed the 60-foot maximum length. Said maximum overall length limitation shall not apply to vehicles operated in the daytime when transporting poles, pipe, machinery or other objects of a structural nature which cannot readily be dismembered, nor to such vehicles transporting such objects operated at nighttime by a public utility when required for emergency repair of public service facilities or ~~properties, properties,~~ provided the trailer length does not exceed 53 feet in length, but in respect to such night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of said projecting load to clearly mark the dimensions of such load: Provided that vehicles designed and used exclusively for the transportation of motor vehicles shall be permitted an overhang tolerance front or rear not to exceed five feet. Provided, that wreckers may tow a truck, combination tractor and trailer, trailer, or any other disabled vehicle or combination of vehicles to a place for repair, parking, or storage within 50 miles of the point where the vehicle was disabled and may tow a truck, tractor, or other replacement vehicle to the site of the disabled vehicle. ~~Provided, however, that a combination of a house trailer used as a mobile home, together with its towing vehicle, shall not exceed a total length of 55 feet exclusive of front and rear bumpers.~~ Provided further, that the said limitation that no combination of vehicles coupled together shall consist of more than two units shall not apply to trailers not exceeding three in number drawn by a motor vehicle used by municipalities for the removal of domestic and commercial refuse and street rubbish, but such combination of vehicles shall not exceed a total length of 50 feet inclusive of front and rear bumpers. Provided further, that the said limitation that no combination of vehicles coupled together shall consist of more than two units shall not apply to a combination of vehicles coupled together by a saddle mount device used to transport motor vehicles in a driveway service when no more than three saddle mounts are used and provided further, that equipment used in said combination is approved by the safety regulations of the Federal Highway Administration and the safety rules of the Department of Crime Control and Public Safety.

(f) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the foremost part of the vehicle. Under this subsection "load" shall include the boom on a self-propelled vehicle.

A utility pole carried by a self-propelled pole carrier may extend beyond the front overhang limit set in this subsection if the pole cannot be dismembered, the pole is less than 80 feet in length and does not extend more than 10 feet beyond the front bumper of the vehicle, and either of the following circumstances apply:

(1) It is daytime and the front of the extending load of poles is marked by a flag of the type required by G.S. 20-117 for certain rear overhangs.

(2) It is nighttime, operation of the vehicle is required to make emergency repairs to utility service, and the front of the extending load of poles is marked by a light of the type required by G.S. 20-117 for certain rear overhangs.

As used in this subsection, a "self-propelled pole carrier" is a vehicle designed to carry a pole on the side of the vehicle at a height of at least five feet when measured from the bottom of the brace used to carry the pole. A self-propelled pole carrier may not tow another vehicle when carrying a pole that extends beyond the front overhang limit set in this subsection.

(g) (1) No vehicle shall be driven or moved on any highway unless the vehicle is constructed and loaded to prevent any of its load from falling, blowing,

- 1 dropping, sifting, leaking, or otherwise escaping therefrom, and the vehicle
2 shall not contain any holes, cracks, or openings through which any of its
3 load may escape. However, sand may be dropped for the purpose of securing
4 traction, or water or other substance may be sprinkled, dumped, or spread on
5 a roadway in cleaning or maintaining the roadway. For purposes of this
6 subsection, load does not include water accumulated from precipitation.
- 7 (2) A truck, trailer, or other vehicle licensed for more than 7,500 pounds gross
8 vehicle weight that is loaded with rock, gravel, stone, or any other similar
9 substance, other than sand, that could fall, blow, leak, sift, or drop shall not
10 be driven or moved on any highway unless:
- 11 a. The height of the load against all four walls does not extend above a
12 horizontal line six inches below their tops when loaded at the loading
13 point; and
- 14 b. The load is securely covered by tarpaulin or some other suitable
15 covering to prevent any of its load from falling, dropping, sifting,
16 leaking, blowing, or otherwise escaping therefrom.
- 17 (3) A truck, trailer, or other vehicle:
- 18 a. Licensed for any gross vehicle weight and loaded with sand; or
19 b. Licensed for 7,500 pounds or less gross vehicle weight and loaded
20 with rock, gravel, stone, or any other similar substance that could
21 fall, blow, leak, sift, or drop;
- 22 shall not be driven or moved on any highway unless:
- 23 a. The height of the load against all four walls does not extend above a
24 horizontal line six inches below the top when loaded at the loading
25 point;
- 26 b. The load is securely covered by tarpaulin or some other suitable
27 covering; or
- 28 c. The vehicle is constructed to prevent any of its load from falling,
29 dropping, sifting, leaking, blowing, or otherwise escaping therefrom.
- 30 (4) This section shall not be applicable to or in any manner restrict the
31 transportation of seed cotton, poultry or livestock, or silage or other feed
32 grain used in the feeding of poultry or livestock.
- 33 (h) Whenever there exist two highways of the State highway system of approximately
34 the same distance between two or more points, the Department of Transportation may, when in
35 the opinion of the Department of Transportation, based upon engineering and traffic
36 investigation, safety will be promoted or the public interest will be served, designate one of the
37 highways the "truck route" between those points, and to prohibit the use of the other highway
38 by heavy trucks or other vehicles of a gross vehicle weight or axle load limit in excess of a
39 designated maximum. In such instances the highways selected for heavy vehicle traffic shall be
40 designated as "truck routes" by signs conspicuously posted, and the highways upon which
41 heavy vehicle traffic is prohibited shall likewise be designated by signs conspicuously posted
42 showing the maximum gross vehicle weight or axle load limits authorized for those highways.
43 The operation of any vehicle whose gross vehicle weight or axle load exceeds the maximum
44 limits shown on signs over the posted highway shall constitute a Class 2 misdemeanor:
45 Provided, that nothing in this subsection shall prohibit a truck or other motor vehicle whose
46 gross vehicle weight or axle load exceeds that prescribed for those highways from using them
47 when its destination is located solely upon that highway, road or street: Provided, further, that
48 nothing in this subsection shall prohibit passenger vehicles or other light vehicles from using
49 any highways designated for heavy truck traffic.
- 50 (i) Repealed by Session Laws 1973, c. 1330, s. 39.

(j) Nothing in this section shall be construed to prevent the operation of self-propelled grain combines or other farm equipment self-propelled, ~~pulled, or otherwise,~~ not exceeding 25 feet in width on any highway, except a highway or section of highway that is a fully controlled access highway or is a part of the National System of Interstate and Defense Highways. Farm equipment includes a vehicle that is designed exclusively to transport compressed seed cotton from a farm to a gin and has a self-loading bed. Combines or equipment which exceed 10 feet in width may be operated only if they meet all of the conditions listed in this subsection. A violation of one or more of these conditions does not constitute negligence per se.

(1) The equipment may only be operated during daylight hours.

(2) The equipment must display a red flag on front and rear ends. The flags shall not be smaller than three feet wide and four feet long. The flags shall be attached to a stick, pole, staff, etc., not less than four feet long and they shall be attached to the equipment as to be visible from both directions at all times while being operated on the public highway for not less than 300 feet.

(3) Equipment covered by this section, which by necessity must travel more than 10 miles or where by nature of the terrain or obstacles the flags referred to in subdivision (2) of this subsection are not visible from both directions for 300 feet at any point along the proposed route, must be preceded at a distance of 300 feet and followed at a distance of 300 feet by a flagman in a vehicle having mounted thereon an appropriate warning light or flag. No flagman in a vehicle shall be required pursuant to this subdivision if the equipment is being moved under its own power or on a trailer from any field to another field, or from the normal place of storage of the vehicle to any field, for no more than ten miles and if visible from both directions for 300 feet at any point along the proposed route.

(4) Every piece of equipment so operated shall operate to the right of the center line when meeting traffic coming from the opposite direction and at all other times when possible and practical.

(5) Repealed by Session Laws 2008-221, s. 6, effective September 1, 2008.

(6) When the equipment is causing a delay in traffic, the operator of the equipment shall move the equipment off the paved portion of the highway at the nearest practical location until the vehicles following the equipment have passed.

(7) The equipment shall be operated in the designed transport position that minimizes equipment width. No removal of equipment or appurtenances is required under this subdivision.

(k) Nothing in this section shall be construed to prevent the operation of passenger buses having an overall width of 102 inches, exclusive of safety equipment, upon the highways of this State which are 20 feet or wider and that are designated as the State primary system, or as municipal streets, when, and not until, the federal law and regulations thereunder permit the operation of passenger buses having a width of 102 inches or wider on the National System of Interstate and Defense Highways.

(l) Nothing in this section shall be construed to prevent the operation of passenger buses that are owned and operated by units of local government, operated as a single vehicle only and having an overall length of 45 feet or less, on public streets or highways. The Department of Transportation may prevent the operation of buses that are authorized under this subsection if the operation of such buses on a street or highway presents a hazard to passengers of the buses or to the motoring public.

(m) Notwithstanding subsection (a) of this section, a boat or boat trailer with an outside width of less than 120 inches may be towed without a permit. The towing of a boat or boat trailer 102 inches to 114 inches in width may take place on any day of the week, including

1 weekends and holidays, and may take place at night. The towing of a boat or boat trailer 114
2 inches to 120 inches in width may take place on any day of the week, including weekends and
3 holidays from sun up to sun down. A boat or boat trailer in excess of 102 inches but less than
4 120 inches must be equipped with a minimum of two operable amber lamps on the widest point
5 of the boat and the boat trailer such that the dimensions of the boat and the boat trailer are
6 clearly marked and visible."

7 **SECTION 2.** This act becomes effective December 1, 2009, and applies to
8 offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

D

SENATE BILL 1000
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1000-CSRK-57 [v.1]

5/26/2009 10:44:57 AM

Short Title: Motor Vehicle Size and Weight Law Changes.

(Public)

Sponsors:

Referred to:

March 26, 2009

- 1 A BILL TO BE ENTITLED
2 AN ACT TO RESTRICT THE OVERALL LENGTH OF A SINGLE VEHICLE WITH TWO
3 OR MORE AXLES TO FORTY FEET, TO REQUIRE THAT VEHICLES
4 TRANSPORTING EQUIPMENT OR POLES FOR EMERGENCY UTILITY REPAIR AT
5 NIGHT HAVE TRAILERS THAT ARE NO LONGER THAN FIFTY-THREE FEET, TO
6 INCREASE THE MAXIMUM LENGTH FOR A COMBINATION OF A HOUSE
7 TRAILER USED AS A MOBILE HOME WITH ITS TOWING VEHICLE FROM FIFTY-
8 FIVE TO SIXTY FEET, AND TO MAKE CERTAIN FARM VEHICLES BE
9 SELF-PROPELLED.
10 The General Assembly of North Carolina enacts:
11 SECTION 1. G.S. 20-116 reads as rewritten:
12 "§ 20-116. Size of vehicles and loads.
13 ...
14 (d) Maximum Length. – The following maximum lengths apply to vehicles. A
15 truck-tractor and semitrailer shall be regarded as two vehicles for the purpose of determining
16 lawful length and license taxes.
17 (1) Except as otherwise provided in this subsection, a single vehicle having two
18 or ~~three more~~ axles shall not exceed 40 feet in length overall of dimensions
19 inclusive of front and rear bumpers.
20 (2) Trucks transporting unprocessed cotton from farm to gin shall not exceed 50
21 feet in length overall of dimensions inclusive of front and rear bumpers.
22 (3) Recreational vehicles shall not exceed 45 feet in length overall, excluding
23 bumpers and mirrors.
24 (e) Except as provided by G.S. 20-115.1, no combination of vehicles coupled together
25 shall consist of more than two units and no such combination of vehicles shall exceed a total
26 length of 60 feet inclusive of front and rear bumpers, subject to the following exceptions:
27 Motor vehicle combinations of one semitrailer of not more than 53 feet in length and a truck
28 tractor (power unit) may exceed the 60-foot maximum length. Said maximum overall length
29 limitation shall not apply to vehicles operated in the daytime when transporting poles, pipe,
30 machinery or other objects of a structural nature which cannot readily be dismembered, nor to
31 such vehicles transporting such objects operated at nighttime by a public utility when required
32 for emergency repair of public service facilities or ~~properties, properties,~~ provided the trailer
33 length does not exceed 53 feet in length, but in respect to such night transportation every such
34 vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on

1 both sides and marker lamps upon the extreme ends of said projecting load to clearly mark the
2 dimensions of such load: Provided that vehicles designed and used exclusively for the
3 transportation of motor vehicles shall be permitted an overhang tolerance front or rear not to
4 exceed five feet. Provided, that wreckers may tow a truck, combination tractor and trailer,
5 trailer, or any other disabled vehicle or combination of vehicles to a place for repair, parking, or
6 storage within 50 miles of the point where the vehicle was disabled and may tow a truck,
7 tractor, or other replacement vehicle to the site of the disabled vehicle. ~~Provided, however, that~~
8 ~~a combination of a house trailer used as a mobile home, together with its towing vehicle, shall~~
9 ~~not exceed a total length of 55 feet exclusive of front and rear bumpers.~~ Provided further, that
10 the said limitation that no combination of vehicles coupled together shall consist of more than
11 two units shall not apply to trailers not exceeding three in number drawn by a motor vehicle
12 used by municipalities for the removal of domestic and commercial refuse and street rubbish,
13 but such combination of vehicles shall not exceed a total length of 50 feet inclusive of front and
14 rear bumpers. Provided further, that the said limitation that no combination of vehicles coupled
15 together shall consist of more than two units shall not apply to a combination of vehicles
16 coupled together by a saddle mount device used to transport motor vehicles in a driveway
17 service when no more than three saddle mounts are used and provided further, that equipment
18 used in said combination is approved by the safety regulations of the Federal Highway
19 Administration and the safety rules of the Department of Crime Control and Public Safety.

20 ...
21 (j) Nothing in this section shall be construed to prevent the operation of self-propelled
22 grain combines or other farm equipment self-propelled, ~~pulled, or otherwise,~~ not exceeding 25
23 feet in width on any highway, except a highway or section of highway that is a fully controlled
24 access highway or is a part of the National System of Interstate and Defense Highways. Farm
25 equipment includes a vehicle that is designed exclusively to transport compressed seed cotton
26 from a farm to a gin and has a self-loading bed. Combines or equipment which exceed 10 feet
27 in width may be operated only if they meet all of the conditions listed in this subsection. A
28 violation of one or more of these conditions does not constitute negligence per se.

29"
30 **SECTION 2.** This act becomes effective December 1, 2009, and applies to
31 offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

2

SENATE BILL 1000
House Committee Substitute Favorable 5/27/09

Short Title: Motor Vehicle Size and Weight Law Changes.

(Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO RESTRICT THE OVERALL LENGTH OF A SINGLE VEHICLE WITH TWO OR MORE AXLES TO FORTY FEET, TO REQUIRE THAT VEHICLES TRANSPORTING EQUIPMENT OR POLES FOR EMERGENCY UTILITY REPAIR AT NIGHT HAVE TRAILERS THAT ARE NO LONGER THAN FIFTY-THREE FEET, TO INCREASE THE MAXIMUM LENGTH FOR A COMBINATION OF A HOUSE TRAILER USED AS A MOBILE HOME WITH ITS TOWING VEHICLE FROM FIFTY-FIVE TO SIXTY FEET, AND TO MAKE CERTAIN FARM VEHICLES BE SELF-PROPELLED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-116 reads as rewritten:

"§ 20-116. Size of vehicles and loads.

...

(d) Maximum Length. – The following maximum lengths apply to vehicles. A truck-tractor and semitrailer shall be regarded as two vehicles for the purpose of determining lawful length and license taxes.

(1) Except as otherwise provided in this subsection, a single vehicle having two or ~~three more~~ axles shall not exceed 40 feet in length overall of dimensions inclusive of front and rear bumpers.

(2) Trucks transporting unprocessed cotton from farm to gin shall not exceed 50 feet in length overall of dimensions inclusive of front and rear bumpers.

(3) Recreational vehicles shall not exceed 45 feet in length overall, excluding bumpers and mirrors.

(e) Except as provided by G.S. 20-115.1, no combination of vehicles coupled together shall consist of more than two units and no such combination of vehicles shall exceed a total length of 60 feet inclusive of front and rear bumpers, subject to the following exceptions: Motor vehicle combinations of one semitrailer of not more than 53 feet in length and a truck tractor (power unit) may exceed the 60-foot maximum length. Said maximum overall length limitation shall not apply to vehicles operated in the daytime when transporting poles, pipe, machinery or other objects of a structural nature which cannot readily be dismembered, nor to such vehicles transporting such objects operated at nighttime by a public utility when required for emergency repair of public service facilities or ~~properties, properties,~~ provided the trailer length does not exceed 53 feet in length, but in respect to such night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of said projecting load to clearly mark the dimensions of such load: Provided that vehicles designed and used exclusively for the transportation of motor vehicles shall be permitted an overhang tolerance front or rear not to

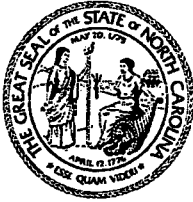


1 exceed five feet. Provided, that wreckers may tow a truck, combination tractor and trailer,
2 trailer, or any other disabled vehicle or combination of vehicles to a place for repair, parking, or
3 storage within 50 miles of the point where the vehicle was disabled and may tow a truck,
4 tractor, or other replacement vehicle to the site of the disabled vehicle. ~~Provided, however, that~~
5 ~~a combination of a house trailer used as a mobile home, together with its towing vehicle, shall~~
6 ~~not exceed a total length of 55 feet exclusive of front and rear bumpers.~~ Provided further, that
7 the said limitation that no combination of vehicles coupled together shall consist of more than
8 two units shall not apply to trailers not exceeding three in number drawn by a motor vehicle
9 used by municipalities for the removal of domestic and commercial refuse and street rubbish,
10 but such combination of vehicles shall not exceed a total length of 50 feet inclusive of front and
11 rear bumpers. Provided further, that the said limitation that no combination of vehicles coupled
12 together shall consist of more than two units shall not apply to a combination of vehicles
13 coupled together by a saddle mount device used to transport motor vehicles in a driveway
14 service when no more than three saddle mounts are used and provided further, that equipment
15 used in said combination is approved by the safety regulations of the Federal Highway
16 Administration and the safety rules of the Department of Crime Control and Public Safety.

17 ...
18 (j) Nothing in this section shall be construed to prevent the operation of self-propelled
19 grain combines or other farm equipment self-propelled, ~~pulled, or otherwise,~~ not exceeding 25
20 feet in width on any highway, except a highway or section of highway that is a fully controlled
21 access highway or is a part of the National System of Interstate and Defense Highways. Farm
22 equipment includes a vehicle that is designed exclusively to transport compressed seed cotton
23 from a farm to a gin and has a self-loading bed. Combines or equipment which exceed 10 feet
24 in width may be operated only if they meet all of the conditions listed in this subsection. A
25 violation of one or more of these conditions does not constitute negligence per se.

26"

27 **SECTION 2.** This act becomes effective December 1, 2009, and applies to
28 offenses committed on or after that date.



SENATE BILL 1000: Motor Vehicle Size and Weight Law Changes

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, Transportation	Date:	May 26, 2009
Introduced by:	Sen. Jenkins	Prepared by:	Hal Pell
Analysis of:	PCS to First Edition S1000-CSRK-57		Committee Counsel

SUMMARY: *This act amends the length restrictions for certain vehicles, and eliminates the exclusion from regulations for pulled farm equipment. This act becomes effective December 1, 2009, and applies to offenses committed on or after that date.*

[As introduced, this bill was identical to H880, as introduced by Rep. Cole, which is currently in House Agriculture, if favorable, Transportation.]

BILL ANALYSIS: This act amends the vehicle size and load regulations as follows:

- Currently, unless otherwise excepted, a single vehicle with two "or three" axles is limited to 40 feet in length. The act would change the wording to read two "or more" axles. An example of an exception to this rule would be a recreational vehicle, which cannot exceed 45 feet.
- Currently, unless otherwise excepted by statute, no combination of vehicles coupled together shall exceed a total of 60 feet. One exception is for motor vehicle combinations of a truck tractor (power unit) and trailer (not more than 53 feet), which may exceed 60 feet. The 60 foot maximum does not apply to vehicles operating in the daytime that are transporting poles, pipes, or objects of a structural nature that cannot be easily dismembered. The act provides if a public utility vehicle is traveling at night, and is transporting equipment or poles for an emergency utility repair, the maximum length of 60 feet does not apply, but the trailer can be no longer than 53 feet.
- Currently, there is a limitation on a combination of a house trailer used as a mobile home, and its towing vehicle, which are only allowed a maximum of 55 feet. The amendment would delete this limitation; consequently, the general maximum length limitation of 60 feet would apply.
- Currently, self-propelled grain combines, or other farm equipment that is self-propelled or pulled, and does not exceed 25 feet in width, is not subject to the road regulations. The act would remove the exception for pulled vehicles; only vehicles that are self-propelled would be exempt.

EFFECTIVE DATE: This act becomes effective December 1, 2009, and applies to offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

3

SENATE BILL 467

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/7/09
Third Edition Engrossed 5/14/09

Short Title: Recover Pets/Relieve Overcrowding at Shelters.

(Public)

Sponsors:

Referred to:

March 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE
3 OVERCROWDING AT ANIMAL SHELTERS, AND FACILITATE ADOPTIONS OF
4 ANIMALS FROM SHELTERS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 130A-192 reads as rewritten:

7 "§ 130A-192. Dogs and cats not wearing required rabies vaccination tags.

8 (a) The Animal Control Officer shall canvass the county to determine if there are any
9 dogs or cats not wearing the required rabies vaccination tag. If a dog or cat is found not
10 wearing the required tag, the Animal Control Officer shall check to see if the owner's
11 identification can be found on the animal. If the animal is wearing an owner identification tag,
12 tag with information enabling the owner of the animal to be contacted, or if the Animal Control
13 Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner
14 in writing to have the animal vaccinated against rabies and to produce the required rabies
15 vaccination certificate to the Animal Control Officer within three days of the notification. If the
16 animal is not wearing an owner identification tag and the Animal Control Officer does not
17 otherwise know who the owner is, the Animal Control Officer may impound the animal. The
18 duration of the impoundment of these animals shall be established by the county board of
19 commissioners, but the duration shall not be less than 72 hours. During the impoundment
20 period, the Animal Control Officer shall make a reasonable effort to locate the owner of the
21 animal. If the Animal Control Officer has access at no cost or at a reasonable cost to a
22 microchip scanning device, the Animal Control Officer may scan the animal and utilize any
23 information that may be available through a microchip to locate the owner of the animal, if
24 possible. If the animal is not reclaimed by its owner during the impoundment period, the animal
25 shall be disposed of in one of the following manners: returned to the owner; adopted as a pet by
26 a new owner; sold to institutions within this State registered by the United States Department of
27 Agriculture pursuant to the Federal Animal Welfare Act, as amended; or put to death by a
28 procedure approved by rules adopted by the Department of Agriculture and Consumer Services
29 or, in the absence of such rules, by a procedure approved by the American Veterinary Medical
30 Association, the Humane Society of the United States or of the American Humane Association.
31 (a1) Before an animal may be sold or put to death, it shall be made available for adoption
32 under procedures that enable members of the public to inspect the animal, except in cases in
33 which the animal is found by the operator of the shelter to be unadoptable due to injury or
34 defects of health or temperament. An animal that is seriously ill or injured may be euthanized if
35 the manager of the animal shelter determines, in writing, that it is appropriate to do so.



1 (a2) Except as otherwise provided in this subsection, a person who comes to an animal
2 shelter attempting to locate a lost pet is entitled to view every animal held at the shelter, subject
3 to rules providing for such viewing during at least four hours a day, three days a week. If the
4 shelter is housing animals that must be kept apart from the general public for health reasons,
5 public safety concerns, or in order to preserve evidence for criminal proceedings, the shelter
6 shall make reasonable arrangements that allow pet owners to determine whether their lost pets
7 are among those animals.

8 (a3) The Animal Control Officer shall maintain a record of all animals impounded under
9 this section which shall include the date of impoundment, the length of impoundment, the
10 method of disposal of the animal and the name of the person or institution to whom any animal
11 has been released.

12 (b) In addition to domesticated dogs and cats not wearing the required rabies tags, the
13 provisions of subsection (a) of this section concerning the holding of animals for at least 72
14 hours and the permissible means of disposition of animals after expiration of that holding
15 period also apply to all of the following:

16 (1) Animals other than livestock, in addition to dogs and cats, that appear to be
17 pet animals.

18 (2) Dogs and cats that are wearing rabies tags but are taken into custody for
19 violation of statutes or ordinances not related to rabies control, such as
20 ordinances requiring the leashing or restraining of dogs and cats.

21 (3) Animals surrendered to an animal shelter by the owners of the animals,
22 unless an owner provides to the shelter the following:

23 a. Some proof of ownership of the animal, and

24 b. Signs a writing consenting to the disposition of the animal, in a
25 manner authorized by this section, before the expiration of the
26 72-hour holding period or of a longer period established by ordinance
27 or local rule to which the shelter is subject.

28 (c) If an animal not wearing tags, or other mode of identification indicating its owner, is
29 delivered to an animal shelter by (i) a person who has found and captured the animal, or (ii) by
30 an approved rescue organization that received the animal from a person who found and
31 captured the animal, then the shelter may, in writing, appoint the finder or approved rescue
32 organization to be the agent of the shelter. For purposes of this subsection, the term "approved
33 rescue organization" means a nonprofit corporation or association that cares for stray animals
34 that has been favorably assessed by the operator of the animal shelter through the application of
35 written standards.

36 (1) The finder or approved rescue organization shall hold the animal for the
37 72-hour holding period provided for in subsection (a) of this section or such
38 longer holding period that may be applicable to the shelter by ordinance or
39 local rule.

40 (2) After the expiration of that holding period, the shelter may:

41 a. Transfer the animal by adoption to the person or organization that
42 has held it as agent, or

43 b. Extend the period of time the finder or rescue organization holds the
44 animal as agent of the shelter.

45 (3) A shelter may terminate an agency created under this subsection at any time
46 by directing the finder or rescue organization to deliver the animal to the
47 shelter.

48 (4) The city, county, or organization operating the animal shelter, as principal in
49 the agency relationship, shall not be liable to reimburse the agent for the
50 costs of care of the animal and shall not be liable to the owner of the animal

1 for harm to the animal caused by the agent, absent a written contract
2 providing otherwise.

3 (d) During the 72-hour or longer holding period established under subsection (a) of this
4 section, an animal shelter may place an animal it is holding in foster care.

5 (e) If an animal shelter transfers physical possession of an animal under subsection (c)
6 or (d) of this section, so that the animal is no longer on the animal shelter premises, at least one
7 photograph which depicts the head and face of the animal shall (i) be displayed at the shelter in
8 a conspicuous location that is available to the general public during hours of operation, and (ii)
9 remain posted for the 72-hour or longer holding period established under subsection (a) of this
10 section."

11 **SECTION 2.** G.S. 130A-184(1) reads as rewritten:

12 "(1) "Animal Control Officer" means a city or county employee designated as
13 dog warden, animal control officer, animal control official or other
14 designations that may be used whose responsibility includes animal control.
15 The term "Animal Control Officer" also includes agents of a private
16 organization that is operating an animal shelter under contract with a city or
17 county whenever those agents are performing animal control functions at the
18 shelter."

19 **SECTION 3.** This act becomes effective January 1, 2010.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

D

SENATE BILL 467

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/7/09

Third Edition Engrossed 5/14/09

PROPOSED COMMITTEE SUBSTITUTE S467-CSRK-59 [v.3]

5/26/2009 5:01:16 PM

Short Title: Recover Pets/Relieve Overcrowding at Shelters.

(Public)

Sponsors:

Referred to:

March 9, 2009

A BILL TO BE ENTITLED

AN ACT TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE
OVERCROWDING AT ANIMAL SHELTERS, AND FACILITATE ADOPTIONS OF
ANIMALS FROM SHELTERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-192 reads as rewritten:

"§ 130A-192. Dogs and cats not wearing required rabies vaccination tags.

(a) The Animal Control Officer shall canvass the county to determine if there are any dogs or cats not wearing the required rabies vaccination tag. If a dog or cat is found not wearing the required tag, the Animal Control Officer shall check to see if the owner's identification can be found on the animal. If the animal is wearing an owner identification tag, tag with information enabling the owner of the animal to be contacted, or if the Animal Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner in writing to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal Control Officer within three days of the notification. If the animal is not wearing an owner identification tag and the Animal Control Officer does not otherwise know who the owner is, the Animal Control Officer may impound the animal. The duration of the impoundment of these animals shall be established by the county board of commissioners, but the duration shall not be less than 72 hours. During the impoundment period, the Animal Control Officer shall make a reasonable effort to locate the owner of the animal. If the Animal Control Officer has access at no cost or at a reasonable cost to a microchip scanning device, the Animal Control Officer may scan the animal and utilize any information that may be available through a microchip to locate the owner of the animal, if possible. If the animal is not reclaimed by its owner during the impoundment period, the animal shall be disposed of in one of the following manners: returned to the owner; adopted as a pet by a new owner; sold to institutions within this State registered by the United States Department of Agriculture pursuant to the Federal Animal Welfare Act, as amended; or put to death by a procedure approved by rules adopted by the Department of Agriculture and Consumer Services or, in the absence of such rules, by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association.

(a1) Before an animal may be sold or put to death, it shall be made available for adoption under procedures that enable members of the public to inspect the animal, except in cases in

1 which the animal is found by the operator of the shelter to be unadoptable due to injury or
2 defects of health or temperament. An animal that is seriously ill or injured may be euthanized
3 if the manager of the animal shelter determines, in writing, that it is appropriate to do so.
4 Nothing in this subsection shall supercede (i) any rules by the adopted by the Board of
5 Agriculture which specify the number of animals allowed for kennel space in animal shelters,
6 or (ii) the duration of impoundment established by the county board of commissioners, or the
7 72-hour holding period, as provided in subsection (a).

8 (a2) Except as otherwise provided in this subsection, a person who comes to an animal
9 shelter attempting to locate a lost pet is entitled to view every animal held at the shelter, subject
10 to rules providing for such viewing during at least four hours a day, three days a week. If the
11 shelter is housing animals that must be kept apart from the general public for health reasons,
12 public safety concerns, or in order to preserve evidence for criminal proceedings, the shelter
13 shall make reasonable arrangements that allow pet owners to determine whether their lost pets
14 are among those animals.

15 (a3) The Animal Control Officer shall maintain a record of all animals impounded under
16 this section which shall include the date of impoundment, the length of impoundment, the
17 method of disposal of the animal and the name of the person or institution to whom any animal
18 has been released.

19 (b) In addition to domesticated dogs and cats not wearing the required rabies tags, the
20 provisions of subsection (a) of this section concerning the holding of animals for at least 72
21 hours and the permissible means of disposition of animals after expiration of that holding
22 period also apply to all of the following:

23 (1) Dogs and cats that are wearing rabies tags but are taken into custody for
24 violation of statutes or ordinances not related to rabies control, such as
25 ordinances requiring the leashing or restraining of dogs and cats.

26 (2) Dogs and cats surrendered to an animal shelter by the owners of the animals,
27 unless an owner provides to the shelter the following:

28 a. Some proof of ownership of the animal, and

29 b. Signs a writing consenting to the disposition of the animal, in a
30 manner authorized by this section, before the expiration of the
31 72-hour holding period or of a longer period established by ordinance
32 or local rule to which the shelter is subject.

33 (c) If an animal is not wearing tags, or other mode of identification indicating its owner,
34 and is delivered to an animal shelter by (i) a person who has found and captured the animal, or
35 (ii) by an approved rescue organization that received the animal from a person who found and
36 captured the animal, then the shelter may, in writing, appoint the finder or approved rescue
37 organization to be the agent of the shelter. For purposes of this subsection, the term "approved
38 rescue organization" means a nonprofit corporation or association that cares for stray animals
39 that has been favorably assessed by the operator of the animal shelter through the application of
40 written standards.

41 (1) If the animal is a dog or cat, the finder or approved rescue organization shall
42 hold the animal for the 72-hour holding period provided for in subsection (a)
43 of this section or such longer holding period that may be applicable to the
44 shelter by ordinance or local rule. If the animal is not a dog or cat, then the
45 holding period shall be by agreement between the animal shelter and the
46 person or organization receiving the animal.

47 (2) After the expiration of the applicable holding period, the shelter may:

48 a. Transfer the animal by adoption to the person or organization that
49 has held it as agent, or

50 b. Extend the period of time the finder or rescue organization holds the
51 animal as agent of the shelter.

(3) A shelter may terminate an agency created under this subsection at any time by directing the finder or rescue organization to deliver the animal to the shelter.

(4) The city, county, or organization operating the animal shelter, as principal in the agency relationship, shall not be liable to reimburse the agent for the costs of care of the animal and shall not be liable to the owner of the animal for harm to the animal caused by the agent, absent a written contract providing otherwise.

(d) During the 72-hour or longer holding period established under subsection (a) of this section, an animal shelter may place an animal it is holding in foster care.

(e) If an animal shelter transfers physical possession of dog or cat under subsection (c) or (d) of this section, so that the animal is no longer on the animal shelter premises, at least one photograph which depicts the head and face of the animal shall (i) be displayed at the shelter in a conspicuous location that is available to the general public during hours of operation, and (ii) remain posted for the 72-hour or longer holding period established under subsection (a) of this section."

SECTION 2. G.S. 130A-184(1) reads as rewritten:

"(1) "Animal Control Officer" means a city or county employee designated as dog warden, animal control officer, animal control official or other designations that may be used whose responsibility includes animal control. The term "Animal Control Officer" also includes agents of a private organization that is operating an animal shelter under contract with a city or county whenever those agents are performing animal control functions at the shelter."

SECTION 3. This act becomes effective January 1, 2010.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

4

SENATE BILL 467

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/7/09

Third Edition Engrossed 5/14/09

House Committee Substitute Favorable 5/27/09

Short Title: Recover Pets/Relieve Overcrowding at Shelters.

(Public)

Sponsors:

Referred to:

March 9, 2009

A BILL TO BE ENTITLED

AN ACT TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE
OVERCROWDING AT ANIMAL SHELTERS, AND FACILITATE ADOPTIONS OF
ANIMALS FROM SHELTERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-192 reads as rewritten:

"§ 130A-192. Dogs and cats not wearing required rabies vaccination tags.

(a) The Animal Control Officer shall canvass the county to determine if there are any dogs or cats not wearing the required rabies vaccination tag. If a dog or cat is found not wearing the required tag, the Animal Control Officer shall check to see if the owner's identification can be found on the animal. If the animal is wearing an owner identification tag, tag with information enabling the owner of the animal to be contacted, or if the Animal Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner in writing to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal Control Officer within three days of the notification. If the animal is not wearing an owner identification tag and the Animal Control Officer does not otherwise know who the owner is, the Animal Control Officer may impound the animal. The duration of the impoundment of these animals shall be established by the county board of commissioners, but the duration shall not be less than 72 hours. During the impoundment period, the Animal Control Officer shall make a reasonable effort to locate the owner of the animal. If the Animal Control Officer has access at no cost or at a reasonable cost to a microchip scanning device, the Animal Control Officer may scan the animal and utilize any information that may be available through a microchip to locate the owner of the animal, if possible. If the animal is not reclaimed by its owner during the impoundment period, the animal shall be disposed of in one of the following manners: returned to the owner; adopted as a pet by a new owner; sold to institutions within this State registered by the United States Department of Agriculture pursuant to the Federal Animal Welfare Act, as amended; or put to death by a procedure approved by rules adopted by the Department of Agriculture and Consumer Services or, in the absence of such rules, by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association.

(a1) Before an animal may be sold or put to death, it shall be made available for adoption under procedures that enable members of the public to inspect the animal, except in cases in which the animal is found by the operator of the shelter to be unadoptable due to injury or defects of health or temperament. An animal that is seriously ill or injured may be euthanized if the manager of the animal shelter determines, in writing, that it is appropriate to do so. Nothing



1 in this subsection shall supercede (i) any rules adopted by the Board of Agriculture which
2 specify the number of animals allowed for kennel space in animal shelters, or (ii) the duration
3 of impoundment established by the county board of commissioners, or the 72-hour holding
4 period, as provided in subsection (a) of this section.

5 (a2) Except as otherwise provided in this subsection, a person who comes to an animal
6 shelter attempting to locate a lost pet is entitled to view every animal held at the shelter, subject
7 to rules providing for such viewing during at least four hours a day, three days a week. If the
8 shelter is housing animals that must be kept apart from the general public for health reasons,
9 public safety concerns, or in order to preserve evidence for criminal proceedings, the shelter
10 shall make reasonable arrangements that allow pet owners to determine whether their lost pets
11 are among those animals.

12 (a3) The Animal Control Officer shall maintain a record of all animals impounded under
13 this section which shall include the date of impoundment, the length of impoundment, the
14 method of disposal of the animal and the name of the person or institution to whom any animal
15 has been released.

16 (b) In addition to domesticated dogs and cats not wearing the required rabies tags, the
17 provisions of subsection (a) of this section concerning the holding of animals for at least 72
18 hours and the permissible means of disposition of animals after expiration of that holding
19 period also apply to all of the following:

20 (1) Dogs and cats that are wearing rabies tags but are taken into custody for
21 violation of statutes or ordinances not related to rabies control, such as
22 ordinances requiring the leashing or restraining of dogs and cats.

23 (2) Dogs and cats surrendered to an animal shelter by the owners of the animals,
24 unless an owner provides to the shelter the following:

25 a. Some proof of ownership of the animal, and

26 b. A signed written consent to the disposition of the animal, in a manner
27 authorized by this section, before the expiration of the 72-hour
28 holding period or of a longer period established by ordinance or local
29 rule to which the shelter is subject.

30 (c) If an animal is not wearing tags, or other mode of identification indicating its owner,
31 and is delivered to an animal shelter by (i) a person who has found and captured the animal, or
32 (ii) by an approved rescue organization that received the animal from a person who found and
33 captured the animal, then the shelter may, in writing, appoint the finder or approved rescue
34 organization to be the agent of the shelter. For purposes of this subsection, the term "approved
35 rescue organization" means a nonprofit corporation or association that cares for stray animals
36 that has been favorably assessed by the operator of the animal shelter through the application of
37 written standards.

38 (1) If the animal is a dog or cat, the finder or approved rescue organization shall
39 hold the animal for the 72-hour holding period provided for in subsection (a)
40 of this section or such longer holding period that may be applicable to the
41 shelter by ordinance or local rule. If the animal is not a dog or cat, then the
42 holding period shall be by agreement between the animal shelter and the
43 person or organization receiving the animal.

44 (2) After the expiration of the applicable holding period, the shelter may:

45 a. Transfer the animal by adoption to the person or organization that
46 has held it as agent, or

47 b. Extend the period of time the finder or rescue organization holds the
48 animal as agent of the shelter.

49 (3) A shelter may terminate an agency created under this subsection at any time
50 by directing the finder or rescue organization to deliver the animal to the
51 shelter.

1 (4) The city, county, or organization operating the animal shelter, as principal in
2 the agency relationship, shall not be liable to reimburse the agent for the
3 costs of care of the animal and shall not be liable to the owner of the animal
4 for harm to the animal caused by the agent, absent a written contract
5 providing otherwise.

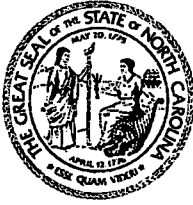
6 (d) During the 72-hour or longer holding period established under subsection (a) of this
7 section, an animal shelter may place an animal it is holding in foster care.

8 (e) If an animal shelter transfers physical possession of a dog or cat under subsection
9 (c) or (d) of this section, so that the animal is no longer on the animal shelter premises, at least
10 one photograph which depicts the head and face of the animal shall (i) be displayed at the
11 shelter in a conspicuous location that is available to the general public during hours of
12 operation, and (ii) remain posted for the 72-hour or longer holding period established under
13 subsection (a) of this section."

14 **SECTION 2.** G.S. 130A-184(1) reads as rewritten:

15 "(1) "Animal Control Officer" means a city or county employee designated as
16 dog warden, animal control officer, animal control official or other
17 designations that may be used whose responsibility includes animal control.
18 The term "Animal Control Officer" also includes agents of a private
19 organization that is operating an animal shelter under contract with a city or
20 county whenever those agents are performing animal control functions at the
21 shelter."

22 **SECTION 3.** This act becomes effective January 1, 2010.



SENATE BILL 467: Recover Pets/Relieve Overcrowding at Shelters

2009-2010 General Assembly

Committee: House Agriculture, if favorable, Judiciary I
Introduced by: Sen. McKissick
Analysis of: Third Edition

Date: May 26, 2009
Prepared by: Hal Pell
Committee Counsel

SUMMARY: *This act amends G.S. 130A-192 which provides for the impoundment of animals found not wearing rabies tags. The act would help relieve overcrowding at county and municipal animal shelters by (1) allowing an animal shelter, in writing, to designate a person or animal rescue operation that finds and captures an animal as an agent of the shelter and to allow that person or organization to hold the animal for the 72 hour period and (2) allowing an animal shelter to place an impounded animal in foster care. City and county animal shelters shall not be liable for the costs incurred by the agent for caring for the animal unless otherwise agreed by written contract.*

[As introduced, this bill was identical to H1206, as introduced by Reps. Harrison, Harrell, Cotham, Glazier, which is currently in House Agriculture, if favorable, Judiciary I.]

The act would also facilitate recovery of lost animals by owners by:

- *Encouraging animal control officers to scan impounded animals for microchips.*
- *Requiring an animal shelter to allow persons that come to the shelter looking for lost pets to view every animal held in the shelter, subject to rules allowing viewing during at least 4 hours a day, three days a week*
- *Providing that dogs and cats that are wearing rabies tags but that are impounded for violations of ordinances, such as leash laws, be held for the minimum 72 hour period.*
- *Providing that dogs and cats that are placed in foster care or held by an animal rescue organization or other agent shall have their picture posted at the shelter in a conspicuous location.*

The act also would facilitate adoptions by requiring impounded animals to be made available for adoption, unless the animal is unadoptable due to injury or defect in health or temperament.

[As introduced, this bill was identical to H1206, as introduced by Reps. Harrison, Harrell, Cotham, Glazier, which is currently in House Agriculture, if favorable, Judiciary I.]

BILL ANALYSIS: This act:

- Provides that animal control officers may use a microchip scanning to device to scan animals to determine if there is a chip with identifying information, if the scan can be done without cost, or at a reasonable cost.
- Requires that the rules adopted by the Department of Agriculture and Consumer Services be used to euthanize animals. If the absence of such rules, procedures approved by one of the three organizations listed in the statutes would be used (American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association).
- Requires that before an animal is sold or euthanized, that it must be made available to the public for inspection and adoption, unless it is not adoptable due to injury, or defects due to

Senate Bill 467

Page 2

health or temperament. If an animal is seriously ill or injured, it may be euthanized if the manager of the shelter determines, in writing, that it is appropriate to do so.

- Requires that animal shelters are open at least three days per week, for four hours each day, to persons seeking to find lost animals. Those attempting to find an animal are entitled to view every animal at the shelter.
- Provides that dogs and cats that are held for reasons other than relating to rabies control and animals surrendered by the animal's owner will be held for the applicable holding period—unless the owner provides proof of ownership and agrees in writing to a waiver of the prescribed holding period before disposition.
- Provides that animals without identifying information that are delivered to shelters by:
 - (1) A person who found and captured the animal, or
 - (2) An approved rescue organization that received the animal from a person who found and captured the animal,

may be appointed by the animal shelter as its agent. The agency is terminable at will by the agency. The animal shelter, absent a contract, is immune from liability to the owner for any harm to the animal, and is not liable for any costs for care of the animal while it is with the agent.

The finder or rescue organization must hold the animal for the prescribed period. After the prescribed period, the animal shelter may:

- (1) Transfer by adoption the animal to the finder or rescue organization, or
- (2) Extend the holding period time.
- During the prescribed holding period, the animal may be placed by the animal shelter into foster care. If an animal leaves the animal shelter premises (put with an agent or on foster care), then a photograph of the animal must be displayed at the animal shelter during the prescribed holding period. It must be displayed in a conspicuous location that is open to the general public for the entire prescribed holding period.
- Expands the definition of "animal control officer" to include those agents of private organizations that are operating animal shelters under contract with a city or county, during the time that those agents are performing animal control functions at the shelter.

EFFECTIVE DATE: This act becomes effective January 1, 2010.

Barbara Riley, counsel to Senate Agriculture Committee, substantially contributed to this summary.

S467-SMRK-127(e3) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

S

2

**SENATE BILL 295
Commerce Committee Substitute Adopted 5/7/09**

Short Title: Clarify Closest Market.

(Public)

Sponsors:

Referred to:

February 25, 2009

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A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE CLOSEST MARKET TO WHICH A CROP MAY BE
HAULED TO BE WITHIN ONE HUNDRED FIFTY MILES OF THE FARM FROM
WHICH THE CROP IS HAULED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-118(c)(12) reads as rewritten:

"(c) Exceptions. – The following exceptions apply to G.S. 20-118(b) and 20-118(e).

...

(12) Subsections (b) and (e) of this section do not apply to a vehicle that meets all
of the conditions set out below:

- a. Is hauling agricultural crops from the farm where the crop is grown
to ~~the closest market~~ any market or point of further distribution,
processing, storage, or other disposition within 150 miles of that
farm.
- b. Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 13.
- b1. Does not operate on an interstate highway or exceed any posted
bridge weight limits during transportation or hauling of agricultural
products.
- c. Does not exceed a single-axle weight of 22,000 pounds, a
tandem-axle weight of 42,000 pounds, or a gross weight of 90,000
pounds."

SECTION 2. This act becomes effective December 1, 2009, and applies to
offenses committed on or after that date.



VISITOR REGISTRATION SHEET

AGRICULTURE

Name of Committee

5/27/09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Erica Peterson	NCA
David Marshall	NCDA & CS
Joy Hicks	NCDA & CS
Ray Starling	"
Jane Tzilvelis	1725 TW Alexander Dr. #1404 CHIZEN Durham, NC 27703
Tina Cucci	Same As Above #505
Victoria Hawkins	Bone & Assoc.
Sheria Reid	IOG
David Bony	MWC
David M ^c Leod	NCDA-CS

VISITOR REGISTRATION SHEET

APRIL 11, 2009

Name of Committee

5/27/09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

KEVIN Lacy	NCDOT
Beau Monahan	NGFA
Prenee Roach	NCDOT
Anthony Snow	NGFA
Kim Hobbins	NCLM
John Hobbins	MAC
Phil	NFB
Andrew Meehan	NC Elec Co-ops
Betsy McCorkle	CCNC
Don Sanford	CCNC
Doug Lassiter	NCSTA

House Pages

Agriculture
Name of Committee: _____

Date: 5/27/09

1. Name: Lindsay Stutts

County: Wayne

Sponsor: Rep. Bell

2. Name: Sarah Parsons

County: Montgomery

Sponsor: Rep. Goodwin

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

Sgt.-At-Arms

1. Name: _____

Reggie Sills

2. Name: _____

Michael Martin

3. Name: _____

**MINUTES
HOUSE COMMITTEE ON AGRICULTURE**

June 10, 2009

The House Committee on Agriculture met on Wednesday, June 10, 2009, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs Braxton, Brisson, and Faison; Representatives Coates, Daughtry, Langdon, Mobley, Starnes, Steen, Tarleton, Tucker, Underhill, Warren, and Wray.

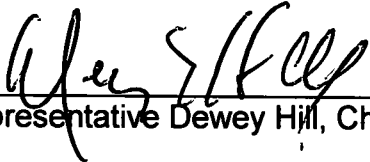
Representative Hill called the meeting to order at 12:01 p.m. and made opening remarks.

Senator Purcell was recognized to explain his bill, **Senate Bill 674 Amend Rabies Laws** Committee Substitute #2. Representative Daughtry made a motion for a favorable report and recommendation that the bill be re-referred to the Committee on Health. The motion carried.

Senator Albertson was recognized to speak on his bill, **Senate Bill 1067 Sustainable Local Food Policy Council/Goal**. Representative Brisson offered a motion to adopt the House proposed committee substitute for discussion. The motion carried. Chair Hill stated that Senate Bill 1067 would be for discussion only. A subcommittee was appointed by the chair. Representative Brisson will serve as chair of the subcommittee and members are Representatives Langdon and Underhill.

The meeting adjourned at 12:31 p.m.

Respectfully submitted,


Representative Dewey Hill, Chair


Gennie Thurlow, Committee Assistant

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☒ Committee Substitute # 2 for

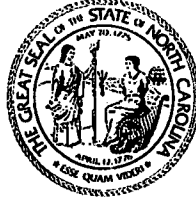
SB 674 A BILL TO BE ENTITLED AN ACT TO AMEND THE RABIES LAWS TO CONFORM WITH RECOMMENDATIONS FROM THE CENTERS FOR DISEASE CONTROL AND THE NATIONAL ASSOCIATION OF STATE PUBLIC HEALTH VETERINARIANS AND TO ALLOW STRAY OR FERAL ANIMALS TO BE EUTHANIZED AND TESTED FOR RABIES AFTER BITING A HUMAN.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on HEALTH.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE COMMITTEE ON AGRICULTURE

AGENDA

Wednesday, June 10, 2009
12:00 Noon
Legislative Building – Room 1228

OPENING REMARKS

Representative Dewey Hill, Chair

AGENDA ITEMS

SB 674 Amend Rabies Laws.

Senator Purcell

**SB 1067 Sustainable Local Food Policy
 Council/Goal.**

Senator Albertson

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

4

SENATE BILL 674
Health Care Committee Substitute Adopted 4/16/09
Finance Committee Substitute Adopted 5/27/09
Fourth Edition Engrossed 5/28/09

Short Title: Amend Rabies Laws.

(Public)

Sponsors:

Referred to:

March 19, 2009

A BILL TO BE ENTITLED
AN ACT TO AMEND THE RABIES LAWS TO CONFORM WITH RECOMMENDATIONS
FROM THE CENTERS FOR DISEASE CONTROL AND THE NATIONAL
ASSOCIATION OF STATE PUBLIC HEALTH VETERINARIANS AND TO ALLOW
STRAY OR FERAL ANIMALS TO BE EUTHANIZED AND TESTED FOR RABIES
AFTER BITING A HUMAN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-184 reads as rewritten:

"§ 130A-184. Definitions.

The following definitions shall apply throughout in this Part:

- (1) ~~'Animal Control Officer'~~ means a Animal Control Officer. – A city or county employee designated as dog warden, animal control officer, animal control official or other designations that may be used whose responsibility includes animal control.
- (2) ~~'Cat'~~ means a Cat. – A domestic feline; feline of the genus and species Felis catus.
- (3) ~~'Certified rabies vaccinator'~~ means a Certified rabies vaccinator. – A person appointed and certified to administer rabies vaccine to animals in accordance with this Part.
- (4) ~~'Dog'~~ means a Dog. – A domestic canine; canine of the genus, species, and subspecies Canis lupus familiaris.
- (4a) Feral. – An animal that is not socialized.
- (4b) Ferret. – A domestic mammal of the genus, species, and subspecies Mustela putorius furo.
- (5) ~~'Rabies vaccine'~~ means an Rabies vaccine. – An animal rabies vaccine licensed by the United States Department of Agriculture and approved for use in this State by the Commission.
- (6) ~~'State Public Health Veterinarian'~~ means a State Public Health Veterinarian. – A person appointed by the Secretary to direct the State public health veterinary program.
- (6a) Stray. – An animal that meets both of the following conditions:
 - a. Is beyond the limits of confinement or lost.
 - b. Is not wearing any tags, microchips, tattoos, or other methods of identification.



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(7) ~~'Vaccination' means the Vaccination. – The administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator person authorized to administer it under G.S. 130A-185."~~

SECTION 2. G.S. 130A-185 reads as rewritten:

"§ 130A-185. Vaccination of all dogs and cats required.

(a) Vaccination required. – The owner of every dog and cat an animal listed in this subsection over four months of age shall have the animal vaccinated against rabies. The time or times of vaccination shall be established by the Commission. Rabies vaccine shall be administered only by a licensed veterinarian or by a certified rabies vaccinator.

(1) Cat.

(2) Dog.

(3) Ferret.

(b) Vaccination. – Only animal rabies vaccine licensed by the United States Department of Agriculture and approved by the Commission shall be used on animals in this State. A rabies vaccine may only be administered by one or more of the following:

(1) A licensed veterinarian.

(2) A registered veterinary technician under the direct supervision of a licensed veterinarian.

(3) A certified rabies vaccinator."

SECTION 3. G.S. 130A-187 reads as rewritten:

"§ 130A-187. County rabies vaccination clinics.

(a) Local Clinics. – The local health director shall organize or assist other county departments to organize at least one countywide rabies vaccination clinic per year for the purpose of vaccinating dogs and cats animals required to be vaccinated under this Part. Public notice of the time and place of rabies vaccination clinics shall be published in a newspaper having general circulation within the area.

(b) Fee. – The county board of commissioners may establish a fee to be charged for a rabies vaccination given at a county rabies vaccination clinic. The fee amount may consist of the following:

(1) A charge for administering and storing the vaccine, not to exceed ten dollars (\$10.00).

(2) The actual cost of the rabies vaccine, the vaccination certificate, and the rabies vaccination tag."

SECTION 4. G.S. 130A-188 is repealed.

SECTION 5. G.S. 130A-189 reads as rewritten:

"§ 130A-189. Rabies vaccination certificates.

~~A licensed veterinarian or a certified rabies vaccinator person who administers a rabies vaccine to a dog or cat shall complete a three-copy rabies vaccination certificate. The Commission shall adopt rules specifying the information that must be included on the certificate. The~~An original rabies vaccination certificate shall be given to the owner of each dog or cat the animal that receives the rabies vaccine. One~~A~~ copy of the rabies vaccination certificate shall be retained by the licensed veterinarian or the certified rabies vaccinator. The other~~A~~ copy shall also be given to the county agency responsible for animal control, provided the information given to the county agency shall not be used for commercial purposes."

SECTION 6. G.S. 130A-190(a) reads as rewritten:

(a) Issuance. – A licensed veterinarian or a certified rabies vaccinator person who administers a rabies vaccine to a dog or cat shall issue a rabies vaccination tag to the owner of the animal. The rabies vaccination tag shall show the year issued, a vaccination number, the words "North Carolina" or the initials "N.C." and the words "rabies vaccine." Dogs and cats~~Dogs~~ shall wear rabies vaccination tags at all times. However, cats and ferrets must

1 ~~wear rabies vaccination tags unless may be exempted they are exempt~~ from wearing the tags by
2 local ordinance."

3 **SECTION 7.** G.S. 130A-192 reads as rewritten:

4 "**§ 130A-192. ~~Dogs and cats~~ Animals not wearing required rabies vaccination tags.**

5 The Animal Control Officer shall canvass the county to determine if there are any animals
6 ~~there are any dogs or cats~~ not wearing the required rabies vaccination tag. If ~~a dog or cat~~ an
7 animal required to wear a tag is found not wearing the required tag, ~~one~~, the Animal Control
8 Officer shall check to see if the owner's identification can be found on the animal. If the animal
9 is wearing an owner identification tag, or if the Animal Control Officer otherwise knows who
10 the owner is, the Animal Control Officer shall notify the owner in writing to have the animal
11 vaccinated against rabies and to produce the required rabies vaccination certificate to the
12 Animal Control Officer within three days of the notification. If the animal is not wearing an
13 owner identification tag and the Animal Control Officer does not otherwise know who the
14 owner is, the Animal Control Officer may impound the animal. The duration of the
15 impoundment of these animals shall be established by the county board of commissioners, but
16 the duration shall not be less than 72 hours. During the impoundment period, the Animal
17 Control Officer shall make a reasonable effort to locate the owner of the animal. If the animal is
18 not reclaimed by its owner during the impoundment period, the animal shall be disposed of in
19 one of the following manners: returned to the owner; adopted as a pet by a new owner; sold to
20 institutions within this State registered by the United States Department of Agriculture pursuant
21 to the Federal Animal Welfare Act, as amended; or put to death by a procedure approved by the
22 American Veterinary Medical Association, the Humane Society of the United States or of the
23 American Humane Association. The Animal Control Officer shall maintain a record of all
24 animals impounded under this section which shall include the date of impoundment, the length
25 of impoundment, the method of disposal of the animal and the name of the person or institution
26 to whom any animal has been released."

27 **SECTION 8.** G.S. 130A-193 reads as rewritten:

28 "**§ 130A-193. Vaccination and confinement of ~~dogs and cats~~ animals brought into this**
29 **State.**

30 (a) Vaccination Required. – ~~A dog or cat~~ An animal brought into this State that is
31 required to be vaccinated under this Part shall immediately be securely confined and shall be
32 vaccinated against rabies within one week after entry. The animal shall remain confined for two
33 weeks after vaccination.

34 (b) Exceptions. – The provisions of subsection (a) shall not apply to:

35 (1) ~~A dog or cat~~ An animal brought into this State for exhibition purposes if the
36 animal is confined and not permitted to run at ~~large; or~~ large.

37 (2) ~~A dog or cat~~ An animal brought into this State accompanied by a certificate
38 issued by a licensed veterinarian showing that the ~~dog or cat~~ animal is
39 apparently free from and has not been exposed to rabies and that the ~~dog or~~
40 ~~cat has received rabies vaccine within the past year~~ animal is currently
41 vaccinated against rabies."

42 **SECTION 9.** G.S. 130A-194 reads as rewritten:

43 "**§ 130A-194. Quarantine of districts infected with rabies.**

44 An area may be declared under quarantine against rabies by the local health director when
45 the disease exists to the extent that the lives of persons are endangered. When quarantine is
46 declared, each ~~dog and cat~~ animal in the area that is required to be vaccinated under this Part
47 shall be confined on the premises of the owner or in a veterinary hospital. ~~However, dogs or~~
48 ~~eats~~ hospital unless the animal is on a leash or under the control and in the sight of a
49 responsible adult ~~may be permitted to leave the premises of the owner or the veterinary~~
50 hospital adult."

51 **SECTION 10.** G.S. 130A-195 reads as rewritten:

1 **"§ 130A-195. Destroying stray dogs and cats in quarantine districts.**

2 When quarantine has been declared and ~~dogs and cats~~ stray animals continue to run
3 uncontrolled in the area, any peace officer or Animal Control Officer shall have the right, after
4 reasonable effort has been made to apprehend the animals, to destroy the ~~uncontrolled dogs and~~
5 ~~eats~~stray animals and properly dispose of their bodies."

6 **SECTION 11. G.S. 130A-196 reads as rewritten:**

7 **"§ 130A-196. ~~Confinement~~ Notice and confinement of all-biting dogs and cats; notice to**
8 **local health director; reports by physicians; certain dogs exempt animals.**

9 (a) Notice. – When a person has been bitten by a dog or cat, an animal required to be
10 vaccinated under this Part, the person or parent, guardian or person standing in loco parentis of
11 the person, and the person owning the animal or in control or possession of the animal shall
12 notify the local health director immediately and give the name and address of the person bitten
13 and the owner of the animal. If the animal that bites a person is a stray or feral animal, the local
14 agency responsible for animal control shall make a reasonable attempt to locate the owner of
15 the animal. If the owner cannot be identified within 72 hours of the event, the local health
16 director may authorize the animal be euthanized, and the head of the animal shall be
17 immediately sent to the State Laboratory of Public Health for rabies diagnosis.

18 A physician who attends a person bitten by an animal known to be a potential carrier of
19 rabies shall report the incident within 24 hours to the local health director. The report must
20 include the name, age, and sex of the person.~~All dogs and cats~~

21 (b) Confinement. – When an animal required to be vaccinated under this Part that
22 bitebites a person-person, the animal shall be immediately confined for 10 days in a place
23 designated by the local health director. However, the~~The~~ local health director may authorize a
24 dog trained and used by a law enforcement agency to be released from confinement to perform
25 official duties upon submission of proof that the dog has been vaccinated for rabies in
26 compliance with this Part. After reviewing the circumstances of the particular case, the local
27 health director may allow the owner to confine the animal on the owner's property. An owner
28 who fails to confine his-an animal in accordance with the instructions of the local health
29 director shall be guilty of a Class 2 misdemeanor. If the owner or the person who controls or
30 possesses a dog-or-eat-the animal that has bitten a person refuses to confine the animal as
31 required by this section-subsection, the local health director may order seizure of the animal
32 and its confinement for 10 days at the expense of the owner. A physician who attends a person
33 bitten by an animal known to be a potential carrier of rabies shall report within 24 hours to the
34 local health director the name, age and sex of that person."

35 **SECTION 12. G.S. 130A-197 reads as rewritten:**

36 **"§ 130A-197. ~~Infected dogs and cats~~ animals to be destroyed; protection of vaccinated**
37 **dogs and cats animals.**

38 When the local health director reasonably suspects that ~~a dog or cat~~ an animal required to be
39 vaccinated under this Part has been exposed to the saliva or nervous tissue of a proven rabid
40 animal or animal reasonably suspected of having rabies that is not available for laboratory
41 diagnosis, the ~~dog or cat~~ animal shall be considered to have been exposed to rabies. ~~A dog or~~
42 ~~eat~~ An animal exposed to rabies shall be destroyed immediately by its owner, the county
43 Animal Control Officer or a peace officer unless the ~~dog or cat~~ animal has been vaccinated
44 against rabies in accordance with this Part and the rules of the Commission more than ~~three~~
45 ~~weeks~~ 28 days prior to being exposed, and is given a booster dose of rabies vaccine within
46 ~~three~~ five days of the exposure. As an alternative to destruction, the ~~dog or cat~~ animal may be
47 quarantined at a facility approved by the local health director for a period up to six months, and
48 under reasonable conditions imposed by the local health director."

49 **SECTION 13. G.S. 130A-198 reads as rewritten:**

50 **"§ 130A-198. Confinement.**

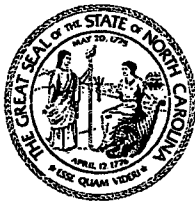
1 A person who owns or has possession of an animal which is suspected of having rabies
2 shall immediately notify the local health director or county Animal Control Officer and shall
3 securely confine the animal in a place designated by the local health director. ~~Dogs and cats~~The
4 animal shall be confined for a period of 10 days. Other animals may be destroyed at the
5 discretion of the State Public Health Veterinarian."

6 **SECTION 14.** G.S. 130A-199 reads as rewritten:

7 **"§ 130A-199. Rabid animals to be destroyed; heads to be sent to State Laboratory of**
8 **Public Health.**

9 An animal diagnosed as having rabies by a licensed veterinarian shall be destroyed and its
10 head sent to the State Laboratory of Public Health. The heads of all ~~dogs and cats~~animals that
11 die during ~~the 10-day~~ a confinement period required by ~~G.S. 130A-196, this Part~~ shall be
12 immediately sent to the State Laboratory of Public Health for rabies diagnosis."

13 **SECTION 15.** This act becomes effective October 1, 2009.



SENATE BILL 674: Amend Rabies Laws

2009-2010 General Assembly

Committee: House Agriculture, if favorable, Health
Introduced by: Sen. Purcell
Analysis of: Fourth Edition

Date: June 8, 2009
Prepared by: Hal Pell
Committee Counsel

SUMMARY: *Senate Bill 674 makes changes to the public health laws relating to rabies. This act is effective when it becomes law.*

CURRENT LAW:

- Dogs and cats over four months of age must be vaccinated against rabies.
- Counties must offer at least one vaccination clinic per year.
- A rabies vaccination tag is issued to the owner of the vaccinated animal.
- Dogs must wear the rabies tags; cats may be exempted by local ordinance.
- Animal Control Officers are directed to canvass their county to determine if there are any dogs or cats not wearing the required rabies vaccination tag.

BILL ANALYSIS: Senate Bill 674 implements the following recommendation of the Centers for Disease Control and the National Association of State Public Health Veterinarians:

- It adds domestic ferret to the animals required to be vaccinated against rabies.
- It defines stray and feral animals and it gives the local health department the authority to euthanize a stray or feral animal that bites someone if an owner cannot be identified within 72 hours. A feral animal is one that is not socialized. A stray animal is one that is beyond the limits of confinement and is not wearing any method of identification.
- It adds registered veterinary technicians to the list of people who may administer a rabies vaccine. The technician may only administer the vaccine under the direct supervision of a licensed veterinarian.
- It increases the cap on the fee a county may impose for a rabies vaccine at a county clinic from \$4 to \$10. The current cap has been in place since 1983. A private veterinarian typically charges at least \$18 for a rabies vaccine.
- Under current law, if an animal was vaccinated more than three weeks before being exposed to rabies, and is given a booster shot within five days of exposure, then it does not have to be destroyed. The act increases the requirement to having been vaccinated more than 28 days prior to the exposure. Quarantine remains an alternative to destruction.

EFFECTIVE DATE: This act is effective when it becomes law.

Cindy Avrette, Staff Attorney, and Shawn Parker, Legislative Analyst, substantially contributed to this summary

S674-SMRK-147(e4) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

2

SENATE BILL 1067

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/12/09

Short Title: Sustainable Local Food Policy Council/Goal.

(Public)

Sponsors:

Referred to:

March 31, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD
POLICY COUNCIL TO ADDRESS 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 Policy Council.

"§ 106-830. Purpose; definitions.

(a) Purpose. – It is the purpose of the North Carolina Sustainable Local Food Policy
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. It is the intent of the General Assembly that the local food economy serve to
supplement, not supplant, current North Carolina agriculture. It is also the purpose of the
Council to 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 Policy Council; creation; membership; terms.

(a) Council Established; Membership. – The North Carolina Sustainable Local Food Policy Council is hereby created within the Department of Agriculture and Consumer Services. The Council shall consist of 24 members as follows:

- (1) Three local food producers, at least two of whom shall be sustainable local food producers, to be appointed by the Commissioner of Agriculture.**
- (2) One representative of the Department of Agriculture and Consumer Services, to be appointed by the Commissioner of Agriculture.**
- (3) The State Health Director or the State Health Director's designee.**
- (4) 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 Speaker of the House of Representatives.**
- (5) One representative of the Department of Environment and Natural Resources, Division of Soil and Water Conservation, to be appointed by the Speaker of the House of Representatives.**
- (6) One representative of the Department of Insurance, to be appointed by the President Pro Tempore of the Senate.**
- (7) One representative of a food bank located in North Carolina, to be appointed by the President Pro Tempore of the Senate.**
- (8) One representative of a business specializing in retail, service, or direct food, to be appointed by the Commissioner of Agriculture.**
- (9) One representative of the Carolina Farm Stewardship Association, to be appointed by the Speaker of the House of Representatives.**
- (10) One representative of the North Carolina Farm Bureau Federation, Inc., to be appointed by the Speaker of the House of Representatives.**
- (11) One representative of the Appalachian Sustainable Agriculture Project, to be appointed by the President Pro Tempore of the Senate.**
- (12) One representative of the North Carolina Farm Transition Network, Inc., to be appointed by the Speaker of the House of Representatives.**
- (13) 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.**
- (14) One representative of the North Carolina Association of Black Lawyers' Land Loss Prevention Project, Inc., to be appointed by the Speaker of the House of Representatives.**
- (15) One representative of the Department of Public Instruction, Child Nutrition Services Section, to be appointed by the President Pro Tempore of the Senate.**
- (16) One representative of the North Carolina Association of County Commissioners, to be appointed by the Speaker of the House of Representatives.**
- (17) One representative of the North Carolina Rural Economic Development Center, Inc., to be appointed by the President Pro Tempore of the Senate.**
- (18) One representative of the Department of Commerce, to be appointed by the Secretary of Commerce.**
- (19) 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 Commissioner of Agriculture.**
- (20) 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 Speaker of the House of Representatives.

(21) One representative of the commercial fishing industry, to be appointed by the President Pro Tempore of the Senate.

(22) One representative of the Center for Community Action, Inc., to be appointed by the President Pro Tempore of the Senate.

(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 Policy Council; duties.

In developing sustainable local food policies for North Carolina, the Council may consider any of the following 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 policy issues the Council considers pertinent.

"§ 106-833. The North Carolina Sustainable Local Food Policy 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 Policy 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 Policy 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)(1) through G.S. 106-831(a)(6) 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)(7) through G.S. 106-831(a)(14) 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)(15) through G.S. 106-831(a)(22) shall be five years and shall expire on July 1, 2014.

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

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

6-10
12 noon

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

D

SENATE BILL 1067

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/12/09
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1067-CSRF-63 [v.2]

6/10/2009 10:06:33 AM

Short Title: Sustainable Local Food Policy Council/Goal.

(Public)

Sponsors:

Referred to:

March 31, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD
POLICY COUNCIL TO ADDRESS 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 Policy Council.

"§ 106-830. Purpose; definitions.

(a) Purpose. – It is the purpose of the North Carolina Sustainable Local Food Policy 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. It is the intent of the General Assembly that the local food economy serve to supplement, not supplant, current North Carolina agriculture. It is also the purpose of the Council to 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. – Food produced through 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.



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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 Policy Council; creation; membership; terms.

(a) Council Established; Membership. – The North Carolina Sustainable Local Food Policy Council is hereby created within the Department of Agriculture and Consumer Services.

The Council shall consist of 24 members as follows:

(1) Three local food producers, at least two of whom shall be sustainable local food producers, to be appointed by the Commissioner of Agriculture.

(2) One representative of the Department of Agriculture and Consumer Services, to be appointed by the Commissioner of Agriculture.

(3) The State Health Director or the State Health Director's designee.

(4) 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 Speaker of the House of Representatives.

(5) One representative of the Department of Environment and Natural Resources, Division of Soil and Water Conservation, to be appointed by the Speaker of the House of Representatives.

(6) One representative of the Department of Insurance, to be appointed by the President Pro Tempore of the Senate.

(7) One representative of a food bank located in North Carolina, to be appointed by the President Pro Tempore of the Senate.

(8) One representative of a business specializing in retail, service, or direct food, to be appointed by the Commissioner of Agriculture.

(9) One representative of the Carolina Farm Stewardship Association, to be appointed by the Speaker of the House of Representatives.

(10) One representative of the North Carolina Farm Bureau Federation, Inc., to be appointed by the Speaker of the House of Representatives.

(11) One representative of the Appalachian Sustainable Agriculture Project, to be appointed by the President Pro Tempore of the Senate.

(12) One representative of the North Carolina Farm Transition Network, Inc., to be appointed by the Speaker of the House of Representatives.

(13) 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.

(14) One representative of the North Carolina Association of Black Lawyers' Land Loss Prevention Project, Inc., to be appointed by the Speaker of the House of Representatives.

(15) One representative of the Department of Public Instruction, Child Nutrition Services Section, to be appointed by the President Pro Tempore of the Senate.

(16) One representative of the North Carolina Association of County Commissioners, to be appointed by the Speaker of the House of Representatives.

(17) One representative of the North Carolina Rural Economic Development Center, Inc., to be appointed by the President Pro Tempore of the Senate.

(18) One representative of the Department of Commerce, to be appointed by the Secretary of Commerce.

(19) 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 Commissioner of Agriculture.

(20) 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 Speaker of the House of Representatives.

(21) One representative of the commercial fishing industry, to be appointed by the President Pro Tempore of the Senate.

(22) One representative of the Center for Community Action, Inc., to be appointed by the President Pro Tempore of the Senate.

(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 the 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; Staff.. – The Department of Agriculture and Consumer Services shall provide without compensation meeting space in Raleigh for use by the Council. Staff for the Council also shall be provided by the Department.

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

In developing sustainable local food policies for North Carolina, the Council may consider any of the following 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 policy issues the Council considers pertinent.

"§ 106-833. The North Carolina Sustainable Local Food Policy 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 Policy 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 Policy 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)(1) through G.S. 106-831(a)(6) 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)(7) through G.S. 106-831(a)(14) 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)(15) through G.S. 106-831(a)(22) shall be five years and shall expire on July 1, 2014.

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

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

CEFS



Center for Environmental
Farming Systems
Campus Box 7609/ NCSU
Raleigh, NC 27695
Phone: 919-513-0954

www.cefs.ncsu.edu

6-10
12 noon
SB 1067

In 2008 the Center for Environmental Farming Systems (CEFS) began a new initiative with many partners, "Building a Local Food Economy in North Carolina, from Farm to Fork." As part of this effort, this past fall we hosted six regional meetings across the state (more than 600 attended) to talk about local food and farming. Based on these meetings we established 11 Working Issues Teams (WITS) that will make presentations at a statewide summit scheduled for May 11 and 12, 2009 at the McKimmon Center in Raleigh. More than 1,000 people signed up for our Local Foods Listserve, including county and regional planners, county commissioners, county managers, funders, public health officials, economic developers, land preservationists, environmentalists, educators, community gardeners, youth organizations, food banks, retailers (large and small), food service professionals, entrepreneurs, in addition to agriculture professionals and organizations. The final result will be a Statewide Action Plan for building the local food economy.

This effort to support local food economies is broadly supported because of the many positive potential impacts:

- **Economic boost.** Spending 5% of the average household's \$4,010 food budget on local food would mean **\$1.7 billion for the local economy**. That money stays in local communities, having a multiplier effect.
- **Health.** Increasing access to fresh and local fruits and vegetables (including in our public schools) can begin to counter food-related health trends like obesity and diabetes. North Carolina ranks 17th among the states in terms of adult obesity and is 5th highest in youth obesity (Segal 2008).
- **Open space/quality of life.** Local governments see economic development opportunities and quality of life impacts when they preserve open space and protect agricultural lands.
- **Connects people to food.** Increasingly, people want to know where their food comes from and how it was grown. On average, one study in Iowa showed that food travels 1,200 miles from farm to plate. With every food scare, we get increased interest in local foods. Some 70 percent of consumers want to know where their food comes from and would pay more for locally grown food if they could find it (*Packaged Facts*, 2007)
- **Community gardens.** Community gardens may be an important way to provide more nutritious foods to those in need. About 21 percent of North Carolina's children live in poverty. More than 13 percent of North Carolina households are considered food insecure (36 percent of children).
- **New businesses.** Entrepreneurs see new business opportunities. What would it take to have a salad bar in every school? Many schools don't have kitchens anymore, so a small company to wash, cut, and prepare salad greens could be an economic opportunity. With

rural communities in decline, what better way to stimulate economic development while enhancing benefits throughout North Carolina.

- **Boost to farmers.** Producers see more profit potential in direct sales to consumers, and being able to access important North Carolina institutional and retail markets. As gas prices will again rise, these markets will be even more interested in local North Carolina product as a cost- saving effort.
- **Environmental benefit.** Maintaining open space is an important way to provide water and air quality benefits to all citizens, while smart distribution and logistics will reduce carbon footprints of locally produced food.
- **Preserve farmland.** When farming is profitable, farmers stay on the land rather than selling out to development. North Carolina is tied for first in the nation for loss of farms. Local food provides new economic opportunities to hundreds of NC farmers.

For more information contact:

Nancy Creamer, Director

Center for Environmental Farming Systems

919-515-9447

nancy_creamer@ncsu.edu

www.cefsfarmtofork.com

www.cefs.ncsu.edu

The mission of CEFS is to develop and promote food and farming systems that protect the environment, strengthen local communities and provide economic opportunities in North Carolina and beyond. Established in 1994 by the state's land-grant universities – North Carolina State University and North Carolina Agricultural and Technical State University and the N.C. Department of Agriculture and Consumer Services works to:

- Provide new economic opportunities in rural and urban communities;
- Develop production systems that promote a cleaner and healthier environment;
- Educate the next generation of farmers, consumers and scientists, and
- Engage all citizens in the food system.

CEFS is recognized as an international center for excellence in sustainable agriculture for its high-quality agricultural research programs, innovative extension and outreach efforts and outstanding educational offerings.

VISITOR REGISTRATION SHEET

Agriculture

Name of Committee

6/10/09

Date

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EMILY WILBOURNE	<u>TPB</u>
Linda Andrews	NCFB
P. Page	NCFB
D. Hamrick	NCFB
M. PEELS	NCFB
<u>Alicia [Signature]</u>	<u>MWC</u>
Angie Whitener	NCFB
<u>JERRY HARDEST</u>	<u>NCFB</u>
<u>Keith [Signature]</u>	<u>UAC-TC</u>
Steven Waters	Living Streets

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Name of Committee

6/10/09

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Joy Hock	NCSOA/ELS
Kathie English	NCCN
Nancy Cremer	NCSU-center for Environmental Farming Systems
Joe McClees	McClees Consulting
Erica Petersen	NCAg
Will Snyderwine	CTNC
Edgar Miller	CTNC
Kevin Davis	TNC
Billie Kerel	Toxic Free NC
Pat Delany	NC Sustainable Food System Coalition
Jon Carr	NCVMA

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CCNC

Don Gant, Jr

Penny Kuff

School of Gov.

David McLeod

NC State

Heather Barnett

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~~Attorney~~ Raleigh

Tom Cores

TNC

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Environment North Carolina

Ed Julep

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Emily Peters

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House Pages

Agriculture
Name of Committee: _____

Date: 6/10/09

1. Name: Mackenzie Hathaway

County: Wake

Sponsor: Paul Stam

2. Name: Will Monk

County: Pitt

Sponsor: Edith Luten

3. Name: Zach Beatty

County: Horry, Myrtle Beach

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4. Name: Alex Finley

County: Wake

Sponsor: Grier Martin

5. Name: Nick Ritcher

County: Wake

Sponsor: Stam

Sgt.-At-Arms

1. Name: Reggie Sills

2. Name: Young BAE Bay

3. Toussaint Aivent

**MINUTES
HOUSE COMMITTEE ON AGRICULTURE**

June 24, 2009

The House Committee on Agriculture met on Wednesday, June 24, 2009, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs Bell, Braxton, Faison, Lewis, and Williams; Representatives Coates, Daughtry, Guice, Holloway, Ingle, Langdon, McCormick, Mobley, Starnes, Steen, Tarleton, Tolson, Underhill, Warren, and Wray.

Representative Hill called the meeting to order at 12:00 noon and made opening remarks.

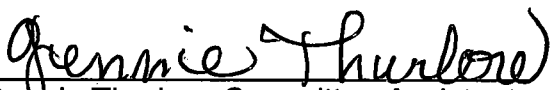
W. Steven Burke, President and CEO of the Biofuels Center of North Carolina, was introduced to give a presentation regarding North Carolina's Statewide Biofuels Initiative. Attached are the handouts.

Gerald Barlow, Agriculture Education Leader/Supervisor for NC, was introduced to speak on Agriculture Education in North Carolina. Jim Guard, State President, NC Agriculture Teachers Association, and Chuck Michael, past State President, NC Agriculture Teachers Association, also made remarks with regard to agriculture education. Nurham Warwick made concluding remarks. The handouts are attached.

The meeting adjourned at 12:40 p.m.

Respectfully submitted,


Representative Dewey Hill, Chair


Gennie Thurlow, Committee Assistant



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE COMMITTEE ON AGRICULTURE

AGENDA

Wednesday, June 24, 2009
12:00 Noon
Legislative Building – Room 1228

OPENING REMARKS

Representative Dewey Hill, Chair

AGENDA ITEMS

Presentations:

Biofuels Center of North Carolina

W. Steven Burke, President and CEO

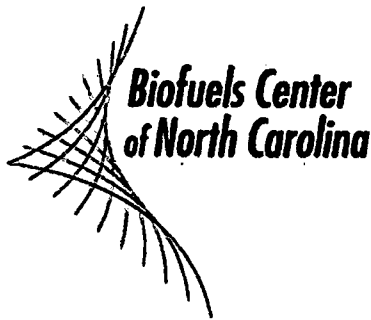
Agriculture Education in North Carolina

Gerald Barlow, Agriculture Education Leader/Supervisor for NC (2007-2009); Agriculture education teacher, Midway High School, Sampson County

Jim Guard, State President, NC Agriculture Teachers Association; Agriculture education teacher, Bertie Early College School of Agriculture Science & Technology, Bertie County, and FFA students

Chuck Michael, Past State President, NC Agriculture Teachers Association; Agriculture education teacher, Madison High School, Madison County, and FFA students

ADJOURNMENT



*North Carolina's Statewide Biofuels Initiative:
Key Content for North Carolina General Assembly
Natural and Economic Resources Appropriations Committee*

25 March 2009

By policy and activity, the State of North Carolina has initiated a 15-20 year statewide endeavor to gain substantial capability for growth and production of non-petroleum based liquid transportation fuels.

Building from the legislatively mandated *North Carolina's Strategic Plan for Biofuels Leadership*, the State has established the Biofuels Center of North Carolina. It is the nation's only state-based agency directed comprehensively to all aspects of biofuels development over time. The Center is located in Oxford, Granville County, on North Carolina's Biofuels Campus, the nation's only state-based campus for biofuels development, demonstration, and technology acceleration.

Few states offer as much promise for developing a sustained and advanced biofuels sector as North Carolina. The State has unparalleled strengths in crop and forest agriculture, biotechnology, and manufacturing, all required in a unified framework. Trees and widely diverse crops yield an agronomically rich foundation for starch-, oil-, and cellulose-based fuels. Varied regional growing characteristics, climate, and terrain amplify opportunities for a widespread, sustainable, and economically solid sector.

North Carolina's commitment represents a realistic strategy to gain an entire new economic sector and enrichment of agriculture statewide – with unusually diverse outcomes possible for employment gain. In addition, a sustained biofuels endeavor shows smart foresight in a world of increasing environmental imperatives, in which transportation fuels will without fail decrease in ready availability and increase in cost.



Information for NER Appropriations Committee • 25 March 2009

FY 2009-2010 Funding Request, HB400 and SB tbd

3,000,000	Grants to non-profit institutions statewide for research, growing and agronomic data about biomass sources, production, commercialization, and education.
700,000	Accelerated Initiatives projects, for statewide capacity building
900,000	Trial and demonstration growing of varied feedstocks, at sites statewide and at the Williamsdale Farm biofuels facility
300,000	Education, training, and public awareness
300,000	Assistance to early stage biofuels companies, in particular for improving regional biomass capabilities
1,600,000	Phase I development, North Carolina's Biofuels Campus
1,200,000	Staff and benefits
1,000,000	Administration, facility, and site
\$9,000,000	

North Carolina's Biofuels Campus, administered by the North Carolina Department of Agriculture and a key partnership activity between the Department and the Center, is a nationally unique resource. Multi-phase development over coming years will build from a commissioned site plan study, and yield a significant place for leadership and competitive advantage in four areas:

- Trial and demonstration growing, both open air and in greenhouses
- Small scale and pilot production for different conversion processes
- Company and project incubation
- Educational demonstrations, public awareness, and national meetings



Information for NER Appropriations Committee • 25 March 2009

Statewide Grants Awarded, 2008 and 2009

Projects strengthen capacity across North Carolina by addressing research, growing and agronomic data about biomass sources, production, commercialization, and education. Proposals are peer-reviewed by an external panel of subject matter experts. Six representative projects are listed for each year.

2008 • Fifteen of 75 received proposals were funded, totaling \$2,550,291

PROJECT	RECIPIENT	COUNTY	AMOUNT
Renewable Fuels Program	Washington High School	Beaufort	\$ 27,314
NC Biofuels LLC Site Development	NC's' Northeast Economic Development Foundation Inc	Chowan	\$ 22,000
Blue Ridge Biofuels Biodiesel Production Expansion Project	Blue Ridge Biofuels LLC	Buncombe	\$250,000
STARworks Biofuels	Central Park NC	Montgomery	\$148,800
High-Value Transportation Fuels from NC Feedstocks	North Carolina State University	Wake	\$200,000
Growing Duckweed on Swine Wastewater for Ethanol Production	North Carolina State University	Wake	\$199,733

2009 • Seventeen of 48 received proposals were funded, totaling \$2,777,921

PROJECT	RECIPIENT	COUNTY	AMOUNT
Reducing Natural Resource Impacts Related to Biodiesel Production	Carolina Land & Lakes RC&D	Haywood	\$180,496
From Farms to Fuels: Renewable Energy Production	Craven County Schools	Craven	\$ 49,097
Integrated Low-Cost Torrefaction-Gasification for Production of Biofuels from Forest Resources	North Carolina State University	Wake	\$199,128
Energy Canes: Ideal Fuelstocks for NC's Diverse Energy Needs	Mountain Horticulture Research Station	Henderson	\$171,293
Greater Charlotte Region Biofuel Facility	Centralina Council of Governments	Mecklenburg	\$ 99,850
Algae Downstream Processes Automated for Commercialization	Cape Fear Resource Conservation & Development	New Hanover	\$108,800



Information for NER Appropriations Committee • 25 March 2009

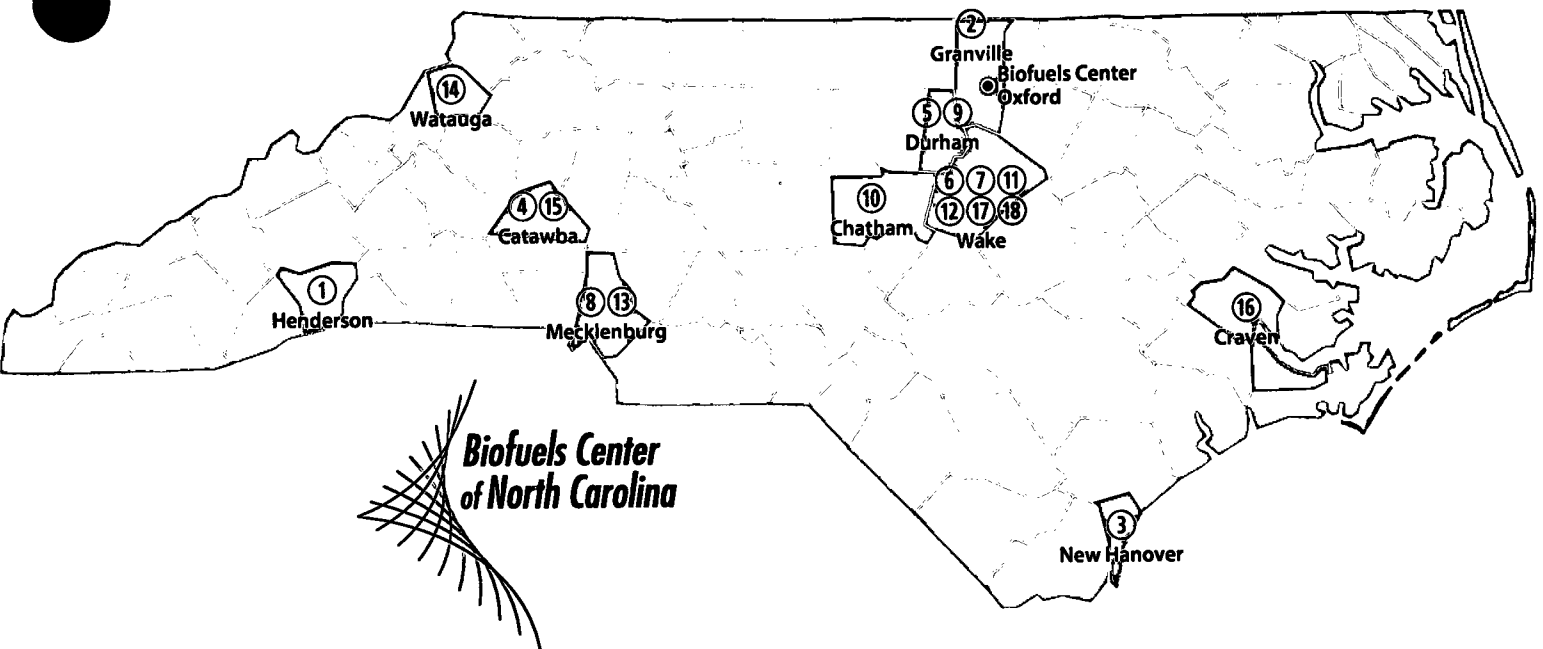
Board of Directors: March 2009

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- Larry B. Wooten • President, North Carolina Farm Bureau
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Biofuels Center of North Carolina
901 Hillsboro St. • PO Box 1919 • Oxford, NC 27565
919-693-3000 • www.biofuelscenter.org

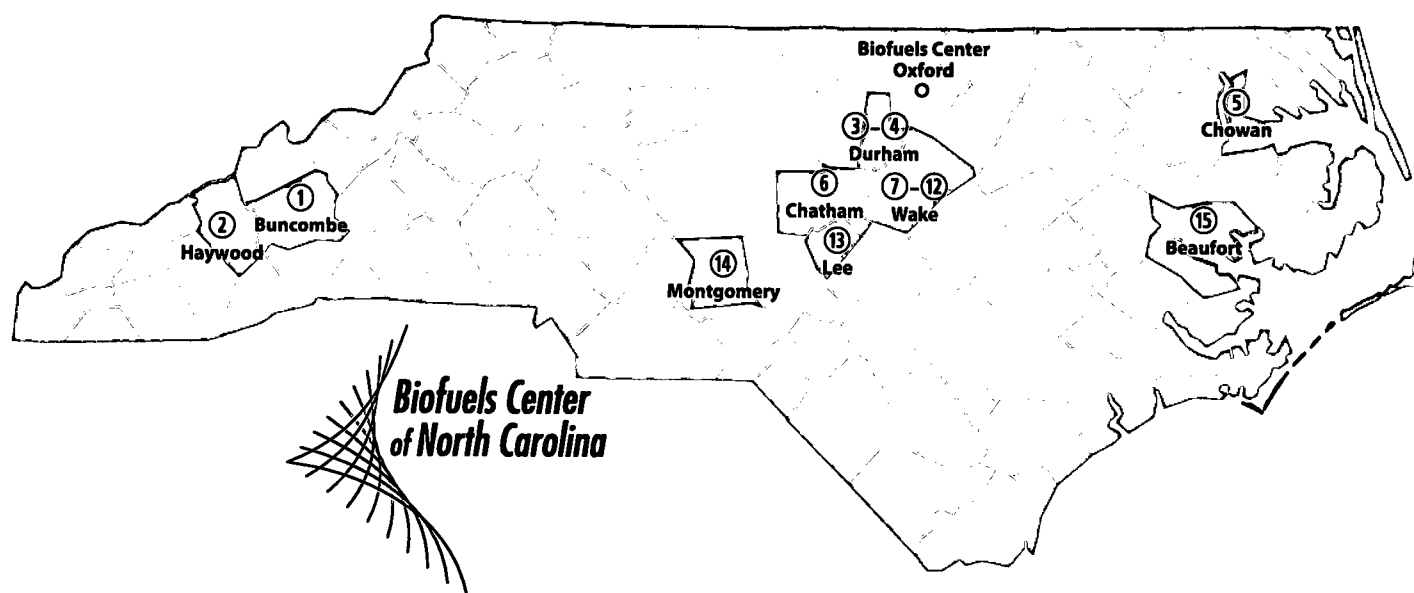
W. Steven Burke • President and CEO • Mobile 919-619-6041 • sburke@biofuelscenter.org
Ashley Jones • Director, Government & External Relations • Mobile 919-339-3507 •
ajones@biofuelscenter.org

Statewide Biofuels Development Grants Program 2009 Awards



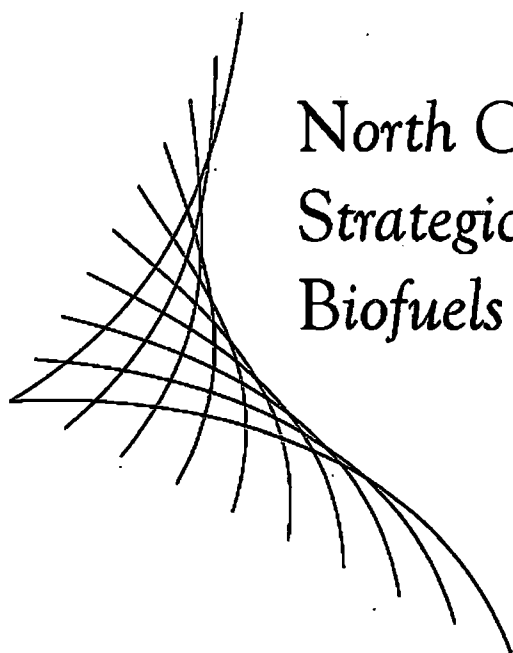
	AMOUNT	PROJECT	ORGANIZATION	CITY	COUNTY
①	\$171,293	Energy Canes: Ideal Fuelstocks for NC's Diverse Energy Needs	North Carolina State University Mountain Horticulture Crops	Mills River	Henderson
	\$35,415	Biodiesel Feedstock Research	North Carolina Department of Agriculture & Consumer Services: Division of Research Stations	Oxford	Granville
③	\$108,800	Algae Downstream Processes Automated for Commercialization	Cape Fear Resource Conservation & Development	Wilmington	New Hanover
④	\$180,496	Reducing Natural Resource Impacts Related to Biodiesel Production	Carolina Land & Lakes RC&D	Newton	Catawba
⑤	\$200,000	Optimal NC Energy Crop Gasification Project	The Abell Foundation	Durham	Durham
⑥	\$183,802	Low Cost Conversion of Industrial Sludges to Ethanol	North Carolina State University	Raleigh	Wake
⑦	\$183,468	Optimizing Cultivation and Conversion Parameters for Efficient Sweet Sorghum Bioethanol	North Carolina State University	Raleigh	Wake
⑧	\$150,295	Fungal Biopulping for Improved Ethanol Production from Low- cost Woody Feedstocks	University of North Carolina – Charlotte	Charlotte	Mecklenburg
⑨	\$184,891	Biomass Gasification Tar Cracking Catalyst Development for Biofuels Synthesis	RTI International	Research Triangle Park	Durham
⑩	\$167,061	Enzymatic Processing of Biodiesel	Chatham County Economic Development Corporation	Pittsboro	Chatham
⑪	\$199,128	Integrated Low-Cost Torrefaction-Gasification for Production of Biofuels from Forest Resources	North Carolina State University	Raleigh	Wake
⑫	\$162,438	Economic Analysis of Pine Biomass Feedstocks for Ethanol Production	North Carolina State University	Raleigh	Wake
⑬	\$99,850	Greater Charlotte Region Biofuel Facility	Centralina Council of Governments	Charlotte	Mecklenburg
⑭	\$129,133	Extraction and Refinement of Oils from Biodiesel Feedstocks	Appalachian State University	Boone	Watauga
⑮	\$150,000	Feedstock Processing Station	Catawba County	Newton	Catawba
	\$49,097	From Farms to Fuels: Renewable Energy Production	Craven County Schools	New Bern	Craven
	\$194,375	Canola Production, Processing, and Market Development for Biodiesel	North Carolina Solar Center	Raleigh	Wake
⑱	\$198,385	Biodiesel Pilot Plant Demonstration & Outreach Program	North Carolina Solar Center	Raleigh	Wake
\$2,747,927		TOTAL			

Statewide Biofuels Development Grants Program 2008 Awards



	AMOUNT	PROJECT	ORGANIZATION	CITY	COUNTY
①	\$250,000	Biodiesel Production Expansion Project	Blue Ridge Biofuels, LLC	Asheville	Buncombe
②	\$135,845	Biofuels Production, Education, and Training (PET) Project	Haywood Community College Foundation	Clyde	Haywood
③	\$200,000	Commercialization-Focused Woody Biomass Gasification	The Abell Foundation, Inc.	Durham	Durham
④	\$200,000	Expansion of the Carbon to Liquids Development Center	Southern Research Institute	Durham	Durham
⑤	\$22,000	NC Biofuels LLC Site Development	North Carolina's Northeast Economic Development Foundation, Inc.	Edenton	Chowan
⑥	\$250,000	Building a Bio-Refinery	Piedmont Biofuels Industrial LLC	Pittsboro	Chatham
⑦	\$200,000	High-Value Transportation Fuels from North Carolina Feedstocks	North Carolina State University	Raleigh	Wake
⑧	\$138,688	Developing Dekkera bruxellensis for Bio-ethanol Production	North Carolina State University	Raleigh	Wake
⑨	\$198,178	Producing Ethanol from Biomass by Extracting Value Prior to Combustion	North Carolina State University	Raleigh	Wake
⑩	\$187,700	Bioenergy Plantations: A Technical/Economic Study	North Carolina State University	Raleigh	Wake
⑪	\$199,733	Growing Duckweed on Swine Wastewater for Ethanol Production	North Carolina State University	Raleigh	Wake
⑫	\$197,033	Development and Evaluation of Industrial Sweetpotatoes	North Carolina State University	Raleigh	Wake
⑬	\$195,000	Biofuels Production Laboratory Equipment	Central Carolina Community College	Sanford	Lee
⑭	\$148,800	STARworks Biofuels	Yadkin-PeeDee Lakes Project, Inc. dba Central Park NC	Star	Montgomery
⑮	\$27,314	Renewable Fuels Program	Washington High School	Washington	Beaufort
\$2,550,291		Total			

Contact: Ashley Jones, Director, Government and External Affairs, ajones@biofuelscenter.org, (919) 339-3507



North Carolina's Strategic Plan for Biofuels Leadership

Fueling North Carolina's Future *North Carolina's Strategic Plan for Biofuels Leadership*

Submitted to the Environmental Review Commission,
North Carolina General Assembly
From
Project Co-conveners and Steering Committee

1 April 2007

Funding by the North Carolina General Assembly in 2007 created
the Biofuels Center of North Carolina to implement this
Strategic Plan.
www.biofuelscenter.org

Project Co-conveners

Mr. Steven Burke
Senior Vice President, Corporate Affairs
North Carolina Biotechnology Center
919-541-9366
steven_burke@ncbiotech.org

Mr. Billy Ray Hall
President
North Carolina Rural Economic Development Center
919-250-4314
brhall@ncruralcenter.org

Ghasem Shahbazi, PhD
Professor and Director of Bioenvironmental Engineering
North Carolina A&T State University
336-334-7787
ash@ncat.edu

Secretary E. Norris Tolson
North Carolina Department of Revenue
919-715-9851
Norris.Tolson@dornrc.com

Johnny C. Wynne, PhD
Dean, College of Agriculture and Life Sciences
North Carolina State University
919-515-2668
johnny_wynne@ncsu.edu

Steering Committee Members and other engaged participants are listed on pages 8-9.

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Imperative and Vision Well Combined

What combination of vision, policies, and resources is required for North Carolina to develop a liquid biofuels industry that is substantial in output, agriculturally and economically important, sustainable, and significant across the State?

Almost 5.6 billion gallons of petroleum-based liquid fuels are consumed by North Carolinians each year.

Every gallon is produced elsewhere, yielding main economic return elsewhere. Each gallon verifies further that citizens are dependent upon fuels produced in other places, not all of which are reliably attentive to State or national security. No gallon contributes to the agricultural, forestry, or production economy of North Carolina.

North Carolina is well-advised to gain internal capability for production of a measurable percentage of its liquid biofuels consumption. Doing so reflects increasingly strong national and federal mandates, and is also mirrored by other states – many of which are targeting biofuels development far more aggressively and measurably than North Carolina. More importantly, gaining increased internal biofuels capability is eminently feasible in this State in coming decades. North Carolina is remarkably well-positioned to shape science, biotechnology, agricultural and biomass resources, smart participants, and policies into an internally strong biofuels sector.

In fact, more is realistically possible. With the right grouping of vision, strategy, and resource commitment over time, North Carolina can gain Mid-Atlantic and Southern leadership in a growing biofuels industry in coming years.

Many resources and capabilities will work together for this outcome. Among them, methodical and strategic development of new fuel feedstocks will be key. Few states can study, adapt, and grow as many possible sources. Canola, switchgrass, hulless barley, coastal Bermuda grass, industrial sweet potatoes, and miscanthus are among possibilities, along with animal waste, algae, and forest-based resources. As a result, North Carolina's future will target these feedstocks – as well as crops perhaps today barely envisioned – and will not be based on corn.

Working for these crops, a new industry, and increased biofuels capability impels sustained State policy and leadership. Resources must be committed. Varied institutional parties, public and private, must work together for common purpose. Thinking and outcomes must be shaped by the significance of the task, which remarkably touches so many large components of North Carolina's life and landscape: environmental stewardship, transportation and consumers, science and research, agriculture and forestry, counties, economy, and security.

Addressing the question above and these interrelated components has been for seven months the task of more than 70 engaged North Carolinians statewide. Their work, thoughtful discussion, and sound ideas have yielded this *Strategic Plan for Biofuels Leadership*.

Results are sound, practical, and encouraging, and so is the responsible future-thinking at hand. Is any state better prepared to address the imperative for biofuels leadership?

Project Process and Approach

North Carolinians have a tradition of coming together to address ideas and needs important to the State's future. Our ability to do so has been since June of 2006 directed effectively to biofuels.

In June of 2006, a first-ever *Biofuels Summit* convened 15 State, academic, and corporate leaders around the imperative for informed, future-directed State planning and policy. Key legislative participants, including Senator Charlie Albertson and Representative Dewey Hill, judged the imperative significant enough to catalyze legislation. In August, *Senate Bill 2051: State Energy Use/Energy Assistance* passed, mandating a statewide strategic plan.

The legislation yielded the process for *North Carolina's Strategic Plan for Biofuels Leadership*, a Project:

- Led by five Co-conveners: the College of Agriculture and Life Sciences at North Carolina State University, the School of Agriculture and Environmental Sciences at North Carolina Agricultural and Technical State University, the North Carolina Biotechnology Center, the North Carolina Rural Economic Development Center, and Secretary of Revenue E. Norris Tolson.
- Guided by a 24-member Steering Committee, comprised of the Co-conveners and appropriately diverse parties statewide, as listed on page 8.

Discussions and ideas were shaped in full Steering Committee meetings or in five Strategic Workgroups: Organizational Leadership; Market Transformation; Science, Research, Development, Feedstocks, and Biomass; Production & Distribution; and Culture & Education. In addition, all participants were requested early in the process to submit their initial roster of ideas, recommended activities, or suggested strategies, to trigger Committee learning and discussion.

Taken in total, the roster of ideas, recommendations, and strategies revealed main areas of necessary attention, yielded a logical framework for action over time, and provided a foundation for the broad strategies. Funding requirements were carefully considered and set.

The widely varied participating citizens worked productively, smartly, and very collegially. Their synthesis and consensus yielded this document and the Nine Realistic Strategies that follow.

Nine Realistic Strategies

North Carolina's goal is simple and bold in statement but challenging to bring about over time: *to develop a liquid biofuels industry that is substantial in output, agriculturally and economically important, sustainable, and significant across the State.*

Bringing about this outcome requires a smart combination of sustained policy, resources, and vision. Varied parties must work productively and interactively together over time. Commitment must be maintained over years, possibly decades, and will be shaped by new learning and expected challenges.

The following nine strategies in total address and bring together the combination of commitment, practical tools, and guiding vision required for comprehensive, cohesive activities statewide over many years.

STRATEGY 1 • Realistic Vision and Compelling Public Commitment

A **compelling goal** will shape policy and actions – and also trigger commitment and passion – by citizens, leadership, and institutions statewide:

North Carolina's vision is strong and ambitious. By 2017, 10 percent of liquid fuels sold in North Carolina will come from biofuels grown and produced within the State.

REQUIRED: Legislation and widespread endorsement of State leaders.

MORE INFORMATION provided under *Strategies Delineation*, on page 10.

STRATEGY 2 • Statewide Biofuels Commission

A **new entity** must be constituted to guide and oversee North Carolina's sustained, high-level, and policy-based biofuels initiative over time. Possibly a State-level Commission established by the General Assembly with staff assistance provided by a nonprofit, it will be granted lead responsibility and authority for: policy development and oversight, building upon appropriate work already undertaken by varied parties statewide, coordination and assistance for the ongoing work and missions of varied parties statewide, development of key activities, identification and implementation of specific programs and incentives, funding of certain research or development activities, and targeted progress reports to public, policy, and legislative leaders. Working for comprehensive, effective, and steady movement from research and development to deployment – production, distribution, and use statewide – will be a key mandate as well as responsibility. A catalyst and convener in approach, the Commission will constitute and draw on Task Forces and other groups statewide..

REQUIRED: Legislation and funding of \$500,000 annually.

MORE INFORMATION provided under *Strategies Delineation*, on page 10.

STRATEGY 3 • Statewide Economic Development Imperatives

Because development of biofuels offers extraordinary opportunity for gain statewide, **sustained State policies and activities** must work aggressively for:

- National security
- Economic security
- Rural development
- Gain to farmers and agriculture
- Environmental benefits and stewardship
- Identification and development of local and regional resources, feedstocks, and production facilities

REQUIRED: Sustained commitment over time by State leaders and all involved parties.

MORE INFORMATION provided under *Strategies Delineation*, on page 11.

STRATEGY 4 • Creation of a New Industry Sector

Given its unparalleled biotechnology, agricultural, forestry, and resource strengths, North Carolina can realistically work for development within 10-15 years of:

- **A new biofuels industry** and economic sector statewide.
- **Mid-Atlantic and Southern leadership** within that industry.

Attaining both goals must inform all of the above activities and strategies.

REQUIRED: Sustained commitment over time by State leaders and all involved parties.

MORE INFORMATION provided under *Strategies Delineation*, on page 12.

STRATEGY 5 • A Biofuels Roadmap Across the State

Craft, implement, and continually refine a **coordinated plan** for development, production, and commercialization of biofuels throughout North Carolina, building on work undertaken to date by parties statewide. Resources, policy, and involved entities statewide must be merged. All involved parties and steps in the movement from science and research to feedstocks, production, distribution, worker training, and consumer utilization must be comprehensively addressed and integrated.

To be undertaken by the *Statewide Biofuels Commission*, working with its constituted Task Forces and partners statewide.

REQUIRED: Participation and leadership from all parties statewide and from the *Statewide Biofuels Commission*.

MORE INFORMATION provided under *Strategies Delineation*, on page 12.

STRATEGY 6 • Science, Research, and Development Capabilities

Research programs and resources at universities and other facilities statewide provide the requisite foundation for:

- Identification and development of improved or new feedstocks that can be particularly and efficiently grown, harvested, stored, and processed in North Carolina: *\$4.5 million initial estimate*
- Development of processing capabilities, treatments, and enzymes key to efficient and competitive development of new feedstocks, including those from forests and other cellulosic sources: *\$14.5 million initial estimate*
- Agricultural, forestry, and agronomic development, exploration, and testing: *\$2 million initial estimate*
- Small scale pilot/deployment/processing plants to speed the movement of research to outcomes: *\$4 million initial estimate*

Targeted and prioritized research over time will yield:

- *Short-term* use of existing feedstocks and process technology.
- *Mid-term* modification of existing feedstocks and process technology.
- *Longer-term* development of new feedstocks and process technology.

Priorities and goals for science, research, and development activities and funding will be established by the *Statewide Biofuels Commission*.

REQUIRED: Total funding of \$25 million will be requested from legislative appropriation.

MORE INFORMATION provided under *Strategies Delineation*, on page 12.

STRATEGY 7 • Advanced Biofuels Acceleration Facility

Establishment of a **nationally unique public-private partnership facility** – involving multiple entities and companies – to methodically test, break down, and produce different feedstocks will offer North Carolina significant advantage, in particular to speed identification and development of crops most advantageous statewide for biofuels production.

REQUIRED: Legislation and financial commitment of 25 percent of total costs for a \$25 million facility, with that commitment contingent upon the other funding being in place.

MORE INFORMATION provided under *Strategies Delineation*, on page 13.

STRATEGY 8 • Advancing Public Commitment and Workforce Development

To ensure that North Carolinians understand the personal and societal importance of biofuels produced within their State, a **coordinated statewide public endeavor** undertaken by varied parties must in the next five years work for and fund informed leadership, targeted education and workforce development, and consumer awareness.

To be implemented by the *Statewide Biofuels Commission*.

REQUIRED: Legislation and initial funding of \$500,000.

MORE INFORMATION provided under *Strategies Delineation*, on page 13.

STRATEGY 9 • Appropriate and Targeted Incentives

A **comprehensive, dovetailed package** of incentives must be identified and implemented, to maximize development, production, distribution, retail infrastructure, and consumer purchase of biofuels produced within North Carolina.

To be identified, organized, and implemented by the *Statewide Biofuels Commission*, working with its constituted Task Forces and respondents statewide.

REQUIRED: Legislation to be developed.

MORE INFORMATION provided under *Strategies Delineation*, on page 14.

Project Members Statewide: Co-conveners, Steering Committee, and Participants

Project Co-conveners

- Steven Burke - North Carolina Biotechnology Center
- Billy Ray Hall - North Carolina Rural Economic Development Center
- Ghasem Shahbazi, PhD - North Carolina A&T State University
- Secretary E. Norris Tolson - North Carolina Department of Revenue
- Johnny C. Wynne, PhD - North Carolina State University

Steering Committee Members

- Michael J. Arnold - Office of the Lieutenant Governor
- Steven Burke - North Carolina Biotechnology Center
- Secretary W. Britt Cobb, Jr. - North Carolina Department of Administration.
Designee: Speros Fleggas
- Secretary James T. Fain, III - North Carolina Department of Commerce.
Designee: Robert K. McMahan, PhD
- James W. Gentry - North Carolina State Grange.
Designee: David Meredith
- Billy Ray Hall - North Carolina Rural Economic Development Center
- Steve Kalland - North Carolina Solar Center
- H. Martin Lancaster - North Carolina Community College System.
Designee: Matt Meyer
- Thomas Nagy - Novozymes North America, Inc.
Designee: Garrett Screws
- Erica Upton Peterson - North Carolina Agribusiness Council, Inc.
- Secretary William Ross - North Carolina Department of Environment and Natural Resources. Designee: Manly Wilder
- Ghasem Shahbazi, PhD - North Carolina A&T State University
- Larry Shirley - State Energy Office
- Robert W. Slocum, Jr. - North Carolina Forestry Association
- Secretary E. Norris Tolson - North Carolina Department of Revenue
- Commissioner Steve Troxler - North Carolina Department of Agriculture & Consumer Services. Designee: Howard Isley
- Ivan Urlaub - North Carolina Sustainable Energy Association
- Larry B. Wooten - North Carolina Farm Bureau Federation.
Designee: Mitch Peele
- Johnny C. Wynne, PhD - North Carolina State University
- Tim Shea - U.S. Army, Fort Bragg

Other Engaged Participants

- Kris Allsbury - BioNetwork - North Carolina Community College System
- J.D. Brooks - BioNetwork-BioAg Center - Robeson Community College
- Katrin Burt - InterSouth Partners
- Rachel Burton - Piedmont Biofuels
- Gerald Cecil, PhD - University of North Carolina at Chapel Hill
- Simon Cobb - Lotus Engineering, Inc.
- Bill Cooper - BioNetwork-BioProcessing Center - Pitt Community College
- Douglas Crawford-Brown, PhD - University of North Carolina at Chapel Hill
- Kurt Creamer - North Carolina Solar Center
- Carol Cutler-White - North Carolina Biotechnology Center
- Richard Dell - Advanced Vehicle Research Center of North Carolina
- Lyle Estill - Piedmont Biofuels
- Tobin Freid - Triangle J Council of Governments
- Anne Gilliam - Southern Alliance for Clean Energy
- Dennis Grady, PhD - Appalachian State University Energy Center
- Billy Guillet - North Carolina Rural Economic Development Center
- Charles Hall - North Carolina Soybean Producers Association
- Gary Harris - North Carolina Petroleum Marketers Association
- Joy Hicks - North Carolina General Assembly, Fiscal Research
- Alex Hobbs, PhD - North Carolina Solar Center
- Nathan Holleman - North Carolina Department of Agriculture & Consumer Services
- Randall Johnson - North Carolina Biotechnology Center
- Leslie Jones - BioNetwork-BioAg Center - Robeson Community College
- Steve Kelley, PhD - North Carolina State University
- Kathleen Kennedy, PhD - North Carolina Biotechnology Center
- Judy Kincaid - Sage Collaboration
- Paul Knott - BioNetwork-BioBusiness Center - Asheville-Buncombe Technical Community College
- Sam Lee - North Carolina Agribusiness Council
- Kristine Leggett - North Carolina General Assembly, Fiscal Research
- Bob Leker - State Energy Office
- Poul Lindergaard - Novozymes North America, Inc.
- Ted Lord - The Golden LEAF Foundation
- Elaine Matthews - North Carolina Rural Economic Development Center
- Andrew McMahan - Central Carolina Community College
- Cynthia McNeill-Moseley - State Energy Office
- Jason R. Nelson - North Carolina Biotechnology Center
- Cedric Pearce, PhD - MycoSynthetix
- Hal Price - Hal Price Biotechnology Consulting Service
- Jeffrey Ramsdell, PhD - Appalachian State University
- Maria Rapoza, PhD - North Carolina Biotechnology Center
- Ben Rich - North Carolina Solar Center
- Christy Russell - North Carolina Biotechnology Center
- Bill Schy, PhD - North Carolina Biotechnology Center
- Paul Sherman - North Carolina Farm Bureau Federation
- Kenneth Swartzel, PhD - North Carolina State University
- Sam Taylor - North Carolina Biosciences Organization
- Anne Tazewell - North Carolina Solar Center
- Mark Thomson - IDEA Engineering, Inc.
- Kristin Walker - North Carolina General Assembly, Fiscal Research

Strategies Delineation

Working productively over just seven months, from September of 2006 through March of 2007, 70 smart and engaged North Carolinians addressed the question at hand:

What combination of vision, policies, and resources is required for North Carolina to develop a liquid biofuels industry that is substantial in output, agriculturally and economically important, sustainable, and significant across the State?

Discussions and ideas were shaped in full Steering Committee meetings and in five Strategic Workgroups: Organizational Leadership; Market Transformation; Science, Research, Development, Feedstocks, and Biomass; Production & Distribution; and Culture & Education. In addition, all participants were asked early in the process to submit their initial roster of ideas, recommended activities, or suggested strategies – to trigger Committee learning and discussion.

Taken in total, the roster of ideas, recommendations, and strategies revealed main areas of necessary attention, yielded a logical framework for action over time, and provided a foundation for the broad strategies.

Key recommendations or ideas underlying the strategies are presented below. *They are representative of the types of outcomes and activities discussed and likely to be seen in coming years; they are not at present assumed to be assured or set.* Considering these and other, to-be-explored, recommendations will be a mandated task of the *Statewide Biofuels Commission* as it works with parties across North Carolina.

The content below reveals:

- The range of resources, policies, and bold ideas required.
- The richness of work and ideas already seen from parties statewide.
- The effectiveness and imagination with which engaged North Carolinians can together think about a topic of societal and economic importance to their future.

Strategy 1 • Realistic Vision and Compelling Public Commitment

Discussion was thoughtful and imaginative about ways to trigger policy, public commitment, and resources over time – and granted that states, like persons, often respond well to large visionary goals over time.

Strategy 2 • Statewide Biofuels Commission

Specific goals and tasks of the commission will include:

- Implementing *North Carolina's Strategic Plan for Biofuels Leadership* and meeting the milestones set forth in legislation/statutes;
- Marketing and promotion;
- Coordinating and advocating research;

- Coordinating and advocating policy;
- Administering grants and cost-sharing programs;
- Aggregating information and serving as a repository for biofuels activities;
- Serving as the lead agency representing North Carolina's interest in federal programs and in seeking federal funding;
- Programming the commercialization of biofuels in North Carolina;
- Addressing related areas of research and attention, including social sciences, consumer issues, broader environmental and energy implications, and economics;
- And others to inevitably evolve in coming years.

The Commission's membership would likely be made up of representatives from the following organizations, as well as from others as appropriate:

- Department of Administration
- Department of Agriculture & Consumer Services
- Department of Commerce
- Department of Environment and Natural Resources
- Department of Transportation
- Energy Policy Council
- Institute of Forest Biotechnology
- North Carolina Agribusiness Council
- North Carolina Biotechnology Center
- North Carolina Board of Science and Technology
- North Carolina Community College System
- North Carolina Farm Bureau Federation
- North Carolina Forestry Association
- North Carolina Rural Economic Development Center
- North Carolina Solar Center
- North Carolina State Grange
- Petroleum Marketers Association
- University of North Carolina
- Representatives of private industry that are engaged in the biofuels industry
- Any other entity that the Biofuels Industry Strategic Plan Steering Committee deems appropriate, particularly entities engaged in the biofuels industry

The five Project Co-conveners, drawing on the Steering Committee and other participants, will move the Commission from Strategy to reality and initial staffing in coming months.

Strategy 3 • Statewide Economic Development Imperatives

The six imperatives laid out were judged requisite to outcomes. Working for them should underlie and inform every policy, activity, and decision over coming years.

Meeting these imperatives is in fact key to the overall success of North Carolina's biofuels strategy.

Strategy 4 • Creation of a New Industry Sector

Guided by policy, leadership, and vision, North Carolina has proven successful at moving from traditional to new industry sectors, many of which spring from merging of technology with varied resources statewide.

The presumption is bold but realistic: groundwork laid in the short-term can lead to a new biofuels sector statewide in the longer-term of 10 to 15 years.

Working for this outcome is also key to the overall, long-term success of North Carolina's biofuels strategy – and must be taken seriously by varied parties and leaders in coming years.

Strategy 5 • A Biofuels Roadmap Across the State

Recommendation: Adopt and implement a roadmap for the commercialization of biofuels in North Carolina. The roadmap is to include a target list of recommended feedstocks that can be efficiently and economically grown, harvested, stored, and processed in North Carolina. The list will identify the best energy source feedstocks and highlight byproducts, outputs, and focus on feedstock quality. It will also include an action plan focusing on North Carolina's regional differences in agronomy and agriculture while also addressing the research and development needs of farmers and scientists.

Strategy 6 • Science, Research, and Development Capabilities

Recommendation: To help facilitate and coordinate research and development efforts throughout the State, the *Statewide Biofuels Commission* shall hold an annual symposium/conference bringing together scientists, researchers, and representatives of universities, government, and other organizations for collaboration, networking, information sharing, and coordination of feedstock and biomass research, development, commercialization, and deployment.

Recommendation: Support and promote the commercialization and deployment of new technologies for converting North Carolina grown and harvested feedstocks and biomass into biofuels.

Recommendation (Revenue Neutral): A key component to a strong biofuels industry is a well-trained workforce. A certification process and quality-assurance training program should be developed for technicians in the biofuels industry. Large-scale and small-scale production facilities can benefit from an integrated biofuels training program. Implementing existing curricula while combining resources to develop a comprehensive training program both reduces cost per student and expands the availability of classes. The biofuels training program should include both production techniques and quality-control testing. Quality control is needed to ensure that the biofuels produced in North Carolina meet all applicable specifications. The quality of the biofuels has a direct relationship to public acceptance. An inconsistent or poor-quality fuel will have a negative impact on the newly developing demand for biofuels.

Recommendation (Revenue Neutral): Develop streamlined environmental review and permitting processes required for development of biofuels production and distribution facilities.

Recommendation: To ensure movement from research and production to distribution and use, develop an ASTM-certified laboratory for testing biofuels, to be implemented by the North Carolina Department of Agriculture & Consumer Services at State testing facilities to allow easy access to testing for producers, particularly small producers, and ensure that all North Carolina-produced biofuels are properly tested and meet established specifications.

Strategy 7 • Advanced Biofuels Acceleration Facility

Recommendation: Endorse Novozymes' proposal to the U.S. Department of Energy for a pilot-scale facility focused on creating viable conversion processes specific to North Carolina and the Southeastern United States. The proposed pilot and deployment facility will develop processes for multiple biomass feedstocks relevant to the State and the Southeastern region; integrate technologies of pretreatment, hydrolysis, fermentation, and enzyme production; and deliver basic engineering and technical guidance for developing regional biorefineries. Novozymes is focused on securing federal, state, and local agreement for the regional biomass-to-ethanol technology center by identifying key partners and creating a governing structure for the facility.

Strategy 8 • Advancing Public Commitment and Workforce Development

Recommendation: Induce use of biofuels within State government by coordinating and/or implementing petroleum displacement programs for all State rolling stock. State government should continue to support biofuels use by going beyond the currently mandated 20 percent reduction or displacement of petroleum use.

Recommendation: Design and implement a pilot marketing program for biofuels targeting a pre-determined region within the State. The pilot program will measure the effectiveness of marketing and outreach methods to ascertain the best approach and practices for reaching a statewide audience.

Recommendation: Identify a county in North Carolina as a pilot/test program for converting all rolling stock to biofuels and environmentally friendly vehicles, including but not limited to E85 and biodiesel.

Recommendation: Endorse the Petroleum Displacement Plan as outlined in *Section 19.5, 2005 State Budget Provision* requiring State fleets to achieve a 20 percent reduction or displacement of current petroleum use by 2010 through the use of alternative fuels and hybrid vehicles.

Recommendation: Determine workforce needs and levels of education – certificate, associate, baccalaureate, or higher – necessary to meet those needs. Involve industry, community colleges, and universities in these determinations and in curricula development. Design and implement workforce development, education, and training curricula with clear, concise, and consistent messages for an array of target audiences.

Key messages of workforce development and training will address biofuels basics, energy issues, and mechanisms for behavior change. Key messages of education will address formal and informal instruction. An integral element of workforce development, education, and training will focus on the coordination and collaboration of existing programs and curricula.

Recommendation: Create a broader presence for North Carolina's biofuels efforts by implementing targeted public awareness and media campaigns. Targeted programs should be designed to take advantage of existing public relations and media efforts in an effort to disseminate accurate information, inform lawmakers, educate the public, and build trust.

Recommendation: Within the *Statewide Biofuels Commission*, designate a strategic committee whose purpose is to elevate, communicate, build, and implement a permanent and ongoing public information plan. The committee would provide periodic updates and reports on the *State of Biofuels in North Carolina* and act as a communications conduit to the General Assembly, other State and local leaders, and to the general public.

Strategy 9 • Appropriate and Targeted Incentives

Recommendation: Implement a comprehensive State-funded incentives program to maximize the development of cost-competitive, bio-based fuels, and to expand production and retail infrastructure. Example incentives include the following:

1. Reduce/remove motor fuels tax on biodiesel;
2. Tax ethanol based on energy content of fuel. Ethanol has approximately 30 percent less energy content than gasoline; therefore, reducing the motor fuels tax on the ethanol blend by 30 percent will be revenue neutral because motorists using E85 need to purchase more fuel to go the same distance as a gasoline-powered vehicle;
3. Expand tax credit for biofuels infrastructure (current 15 percent tax credit is set to expire this year); and
4. Provide a per-gallon payment to North Carolina biofuels producers (e.g. \$0.10 per gallon for the first 10 million gallons of production).

Recommendation: Implement an incentive program for replacing mid-grade octane fuel tanks with E85 at stations across North Carolina. A grant program could supplement the conversion costs incurred by station owners.

Senate Bill 2051, August 2006

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2005

SESSION LAW 2006-206 SENATE BILL 2051

AN ACT TO REDUCE ENERGY, FUEL, AND WATER CONSUMPTION IN THE STATE THROUGH: (1) DEVELOPMENT OF A PLAN TO INCREASE THE AVAILABILITY AND USE OF ALTERNATIVE FUELS IN STATE-OWNED VEHICLE FLEETS; (2) PROVISION OF ENERGY ASSISTANCE TO LOW-INCOME PERSONS; (3) DEVELOPMENT OF A STRATEGIC PLAN TO EXPAND THE BIOFUELS INDUSTRY IN NORTH CAROLINA; AND (4) STUDY MECHANISMS TO IMPROVE ENERGY AND WATER CONSERVATION IN STATE-OWNED FACILITIES.

The General Assembly of North Carolina enacts:

... PART III. DEVELOP BIOFUELS INDUSTRY STRATEGIC PLAN

SECTION 3.1. There is established the Biofuels Industry Strategic Plan Work Group. The purpose of the Work Group is to develop a strategic plan for expansion of biofuels as an industry in North Carolina. The Work Group shall include representatives of the College of Agriculture and Life Sciences at North Carolina State University, the School of Agriculture and Environmental Sciences at North Carolina Agricultural and Technical State University, the North Carolina Biotechnology Center, and the Rural Economic Development Center, Inc. In developing this strategic plan, the Work Group shall delineate the increasing role of biotechnology in the development of biofuels and may consult with all of the following:

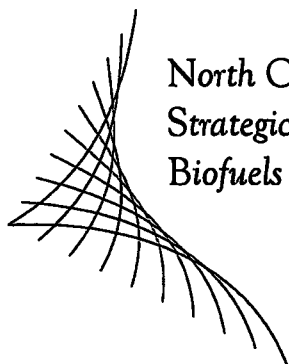
- (1) The Department of Administration.
- (2) The Department of Agriculture and Consumer Services.
- (3) The Department of Commerce.
- (4) The Department of Environment and Natural Resources.
- (5) The Department of Transportation.
- (6) The University of North Carolina System.
- (7) The Community College System.
- (8) The North Carolina Solar Center at North Carolina State University.
- (9) The North Carolina Farm Bureau Federation.
- (10) The North Carolina State Grange.
- (11) The North Carolina Agribusiness Council.
- (12) The North Carolina Forestry Association.
- (13) Representatives of private industry that are engaged in biotechnology and the biofuels industry.
- (14) Any other entity that the Biofuels Industry Strategic Plan Work Group deems appropriate, particularly entities that are engaged in biotechnology and the biofuels industry.

SECTION 3.2. The Biofuels Industry Strategic Plan Work Group shall submit an interim report on the development of the strategic plan, including any preliminary findings, recommendations, and legislative proposals, to the Environmental Review Commission no later than 15 January 2007. The Biofuels Industry Strategic Plan Work Group shall submit a final report on the development of the strategic plan, including any findings, recommendations, and legislative proposals, to the Environmental Review Commission no later than 1 April 2007.

Project Coordinators

Mr. Jason R. Nelson
Biofuels Project Coordinator
North Carolina Biotechnology Center
919-541-9366
jason_nelson@ncbiotech.org

Mr. Billy Guillet
Director, Agricultural Advancement Consortium
North Carolina Rural Center
919-250-4314
bguillet@ncruralcenter.org



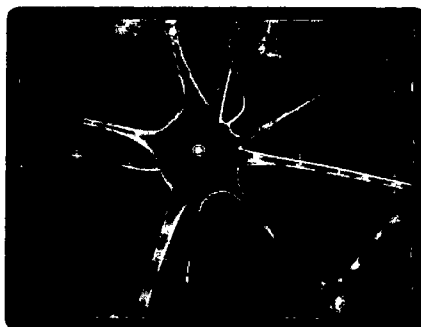
North Carolina's
Strategic Plan for
Biofuels Leadership

"A Model School of Excellence"

Bertie Early College High School

School of Agriscience and Biotechnology

819 Governors Road
Windsor, NC 27983



Learning to Do,
Doing to Learn,
Earning to Live,
Living to Serve



Focus on Agriscience and Biotechnology

The history of Bertie County is grounded in agriculture. Farming and farm related industries and businesses account for a greater percentage of revenue than any other county in North Carolina.



Issues facing us in the 21st century will require science and technology based solutions. Shaw University, North Carolina State University and Bertie County Schools, in association with the North Carolina New Schools Project, are partnering to create the School of Agriscience & Biotechnology at the Early College High School on the campus of the former Southwestern Middle School. The school is open to any incoming freshman and enables students to graduate with either two years of transferrable college credits or a two-year Associate in Arts Degree. Students will learn about vast improvements in the field of agricultural science, including the elimination of disease pathogens from plants; multiplication of desired cultivars; the study of metabolism, genetics and physiology of plants during genetic transformations; the creation of genetic variability from which crop plants can be improved and increase the number of desirable germ plasm available to the plant breeder.

Our way of life could be permanently changed by pressures being placed upon our environment. We must continue to study and research ways to protect our environment and our way of life. Our children and grandchildren deserve to be able to follow in the footsteps of past generations whose pride and honor were born from the fertile soil of Bertie County. Let us continue that tradition!

About Our School...

- Early College High School students will be involved in a year-round learning curriculum.
- Students will choose accelerated courses to complete High School diploma plus up to two years college credit.
- Students will be involved in biodiesel production and experimentation on campus.
- Students will benefit from the small classroom environment.
- Our school benefits from widespread community support.
- Bertie Early College High School is a part of the North Carolina New Schools Project.
- Parents can save more than \$25,000.00 for the first two years of college expenses.
- Parent involvement is an essential element.

Contact Us...

Phone: (252) 794-2150

Principal:

Bobby Occena

boccena@bertie.k12.nc.us

Agriscience/BioTechnology Instructor:

Jim Guard

jimguardagnesu93@gmail.com

School Counselor:

Susan Harris

sharris.bec@gmail.com

Parent Volunteer:

Arnie Johnson

Arthur.Johnson1986@gmail.com

Visit Our Website:

www.bechs.net



Please tear off, place in envelope and mail to:

Bertie Early College High School

School of Agriscience and Biotechnology

819 GOVERNORS ROAD
WINDSOR, NC 27983

Learning to Do,

- Students must enter at 9th grade level
- First Early College High School to have a focus on Agriscience and Biotechnology.
- All students will be enrolled in courses to achieve NC Scholars recognition.
- Students will experience accelerated academic development through college campus visits as well as classes with visiting college professors and advanced level class work.



Doing to Learn,

- Students will be engaged in an accelerated curriculum.
- Students will be engaged in advanced Leadership & Career Development activities at the local, state, and national levels through FFA.
- Students will have the opportunity to have hands-on biotechnical experimentation through the Vernon James Research Center and AVOCA Inc.



Earning to Live,

- Students can earn up to 64 college credit hours which may be transferable to a four year college.
- Juniors and Seniors may participate in internships and apprenticeships.
- Students will develop appropriate organizational & social skills for personal and academic success.
- Juniors and Seniors will develop a mentoring relationship with Freshmen and Sophomores.

A special thanks to Bertie County Farm Bureau,
NC Agricultural Extension Agency,
AVOCA Inc., local farmers and many other
local organizations for helping make these programs possible.

Visit Our Web Site:
www.bechs.net

Living to Serve.

- A partnership with the Hope Plantation will allow the students to develop hands-on skills in areas such as landscaping & arboretum management plus awareness of local history.
- Students will plan and conduct community service activities throughout the school term.
- Students will participate in service learning projects such as the Bertie County Farmers Market.



Parent/Guardian Name _____

Phone _____

Address _____

City _____

State _____

Zip _____

Student Name _____

Age _____

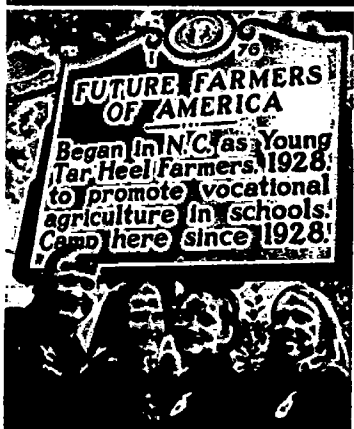
Current Grade _____

School Currently Attending _____



☐ Application Request ☐ Information Request ☐ Visit Request

Working together is tradition for Agriculture Education & FFA—it is essential for excellent programs



Agriculture Education in North Carolina

Prepared by
North Carolina Agriculture Teachers Association



- Agriculture Education in North Carolina consists of 44,000 students enrolled in 260 programs in 100 LEAs. There are 380 teachers and approximately 18,000 FFA members. It is estimated that nearly one million persons in the state have been served by Agriculture Education in the public schools. New programs are now spreading to some private schools. The program has grown an annual rate of 5% for the last 10 years. It is estimated that growth of the programs statewide will continue to increase dramatically.
- Curriculum
 - Middle School and High School
 - Areas include biotechnology, horticulture, mechanics, environmental science, animals, small animals, poultry and aquaculture.
- Twelve Month Program
 - In school classroom and lab
 - Summer Program and follow-up
- FFA Activities
 - Integral part of studies
 - Team building
 - Leadership development
- White Lake FFA Camp
 - The NC FFA Center at White Lake is the Oldest FFA Camp in America
 - Over 1250 students from all over North Carolina visit there each year
 - The NC FFA Center provides leadership training, team building and life skills for students enrolled in agriculture education.

Agricultural Education in North Carolina

History of Agricultural Education

The passage of the Smith Hughes Act in 1917 created the basic structure of a vocational preparation program in agriculture. In the beginning, agriculture classes were offered only for boys and provided technical training on raising crops and livestock and the maintenance and repair of farm machinery in preparation for careers on the farm. Since those early days, Vocational Agriculture has evolved to encompass the thriving and rapidly changing agriculture/agribusiness industry. Along the way it has seen a name change to Agricultural Education or Agriscience Education and the clientele of the program has changed as well. The days of preparing young men to return to the farm is no longer the driving force for the program as it has changed to reflect the complexity and needs of the industry.

Program Description

Agricultural Education provides students with the opportunities to participate in coordinated group and individual instructional activities that are focused on preparation for future careers in agriculture. The agricultural education program is designed to develop technical, leadership, and management expertise needed by middle and high school students preparing for careers in agricultural occupations and further education in an agriculturally-related field.

Agriculture encompasses various elements of the food, fiber and environmental systems. Agricultural employment is broadly defined to include careers that require agricultural knowledge, skills, and attitudes needed in producing, managing, processing, marketing, distributing, regulating, or protecting any of the renewable resources.

Program Design

The agricultural education program is built on the three core areas of classroom/laboratory instruction, supervised agricultural experience programs, and FFA student organization activities/opportunities. The agricultural education program is designed for delivery through a balance of these three core educational strategies.

- **Classroom/Laboratory Instruction:** Quality instruction in and about agriculture is adopted that utilizes a "learning by doing" philosophy.
- **Supervised Agricultural Experience Programs (Work-based learning experiences)**
All students are expected to have an agriculturally related work-based learning experience while enrolled in agricultural education courses.

- **FFA Student Organization Opportunities:** FFA activities are an integral part of the agricultural education program that all agricultural education students participate in if they are to fully benefit from their agricultural education enrollment (opportunities for the development of life skills necessary for career success are provided through FFA membership and involvement).

A quality agricultural education program has a balanced utilization of these three core educational strategies.

Program Outcome

The major program outcomes for students enrolled in an agricultural education program are:

1. Opportunity to explore career options available in agriculturally-related fields to assist them in planning for a future career.
2. Technical skills training for success in agriculturally-related careers.
3. Connectivity of school-based instruction with work-based learning.
4. Leadership and personal development training needed to succeed in an agriculturally-related career including teamwork, problem solving, and communication skills.
5. Competitive advantage for students to succeed in an international economy.
6. Commitment to community development and service through projects that require interaction with parents, agribusiness leaders, and civic organizations.
7. Development of skills necessary for lifelong learning in agriculture leading to career advancement and success.

Program Uniqueness

The agricultural education program includes program offerings for students in grades 7-12. Students may choose to enter and progress through one of several agricultural education career pathways in order to achieve their career major within the program. The determination of offerings should be based on an assessment that includes a combination of student needs/interest, industry needs, and community interest/resources.

Program Management

The Agricultural Education/FFA program in North Carolina is led by the State Agricultural Education Team based in the Department of Agricultural and Extension Education and the Department of 4-H Youth Development and Family & Consumer Sciences.

Professional Development

The agricultural education/FFA program in North Carolina offers a wide array of professional development and training opportunities for educators. The majority of these workshops are offered during the summer months. Examples of professional development activities include Landscape Design, Agricultural Power and Technology, Pesticide Licensing, and Turf Grass Management.

FFA Opportunities

The FFA is a national organization of middle and high school agricultural education students. The FFA offers students the opportunity to develop leadership, personal growth and career development through competition and scholarship programs. The FFA was started in 1928 with 29 members and the total membership today has risen to over 500,000. FFA began in North Carolina in 1929 and today has nearly 17,000 members. Examples of opportunities that are available for FFA'ers include:

- **Degree Programs** – FFA members can advance in the organization by obtaining degrees. Students can progress through the ranks of the degree program starting with the middle school Discovery Degree to the highly coveted American FFA Degree.
- **Proficiency Awards** – Members can participate in this unique “written award” area in the FFA. Students may study in any area in the agriculture industry and then fill out applications that are then judged. Currently there are 48 different proficiency award areas.
- **Career Development Events** – The North Carolina FFA Association currently coordinates and conducts 40 different events that encompass all aspects of the agricultural industry. These events are a combination of individual and team competitions and often begin at the local level and progress to the state and national level. In 2007-08, over 2900 students competed in state level career development events.
- **Scholarships** – Each year the National FFA Organization awards over 2 million dollars in scholarships to students and the North Carolina FFA Association provides thousands of dollars in a variety of scholarship areas.
- **Camping Program** – For five weeks each summer, students have the opportunity to participate in competitive events such as swimming, basketball, volleyball and miniature golf at the NC FFA Center at White Lake, NC.
- **Leadership Conferences** – Throughout the year the FFA presents workshops that promote premier leadership, personal growth and career success. These conferences are held at various levels from the local to national level.
- **National Chapter Award** – Each FFA Chapter is encouraged to participate in this written award area. An application is submitted that details chapter activities in the FFA throughout the year.
- **Partners for Active Learning Support (PALS)** – This program is designed to help at risk elementary school students. FFA members go into elementary classes and mentor to these younger students.

- **Food for America** – The program is similar to PALS except the FFA members teach younger students about agriculture. This allows the younger population to become award about agriculture and where our food comes from.
- **Local Chapter Activities** – FFA chapters conduct a variety of activities to benefit their members. These activities range from leadership development to recreational to community service to fun activities.

Agricultural Education Courses

The Agricultural Education/FFA Department develops courses that are part of the Career and Technical Education Standard Course of Study. Curriculum materials for all courses include course blueprints, instructional outlines, and secure and unsecured test item banks. Current Agricultural Education courses are:

- ❖ **Agricultural Mechanics I**
- ❖ **Agricultural Mechanics II**
- ❖ **Agricultural Mechanics II – Small Engines**
- ❖ **Agricultural Production and Management I**
- ❖ **Agricultural Production and Management II**
- ❖ **Agriscience Applications**
- ❖ **Animal Science I**
- ❖ **Animal Science II**
- ❖ **Biotechnology & Agriscience Research I**
- ❖ **Biotechnology & Agriscience Research II**
- ❖ **Environmental and Natural Resources I**
- ❖ **Environmental and Natural Resources II**
- ❖ **Equine Science I**
- ❖ **Equine Science II**
- ❖ **Exploring Biotechnology (Middle Grades Course)**
- ❖ **Horticulture I**
- ❖ **Horticulture II**
- ❖ **Horticulture II – Landscape Construction**
- ❖ **Horticulture II – Turfgrass Management**
- ❖ **Cooperative On-the-Job Training in Agricultural Education**
- ❖ **Internships in Agricultural Education**
- ❖ **Advanced Studies in Agricultural Education**

VISITOR REGISTRATION SHEET

Agriculture
Name of Committee

6/24/09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

ANGIE Whitener	NZ Park
Will Culpepper	Moore + Van Allen
~~Blaine Jensen~~	~~Agriculture Educators N.C.~~
Dixon Britt	Punkell Sweet High NC AGRICULTURE TEACHERS / FFA Advisor
Glenn Howell	FFA Advisor NC Agriculture Teachers Association / West Carteret High
GRAVER Sherill	West Carteret High School Student
Cameron Whitlow	West Carteret High School Student
~~Bob Hensley~~	~~West Carteret High School Student~~
TOM SAWYER	NC Ag. Teachers ASSO. / WEST CARTERET FFA ADVISOR
Nathan Waudish	Clutter N.C.
Joe McClees	McClees Consulting

VISITOR REGISTRATION SHEET

Agriculture
Name of Committee

6/24/09
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Leslie Donald	SOG-Daily Bulletin
Jim Blackburn	Association of County Commissioners and Friend of Leslie
ANTHONY ANTON	NEACD
Bill Snyderwine	CTNC
Arthur Johnson	Bertie Early College 81911 Governors Rd Windsor
Anthony Johnson	Bertie Early College
James Roderic Dunbar	Bertie Early College
Phillip Colin White	Bertie Early College
Trent Wilson	Rosewood High
Kim Hibbard	NCLM
William T. Belton	NC SHP

VISITOR REGISTRATION SHEET

9 Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

NCFB

11

BCS

NCPCM

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Frank Puller
Kelly Grabe
Doug Hower

NCAJ
NCAJ
NCPcm

HOUSE PAGES

NAME OF COMMITTEE agiculture DATE 6/24/09

1. Name: Catherine Hedgepeth ✓

County: Nash

Sponsor: Stewart

2. Name: Robert Barnes ✓

County: Nash

Sponsor: Stewart

3. Name: Elisebeth Post ✓

County: Lee

Sponsor: Hackney

4. Name: Cari Hobson

County: Lee

Sponsor: Hackney

5. Name: _____

County: _____

Sponsor: _____

Turner SGT-AT-ARM

1. Name: Judy Turner ✓

2. Name: David Sherron ✓

3. Name: Charles Coker ✓

4. Name: _____

MINUTES
HOUSE COMMITTEE ON AGRICULTURE

July 8, 2009

The House Committee on Agriculture met on Wednesday, July 8, 2009, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs Bell, Braxton, Faison, Lewis, and Williams; Representatives Coates, Daughtry, Guice, Holloway, Ingle, Langdon, McCormick, Mobley, Starnes, Steen, Tarleton, Tolson, Tucker, Underhill, Warren, and Wray.

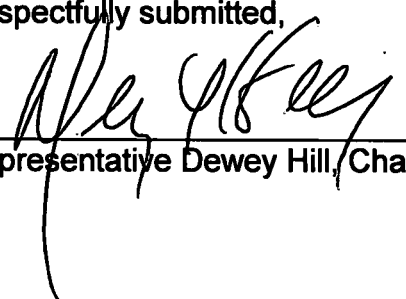
Representative Hill called the meeting to order at 12:03 p.m. and made opening remarks.

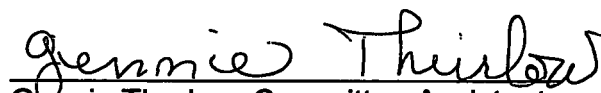
Representative Hill announced that **Senate Bill 925 Misrepresentation of Bottled NC Spring Water** would be for discussion only. Representative Braxton made a motion to accept the Proposed House Committee Substitute for discussion. Senator Apodaca was introduced to explain the bill. Hal Pell presented an overview of the bill, and several individuals spoke on the bill.

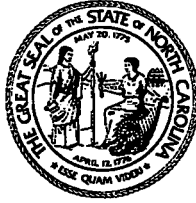
Former Representative Church was in attendance and was recognized.

The meeting adjourned at 12:47 p.m.

Respectfully submitted,


Representative Dewey Hill, Chair


Gennie Thurlow, Committee Assistant



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE COMMITTEE ON AGRICULTURE

AGENDA

Wednesday, July 8, 2009
12:00 Noon
Legislative Building – Room 1228

OPENING REMARKS

Representative Dewey Hill, Chair

AGENDA ITEM

For Discussion Only

SB 925 Misrepresentation of Bottled NC Senator Apodaca
Spring Water.

Speakers:

Hal Pell, Attorney, Research Division, NC General Assembly

Andy Ellen, NC Retail Merchants Association

Robert Smith, Smith Spring Water, Pittsboro, NC

Bob Douglas, Mountain Parks Spring Bottling Company, Winston-Salem, NC

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

1

SENATE BILL 925

Short Title: Misrepresentation of Bottled NC Spring Water.

(Public)

Sponsors: Senator Apodaca.

Referred to: Judiciary II.

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE DECEPTIVE MISREPRESENTATION OF NORTH CAROLINA NATURAL SPRING WATER THAT IS OFFERED FOR SALE BY A BUSINESS IS AN UNFAIR TRADE PRACTICE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 75 of the General Statutes is amended by adding a new section to read:

"§ 75-43. Deceptive misrepresentation of North Carolina natural spring water by a business.

(a) A person who is engaged in the business of selling, or offering for sale, bottled water as a beverage shall not misrepresent the bottled water to be 'North Carolina natural spring water.' A person misrepresents the bottled water to be 'North Carolina natural spring water' if the water is not water that is both:

(1) Derived from an underground land formation from which the water freely flows without the use of a borehole and without the aid of mechanical means.

(2) Collected at the natural orifice in the earth's surface (i) that is connected to the underground land formation and through which this water freely flows and (ii) that is on land located in North Carolina.

(b) A violation of this section is an unfair trade practice under G.S. 75-1.1."

SECTION 2. This act becomes effective October 1, 2009, and applies to beverages that are sold or offered for sale on or after that date.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 925
PROPOSED HOUSE COMMITTEE SUBSTITUTE S925-CSRK-84 [v.5]

7/8/2009 9:19:08 AM

Short Title: Misrepresentation of Bottled NC Spring Water. (Public)

Sponsors:

Referred to:

March 26, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE SALE OF A PRODUCT DESIGNATED AS "NORTH
3 CAROLINA NATURAL SPRING WATER" AND TO PROVIDE THAT THE
4 DECEPTIVE MISREPRESENTATION OF NORTH CAROLINA NATURAL SPRING
5 WATER THAT IS OFFERED FOR SALE IS AN UNFAIR TRADE PRACTICE, AND
6 TO ENSURE THAT CONSUMERS ARE NOT MISLED AS TO THE SPECIFIC
7 PROCESS USED IN PURIFYING WATER.

8 A BILL TO BE ENTITLED
9 The General Assembly of North Carolina enacts:
10 SECTION 1. Article 1 of Chapter 75 of the General Statutes is amended by adding
11 a new section to read:

12 **"§ 75-43. Deceptive misrepresentation of 'North Carolina Natural Spring Water.'**

13 (a) A person who is engaged in the business of selling, or offering for sale, bottled
14 water as a beverage shall not misrepresent the bottled water to be 'North Carolina Natural
15 Spring Water.' A person misrepresents the bottled water to be 'North Carolina Natural Spring
16 Water' if the person does either of the following:

17 (1) The person misrepresents the bottled water to be 'Natural Spring Water.' A
18 person misrepresents the bottled water to be 'Natural Spring Water' if the
19 water fails to meet all of the following criteria:

20 a. The water was derived from an underground land formation from
21 which the water freely flows and is only collected at a natural orifice
22 in the earth's surface that is connected to the underground land
23 formation and through which this water freely flows.

24 b. The water was collected without using mechanical means.
25 (2) The person misrepresents that the bottled water is from 'North Carolina.' A
26 person misrepresents that the bottled water is from North Carolina if the
27 person did not collect the water meeting the criteria in subsection (a)(1) of
28 this section at a natural orifice in the earth's surface that is on land located in
29 North Carolina.

30 (b) A violation of this section is an unfair or deceptive trade practice under
31 G.S. 75-1.1."

32 SECTION 2. Article 1 of Chapter 75 of the General Statutes is amended by adding
33 a new section to read:

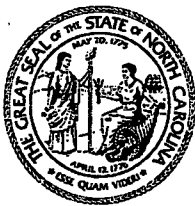
34 **"§ 75-44. Deceptive misrepresentation or purified bottled water by a business.**

1 (a) A person who is engaged in the business of selling, or offering for sale, purified
2 bottled water as a beverage shall not misrepresent the method of purification on the label of the
3 bottle. A person misrepresents the method of purification on the label of the bottle if the label
4 states that more than one type or method of purification may have been used. For the purposes
5 of illustration only, and not for exclusion or limitation on other types of possible
6 misrepresentation, it would be a misrepresentation under this section for a label to state that the
7 water contained in the bottle was purified by 'reverse osmosis or distillation.'

8 (b) A violation of this section is an unfair or deceptive trade practice under
9 G.S. 75-1.1."

10 **SECTION 3.** If any section or provision of this act is declared unconstitutional or
11 invalid by the courts, the unconstitutional or invalid section or provision does not affect the
12 validity of this act as a whole or any part of this act other than the part declared to be
13 unconstitutional or invalid.

14 **SECTION 4.** This act becomes effective October 1, 2009, and applies to beverages
15 that are sold or offered for sale on or after that date.



SENATE BILL 925: Misrepresentation of Bottled NC Spring Water

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, Judiciary I	Date:	July 7, 2009
Introduced by:	Sen. Apodaca	Prepared by:	Hal Pell
Analysis of:	PCS to First Edition S925-CSRK-84		Committee Counsel

SUMMARY: *Senate Bill 925 would declare the following as unfair or deceptive trade practices:*

(1) the misrepresentation of bottled water as "North Carolina Natural Spring Water" when it fails to comply with the criteria in the act, and (2) the statement on a bottled water label that more than one type or method of purification may have been used. This act becomes effective October 1, 2009, and applies to bottled water sold or offered for sale on or after that date.

BILL ANALYSIS:

Section 1 provides that if a person sells bottled water as being "North Carolina Natural Spring Water," it must qualify as both "Natural Spring Water" and it must have been collected in North Carolina. Both requirements are defined in the bill.

- Natural Spring Water

- (1) The water was freely flowing from an underground land formation and was collected at a natural opening in the earth's surface that was connected to the underground land formation.

- (2) The water was collected without using mechanical means.

- Collected in North Carolina

- The "Natural Spring Water" was collected at a natural orifice in the earth that is located in North Carolina.

A violation of the act constitutes an unfair or deceptive trade practice under G.S. 75-1.1. Violations of the statute allow a private party to seek treble damages. If the violation was willful, then a court may award attorneys fees. The Attorney General may also seek injunctive relief, and fines may be imposed.

Because the act defines a term which is a defined term under FDA regulations in a way that is not identical to the defined term, the section could be subject to a judicial determination that it is pre-empted by federal law.

Section 2 provides it is an unfair and deceptive trade practice for a person to sell bottled water with a label that states that more than one type or method of purification may have been used. Regulations promulgated by the Food and Drug Administration provide that various types of water meet the definition of "purified water," including water that has been processed by reverse osmosis, distilled, deionized, or other suitable processes that meets the definition of purified water.

Because the section would regulate how purified water may be labeled, it imposes a duty that must be identical to those imposed by the standard of identity for purified drinking water under federal law. If not, then the section could be subject to a judicial determination that it is pre-empted by federal law.

Senate Bill 925

Page 2

A violation of either section of the act would be an unfair or deceptive trade practice under Article 1 of Chapter 75 of the General Statutes. Under this Article, the Attorney General can seek to enjoin the unfair trade practice and seek to obtain a civil penalty of up to \$5,000 for each violation. The Article also allows a person injured by an unfair or deceptive trade practice to sue the violator for treble damages, and reasonable attorney's fees if the violation was willful.

CURRENT LAW:

Under federal law, the Food and Drug Administration (FDA), is responsible for assuring that food sold in the United States is safe, wholesome, and properly labeled.

- FDA regulations define "spring water" as water derived from an underground formation from which water flows naturally to the surface of the earth. Spring water may be collected only at the spring or through a bore hole tapping the underground formation feeding the spring. Federal law also provides that no state may directly or indirectly establish any definition for food, including bottled water, for which there is a FDA definition unless the state definition is identical.

Federal law does provide an exemption process for a state that wants to use a definition different from the federal definition. The Secretary of Health and Human Services may exempt a state requirement from preemption if the requirement:

- Would not cause any food to be in violation of any applicable requirement under federal law.
 - Would not unduly burden interstate commerce.
 - Is designed to address a particular need for information that is not met by federal requirements.
- FDA regulations provide that the name of water that has been produced by distillation, deionization, reverse osmosis, or other suitable processes may be deemed "purified water." Alternatively, the water may be called "deionized water," "distilled water," or "reverse osmosis water," depending on what type or method of purification was used. It may also be called "_____ drinking water," with the blank filled in with one of the above methods.

Federal law precludes a state from establishing any requirement which "is the subject of a standard of identity established by the [regulations] that is not identical to the standard of identity."

EFFECTIVE DATE: The act would become effective October 1, 2009 and apply to beverages sold or offered for sale on or after that date.

Jeff Hudson, Staff Attorney, substantially contributed to this summary.

S925-SMRK-173(CSRK-84) v2

VISITOR REGISTRATION SHEET

Agriculture
Name of Committee

7-8-09
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Huddel	PBV
Butch Dannelis	NC Bev A
Gordon Motsinger	
Al Motsinger	Roaring Gap, N.C.
Delva DeCamillis	UNC. ICG
Watt Church Sr.	
D. McLeod	NCDA CS
Orin Carter	aka.
Elizabeth Dalton	NCRMC
Jim Galloway	RMM
John Smith	fisher

VISITOR REGISTRATION SHEET

AGRICULTURE

7-8-09

Name of Committee

Date

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NAME _____

FIRM OR AGENCY AND ADDRESS

Angre whiten

NZPC

~~Phatt~~ Phatt Harrell

Policy Group

Will Snyderwine

CTNC

Phoglen

Trifon

VISITOR REGISTRATION SHEET

Agriculture
Name of Committee

7-8-09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

T. Wilson

Head chry.

John Goodman

NC Chamber

Emily Peters

UNC-TV

Emily Gallimore

NCBA

Lisa Martin

NR HBA

HOUSE PAGES

NAME OF COMMITTEE AGRICULTURE DATE 7-8-09

1. Name: Sarah Farland

County: Guilford

Sponsor: Price Harrison

2. Name: REMY Tomy Maccioli

County: Wake

Sponsor: Ty Harrell

3. Name: ~~Bradley James~~

County: ~~Howe~~

Sponsor: ~~McGowan~~

4. Name: Davis Welch

County: Forsyth

Sponsor: Larry Brown

5. Name: _____

County: _____

Sponsor: _____

SGT-AT-ARM

1. Name: Mike Martin

2. Name: Bob Rossi

3. Name: EARL COKER

4. Name: _____

**MINUTES
HOUSE COMMITTEE ON AGRICULTURE**

July 15, 2009

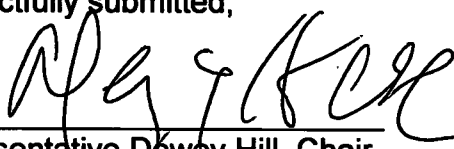
The House Committee on Agriculture met on Wednesday, July 15, 2009, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs Bell, Braxton, Brisson, Faison, and Williams; Representatives Coates, Daughtry, Guice, Holloway, Ingle, Langdon, Mobley, Starnes, Tarleton, Tolson, Underhill, and Wray.

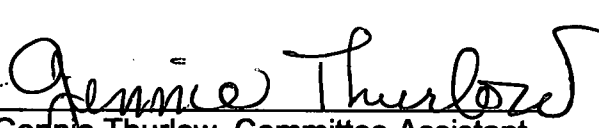
Representative Hill called the meeting to order at 12:06 p.m. and made opening remarks.

Representative Hill acknowledged Senator Apodaca to speak on his bill, **Senate Bill 925 Misrepresentation of Bottled NC Spring Water**. Representative Braxton made a motion to adopt the Proposed House Committee Substitute for discussion. The motion passed. After remarks by Senator Apodaca, Hal Pell, Committee Counsel, presented an overview of the Proposed House Committee Substitute. There were numerous questions/responses regarding the bill. Representative Daughtry moved to adjourn. The motion passed.

The meeting adjourned at 12:37 p.m.

Respectfully submitted,


Representative Dewey Hill, Chair


Gennie Thurlow, Committee Assistant



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE COMMITTEE ON AGRICULTURE

AGENDA

Wednesday, July 15, 2009
12:00 Noon
Legislative Building – Room 1228

OPENING REMARKS

Representative Dewey Hill, Chair

AGENDA ITEM

SB 925 Misrepresentation of Bottled NC Senator Apodaca
Spring Water.

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

1

SENATE BILL 925

Short Title: Misrepresentation of Bottled NC Spring Water. (Public)

Sponsors: Senator Apodaca.

Referred to: Judiciary II.

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE DECEPTIVE MISREPRESENTATION OF NORTH CAROLINA NATURAL SPRING WATER THAT IS OFFERED FOR SALE BY A BUSINESS IS AN UNFAIR TRADE PRACTICE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 75 of the General Statutes is amended by adding a new section to read:

"§ 75-43. Deceptive misrepresentation of North Carolina natural spring water by a business.

(a) A person who is engaged in the business of selling, or offering for sale, bottled water as a beverage shall not misrepresent the bottled water to be 'North Carolina natural spring water.' A person misrepresents the bottled water to be 'North Carolina natural spring water' if the water is not water that is both:

(1) Derived from an underground land formation from which the water freely flows without the use of a borehole and without the aid of mechanical means.

(2) Collected at the natural orifice in the earth's surface (i) that is connected to the underground land formation and through which this water freely flows and (ii) that is on land located in North Carolina.

(b) A violation of this section is an unfair trade practice under G.S. 75-1.1."

SECTION 2. This act becomes effective October 1, 2009, and applies to beverages that are sold or offered for sale on or after that date.



* S 9 2 5 - V - 1 *

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

D

SENATE BILL 925
PROPOSED HOUSE COMMITTEE SUBSTITUTE S925-CSRK-84 [v.7]

7/15/2009 11:02:17 AM

Short Title: Misrepresentation of Bottled NC Spring Water.

(Public)

Sponsors:

Referred to:

March 26, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE SALE OF A PRODUCT DESIGNATED AS "NORTH
3 CAROLINA NATURAL SPRING WATER" AND TO PROVIDE THAT THE
4 DECEPTIVE MISREPRESENTATION OF NORTH CAROLINA NATURAL SPRING
5 WATER THAT IS OFFERED FOR SALE IS AN UNFAIR TRADE PRACTICE, AND
6 TO ENSURE THAT CONSUMERS ARE NOT MISLED AS TO THE SPECIFIC
7 PROCESS USED IN PURIFYING WATER.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. Article 1 of Chapter 75 of the General Statutes is amended by adding
10 a new section to read:

11 **"§ 75-43. Deceptive misrepresentation of 'North Carolina Natural Spring Water.'**

12 (a) A person who is engaged in the business of selling, or offering for sale, bottled
13 water as a beverage shall not misrepresent the bottled water to be 'North Carolina Natural
14 Spring Water.' A person misrepresents the bottled water to be 'North Carolina Natural Spring
15 Water' unless the water meets all of the following criteria:

16 (1) It is derived from an underground land formation from which the water
17 freely flows.

18 (2) It is only collected at a natural orifice in the earth's surface that is connected
19 to the underground land formation described in subdivision (1) of this
20 subsection, and through which this water freely flows.

21 (3) It is collected without using mechanical means.

22 (4) It is collected at a natural orifice in the earth's surface that is on land located
23 in North Carolina.

24 (b) A violation of this section is an unfair or deceptive trade practice under
25 G.S. 75-1.1."

26 SECTION 2. Article 1 of Chapter 75 of the General Statutes is amended by adding
27 a new section to read:

28 **"§ 75-44. Deceptive misrepresentation or purified bottled water by a business.**

29 (a) A person who is engaged in the business of selling, or offering for sale, purified
30 bottled water as a beverage shall not misrepresent the method of purification on the label of the
31 bottle. A person misrepresents the method of purification on the label of the bottle if the label
32 states that more than one type or method of purification either was, or may have been, used.
33 For the purposes of illustration only, and not for exclusion or limitation on other types of
34 possible misrepresentation, it would be a misrepresentation under this section for a label to



1 state that the water contained in the bottle was purified by 'reverse osmosis or distillation' or
2 purified by 'deionization and distillation.'

3 (b) A violation of this section is an unfair or deceptive trade practice under
4 G.S. 75-1.1."

5 SECTION 3. If any section or provision of this act is declared unconstitutional or
6 invalid by the courts, the unconstitutional or invalid section or provision does not affect the
7 validity of this act as a whole or any part of this act other than the part declared to be
8 unconstitutional or invalid.

9 SECTION 4. This act becomes effective October 1, 2009, and applies to beverages
10 that are sold or offered for sale on or after that date.



SENATE BILL 925: Misrepresentation of Bottled NC Spring Water

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, Judiciary I	Date:	July 14, 2009
Introduced by:	Sen. Apodaca	Prepared by:	Hal Pell
Analysis of:	PCS to First Edition S925-CSRK-84		Committee Counsel

SUMMARY: *Senate Bill 925 would declare the following as unfair or deceptive trade practices:*

(1) the misrepresentation of bottled water as "North Carolina Natural Spring Water" when it fails to comply with the criteria in the act, and (2) the statement on a bottled water label that more than one type or method of purification either was or may have been used. This act becomes effective October 1, 2009, and applies to bottled water sold or offered for sale on or after that date.

BILL ANALYSIS:

Section 1 provides that if a person sells bottled water as being "North Carolina Natural Spring Water," it must meet the following requirements:

- It is freely flowing from an underground land formation.
- It is only collected at a natural orifice that is connected to the underground land formation.
- It is collected without using mechanical means.
- It is collected at an orifice that is located in North Carolina.

A violation of the act constitutes an unfair or deceptive trade practice under G.S. 75-1.1. Violations of the statute allow a private party to seek treble damages. If the violation was willful, then a court may award attorneys fees. The Attorney General may also seek injunctive relief, and fines may be imposed.

Because the act defines a term which is a defined term under FDA regulations in a way that is not identical to the defined term, the section could be subject to a judicial determination that it is pre-empted by federal law.

Section 2 provides it is an unfair and deceptive trade practice for a person to sell bottled water with a label that states that more than one type or method of purification either was, or may have been, used. Regulations promulgated by the Food and Drug Administration provide that various types of water meet the definition of "purified water," including water that has been processed by reverse osmosis, distilled, deionized, or other suitable processes that meets the definition of purified water.

Because the section would regulate how purified water may be labeled, it imposes a duty that must be identical to those imposed by the standard of identity for purified drinking water under federal law. If not, then the section could be subject to a judicial determination that it is pre-empted by federal law.

A violation of either section of the act would be an unfair or deceptive trade practice under Article 1 of Chapter 75 of the General Statutes. Under this Article, the Attorney General can seek to enjoin the unfair trade practice and seek to obtain a civil penalty of up to \$5,000 for each violation. The Article also allows a person injured by an unfair or deceptive trade practice to sue the violator for treble damages, and reasonable attorney's fees if the violation was willful.

Senate Bill 925

Page 2

CURRENT LAW:

Under federal law, the Food and Drug Administration (FDA), is responsible for assuring that food sold in the United States is safe, wholesome, and properly labeled.

- FDA regulations define "spring water" as water derived from an underground formation from which water flows naturally to the surface of the earth. Spring water may be collected only at the spring or through a bore hole tapping the underground formation feeding the spring. Federal law also provides that no state may directly or indirectly establish any definition for food, including bottled water, for which there is a FDA definition unless the state definition is identical.

Federal law does provide an exemption process for a state that wants to use a definition different from the federal definition. The Secretary of Health and Human Services may exempt a state requirement from preemption if the requirement:

- Would not cause any food to be in violation of any applicable requirement under federal law.
 - Would not unduly burden interstate commerce.
 - Is designed to address a particular need for information that is not met by federal requirements.
- FDA regulations provide that the name of water that has been produced by distillation, deionization, reverse osmosis, or other suitable processes may be deemed "purified water." Alternatively, the water may be called "deionized water," "distilled water," or "reverse osmosis water," depending on what type or method of purification was used. It may also be called "_____ drinking water," with the blank filled in with one of the above methods.

Federal law precludes a state from establishing any requirement which "is the subject of a standard of identity established by the [regulations] that is not identical to the standard of identity."

EFFECTIVE DATE: The act would become effective October 1, 2009 and apply to beverages sold or offered for sale on or after that date.

Jeff Hudson, Staff Attorney, substantially contributed to this summary.

S925-SMRK-173(CSRK-84) v3

VISITOR REGISTRATION SHEET

Agriculture

7-15-09

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Nancy Thompson	Weyerhaeuser
David Bradley	intern
Kim Hibbs	NCLM
Leslie Arnold	SOG-Daily Bulletin
Arby Eller	NCRMA
Elizabeth Dittus	NCRMA
David McLeod	NCRMA CS
Walter Church Sr	Valdore NC
Wayne Ableson	Morganton N.C.
Donk Galt	Lillington
Burt Gurnell	NC Ber

VISITOR REGISTRATION SHEET

Agriculture

Name of Committee

7/15/2009

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Alfred Motsinger	Roaring Gap Springs
Gordon Motsinger	Roaring Gap Springs
Matt Howell	TPG
Emily Williams	TPG
Joy Hicks	NCDNRCS
Ray Stalling	NCDNR + CS A. Hurrey Extraordinary
Terry Hardesty	NCRP
Sam Taylor	NCBIO
Jordan Schrader	press

VISITOR REGISTRATION SHEET

Agriculture

Name of Committee

7/15/09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Henry Hataff

T.C.B.A.

Red Bone

Bone : Asso.

^

HOUSE PAGES

NAME OF COMMITTEE Agriculture DATE 7/15/09

1. Name: Leigh-Kathryn Bonner

County: Wake

Rep: Avila
Sponsor: Avila

2. Name: Laura Fisher

County: Wake

Rep: Avila
Sponsor: Avila

3. Name: Adam Goodrich

County: Yadkin

Rep: McLornick
Sponsor: McLornick

4. Name: Sarah Scott ✓

County: New Hanover

Rep: McComas
Sponsor: McComas

5. Name: _____

County: _____

Sponsor: _____

SGT-AT-ARM

1. Name: Reggie Sills

2. Name: Jerald Perry

3. Name: Judy Turner

4. Name: Trey Riley

5. Name: Toussaint AVENT

**MINUTES
HOUSE COMMITTEE ON AGRICULTURE**

August 5, 2009

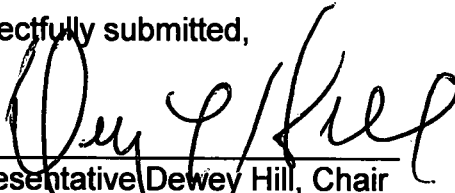
The House Committee on Agriculture met on Wednesday, August 5, 2009, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs Bell, Braxton, Brisson, Faison, and Lewis; Representatives Coates, Daughtry, Holloway, Langdon, McCormick, Mobley, Starnes, Tarleton, Tolson, and Underhill.

Representative Hill called the meeting to order at 12:05 p.m. and made opening remarks.

Representative Brisson was recognized to explain Senator Albertson's bill, **Senate Bill 1067 Sustainable Local Food Policy Council/Goal**. Representative Bell made a motion to adopt the proposed House committee substitute for discussion. The motion passed. An amendment was offered by Representative Daughtry to add a sunset to the House committee substitute bill. Representative Faison offered an effecting amendment to set the sunset for July 31, 2012. The effecting amendment passed by a hand vote of nine to six. Representative Faison moved for a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill and recommendation that the House committee substitute bill be re-referred to the Committee on Appropriations. The motion passed.

The meeting adjourned at 12:30 p.m.

Respectfully submitted,


Representative Dewey Hill, Chair


Gennie Thurlow, Committee Assistant

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☒ Committee Substitute for

SB 1067

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

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill and recommendation that the House committee substitute bill be re-referred to the Committee on APPROPRIATIONS.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE COMMITTEE ON AGRICULTURE

AGENDA

Wednesday, August 5, 2009
12:00 Noon
Legislative Building – Room 1228

OPENING REMARKS

Representative Dewey Hill, Chair

AGENDA ITEM

*House
PCS*

SB 1067

**Sustainable Local Food Policy
Council/Goal**

Senator Albertson

If favorable, appropriations

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

2

SENATE BILL 1067

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/12/09

Short Title: Sustainable Local Food Policy Council/Goal.

(Public)

Sponsors:

Referred to:

March 31, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD
POLICY COUNCIL TO ADDRESS 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 Policy Council.

"§ 106-830. Purpose; definitions.

(a) Purpose. – It is the purpose of the North Carolina Sustainable Local Food Policy
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. It is the intent of the General Assembly that the local food economy serve to
supplement, not supplant, current North Carolina agriculture. It is also the purpose of the
Council to 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.



* S 1 0 6 7 - V - 2 *

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

(a) Council Established; Membership. – The North Carolina Sustainable Local Food Policy Council is hereby created within the Department of Agriculture and Consumer Services. The Council shall consist of 24 members as follows:

- (1) Three local food producers, at least two of whom shall be sustainable local food producers, to be appointed by the Commissioner of Agriculture.**
- (2) One representative of the Department of Agriculture and Consumer Services, to be appointed by the Commissioner of Agriculture.**
- (3) The State Health Director or the State Health Director's designee.**
- (4) 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 Speaker of the House of Representatives.**
- (5) One representative of the Department of Environment and Natural Resources, Division of Soil and Water Conservation, to be appointed by the Speaker of the House of Representatives.**
- (6) One representative of the Department of Insurance, to be appointed by the President Pro Tempore of the Senate.**
- (7) One representative of a food bank located in North Carolina, to be appointed by the President Pro Tempore of the Senate.**
- (8) One representative of a business specializing in retail, service, or direct food, to be appointed by the Commissioner of Agriculture.**
- (9) One representative of the Carolina Farm Stewardship Association, to be appointed by the Speaker of the House of Representatives.**
- (10) One representative of the North Carolina Farm Bureau Federation, Inc., to be appointed by the Speaker of the House of Representatives.**
- (11) One representative of the Appalachian Sustainable Agriculture Project, to be appointed by the President Pro Tempore of the Senate.**
- (12) One representative of the North Carolina Farm Transition Network, Inc., to be appointed by the Speaker of the House of Representatives.**
- (13) 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.**
- (14) One representative of the North Carolina Association of Black Lawyers' Land Loss Prevention Project, Inc., to be appointed by the Speaker of the House of Representatives.**
- (15) One representative of the Department of Public Instruction, Child Nutrition Services Section, to be appointed by the President Pro Tempore of the Senate.**
- (16) One representative of the North Carolina Association of County Commissioners, to be appointed by the Speaker of the House of Representatives.**
- (17) One representative of the North Carolina Rural Economic Development Center, Inc., to be appointed by the President Pro Tempore of the Senate.**
- (18) One representative of the Department of Commerce, to be appointed by the Secretary of Commerce.**
- (19) 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 Commissioner of Agriculture.**
- (20) 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 Speaker of the House of Representatives.

(21) One representative of the commercial fishing industry, to be appointed by the President Pro Tempore of the Senate.

(22) One representative of the Center for Community Action, Inc., to be appointed by the President Pro Tempore of the Senate.

(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 Policy Council; duties.

In developing sustainable local food policies for North Carolina, the Council may consider any of the following 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 policy issues the Council considers pertinent.

"§ 106-833. The North Carolina Sustainable Local Food Policy 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 Policy 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 Policy 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)(1) through G.S. 106-831(a)(6) 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)(7) through G.S. 106-831(a)(14) 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)(15) through G.S. 106-831(a)(22) shall be five years and shall expire on July 1, 2014.

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

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

Copy for Committee
Folder. 8-5-2009
12:00 Noon
Sunset added.
P. 4, Line 41
July 31, 2012

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

SENATE BILL 1067

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/12/09
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1067-CSRK-95 [v.2]

8/5/2009 9:28:38 AM

Short Title: Sustainable Local Food Policy Council/Goal.

(Public)

Sponsors:

Referred to:

March 31, 2009

A BILL TO BE ENTITLED

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.

1. d. Enhance the quality of life for farmers and the society as a whole.

2 (2) Local food. – Food grown within the borders of North Carolina.

3 **"§ 106-831. The North Carolina Sustainable Local Food Advisory Council; creation;**
4 **membership; terms.**

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

8 (1) The Commissioner of Agriculture or the Commissioner's designee, ex
9 officio.

10 (2) The State Health Director or the State Health Director's designee, ex officio.

11 (3) The Secretary of Commerce or the Secretary's designee, ex officio.

12 (4) Two local organic food producers, one of which is an organic animal
13 producer and one of which is an organic crop producer, to be appointed by
14 the Speaker of the House of Representatives.

15 (5) Two local conventional food producers, one of which is an animal producer
16 and one of which is a crop producer, to be appointed by the Commissioner
17 of Agriculture.

18 (6) Two local sustainable food producers, one of which is an animal producer
19 and one of which is a crop producer, to be appointed by the Commissioner
20 of Agriculture.

21 (7) One representative of the commercial fishing industry, to be appointed by
22 the President Pro Tempore of the Senate.

23 (8) One representative of the NC State Grange, to be appointed by the Speaker
24 of the House of Representatives.

25 (9) One representative of the North Carolina Farm Bureau Federation, Inc., to be
26 appointed by the Speaker of the House of Representatives.

27 (10) One representative of the Sea Grant College Program at The University of
28 North Carolina, to be appointed by the President Pro Tempore of the Senate.

29 (11) One representative of the Carolina Farm Stewardship Association, to be
30 appointed by the Governor.

31 (12) One representative of the Center for Environmental Farming Systems, a
32 partnership among North Carolina State University, North Carolina
33 Agricultural and Technical State University, and the Department of
34 Agriculture and Consumer Services, to be appointed by the Governor.

35 (13) One representative of the North Carolina Association of Black Lawyers'
36 Land Loss Prevention Project, Inc., to be appointed by the Commissioner of
37 Agriculture.

38 (14) One representative of the Appalachian Sustainable Agriculture Project, to be
39 appointed by the President Pro Tempore of the Senate.

40 (15) One representative of the Center for Community Action, Inc., to be
41 appointed by the Commissioner of Agriculture.

42 (16) One representative of the North Carolina Association of County
43 Commissioners, to be appointed by the President Pro Tempore of the Senate.

44 (17) One representative of the Department of Public Instruction, Child Nutrition
45 Services Section, to be appointed by the President Pro Tempore of the
46 Senate.

47 (18) One representative of the North Carolina Cooperative Extension Service,
48 jointly administered by North Carolina State University and North Carolina
49 Agricultural and Technical State University, to be appointed by the
50 Governor.

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

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

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

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

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

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

- 32 (1) The terms of the members initially appointed to serve in the positions
33 established by G.S. 106-831(a)(4) through G.S. 106-831(a)(8) shall be three
34 years and shall expire on July 1, 2012.
- 35 (2) The terms of the members initially appointed to serve in the positions
36 established by G.S. 106-831(a)(9) through G.S. 106-831(a)(16) shall be four
37 years and shall expire on July 1, 2013.
- 38 (3) The terms of the members initially appointed to serve in the positions
39 established by G.S. 106-831(a)(17) through G.S. 106-831(a)(24) shall be
40 five years and shall expire on July 1, 2014.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

*Agriculture
Committee
August 5, 2009
from Bill Typing.*

S

D

SENATE BILL 1067

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/12/09
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1067-PCS75305-RK-95

*Reported out.
8-5-2009
2:15 p.m. (Public)*

Short Title: Sustainable Local Food Policy Council/Goal.

Sponsors:

Referred to:

March 31, 2009

A BILL TO BE ENTITLED

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.



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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.



SENATE BILL 1067: Sustainable Local Food Advisory Council/Goal

2009-2010 General Assembly

Committee:	House Agriculture, if favorable, Appropriations	Date:	August 5, 2009
Introduced by:	Sen. Albertson	Prepared by:	Hal Pell
Analysis of:	PCS to Second Edition S1067-CSRK-94		Committee Counsel

SUMMARY: *Senate Bill 1067 would establish the North Carolina Sustainable Local Food Advisory Council, within the Department of Agriculture and Consumer Services, in order to address program and policy considerations regarding the development of a sustainable local food economy in the State.*

The proposed committee substitute adds a provision that staff for the council will be provided by the Department of Agriculture and Consumer Services and makes a grammatical change in the definitions section.

BILL ANALYSIS: Senate Bill 1067 would establish the North Carolina Sustainable Local Food Advisory Council in order to contribute to building a local food economy, which would help create jobs, stimulate economic development, circulate money within local communities, and provide greater food security for North Carolinians.

- The Council would consist of 27 members, with 3 members as ex officio members.
- The Council would have one chair. The Council would, by a majority of the members, select the chair every other year from among the members of the Council.
- Terms of the members of the council would be for 3 years and would be staggered.
- Meetings could be held on the call of the Chair, but no less than 4 times per year.
- The Department of Agriculture and Consumer Services will provide meeting space and staff.

The purpose of the Council would be to contribute to building a local food economy. It would also consider and develop programs and policies regarding (1) health and wellness; (2) hunger and food access; (3) economic development; and (4) preservation of farmlands and water resources.

The duties of the Council would be to develop sustainable local food programs and policies for the State. The Council may conduct an in depth analysis/assessment of:

- The foods 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.
- The possibility of making sustainable local food available under public assistance programs, including the potential use of food stamps at local farmers markets.
- 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 urban dwellers during times of economic hardship.
- The potential impacts that the production of sustainable local food would have on economic development in the State.

Senate Bill 1067

Page 2

The council may also consider:

- Issues regarding how local and regional efforts could promote a sustainable local food economy by providing 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.
- Issues regarding the identification and development of solutions to regulatory and policy barriers to developing a strong sustainable local food economy.
- Issues regarding strengthening local infrastructure and entrepreneurial efforts related to a sustainable local food economy.

The Council would report its findings and recommendations to the General Assembly, the Governor, and the Commissioner no later than October 1 each year, the first report being due no later than October 1, 2010.

EFFECTIVE DATE: This act is effective when it becomes law.

S1067-SMRK-188(CSRK-94) v1

VISITOR REGISTRATION SHEET

Agriculture

Name of Committee

8-5-2009

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Victoria Hawkins	Bone & Assoc.
Laurie Mettman	CEFS - Raleigh
Pam Slawans	NC Alliance for Health
~~Anthony Maceo~~	NCAC
Edgar Miller	CTNC
David McLeod	NCDA CS
Kelly McCullen	UNC-TV

VISITOR REGISTRATION SHEET

AgriCulture
Name of Committee

8-5-2009
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
ZACH KITCHETT	CAA
Bob Ford	NC Poultry Fed
ANGIE Whitem	NLPC
Joe McClees	McClees Consulting
Julian	Game Assoc.
ANDREA WENZ	NFO
Debra Hamlin	NC Farm Bureau
Marcus Hulbert	NC Dept Ag
Joy Hicks	NCDATCS
Kate DelMayo	CFSA

HOUSE PAGES

NAME OF COMMITTEE

Agriculture DATE Aug 5 - 09

1. Name: Hannah Osborne

County: Orange

Rep: Verla Insko

Sponsor:

2. Name: Christian Crompton

County: Moore

Rep: Jamie Boles

Sponsor:

3. Name:

County:

Sponsor:

4. Name:

County:

Sponsor:

5. Name:

County:

Sponsor:

SGT-AT-ARM

1. Name:

Michael Martin

2. Name:

Martha Parnes

3. Name:

4. Name:

North Carolina House of Representatives

Agriculture Committee

2009-2010 Session

Book II of II

Representative Dewey L. Hill, Chair

Gennie L. Thurlow, Committee Assistant

House Committee on Agriculture

Index of Bills

<u>Bill Number and Name</u>	<u>Date of Meeting</u>
House Bill 208 Spay/Neuter Program Transfer/Funds	June 9, 2010
House Bill 1748 Conserve & Protect Ag Water Resources	June 16, 2010
House Bill 1824 Coyote Controls	June 16, 2010

North Carolina General Assembly
History of Bill HB 208
SPAY/NEUTER PROGRAM TRANSFER/FUNDS.
by: Harrison, Wray, Cotham, Carney

Date: 07/12/2010
Time: 10:37
Page: 1 of 1
Leg. Day: H-151/S-148

2009-2010 Biennium

Introduced 02/17/2009 by: Adams, M. Alexander, Allen, Bryant, Carney, Cotham, Dickson, Faison, Fisher, Glazier, Haire, Hall, Harrison, Hurley, Jeffus, Luebke, Martin, McElraft, Samuelson, Tarleton, Wainwright, Weiss, Wray

GS Chapters: S, 130A, 19A, 20

Date	Action
02/17/2009 H	Filed
02/18/2009 H	Passed 1st Reading
02/18/2009 H	Ref to the Com on State Government/State Personnel, if favorable, Agriculture
05/27/2010 H	Withdrawn From Com
05/27/2010 H	Re-ref Com On Agriculture
06/10/2010 HA	Reptd Fav Com Substitute
06/10/2010 H	Re-ref Com On Finance

North Carolina General Assembly
History of Bill HB 1748 (= SB 1294)
CONSERVE & PROTECT AG WATER RESOURCES.
by: Crawford, Gillespie, Owens, Tarleton

Date: 07/12/2010
Time: 10:38
Page: 1 of 1
Leg. Day: H-151/S-148

2009-2010 Biennium

Introduced 05/17/2010 by: Braxton, Carney, Crawford, Dockham, Faison, Gill, Gillespie, Harrison, Lucas, Owens, Tarleton, Wray

GS Chapters: S

Date	Action
05/17/2010 H	Filed
05/18/2010 H	Passed 1st Reading
05/18/2010 H	Ref to the Com on Water Resources and Infrastructure, if favorable, Agriculture
06/09/2010 HA	Reptd Fav Com Substitute
06/09/2010 H	Re-ref Com On Agriculture
06/16/2010 HA	Reptd Fav Com Sub 2
06/16/2010 H	Cal Pursuant Rule 36(b)
06/17/2010 H	Placed On Cal For 6/21/2010
06/21/2010 H	Passed 2nd & 3rd Reading
06/22/2010 S	Rec From House
06/22/2010 S	Ref To Com On Agriculture/Environment/Natural Resources
06/29/2010 S	Reptd Fav
06/30/2010 S	Passed 2nd & 3rd Reading
07/01/2010 H	Ratified
07/02/2010 H	Pres. To Gov. 7/2/2010

North Carolina General Assembly
History of Bill HB 1824
COYOTE CONTROLS.
by: Williams, Faison

Date: 07/12/2010
Time: 10:38
Page: 1 of 1
Leg. Day: H-151/S-148

2009-2010 Biennium

Introduced 05/18/2010 by: Dockham, Faison, Gulley, Hughes, Langdon, Lucas, McCormick, Williams

GS Chapters: 113

Date	Action
05/18/2010 H	Filed
05/19/2010 H	Passed 1st Reading
05/19/2010 H	Ref to the Com on Wildlife Resources, if favorable, Agriculture
06/09/2010 HA	Reptd Fav Com Substitute
06/09/2010 H	Re-ref Com On Agriculture
06/16/2010 HA	Reptd Fav Com Sub 2
06/16/2010 H	Cal Pursuant Rule 36(b)
06/17/2010 H	Placed On Cal For 6/21/2010
06/21/2010 H	Passed 2nd & 3rd Reading
06/22/2010 S	Rec From House
06/22/2010 S	Ref To Com On Agriculture/Environment/Natural Resources
06/30/2010 S	Withdrawn From Com
06/30/2010 S	Re-ref Com On Rules and Operations of the Senate
07/06/2010 S	Withdrawn From Com
07/06/2010 S	Re-ref Com On Agriculture/Environment/Natural Resources
07/08/2010 S	Reptd Fav
07/08/2010 S	Placed On Cal For 7/8/2010
07/08/2010 S	Passed 2nd & 3rd Reading
07/09/2010 H	Ratified
07/09/2010 H	Pres. To Gov. 7/9/2010

HOUSE COMMITTEE ON AGRICULTURE 2009 -2010**Revised 5-19-2010**

<u>Member</u>		<u>Assistant</u>	<u>Phone</u>	<u>Office</u>	<u>Seat</u>
Hill, Dewey	Chair	Gennie Thurlow	733-5830	1309'LB	10
Bell, Larry	Vice Chair	Carolyn Edwards	733-5863	538 LOB	12
Braxton, Van	Vice Chair	Barbara Hocutt	715-3017	2219 LB	46
Brisson, William	Vice Chair	Caroline Stirling	733-5772	1325 LB	78
Faison, Bill	Vice Chair	Lavada Vitalis	715-3019	611 LOB	84
Lewis, David	Vice Chair	Grace Rogers	715-3015	533 LOB	64
Williams, Arthur	Vice Chair	Pam Evans	733-5906	637 LOB	22
Coates, Lorene		Melissa Lennon	733-5784	633 LOB	19
Daughtry, Leo		Margaret Dockery	733-5605	1013 LB	40
Guice, W. David		Kerry Guice	715-4466	1015 LB	99
Holloway, Bryan		Cara Philon	733-5609	502 LOB	98
Ingle, Dan		Deborah Holder	733-5905	503 LOB	38
Langdon, James		Jackson Stancil	733-5849	610 LOB	101
McCormick, Darrell G.		Anne Murtha	733-5654	1211 LB	116
Mobley, Annie		Veronica Green	733-5780	638 LOB	68
Starnes, Edgar		Pattie Fleming	733-5931	602 LOB	14
Steen, Fred		Chris Floyd	733-5881	514 LOB	37
Tarleton, Cullie		Susan Whitehead	733-7727	2221 LB	69
Tolson, Joe		Shirley Phillips	715-3024	307B2 LOB	59
Tucker, Russell		Sally Gillis	715-3021	416B LOB	48
Underhill, Alice		Judy Veorse	733-5853	1206 LB	33
Warren, Edith		Martha Hoover	715-3023	416A-LOB	35
Wray, Michael		Mary Capps	733-5662	405 LOB	60
Riley, Barbara	Counsel		733-2578	545 LOB	
Pell, Hal	Counsel		733-2578	545 LOB	

ATTENDANCE

Members Revised 6-23-2009

HOUSE COMMITTEE ON AGRICULTURE

[illegible]

**MINUTES
HOUSE COMMITTEE ON AGRICULTURE**

May 19, 2010

The House Committee on Agriculture met on Wednesday, May 19, 2010, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs Bell, Braxton, Brisson, Faison, Lewis, and Williams; Representatives Coates, Daughtry, Guice, Ingle, Langdon, McCormick, Mobley, Starnes, Steen, Tarleton, Tolson, Tucker, Underhill, Warren, and Wray.

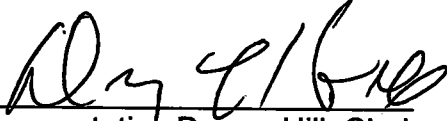
Representative Hill presided and called the meeting to order at 12:00 Noon. He welcomed the members of the Agriculture Committee and the visitors and made opening remarks.

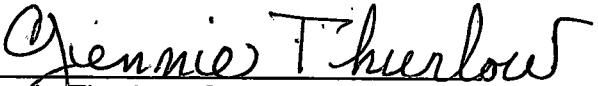
N. David Smith, Chief Deputy Commissioner, NC Department of Agriculture & Consumer Services, was recognized to present a departmental budget update. A copy of his remarks is attached.

Closing remarks were made by Chair Hill.

The meeting was adjourned at 12:45 p.m.

Respectfully submitted,


Representative Dewey Hill, Chair


Gennie Thurlow, Committee Assistant

*Mr. David Smith, Chief Deputy Commissioner
NC Department of Agriculture
and Consumer Services
"Budget Update"*

Comments to House Ag Committee

May 19, 2010

- Thank Chairman Hill for the opportunity to discuss the department's budget and budget needs with the House Ag Committee.
- Recognize others as appropriate. Mention Commissioner Troxler.
- Introduce others from the department.
- I was prepared to make mention of the dry conditions throughout the state and the impact that is having on crop production and yields. After the rains came Sunday and Monday, my research material has no value and I've tossed those remarks. Instead I plan to concentrate on the department's current and anticipated budgets.
- We recognize members of the General Assembly are in a difficult situation. The recession has hit North Carolina hard and some areas of the state have been especially hard hit.
- We know revenue is short and we are prepared to again tighten our belts and make difficult budget cutting decisions. I've been managing the department's budget a long time and it's no fun looking for positions and programs to cut and eliminate.
- I also learned from former Commissioner Jim Graham that now is a delicate time in the General Assembly and you need to tread carefully when talking about the budget.
- As you know, the department has several fully receipt funded operations like the State Fair and the Raleigh Farmers Market. For the purpose of our discussion today, I'm just going to talk about our appropriated or general fund budget.
- Let's start with our current year general fund budget. We began the year with a budget the General Assembly reduced by \$4.7 million. Immediately after the budget was adopted, the Governor imposed a 5% reversion on most state agencies. Those actions reduced our budget by 8.4% to \$59.8 million.

That figure also includes \$2.3 million in one time or non recurring funds for marketing and farmland preservation.

- Between our general fund and receipt operations, we have a total of 1349 full-time employees. This is a good place to point out our general fund budget is 84% personnel and 16% operating. That is why we can't take big cuts just to our operating budget. If we do, we will have folks sitting around with nothing to do. We have to maintain a balance between having enough operating funds for the number of personnel on the payroll.
- As part of the Governor's budget preparation process for the budget beginning July 1, state agencies were asked to propose cuts of 3%, 5%, and 7%. We were hit with the full 7% reduction, which resulted in the Governor recommending an appropriation of \$56.3 million for the department. Our Governor recommended budget is 7% less than the budget you enacted last year.
- When we did a review of our budget history, we discovered the Governor's recommended budget for the department beginning July 1 is almost \$500,000 less than the department's actual budget in FY 1999-2000. During that same period while the state's budget has grown over 46%, the department's general fund budget has actually gone down.
- The continuing string of reductions does have an impact on our ability to deliver services. Some of the most glaring impacts are: falling behind in replacing laboratory equipment, not being able to replace high mileage vehicles, maintaining laboratory supply inventories at bare minimum levels, having to suspend a pesticide container recycling program, reducing the scope of our international marketing program, higher turnaround times for certain testing programs, and not being able to keep current with technology and changing program needs in areas where researchers and farmers are transitioning to new crops.
- In combination with a reduced appropriation, we are seeing more of our budget moving to being receipt supported. The receipts come in a variety of ways such as: fees for services, licensing and registration fees, admission and rental fees, and fees based on the amount of product sold in the state. Collecting the anticipated level of receipts is no different than the state

anticipating the collection of a certain amount of taxes. When collections fall short, you have to reduce expenses.

- What does your funding support? The department has 18 divisions that manage regulatory and service programs. I'm sure you are familiar with our programs, but some of the more prominent programs are food and drug inspection, weights and measures inspection, meat and poultry inspection, animal welfare inspection, research stations, agronomic services, plant industry, and marketing. We have very diverse responsibilities that are important to consumers, farmers, university researchers, and businesses of all sizes involved in activities ranging from food processing to agri-tourism to exporting wood products.
- I don't want to spend your valuable time reviewing each division's activities. But I can say without exception, consumers and businesses are expecting more of us and I don't see those expectations decreasing anytime soon. We have seen tremendous growth and interest in the Farm to School program and increased interest in buying locally produced products including meat products.
- The Senate is currently debating their version of the state budget and it appears to be headed to the House this week. We favor the Senate's proposal for the department rather than what the Governor proposed. Many of the difficult cuts are still in the budget, but the Senate's version has less overall impact on the department. We get the message about belt tightening and being more efficient in how we operate.
- But we do have concerns about one item in the budget and three on our priority list that are not included in the Senate's budget.
- A proposed funding shift that is troublesome is the move to make the Pesticide program completely receipt funded. We are very apprehensive the level of expected receipts will not materialize and even if they do in the short run, we are very concerned they will not continue at that level in the future. Should the expected level of receipts not materialize, we will be forced to cut back an inspection program that is increasingly having greater demands imposed on them by the public and the EPA. I must also point out that once a program becomes self-funded, fee increases become a regular occurrence just to keep the program in step with inflation and any structural

increases (insurance, retirement, and salary changes) imposed by the General Assembly.

- We are already seeing receipt problems from prior moves to make us more receipt supported. For example, last year the fertilizer tax was increased. Unfortunately it looks like farmers made crop and production decisions that will result in less fertilizer being purchased. Projections indicate we may fall about \$300,000 short of collecting the amount of fertilizer tax we anticipated. We are also hopeful the recent rental rate increases at our farmers markets and ag centers will yield the amount of money built into their budgets.
- The Senate's budget contains other items that may be of particular interest to you. Two items included on our original budget cutting recommendations to the Governor are the closing of the Rose Hill Diagnostic Lab and shifting the egg inspection program to our Food and Drug Division. In a perfect world we would not make those recommendations, but faced with the need to cut, we looked for areas that would have the least impact on the services we deliver. The Senate is also transferring the Grade A milk inspection program from the Department of Natural and Economic Resources to the department. The Governor recommended transferring the program to Public Health. We are prepared to carry out the wishes of the General Assembly.
- Contained in the Senate's special provisions is one transferring the Spay/Neuter Program from Public Health to the Animal Welfare Section in the department. I want to take just a moment to praise our folks in the Animal Welfare Section. They are dedicated professionals working under extremely stressful conditions. The department embraced the animal welfare program knowing that funding was limited and success would be elusive. Should the Spay/Neuter Program find its way to the department, I'm sure we will move forward with professionalism and extreme dedication.
- With respect to the three items not included in the Senate's budget, we understand that in this economy the Governor and the Legislature are concerned about JOBS, JOBS, JOBS. One important function of the department is supporting job creation and retention in agribusinesses. We do that through product promotion and market enhancement – helping to connect producers with consumers. We are asking for support of 3 economic

development tools to make sure that now, in the State's time of need, that we can continue to serve and grow agribusiness.

- The first program is Farmland Preservation. In addition to preserving working farms, we have funded value added enterprises and have worked with our military bases to preserve valuable open spaces around the bases. We see money invested in the Farmland Preservation Trust Fund as a vehicle to create and retain jobs in many of our rural counties.
- We hope to secure funds to continue our farmland preservation effort. As you know, this fund is the only conservation fund that does not have a dedicated funding stream and relies on your appropriation annually. You have provided funds on a non-recurring basis for years, but it's hard to build momentum when funding is uncertain and varying. When that funding dries up, we see long and far reaching consequences for folks wanting to preserve our agricultural heritage. We asked for an additional \$2 million dollars to continue and stabilize the program.
- We were hoping to get additional Got to be NC marketing funds and additional funds for international marketing. The Got to be NC marketing campaign has been a great success. Every business from big box stores to roadside fruit stands reports the campaign has an immediate, measureable impact on the bottom line. Coupled with the consumer movement to buy locally produced products, the Got to be NC campaign is a marketer's dream. You have folks looking for locally produced items and a program that identifies and promotes locally produced commodities. It is a natural fit. Again, I want to point out the Got to be NC campaign is targeted to small businesses primarily in rural areas. When we increase market interest in what those small businesses are growing, selling, and processing, that translates into more rural jobs. We asked for \$300,000 in funding.
- Our international marketing program could do so much more with a modest increase in funding. At present this program has a budget of about \$440,000 with personnel costs taking up 68% of the budget. That only leaves \$139,000 to fund travel, communication, and exhibit space registration, which are the big expenses in international marketing. The director of our program tells me we only scratch the surface of what could be done. In the past few years we have been very successful in marketing North Carolina tobacco, cotton, sweet potatoes, and soybeans. (Go to Peter's handout on exports)

- When we travel to foreign countries we don't have a sophisticated program to market tobacco, even though it makes up half of our exports. A more sophisticated, targeted program would result in more export demand for North Carolina tobacco. Also, over the years we have not put much international emphasis on our pork and poultry products since those products are represented by large, international firms. We are now questioning that position as many of those companies are working hard to hang on to their markets in the face of fierce competition from states surrounding North Carolina. Keeping an established market is just as important as finding new ones.
- I can't overemphasize the important of remaining competitive in the international arena. In our global economy it's important to have expertise in currency exchange rates, global crop conditions, and the politics of international trade. You are either a player in the game or a player on the sidelines hoping someone stumbles so you can get into the game. We requested an additional \$100,000 in funds to boost our international marketing efforts.
- We know you are interested in small businesses, rural families, and marketing North Carolina agricultural products. Agriculture is important to this state. Agriculture has actually experienced growth during this business downturn. That growth has shown up in your districts. Where would we be if agriculture had experienced the same downturn as other segments of our economy?
- Mr. Chairman, thank you for the opportunity to address the House Agriculture Committee. My colleagues and I welcome any questions from the committee.



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE COMMITTEE ON AGRICULTURE

AGENDA

Wednesday, May 19, 2010
12:00 Noon
Legislative Building – Room 1228

OPENING REMARKS

Representative Dewey Hill, Chair

AGENDA ITEM

Presentation:

Budget Update
NC Department of Agriculture & Consumer Services

David Smith
Deputy Commissioner

ADJOURNMENT

VISITOR REGISTRATION SHEET

AGRICULTURE

Name of Committee

5-19-2010

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Mr. Gaethel Culpeper	Personal Interest
Will Culpepper	MVA
Angie Whitener	NCP
Karen Post	NCD A + CS
Gray Wilson	NCGA FRD
Jim Buznette	NCD A + CS
PATRICK JONES	NCD A + CS
Shannon Joyner	NCD A + CS
Bob Ford	NC Poultry FED
Henry Jones	Attorney - NC Poultry Fed
P.S.D	NC PFD

VISITOR REGISTRATION SHEET

Agriculture

Name of Committee

5/19/10

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

David Smith	NCDACS
Joy Hicks	NCDACS
David McLeod	NCDACS
Joe McClees	McClees Consulting
Howard Haly	NCDACS
Peter Thornton	NCDACS
Tom Shadle	NCDACS
Donna S. Art	OSBM
Nick Tosco	NCLM
Doug Lassiter	NCSA
Ray Stutz	NCDACS

VISITOR REGISTRATION SHEET

AGRICULTURE

Name of Committee

5-19-2010

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Stake Walls

NC FEDERATION OF DOG CLUBS

Josiah Irwin

Braxton Intern

St. Louis

NEPC

L. Andrews

NCFB

Joanne Stevens

nc Blueberry Counc.

VISITOR REGISTRATION SHEET

Agriculture

Name of Committee

5/19/10

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Kellie Slappy

John Locke Foundation

Beth Kincard

11

**MINUTES
HOUSE COMMITTEE ON AGRICULTURE**

May 26, 2010

The House Committee on Agriculture met on Wednesday, May 26, 2010, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs Bell, Brisson, Faison, and Lewis; Representatives Holloway, Ingle, Mobley, Steen, Tarleton, and Warren.

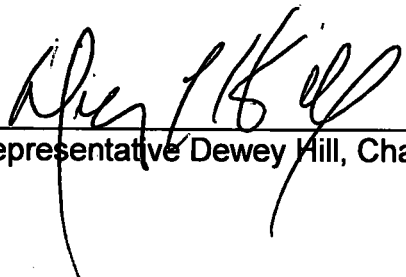
Representative Hill presided and called the meeting to order at 12:00 Noon. He welcomed the members of the Agriculture Committee and the visitors and made opening remarks.

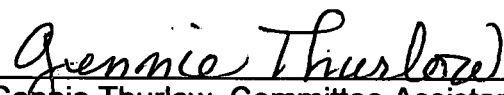
Paul Sherman, Air & Energy Programs Director, NC Farm Bureau Federation, was recognized to narrate a power point presentation on the North Carolina Farm Energy Efficiency Project. A copy of the power point presentation is attached.

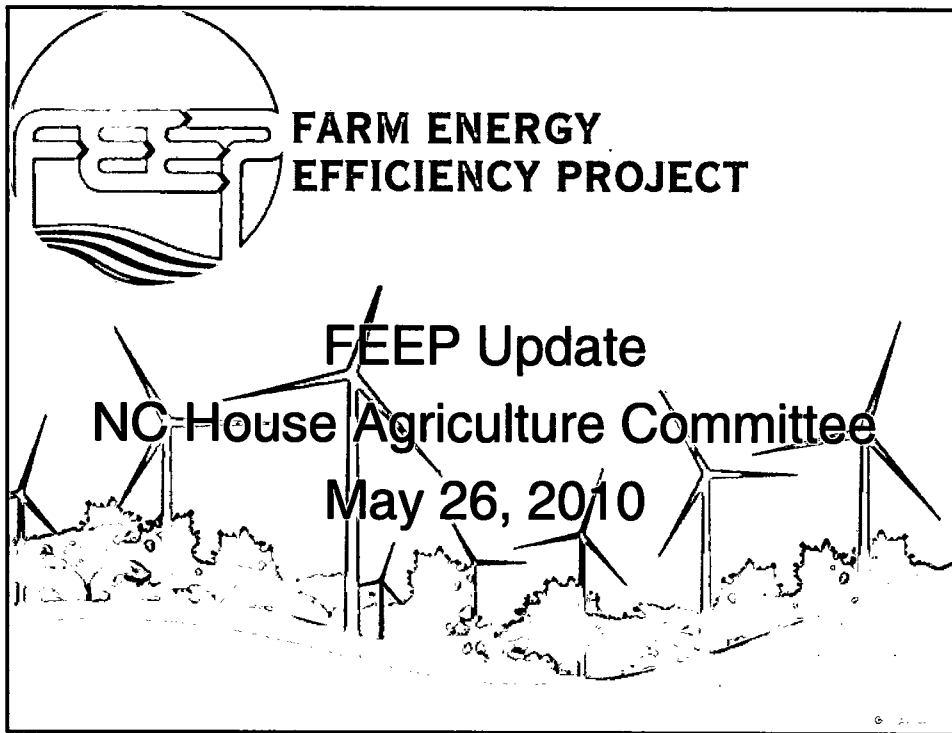
Closing remarks were made by Chair Hill.

The meeting was adjourned at 12:20 p.m.

Respectfully submitted,


Representative Dewey Hill, Chair


Gennie Thurlow, Committee Assistant



Project Goals

- Educate farmers about agricultural energy use
- Provide low-cost energy audits for farmers
- Assist in the implementation of on-farm energy efficiency and renewable energy projects



Project Goals

- Audits will highlight energy saving alternatives
 - Providing payback periods for energy saving implementation
- Audits performed through the project can be used to leverage USDA REAP grant and loan guarantee program



Farm Energy Efficiency Project (FEEP) Overview

- 2008
 - NCFB proposed the FEEP project to the NC Tobacco Trust Fund Commission
 - Grant was awarded for a three year project



Project Implementation

- **Conduct educational meetings with farmers**
- **Provide 200 on-farm energy audits**
- **Provide matching funds for efficiency improvements**
- **Provide funds for on-farm renewable energy projects**



2008-10 FEEP Energy Audit Program

- **156 Energy Audits Conducted as of April 2010**
 - All aspects of agriculture are represented
 - 49 counties represented statewide



2008-10 FEEP Audit Impacts

- Total projected annual farm energy savings to date: \$1,785,951
 - Total projected energy savings: 61,632 MMBTUs
 - Equal to annual energy usage of 1,642 homes

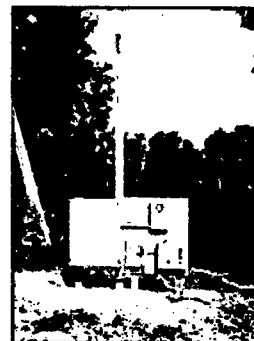


2009 USDA REAP Results

- 68 Applications for Federal REAP grant
 - 61 Received project funding
 - 43 Applicants participated in FEEP
 - \$809,260 awarded to FEEP participants



Success Stories Jimmy Mason



2008-10 FEEP Cost-share Grant Program

- Energy Efficiency Grant Program
 - \$125,000 available
 - Projects awarded up to \$5,000
- Renewable Energy Grant Program
 - \$100,000 available
 - Projects awarded up to \$20,000
- Next cycle in late Summer / Early Fall 2010

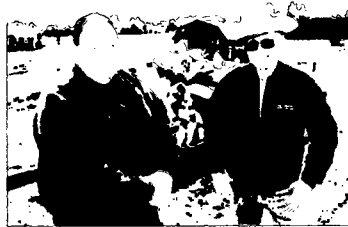


2009 FEEP Cost-Share Grant Program

- Total funding awarded: \$160,184
 - 23 Projects funded
 - Projected annual energy savings: \$188,118



Success Stories V. Mac Baldwin



Summary

- Total projected farm energy savings: \$1,974,069
- Total projected farm energy savings equal to usage of 1,642 homes
- Leveraged \$809,260 in federal dollars in 2009
- \$4.2M spent on projects in rural NC



Next Steps

- Proven Concept
- Increase funding to expand program
- Leverage increased federal dollars in 2010 and beyond



Future Impacts

- State funds leveraged to \$13M in farm investments
- Save NC farmers over \$12M/year
- Save energy equivalent of 9,600 homes per year
- \$ spent in rural NC



Contact Information

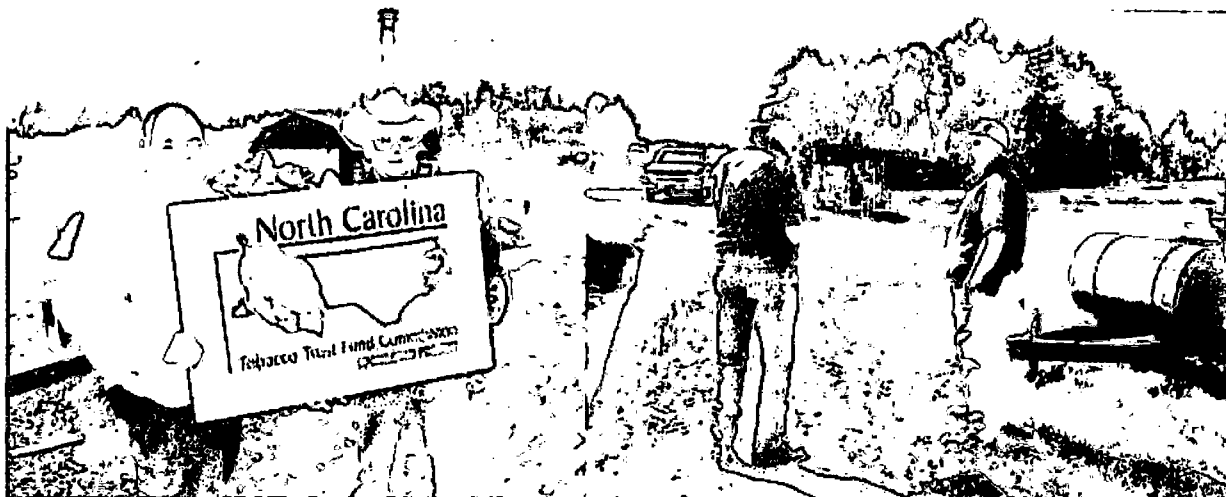
- Paul Sherman
 - paul.sherman@ncfb.org
 - (919) 719-7292
- Lendy Johnson
 - lendy.johnson@ncfb.org
 - (919) 782-1705 ext. 8209
- www.ncfarmenergy.org





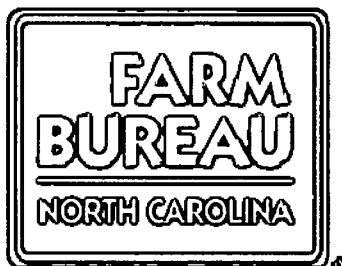
Rep. Hill

PO Box 27766, Raleigh, NC 27611 Phone 919-719-7292 Fax: 919-783-3593 ncfarmenergy.org



The NC Farm Energy Efficiency Project received a grant of \$1M from the North Carolina Tobacco Trust Fund in April 2008 to operate until April 2011. To keep the project operating into the future and continue incenting rural farm projects, Governor Perdue has proposed funding the NC Farm Innovation Fund within her JobsNOW Small Business Package.

There continues to be a need for the services and cost share provided by FEEP. Continuing this initiative will enable NC farmers to reduce their energy usage and thereby be more profitable. To date, FEEP has helped generate \$4.2M in farm project spending. This is money spent in rural NC and performed by rural businesses.





PO Box 27766, Raleigh, NC 27611 Phone 919-719-7292 Fax: 919-783-3593 ncfarmenergy.org

NC Farm Energy Efficiency Project

North Carolina Farm Bureau Federation (NCFB) was awarded funding for the *North Carolina Farm Energy Efficiency Project* (FEED) by North Carolina Tobacco Trust Fund Commission. FEED has served to educate farmers about agricultural energy use and efficiency programs, provide low-cost energy audits for farmers, and assist in the implementation of on-farm energy efficiency (EE) and renewable energy (RE) projects.

FEED Highlights (thru March 2010):

- Farm Energy Audits
 - 156 Farm Energy Audits completed
 - Statewide coverage
 - \$1.8M Annual Farm Energy Savings
 - \$809,260 Federal Dollars Leveraged
 - \$3.2M Total EE Project Costs
- Renewable Energy and Energy Efficiency Grants
 - 23 RE & EE Grants Awarded
 - \$188,118 Annual Energy Production/Savings
 - \$950,000 Total Grantee Project Costs
- \$2M Total Projected Annual Farm Energy Savings
 - Equal to energy usage of 1,642 homes
- \$4.2M Spent on projects in rural NC





Family Farm Opportunity and Innovation Fund

(Agriculture Efficiency and Innovation Cost-Share Program)

Background. The 2007-09 recession has cost North Carolina farm businesses millions of dollars and forced some to close down their operations. The Agriculture Efficiency and Innovation Cost-Share Program will provide a needed hand to help more farmers stay in business. It will help them lower operating costs, create new market opportunities and improve profitability.

The program will provide assistance, on a cost-share basis, to farmers and agribusinesses in three areas:

1. **Energy Efficiency on the Farm:** Making farms more energy efficient lowers input costs and increases profits. USDA's Rural Energy for America Program offers loan guarantees and grants for renewable energy and energy efficiency projects, but requires farm energy audits prior to application. This program will assist farmers in conducting these audits and leverage federal assistance in implementing more energy efficient technologies and equipment on the farm.
2. **Developing New Value-Added Products:** Through value-added processing and products, farmers can capture a larger share of the end value of agricultural commodities. This program will help farmers develop and implement the production of new value-added products by leveraging USDA Value-Added Producer Grants and other value-added production programs currently operating throughout the state.
3. **Developing New Markets:** New markets – from biofuels to specialty foods – can bring higher profits and increased stability for North Carolina farmers. This program will expand existing initiatives to develop new markets and support efforts to increase processing and manufacturing of agricultural products within the state.

Request. A nonrecurring appropriation of \$1 million will allow the Rural Center to raise an additional \$2 million in private funding for the Agriculture Efficiency and Innovation Cost-Share Program. This \$3 million program will aid nearly 650 farmers and leverage over \$13 million in other farm investments. The program will be administered through the center's Agriculture Advancement Consortium.



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE COMMITTEE ON AGRICULTURE

AGENDA

Wednesday, May 26, 2010
12:00 Noon
Legislative Building – Room 1228

OPENING REMARKS

Representative Dewey Hill, Chair

AGENDA ITEM

Presentation:

North Carolina Farm Energy Efficiency Project

ADJOURNMENT

VISITOR REGISTRATION SHEET

Agriculture

Name of Committee

5-26-2010

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Doris Weaver	CWA
Tom Coley	CWA
Jennifer -	J. Weaver & Son
Tommy Stevens	NCP
Will Culpepper	Moore & Van Allen
David McLeod	NCDACS
Bruce Thompson	PARSONS PDS

VISITOR REGISTRATION SHEET

Agriculture

Name of Committee

5-26-2010

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Allison Fowler

NC State Grange

Ray Stacey

NCDA + CS

Julie Stainback

NCDA + CS

Joy Hicks

NCDA + CS

Angie Whiteman

NRPC

Bob

NCDA

DA

^

Bob Stacey

NCFA

Elizabeth Bar

DEM

R Rogers

CLWMT

Li

**MINUTES
HOUSE COMMITTEE ON AGRICULTURE**

June 9, 2010

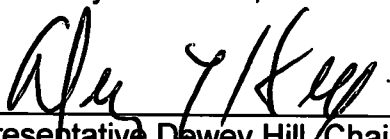
The House Committee on Agriculture met on Wednesday, June 9, 2010, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs Braxton and Lewis; Representatives Coates, Daughtry, Guice, Holloway, Ingle, Langdon, McCormick, Starnes, Steen, Tarleton, Underhill, and Wray.

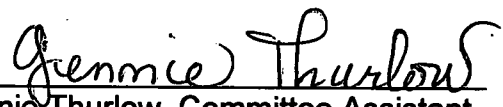
Representative Hill called the meeting to order at 12:05 p.m. and made opening remarks.

Representative Hill acknowledged Representative Harrison to speak on House Bill 208 Spay/Neuter Program Transfer/Funds. Representative Braxton made a motion to accept the Proposed Committee Substitute for discussion. The motion carried. Representative Harrison explained her bill. An overview of the bill was presented by Barbara Riley, and several individuals spoke on the bill. Representative Daughtry moved for a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that committee substitute bill be re-referred to the Committee on Finance. The motion carried.

The meeting was adjourned at 12:40 p.m.

Respectfully submitted,


Representative Dewey Hill, Chair


Gennie Thurlow, Committee Assistant

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☐ Committee Substitute for

HB 208 A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE SPAY/NEUTER ACCOUNT AND TO TRANSFER ADMINISTRATION OF THE VOLUNTARY SPAY/NEUTER PROGRAM TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on FINANCE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 208
PROPOSED COMMITTEE SUBSTITUTE H208-CSRff-87 [v.3]

6/9/2010 10:53:55 AM

Short Title: Spay/Neuter Program Transfer/Funds.

(Public)

Sponsors:

Referred to:

February 18, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO TRANSFER ADMINISTRATION OF THE VOLUNTARY SPAY/NEUTER
3 PROGRAM TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER
4 SERVICES AND TO AMEND THE FUNDING FOR THE SPAY/NEUTER ACCOUNT.
5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) The Spay/Neuter Program established under G.S. 19A-61 and the
7 Spay/Neuter Account established under G.S. 19A-61 are transferred from the Department of
8 Health and Human Services to the Department of Agriculture and Consumer Services. Any
9 unexpended funds appropriated to the Department of Health and Human Services for the
10 2009-2010 fiscal year to implement the Spay/Neuter Program are transferred to the Department
11 of Agriculture and Consumer Services.

12 SECTION 1.(b) G.S. 19A-61 reads as rewritten:

13 "§ 19A-61. Spay/Neuter Program established.

14 There is established in the Department of ~~Health and Human Services~~ Agriculture and
15 Consumer Services a voluntary statewide program to foster the spaying and neutering of dogs
16 and cats for the purpose of reducing the population of unwanted animals in the State. The
17 program shall consist of the following components:

18 (1) Education Program. – The Department shall establish a statewide program to
19 educate the public about the benefits of having cats and dogs spayed and
20 neutered. The Department may work cooperatively on the program with the
21 North Carolina School of Veterinary Medicine, other State agencies and
22 departments, county and city health departments and animal control
23 agencies, and statewide and local humane organizations. The Department
24 may employ outside consultants to assist with the education program.

25 (2) Local Spay/Neuter Assistance Program. – The Department shall administer
26 the Spay/Neuter Account established in G.S. 19A-62. Monies deposited in
27 the account shall be available to reimburse eligible counties and cities for the
28 direct costs of spay/neuter surgeries for cats and dogs made available to
29 low-income persons."

30 SECTION 1.(c) G.S. 19A-62 reads as rewritten:

31 "§ 19A-62. Spay/Neuter Account established.

32 (a) Creation. – The Spay/Neuter Account is established as a nonreverting special
33 revenue account in the Department of ~~Health and Human Services~~ Agriculture and Consumer
34 Services. The Account consists of the following:



- 1 ~~(1)~~ ~~The portion of the fee imposed under G.S. 130A-190(b)(4) for obtaining a~~
2 ~~rabies vaccination tag from the Department of Health and Human Services.~~
3 (2) ~~Ten dollars (\$10.00)~~ Twenty dollars (\$20.00) of the additional fee imposed
4 by G.S. 20-79.7 for an Animal Lovers special license plate.
5 (3) Any other funds available from appropriations by the General Assembly or
6 from contributions and grants from public or private sources.
7 (b) Use. – The revenue in the Account shall be used by the Department of Health and
8 ~~Human Services~~ Agriculture and Consumer Services as follows:
9 ~~(1)~~ ~~If the revenue generated by the portion of the fee imposed under~~
10 ~~G.S. 130A-190(b)(3) is less than forty-seven thousand five hundred dollars~~
11 ~~(\$47,500) for the fiscal year, then funds up to the difference between~~
12 ~~forty-seven thousand five hundred dollars (\$47,500) and the amount of~~
13 ~~revenue generated may be used from this Account to fund rabies education~~
14 ~~and prevention programs.~~
15 (2) ~~Up to Twenty~~ twenty percent (20%) shall ~~may~~ be used to develop and
16 implement the statewide education program component of the Spay/Neuter
17 Program established in G.S. 19A-61(a).
18 (3) Up to twenty percent (20%) of the money in the Account may be used to
19 defray the costs of administering the Spay/Neuter Program established in
20 this Article.
21 (4) Funds remaining after deductions for the education program and
22 administrative expenses shall be distributed quarterly to eligible counties and
23 cities seeking reimbursement for reduced-cost spay/neuter surgeries
24 performed during the previous calendar year. A county or city is ineligible to
25 receive funds under this subdivision unless it requires the owner to show
26 proof of rabies vaccination at the time of the procedure or, if none, require
27 vaccination at the time of the procedure.
28 (c) Report. – In February of each year, the Department must report to the Joint
29 Legislative Commission on Governmental Operations and the Fiscal Research Division. The
30 report must contain information regarding all revenues and expenditures of the Spay/Neuter
31 Account."

32 **SECTION 1.(d) G.S. 19A-63 reads as rewritten:**

33 **"§ 19A-63. Eligibility for distributions from Spay/Neuter Account.**

- 34 (a) A county or city is eligible for reimbursement from the Spay/Neuter Account if it
35 meets the following condition:

- 36 (1) The county or city offers one or more of the following programs to
37 low-income persons on a year-round basis for the purpose of reducing the
38 cost of spaying and neutering procedures for dogs and cats:
39 a. A spay/neuter clinic operated by the county or city.
40 b. A spay/neuter clinic operated by a private organization under
41 contract or other arrangement with the county or city.
42 c. A contract or contracts with one or more veterinarians, whether or
43 not located within the county, to provide reduced-cost spaying and
44 neutering procedures.
45 d. Subvention of the spaying and neutering costs incurred by
46 low-income pet owners through the use of vouchers or other
47 procedure that provides a discount of the cost of the spaying or
48 neutering procedure fixed by a participating veterinarian or other
49 provider.

e. Subvention of the spaying and neutering costs incurred by persons who adopt a pet from an animal shelter operated by or under contract with the county or city.

(2) Reserved for future codification purposes.

(b) For purposes of this Article, the term "low-income person" shall mean an individual who qualifies for one or more of the programs of public assistance administered by the Department of Health and Human Services pursuant to Chapter 108A of the General Statutes or whose annual household income is under three hundred percent (300%) of the federal poverty level guidelines published by the United States Department of Health and Human Services.

(c) Each county shall make rules or publish guidelines that designate what proof a low-income person must submit to establish that the person qualifies for public assistance under subsection (b) of this section or has an annual household income lower than three hundred percent (300%) of the federal poverty level guidelines published by the United States Department of Health and Human Services."

SECTION 1.(e) Section 19A-64 reads as rewritten:

"§ 19A-64. Distributions to counties and cities from Spay/Neuter Account.

(a) Reimbursable Costs. – Counties and cities eligible for distributions from the Spay/Neuter Account may receive reimbursement for the direct costs of a spay/neuter surgical procedure for a dog or cat owned by a low-income person ~~meeting the Department's eligibility requirements for spay/neuter services as defined in G.S. 19A-63(b).~~ Reimbursable costs shall include anesthesia, medication, and veterinary services. Counties and cities shall not be reimbursed for the administrative costs of providing reduced-cost spay/neuter services or capital expenditures for facilities and equipment associated with the provision of such services.

(b) Application. – A county or city eligible for reimbursement of spaying and neutering costs from the Spay/Neuter Account shall apply to the Department of Health and Human Services ~~Agriculture and Consumer Services~~ by the last day of January, April, July, and October of each year to receive a distribution from the Account for that quarter. The application shall be submitted in the form required by the Department and shall include an itemized listing of the costs for which reimbursement is sought.

(c) Distribution. – The Department shall make payments from the Spay/Neuter Account to eligible counties and cities who have made timely application for reimbursement within 30 days of the closing date for receipt of applications for that quarter. In the event that total requests for reimbursement exceed the amounts available in the Spay/Neuter Account for distribution, the monies available will be distributed as follows:

(1) Fifty percent (50%) of the monies available in the Spay/Neuter Account shall be reserved for reimbursement for eligible applicants within development tier one areas as defined in G.S. 143B-437.08. The remaining fifty percent (50%) of the funds shall be used to fund reimbursement requests from eligible applicants in development tier two and three areas as defined in G.S. 143B-437.08.

(2) Among the eligible counties and cities in development tier one areas, reimbursement shall be made to each eligible county or city ~~in proportion to the number of dogs and cats that have received rabies vaccinations during the preceding fiscal year in that county or city as compared to the number of dogs and cats that have received rabies vaccinations during the preceding fiscal year by all of the eligible applicants in development tier one areas.~~ pursuant to rules adopted by the Department.

(3) Among the eligible counties and cities in development tier two and three areas, reimbursement shall be made to each eligible county or city ~~in proportion to the number of dogs and cats that have received rabies~~

vaccinations during the preceding fiscal year in that county or city as compared to the number of dogs and cats that have received rabies vaccinations during the preceding fiscal year by all of the eligible applicants in development tier two and three areas pursuant to rules adopted by the Department.

- (4) Should funds remain available from the fifty percent (50%) of the Spay/Neuter Account designated for development tier one areas after reimbursement of all claims by eligible applicants in those areas, the remaining funds shall be made available to reimburse eligible applicants in development tier two and three areas."

SECTION 1.(f) Section 19A-65 reads as rewritten:

"§ 19A-65. Annual Report Required From Every Animal Shelter in Receipt of State or Local Funding.

Every county or city animal shelter, or animal shelter operated under contract with a county or city or otherwise in receipt of State or local funding shall prepare an annual report in the Department setting forth the numbers, by species, of animals received into the shelter, number adopted out, the number returned to owner, and the number destroyed. The report shall also contain the total operating expenses of the shelter and the cost per animal handled. The report shall be filed with the Department of Health and Human Services, Agriculture and Consumer Services by August 1 or March 1 of each year. A city or county that does not timely file the report required by this section is not eligible to receive reimbursement payments under G.S. 19A-64 during the calendar year in which the report was to be filed."

SECTION 2. Article 5 of Chapter 19A of the General Statutes is amended by adding a new section to read:

"§ 19A-66. Allocation of available funding.

Prior to January 1 of each year, the Department shall notify counties and cities that have, prior to that notification deadline, established eligibility for distribution of funds from the Spay/Neuter Account pursuant to G.S. 19A-63, of the following:

- (1) The amount of funding in the Spay and Neuter Account the Department that will have available for distribution to each county or city receiving notification to pay reimbursement requests submitted by the county or city during the calendar year following the notification deadline; and
- (2) the amount of additional funding, if any, the Department estimates, but does not guarantee, may be available to pay reimbursement requests submitted by the notified county or city to the Department during the calendar year following the notification deadline."

SECTION 3. G.S. 130A-190(b) reads as rewritten:

"(b) Fee. - Rabies vaccination tags, links, and rivets may be obtained from the Department of Health and Human Services. The Secretary is authorized to collect establish by rule a fee for the rabies tags, links, and rivets in accordance with this subsection. The fee for each tag is the sum of the following:

- (1) The actual cost of the rabies tag, links, and rivets.
- (2) Transportation costs.
- (3) ~~Five cents (5¢).~~ Fifteen cents (15¢). This portion of the fee shall be used to fund rabies education and prevention programs.
- (4) ~~Twenty cents (20¢).~~ This portion of the fee shall be credited to the Spay/Neuter Account established in G.S. 19A-62 and used to fund statewide spay/neuter programs. This portion of the fee shall not be imposed for tags provided to persons who operate establishments primarily for the purpose of

~~boarding or training hunting dogs or who own and vaccinate 10 or more dogs per year."~~

SECTION 4.(a) G.S. 20-79.7(a) reads as rewritten:

"(a) Fees. – Upon request, the Division shall provide and issue free of charge one registration plate to a recipient of a Legion of Valor award, a 100% disabled veteran, and an ex-prisoner of war. All other special registration plates, including additional Legion of Valor, 100% Disabled Veteran, and Ex-Prisoner of War plates, are subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the following amount:

<u>Special Plate</u>	<u>Additional Fee Amount</u>
Animal Lovers	\$30.00
Back Country Horsemen of NC	\$30.00
Coastal Conservation Association	\$30.00
Crystal Coast	\$30.00
El Pueblo	\$30.00
First in Forestry	\$30.00
Historical Attraction	\$30.00
Home Care and Hospice	\$30.00
HOMES4NC	\$30.00
Hospice Care	\$30.00
In God We Trust	\$30.00
Maggie Valley Trout Festival	\$30.00
National Kidney Foundation	\$30.00
North Carolina 4-H Development Fund	\$30.00
North Carolina Libraries	\$30.00
Personalized	\$30.00
Share the Road	\$30.00
State Attraction	\$30.00
Stock Car Racing Theme	\$30.00
Support Our Troops	\$30.00
AIDS Awareness	\$25.00
Buffalo Soldiers	\$25.00
Collegiate Insignia	\$25.00
Goodness Grows	\$25.00
High School Insignia	\$25.00
Kids First	\$25.00
Olympic Games	\$25.00
National Multiple Sclerosis Society	\$25.00
National Wild Turkey Federation	\$25.00
NC Agribusiness	\$25.00
NC Children's Promise	\$25.00
NC Coastal Federation	\$30.00
Nurses	\$25.00
Rocky Mountain Elk Foundation	\$25.00
Special Olympics	\$25.00
Surveyor Plate	\$25.00
The V Foundation for Cancer Research Division	\$25.00
University Health Systems of Eastern Carolina	\$25.00
Alpha Phi Alpha Fraternity	\$20.00
ALS Association, Jim "Catfish" Hunter Chapter	\$20.00
~~Animal Lovers~~	~~\$20.00~~
ARC of North Carolina	\$20.00

1	Audubon North Carolina	\$20.00
2	Autism Society of North Carolina	\$20.00
3	Be Active NC	\$20.00
4	Brain Injury Awareness	\$20.00
5	Breast Cancer Earlier Detection	\$20.00
6	Buddy Pelletier Surfing Foundation	\$20.00
7	Daughters of the American Revolution	\$20.00
8	Ducks Unlimited	\$20.00
9	Greyhound Friends of North Carolina	\$20.00
10	Guilford Battleground Company	\$20.00
11	Juvenile Diabetes Research Foundation	\$20.00
12	Harley Owners' Group	\$20.00
13	Litter Prevention	\$20.00
14	March of Dimes	\$20.00
15	NC Tennis Foundation	\$20.00
16	NC Trout Unlimited	\$20.00
17	NC Wildlife Habitat Foundation	\$20.00
18	Omega Psi Phi Fraternity	\$20.00
19	Prince Hall Mason	\$20.00
20	Save the Sea Turtles	\$20.00
21	Scenic Rivers	\$20.00
22	School Technology	\$20.00
23	SCUBA	\$20.00
24	Soil and Water Conservation	\$20.00
25	Special Forces Association	\$20.00
26	Support Public Schools	\$20.00
27	US Equine Rescue League	\$20.00
28	Wildlife Resources	\$20.00
29	Zeta Phi Beta Sorority	\$20.00
30	Carolina's Aviation Museum	\$15.00
31	Leukemia & Lymphoma Society	\$15.00
32	Lung Cancer Research	\$15.00
33	Shag Dancing	\$15.00
34	Active Member of the National Guard	None
35	100% Disabled Veteran	None
36	Ex-Prisoner of War	None
37	Gold Star Lapel Button	None
38	Legion of Valor	None
39	Purple Heart Recipient	None
40	Silver Star Recipient	None
41	All Other Special Plates	\$10.00."

SECTION 4.(b) G.S. 20-97.7(b) reads as rewritten:

"(b) Distribution of Fees. – The Special Registration Plate Account and the Collegiate and Cultural Attraction Plate Account are established within the Highway Fund. The Division must credit the additional fee imposed for the special registration plates listed in subsection (a) among the Special Registration Plate Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA), the Natural Heritage Trust Fund (NHTF), which is established under G.S. 113-77.7, and the Parks and Recreation Trust Fund, which is established under G.S. 113-44.15, as follows:

	<u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTF</u>	<u>PRTF</u>
51	AIDS Awareness	\$10	\$15	0	0

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1	Alpha Phi Alpha Fraternity	\$10	\$10	0	0
2	ALS Association, Jim "Catfish"				
3	Hunter Chapter	\$10	\$10	0	0
4	Animal Lovers	\$10	~~\$10~~ \$20	0	0
5	ARC of North Carolina	\$10	\$10	0	0
6	Audubon North Carolina	\$10	\$10	0	0
7	Autism Society of North				
8	Carolina	\$10	\$10	0	0
9	Back Country Horsemen of NC	\$10	\$20	0	0
10	Be Active NC	\$10	\$10	0	0
11	Brain Injury Awareness	\$10	\$10	0	0
12	Breast Cancer Earlier Detection	\$10	\$10	0	0
13	Buddy Pelletier Surfing				
14	Foundation	\$10	\$10	0	0
15	Buffalo Soldiers	\$10	\$15	0	0
16	Carolina's Aviation Museum	\$10	\$5	0	0
17	Coastal Conservation				
18	Association	\$10	\$20	0	0
19	Crystal Coast	\$10	\$20	0	0
20	Daughters of the American				
21	Revolution	\$10	\$10	0	0
22	Ducks Unlimited	\$10	\$10	0	0
23	El Pueblo	\$10	\$20	0	0
24	First in Forestry	\$10	\$10	\$10	0
25	Goodness Grows	\$10	\$15	0	0
26	Greyhound Friends of North				
27	Carolina	\$10	\$10	0	0
28	Guilford Battleground				
29	Company	\$10	\$10	0	0
30	Harley Owners' Group	\$10	\$10	0	0
31	High School Insignia	\$10	\$15	0	0
32	Historical Attraction	\$10	\$20	0	0
33	Home Care and Hospice	\$10	\$20	0	0
34	HOMES4NC	\$10	\$20	0	0
35	Hospice Care	\$10	\$20	0	0
36	In God We Trust	\$10	\$20	0	0
37	In-State Collegiate Insignia	\$10	\$15	0	0
38	Juvenile Diabetes Research				
39	Foundation	\$10	\$10	0	0
40	Kids First	\$10	\$15	0	0
41	Leukemia & Lymphoma Society	\$10	\$5	0	0
42	Litter Prevention	\$10	\$10	0	0
43	Lung Cancer Research	\$10	\$5	0	0
44	Maggie Valley Trout Festival	\$10	\$20	0	0
45	March of Dimes	\$10	\$10	0	0
46	National Kidney Foundation	\$10	\$20	0	0
47	National Multiple Sclerosis				
48	Society	\$10	\$15	0	0
49	National Wild Turkey				
50	Federation	\$10	\$15	0	0
51	NC Agribusiness	\$10	\$15	0	0

1	NC Children's Promise	\$10	\$15	0	0
2	NC Coastal Federation	\$10	\$20	0	0
3	NC 4-H Development Fund	\$10	\$20	0	0
4	NC Tennis Foundation	\$10	\$10	0	0
5	NC Trout Unlimited	\$10	\$10	0	0
6	North Carolina Libraries	\$10	\$20	0	0
7	NC Wildlife Habitat				
8	Foundation	\$10	\$10	0	0
9	Nurses	\$10	\$15	0	0
10	Olympic Games	\$10	\$15	0	0
11	Omega Psi Phi Fraternity	\$10	\$10	0	0
12	Out-of-state Collegiate Insignia	\$10	0	\$15	0
13	Personalized	\$10	0	\$15	\$5
14	Prince Hall Mason	\$10	\$10	0	0
15	Rocky Mountain Elk				
16	Foundation	\$10	\$15	0	0
17	Save the Sea Turtles	\$10	\$10	0	0
18	Scenic Rivers	\$10	\$10	0	0
19	School Technology	\$10	\$10	0	0
20	SCUBA	\$10	\$10	0	0
21	Shag Dancing	\$10	\$5	0	0
22	Share the Road	\$10	\$20	0	0
23	Soil and Water Conservation	\$10	\$10	0	0
24	Special Forces Association	\$10	\$10	0	0
25	Special Olympics	\$10	\$15	0	0
26	State Attraction	\$10	\$20	0	0
27	Stock Car Racing Theme	\$10	\$20	0	0
28	Support Our Troops	\$10	\$20	0	0
29	Support Public Schools	\$10	\$10	0	0
30	Surveyor Plate	\$10	\$15	0	0
31	The V Foundation for Cancer				
32	Research	\$10	\$15	0	0
33	University Health Systems of				
34	Eastern Carolina	\$10	\$15	0	0
35	US Equine Rescue League	\$10	\$10	0	0
36	Wildlife Resources	\$10	\$10	0	0
37	Zeta Phi Beta Sorority	\$10	\$10	0	0
38	All other Special Plates	\$10	0	0	0."

SECTION 5.(a) The Department of Agriculture and Consumer Services may study the State's role in reducing the number of unwanted dogs and cats and in ensuring the humane treatment of dogs and cats by breeders, shelters, and other facilities that house dogs and cats. As part of this study, the Department may do the following:

(1) Conduct a comprehensive evaluation of the need for revisions of or additions to existing regulatory authority designed to address animal welfare issues in the State including a review of existing State and federal law.

(2) Evaluate the existing needs among county and State agencies for improving responses to animal welfare incidents.

(3) Consider the extent to which the existing infrastructure of the State Animal Response Team may be expanded to handle animal emergencies that involve companion animals and the feasibility and needs for such an expansion.

(4) Survey local government to determine the total fiscal demand for a voluntary Statewide program to foster the spaying and neutering of dogs and cats for the purpose of reducing the population of unwanted animals.

(5) Review data regarding the economic impact of animal sheltering and other animal welfare programs, including the costs of such programs to counties and the State and identify ways that State might reduce the number of animals being sent to animal shelters and whether more cost-effective means exist to control the pet population without compromising animal welfare.

(6) Evaluate the needs of the Animal Welfare program within the Department, specifically with regard to dealing with inquiries from the public, inspection capability and frequency, and staff development and training for Department personnel and others in the State that conduct animal welfare work.

(7) Consult with other organizations and entities it deems appropriate.

(8) Examine any other issues the Department deems pertinent to its charge under this act.

SECTION 5.(b) The Department of Agriculture and Consumer Services shall conduct the study set out in Section 5(a) of this act within funds available for the 2010-2011 fiscal year. The Department may make interim reports as it deems necessary and shall report its findings and recommendations to the Chairs of the House Agriculture Committee, the Senate Agriculture, Environment, and Natural Resources Committee, and the House and Senate Appropriations Subcommittees on Natural and Economic Resources. General Assembly on or before May 1, 2011.

SECTION 6. This act becomes October 1, 2010.



HOUSE BILL 208: Spay/Neuter Program Transfer/Funds

2009-2010 General Assembly

Committee: House Agriculture
Introduced by: Reps. Harrison, Wray, Cotham, Carney
Analysis of: PCS to First Edition
H208-CSRFf-87

Date: June 8, 2010
Prepared by: Barbara Riley
Committee Counsel

SUMMARY: *House Bill 208 provides for the transfer of the Spay/Neuter Program from the Department of Health and Human Services (DHHS) to the Department of Agriculture and Consumer Services (DACS), makes changes in the funding of the Spay/Neuter Account and the distribution of its revenues, and authorizes DACS to undertake a study of the State's role in reducing the population of unwanted dogs and cats and ensuring the humane treatment of such animals by breeders, in shelters, and in other facilities housing dogs and cats.*

CURRENT LAW: Article 5 of Chapter 19A of the General Statutes creates the Spay/Neuter Program and the Spay/Neuter Account in DHHS. The program was created to help reduce the numbers of unwanted cats and dogs by establishing a source of funding that could be used to reimburse cities and counties providing low cost spay and neuter services to cat and dog owners who are considered low income persons, and to educate the public on the benefits of having cats and dogs spayed/neutered.

Funding for the Spay/Neuter Account comes from a portion of the fee charged by DHHS for rabies tags. G.S. 130A-190. Other sources of funding include \$10 of the additional fee for an Animal Lovers license plate and any appropriations by the General Assembly, or gifts or grants to the Account. Distribution of the Account revenue include the funding of rabies education and prevention programs, Statewide education on the benefits of spaying and neutering, administration of the program, and reimbursement of counties and cities for the cost of providing reduced cost spay/neuter surgeries.

50% of the funds available for distribution to counties and cities is reserved for Tier One areas, 50% for Tier Two and Three counties. Funds are distributed among the counties in proportion to the number of cats and dogs receiving rabies vaccinations in a county to the total number receiving vaccinations in all counties in the tier or tier group.

Cities and counties receiving State or local funding are required to report annually to DHHS the number, by species, received into the shelter, the number returned to owner, and the number destroyed.

BILL ANALYSIS: **Section 1(a)** would transfer the Spay/Neuter Program and the Spay/Neuter Account from DHHS to DACS. Any unexpended funds appropriated to DHHS for 2009-2010 to implement the Spay/Neuter program would be transferred to DACS.

Section 1(b) would amend GS 19A-61 to clarify that the Spay/Neuter Program is voluntary.

Section 1(c) would amend GS 19A-62 (Spay/Neuter Account) by (1) eliminating the portion of the fee imposed for obtaining a rabies vaccination tag from DHHS as a funding source, (2) increasing the amount of revenue derived from the sale of the Animal Lovers license plate from \$10 to \$20, (3) providing that *up to* 20% of the money in the Account be used to develop and implement the statewide education component of the Spay/Neuter Program (was a flat 20%), and (4) providing that reimbursement of counties and cities will be based on low costs spay/neuter surgeries from the previous calendar year.

Section 1(d) would amend GS 19A-63 (eligibility for distributions from the Account) to (1) expand the definition of low-income person to also mean an individual whose annual household income is under

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300% of the federal poverty level guidelines published by the US Department of Health and Human Services, and (2) provide that each county must make rules or publish guidelines that designate what proof is required to be submitted to establish low-income eligibility and qualify for public assistance under the statute.

Section 1(e) would amend GS 19A-64 by deleting the provisions for allocating reimbursement funds to the counties and cities when requests for reimbursement exceed available funds. The amendment provides that DACS is to adopt rules to cover such circumstances.

Section 1(f) would amend GS 19A-65 to (1) change the filing date for the annual report required from every animal shelter in receipt of state or local funding from August 1 to March 1 of each year, (2) require that the report be filed with DACS, and (3) prohibit a city or county that does not file a timely report from being eligible to receive reimbursement payments in that calendar year.

Section 2 adds a new section 19A-66 that would require DACS, before to January 1 of each year, to notify counties and cities that have, prior to the notification deadline, established eligibility for distribution of funds from the Account regarding the amount of funding available, as well as any estimated additional funding, for distribution to pay reimbursement requests during the calendar year following the notification deadline.

Section 3 amends G.S. 130A-190 to (1) increase the portion of the rabies tag fee used to fund rabies education and prevention programs from 5¢ to 15¢ and (2) eliminate the 20¢ portion of the fee that is currently credited to the Spay/Neuter Account.

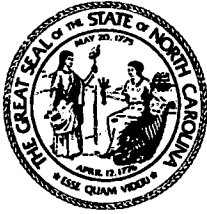
Section 4 amends the G.S. 20-79.7 setting fees for special registration plates to increase the fee for an Animal Lovers license plate from \$20 to \$30, and to provide for the distribution of the fee between the between the Special Registration Plate Account and the Collegiate and Cultural Attraction plate Account.

Section 5 authorizes DACS to study the State's role in reducing the numbers of unwanted cats and dogs and in ensuring the humane treatment of cats and dogs by breeders, in shelters, and in other facilities. DACS is to report to to the Chairs of the House Agriculture Committee, the Senate Agriculture, Environment, and Natural Resources Committee, and the House and Senate Appropriations Subcommittees on Natural and Economic Resources. General Assembly on or before May 1, 2011. The study is to be conducted within available funds.

EFFECTIVE DATE: The act becomes effective October 1, 2010.

Shirley Iorio, counsel to House State Government, substantially contributed to this summary.

H208-SMRF-174(CSRF-87) v2



HOUSE BILL 208: Spay/Neuter Program Transfer/Funds

2009-2010 General Assembly

Committee:	House Agriculture	Date:	June 8, 2010
Introduced by:	Reps. Harrison, Wray, Cotham, Carney	Prepared by:	Barbara Riley
Analysis of:	PCS to First Edition H208-CSRFf-87		Committee Counsel

SUMMARY: *House Bill 208 provides for the transfer of the Spay/Neuter Program from the Department of Health and Human Services (DHHS) to the Department of Agriculture and Consumer Services (DACS), makes changes in the funding of the Spay/Neuter Account and the distribution of its revenues, and authorizes DACS to undertake a study of the State's role in reducing the population of unwanted dogs and cats and ensuring the humane treatment of such animals by breeders, in shelters, and in other facilities housing dogs and cats.*

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Section 1(c) would amend GS 19A-62 (Spay/Neuter Account) by (1) eliminating the portion of the fee imposed for obtaining a rabies vaccination tag from DHHS as a funding source, (2) increasing the amount of revenue derived from the sale of the Animal Lovers license plate from \$10 to \$20, (3) providing that up to 20% of the money in the Account be used to develop and implement the statewide education component of the Spay/Neuter Program (was a flat 20%), and (4) providing that reimbursement of counties and cities will be based on low costs spay/neuter surgeries from the previous calendar year.

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300% of the federal poverty level guidelines published by the US Department of Health and Human Services, and (2) provide that each county must make rules or publish guidelines that designate what proof is required to be submitted to establish low-income eligibility and qualify for public assistance under the statute.

Section 1(e) would amend GS 19A-64 by deleting the provisions for allocating reimbursement funds to the counties and cities when requests for reimbursement exceed available funds. The amendment provides that DACS is to adopt rules to cover such circumstances.

Section 1(f) would amend GS 19A-65 to (1) change the filing date for the annual report required from every animal shelter in receipt of state or local funding from August 1 to March 1 of each year, (2) require that the report be filed with DACS, and (3) prohibit a city or county that does not file a timely report from being eligible to receive reimbursement payments in that calendar year.

Section 2 adds a new section 19A-66 that would require DACS, before to January 1 of each year, to notify counties and cities that have, prior to the notification deadline, established eligibility for distribution of funds from the Account regarding the amount of funding available, as well as any estimated additional funding, for distribution to pay reimbursement requests during the calendar year following the notification deadline.

Section 3 amends G.S. 130A-190 to (1) increase the portion of the rabies tag fee used to fund rabies education and prevention programs from 5¢ to 15¢ and (2) eliminate the 20¢ portion of the fee that is currently credited to the Spay/Neuter Account.

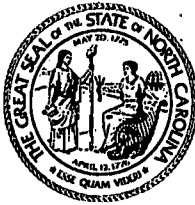
Section 4 amends the G.S. 20-79.7 setting fees for special registration plates to increase the fee for an Animal Lovers license plate from \$20 to \$30, and to provide for the distribution of the fee between the between the Special Registration Plate Account and the Collegiate and Cultural Attraction plate Account.

Section 5 authorizes DACS to study the State's role in reducing the numbers of unwanted cats and dogs and in ensuring the humane treatment of cats and dogs by breeders, in shelters, and in other facilities. DACS is to report to to the Chairs of the House Agriculture Committee, the Senate Agriculture, Environment, and Natural Resources Committee, and the House and Senate Appropriations Subcommittees on Natural and Economic Resources. General Assembly on or before May 1, 2011. The study is to be conducted within available funds.

EFFECTIVE DATE: The act becomes effective October 1, 2010.

Shirley Iorio, counsel to House State Government, substantially contributed to this summary.

H208-SMRF-174(CSRFf-87) v2



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE COMMITTEE ON AGRICULTURE

AGENDA

Wednesday, June 9, 2010
12:00 PM
Legislative Building – Room 1228

OPENING REMARKS

Representative Dewey Hill, Chair

AGENDA ITEMS

HB 208 Spay/Neuter Program
 Transfer/Funds.

Representative Harrison
Representative Wray
Representative Cotham
Representative Carney

HB 1745 Survey Ag. Water Infrastructure
Withdrawn Needs.

Representative Crawford, Jr.
Representative Gillespie
Representative Owens, Jr.
Representative Tarleton

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 208

Short Title: Spay/Neuter Program Transfer/Funds. (Public)

Sponsors: Representatives Harrison, Wray, Cotham, Carney (Primary Sponsors); Adams, M. Alexander, Allen, Bryant, Dickson, Faison, Fisher, Glazier, Haire, Hall, Hurley, Jeffus, Luebke, Martin, McElraft, Samuelson, Tarleton, Wainwright, and Weiss.

Referred to: State Government/State Personnel, if favorable, Agriculture.

February 18, 2009

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO THE SPAY/NEUTER ACCOUNT AND TO
TRANSFER ADMINISTRATION OF THE VOLUNTARY SPAY/NEUTER PROGRAM
TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Spay/Neuter Program established under G.S. 19A-61 and the Spay/Neuter Account established under G.S. 19A-61 are transferred from the Department of Health and Human Services to the Department of Agriculture and Consumer Services by a Type I transfer as defined by G.S. 143A-6. Any unexpended funds appropriated to the Department of Health and Human Services for the 2009-2010 fiscal year to implement the Spay/Neuter Program are transferred to the Department of Agriculture and Consumer Services.

SECTION 1.(b) G.S. 19A-61 reads as rewritten:

"§ 19A-61. Spay/Neuter Program established.

There is established in the Department of ~~Health and Human Services~~ Agriculture and Consumer Services a voluntary statewide program to foster the spaying and neutering of dogs and cats for the purpose of reducing the population of unwanted animals in the State. The program shall consist of the following components:

- (1) Education Program. – The Department shall establish a statewide program to educate the public about the benefits of having cats and dogs spayed and neutered. The Department may work cooperatively on the program with the North Carolina School of Veterinary Medicine, other State agencies and departments, county and city health departments and animal control agencies, and statewide and local humane organizations. The Department may employ outside consultants to assist with the education program.
- (2) Local Spay/Neuter Assistance Program. – The Department shall administer the Spay/Neuter Account established in G.S. 19A-62. Monies deposited in the account shall be available to reimburse eligible counties and cities for the direct costs of spay/neuter surgeries for cats and dogs made available to low-income persons."

SECTION 1.(c) G.S. 19A-6 reads as rewritten:

"§ 19A-62. Spay/Neuter Account established.

(a) Creation. – The Spay/Neuter Account is established as a nonreverting special revenue account in the Department of ~~Health and Human Services~~ Agriculture and Consumer Services. The Account consists of the following:



* H 2 0 8 - V - 1 *

- 1 (1) ~~The portion of the fee imposed under G.S. 130A-190(b)(4) for obtaining a~~
2 ~~rabies vaccination tag from the Department of Health and Human Services.~~
3 (2) Ten dollars (\$10.00) of the additional fee imposed by G.S. 20-79.7 for an
4 Animal Lovers special license plate.
5 (2a) Funds transferred pursuant to G.S. 106-284.40(d).
6 (3) Any other funds available from appropriations by the General Assembly or
7 from contributions and grants from public or private sources.
8 (b) Use. – The revenue in the Account shall be used by the Department of Health and
9 ~~Human Services~~ Agriculture and Consumer Services as follows:
10 (1) ~~If the revenue generated by the portion of the fee imposed under~~
11 ~~G.S. 130A-190(b)(3) is less than forty seven thousand five hundred dollars~~
12 ~~(\$47,500) for the fiscal year, then funds up to the difference between~~
13 ~~forty seven thousand five hundred dollars (\$47,500) and the amount of~~
14 ~~revenue generated may be used from this Account to fund rabies education~~
15 ~~and prevention programs.~~
16 (2) ~~Twenty percent (20%) shall be used to develop and implement the statewide~~
17 ~~education program component of the Spay/Neuter Program established in~~
18 ~~G.S. 19A-61(a).~~
19 (2a) The sum of sixty thousand dollars (\$60,000) shall be distributed annually to
20 the Department of Health and Human Services to fund rabies education and
21 prevention programs.
22 (3) Up to twenty percent (20%) of the money in the Account may be used to
23 develop and implement the statewide education program component of the
24 Spay/Neuter Program established in G.S. 19A-61 and to defray the costs of
25 administering the Spay/Neuter Program established in this Article.
26 (4) Funds remaining after deductions for the education program and
27 administrative expenses shall be distributed quarterly to eligible counties and
28 cities seeking reimbursement for reduced-cost spay/neuter surgeries
29 ~~performed during the previous year previously performed.~~ A county or city
30 is ineligible to receive funds under this subdivision unless it requires the
31 owner to show proof of rabies vaccination at the time of the procedure or, if
32 none, require vaccination at the time of the procedure.
33 (c) Report. – In February of each year, the Department must report to the Joint
34 Legislative Commission on Governmental Operations and the Fiscal Research Division. The
35 report must contain information regarding all revenues and expenditures of the Spay/Neuter
36 Account."

37 **SECTION 1.(d) G.S. 19A-63 reads as rewritten:**

38 **"§ 19A-63. Eligibility for distributions from Spay/Neuter Account.**

39 (a) A county or city is eligible for reimbursement from the Spay/Neuter Account if it
40 meets the following condition:

- 41 (1) The county or city offers one or more of the following programs to
42 low-income persons on a year-round basis for the purpose of reducing the
43 cost of spaying and neutering procedures for dogs and cats:
44 a. A spay/neuter clinic operated by the county or city.
45 b. A spay/neuter clinic operated by a private organization under
46 contract or other arrangement with the county or city.
47 c. A contract or contracts with one or more veterinarians, whether or
48 not located within the county, to provide reduced-cost spaying and
49 neutering procedures.
50 d. Subvention of the spaying and neutering costs incurred by
51 low-income pet owners through the use of vouchers or other

procedure that provides a discount of the cost of the spaying or neutering procedure fixed by a participating veterinarian or other provider.

- e. Subvention of the spaying and neutering costs incurred by persons who adopt a pet from an animal shelter operated by or under contract with the county or city.

(2) Reserved for future codification purposes.

(b) For purposes of this Article, the term "low-income person" shall mean an individual who qualifies for one or more of the programs of public assistance administered by the Department of Health and Human Services pursuant to Chapter 108A of the General Statutes. Statutes or whose annual household income is under two hundred percent (200%) of the federal poverty level guidelines published by the United States Department of Labor.

(c) Each county shall make rules or publish guidelines that designate what proof a low-income person must submit to establish that the person qualifies for public assistance under subsection (b) of this section or has an annual household income lower than two hundred percent (200%) of the federal poverty level guidelines published by the United States Department of Labor.

SECTION 1.(e) Section 19A-64 reads as rewritten:

"§ 19A-64. Distributions to counties and cities from Spay/Neuter Account.

(a) Reimbursable Costs. – Counties and cities eligible for distributions from the Spay/Neuter Account may receive reimbursement for the direct costs of a spay/neuter surgical procedure for a dog or cat owned by a low-income person ~~meeting the Department's eligibility requirements for spay/neuter services as defined in G.S. 19A-63(b).~~ Reimbursable costs shall include anesthesia, medication, and veterinary services. Counties and cities shall not be reimbursed for the administrative costs of providing reduced-cost spay/neuter services or capital expenditures for facilities and equipment associated with the provision of such services.

(b) Application. – A county or city eligible for reimbursement of spaying and neutering costs from the Spay/Neuter Account shall apply to the Department of ~~Health and Human Services~~ Agriculture and Consumer Services by the last day of January, April, July, and October of each year to receive a distribution from the Account for that quarter. The application shall be submitted in the form required by the Department and shall include an itemized listing of the costs for which reimbursement is sought.

(c) Distribution. – The Department shall make payments from the Spay/Neuter Account to eligible counties and cities who have made timely application for reimbursement within 30 days of the closing date for receipt of applications for that quarter. In the event that total requests for reimbursement exceed the amounts available in the Spay/Neuter Account for distribution, the monies available will be distributed as follows:

- (1) Fifty percent (50%) of the monies available in the Spay/Neuter Account shall be reserved for reimbursement for eligible applicants within development tier one areas as defined in G.S. 143B-437.08. The remaining fifty percent (50%) of the funds shall be used to fund reimbursement requests from eligible applicants in development tier two and three areas as defined in G.S. 143B-437.08.

- (2) Among the eligible counties and cities in development tier one areas, reimbursement shall be made to each eligible county or city ~~in proportion to the number of dogs and cats that have received rabies vaccinations during the preceding fiscal year in that county or city as compared to the number of dogs and cats that have received rabies vaccinations during the preceding fiscal year by all of the eligible applicants in development tier one areas.~~ pursuant to rules adopted by the Department.

(3) Among the eligible counties and cities in development tier two and three areas, reimbursement shall be made to each eligible county or city ~~in proportion to the number of dogs and cats that have received rabies vaccinations during the preceding fiscal year in that county or city as compared to the number of dogs and cats that have received rabies vaccinations during the preceding fiscal year by all of the eligible applicants in development tier two and three areas pursuant to rules adopted by the Department.~~

(4) Should funds remain available from the fifty percent (50%) of the Spay/Neuter Account designated for development tier one areas after reimbursement of all claims by eligible applicants in those areas, the remaining funds shall be made available to reimburse eligible applicants in development tier two and three areas."

SECTION 1.(f) Section 19A-65 reads as rewritten:

"§ 19A-65. Annual Report Required From Every Animal Shelter in Receipt of State or Local Funding.

Every county or city animal shelter, or animal shelter operated under contract with a county or city or otherwise in receipt of State or local funding shall prepare an annual report setting forth the numbers, by species, of animals received into the shelter, the number adopted out, the number returned to owner, and the number destroyed. The report shall also contain the total operating expenses of the shelter and the cost per animal handled. The report shall be filed with the Department of ~~Health and Human Services~~ Agriculture and Consumer Services by ~~August 1~~ March 1 of each year. A city or county that does not timely file the report required by this section is not eligible to receive reimbursement payments under G.S. 19A-64 during the calendar year in which the report was to be filed.

SECTION 2.(a) There is appropriated from the General Fund to the Department of Agriculture and Consumer Services the sum of one million dollars (\$1,000,000) for the 2009-2010 fiscal year and the sum of one million dollars (\$1,000,000) for the 2010-2011 fiscal year for the purpose of funding the Spay/Neuter Account established under G.S. 19A-62(a). These funds are in addition to the funds available from the Spay/Neuter Account under G.S. 19A-62(b) and any funds transferred in Section 1 of this act. Funds appropriated in this section for the 2009-2010 fiscal year shall not revert but may be used by the Department during the 2010-2011 fiscal year for the purpose of funding the Spay/Neuter Account.

SECTION 2.(b) Prior to January 1, 2010, the Department shall notify counties and cities that have, prior to that notification deadline, established eligibility for distribution of funds from the Spay/Neuter Account pursuant to G.S. 19A-63, of the following:

- (1) The amount of funding in the Spay and Neuter Account the Department that will have available for distribution to each county or city receiving notification to pay reimbursement requests submitted by the county or city during the calendar year following the notification deadline; and
- (2) The amount of additional funding, if any, the Department estimates, but does not guarantee, may be available to pay reimbursement requests submitted by the notified county or city to the Department during the calendar year following the notification deadline.

SECTION 3. G.S. 106-284.40 is amended by adding a new subsection to read:

"(d) To the extent not applied to cover the costs of inspection of canned pet food and commercial feeds, fees and other receipts collected under this section shall be applied to implement the Local Spay/Neuter Assistance Program created by G.S. 19A-61(2)."

SECTION 4. G.S. 130A-190(b) reads as rewritten:

"(b) Fee. – Rabies vaccination tags, links, and rivets may be obtained from the ~~Department~~ Department of Health and Human Services. The Secretary is authorized to

1 establish by rule a fee for the rabies tags, links, and rivets in accordance with this subsection.

2 The fee for each tag is the sum of the following:

3 (1) The actual cost of the rabies tag, links, and rivets.

4 (2) Transportation costs.

5 (3) Five cents (5¢). This portion of the fee shall be used to fund rabies education
6 and prevention programs.

7 ~~(4) Twenty cents (20¢). This portion of the fee shall be credited to the~~
8 ~~Spay/Neuter Account established in G.S. 19A-62 and used to fund statewide~~
9 ~~spay/neuter programs. This portion of the fee shall not be imposed for tags~~
10 ~~provided to persons who operate establishments primarily for the purpose of~~
11 ~~boarding or training hunting dogs or who own and vaccinate 10 or more~~
12 ~~dogs per year."~~

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

VISITOR REGISTRATION SHEET

AGRICULTURE

JUNE 9, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Henry Jones	Attorney - Raleigh
Peter Daniel	NC Farm Bureau
JULIAN PHILPOTT	NC FARM BUREAU
DeLANIER	NELSON MULLINS
Henry Hufst	N.C.B.A.
Julie Sandrak	N.C.D.A. & CS
N. David Smith	NC Dept. of Ag
Robert Hansley	Public Durham
Amanda Hargrave	HSUS
Ann Church	ASPCA

VISITOR REGISTRATION SHEET

AGRICULTURE

JUNE 9, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Beth Livingstone	Animal Kind PD Box 12568 ^{Rd 1, NC} 27605
Laureen Bartfield DVM	SNAP-NC PO Box 278 New Hill, NC 27562
John Saals	CHATHAM CO Health Dept Animal Control 542-3881 (919)
Ray Stanley	NLDA+CS
Jon Carr	NC Veterinary Medical Assoc
Hassan Kani	NCCN
Elizabeth Jones	Agricultural Alliance of NC
Theresa Rhymer	Dir of Public Health
Marissa Haskell	DPH
Emily M. Ford	DPH / DHHS
Thomas Jones	NCAAC

VISITOR REGISTRATION SHEET

AGRICULTURE

JUNE 9, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

ANTHONY M. ALLEN

NCACC

Kevin Leonard

NCACC

Jim. Jr

DHHS

Angie Whitman

NKPC

VISITOR REGISTRATION SHEET

AGRICULTURE

JUNE 9, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Whitney Lundy

NCACC

Dick Carlton

ally

**MINUTES
HOUSE COMMITTEE ON AGRICULTURE**

June 16, 2010

The House Committee on Agriculture met on Wednesday, June 16, 2010, in Room 1228 of the Legislative Building. The following members were present: Chair Hill; Vice Chairs Bell, Braxton, Brisson, Faison, and Williams; Representatives Coates, Daughtry, Guice, Holloway, Langdon, McCormick, Mobley, Starnes, Steen, Tarleton, Tucker, Underhill, and Warren.

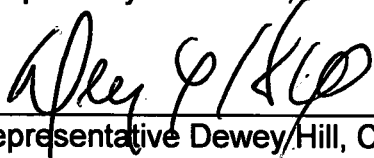
Representative Hill called the meeting to order at 12:01 p.m. and made opening remarks.

Representative Hill acknowledged Representative Faison to speak on **House Bill 1824 Coyote Controls**. Representative Bell made a motion to adopt the Proposed Committee Substitute for discussion. The motion carried. Representative Faison explained the bill. Representative Tucker moved for a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1. The motion carried.

The chair acknowledged Representative Tarleton to speak on **House Bill 1748 Conserve & Protect Ag Water Resources**. Representative Braxton moved that the Proposed Committee Substitute be adopted for discussion. The motion carried. Representative Tarleton explained the bill. Representative Tucker offered a motion for a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1. The motion passed.

The meeting was adjourned at 12:12 p.m.

Respectfully submitted,


Representative Dewey Hill, Chair


Gennie Thurlow, Committee Assistant

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☒ Committee Substitute for

HB 1748

A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO: (1) CONTINUE TO WORK WITH THE NORTH CAROLINA FARM BUREAU FEDERATION, OTHER AGRICULTURAL ORGANIZATIONS, AND FARMERS IN THE STATE TO DEVELOP A PLAN TO IDENTIFY AND REPORT AGRICULTURAL WATER INFRASTRUCTURE NEEDS; (2) ENCOURAGE VOLUNTARY PRACTICES THAT CONSERVE AND PROTECT WATER RESOURCES; AND (3) DESIGN A COST-SHARE PROGRAM TO ASSIST FARMERS AND AGRICULTURAL LANDOWNERS WHO IMPLEMENT BEST MANAGEMENT PRACTICES TO CONSERVE AND PROTECT WATER RESOURCES RELATED TO AGRICULTURAL USE, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE.

☒ With a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hill (Chair) for the Committee on AGRICULTURE.

☒ Committee Substitute for

HB 1824

A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ADDITIONAL METHOD OF TRAPPING COYOTES AND TO INCREASE THE AVAILABILITY OF DEPREDATION PERMITS FOR COYOTES TO LIVESTOCK AND POULTRY OWNERS AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON COYOTE NUISANCE REMOVAL.

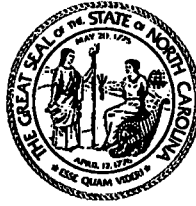
☒ With a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

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_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.



NORTH CAROLINA GENERAL ASSEMBLY

HOUSE COMMITTEE ON AGRICULTURE

AGENDA

**Wednesday, June 16, 2010
12:00 PM
Legislative Building – Room 1228**

OPENING REMARKS

Representative Dewey Hill, Chair

AGENDA ITEMS

**HB 1748 Conserve & Protect Ag Water
Resources.**

HB 1824 Coyote Controls.

**Representative Crawford, Jr.
Representative Gillespie
Representative Owens, Jr.
Representative Tarleton
Representative Williams, III
Representative Faison**

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

2

HOUSE BILL 1824
Committee Substitute Favorable 6/9/10

Short Title: Coyote Controls.

(Public)

Sponsors:

Referred to:

May 19, 2010

A BILL TO BE ENTITLED

AN ACT TO PROVIDE AN ADDITIONAL METHOD OF TRAPPING COYOTES AND TO INCREASE THE AVAILABILITY OF DEPREDAATION PERMITS FOR COYOTES TO LIVESTOCK AND POULTRY OWNERS AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON COYOTE NUISANCE REMOVAL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-291.6 is amended by adding a new subsection to read:

"(h) A person who has been issued a depredation permit for coyotes under G.S. 113-274(c) may use a Collarum™ trap, or similar trap approved by the Wildlife Resources Commission, solely for the purpose of taking coyotes under that permit. The person authorized to use these traps under the depredation permit shall be required to provide to the Wildlife Resources Commission information related to the effectiveness and efficiency of the trap in accordance with rules adopted by the Wildlife Resources Commission. To minimize the risk of harm to nontargeted species, any such trap set shall be attended daily and any nontarget animal caught released."

SECTION 2. G.S. 113-274(c)(1a) reads as rewritten:

"(1a) Depredation Permit. – Authorizes the taking, destruction, transfer, removal, transplanting, or driving away of undesirable, harmful, predatory, excess, or surplus wildlife or wildlife resources. Livestock or poultry owners shall be issued a depredation permit for coyotes upon request. The permit must state the manner of taking and the disposition of wildlife or wildlife resources authorized or required and the time for which the permit is valid, plus other restrictions that may be administratively imposed in accordance with rules of the Wildlife Resources Commission. No depredation permit or any license is needed for the owner or lessee of property to take wildlife while committing depredations upon the property. The Wildlife Resources Commission may regulate the manner of taking and the disposition of wildlife taken without permit or license, including wildlife killed accidentally by motor vehicle or in any other manner."

SECTION 3. The Wildlife Resources Commission shall adopt rules to implement the provisions of Section 1 of this act on or before December 1, 2010.

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



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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 1824
Committee Substitute Favorable 6/9/10
PROPOSED COMMITTEE SUBSTITUTE H1824-CSRF-91 [v.3]

6/15/2010 4:01:04 PM

Short Title: Coyote Controls.

(Public)

Sponsors:

Referred to:

May 19, 2010

A BILL TO BE ENTITLED

AN ACT TO PROVIDE AN ADDITIONAL METHOD OF TRAPPING COYOTES AND TO INCREASE THE AVAILABILITY OF DEPREDATION PERMITS FOR COYOTES TO LIVESTOCK AND POULTRY OWNERS AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON COYOTE NUISANCE REMOVAL.

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SECTION 2. G.S. 113-274(c)(1a) reads as rewritten:

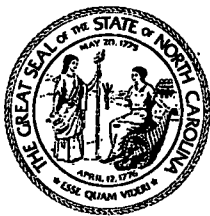
"(1a) Depredation Permit. – Authorizes the taking, destruction, transfer, removal, transplanting, or driving away of undesirable, harmful, predatory, excess, or surplus wildlife or wildlife resources. Livestock or poultry owners shall be issued a depredation permit for coyotes upon request. The permit must state the manner of taking and the disposition of wildlife or wildlife resources authorized or required and the time for which the permit is valid, plus other restrictions that may be administratively imposed in accordance with rules of the Wildlife Resources Commission. No depredation permit or any license is needed for the owner or lessee of property to take wildlife while committing depredations upon the property. The Wildlife Resources Commission may regulate the manner of taking and the disposition of wildlife taken without permit or license, including wildlife killed accidentally by motor vehicle or in any other manner."

SECTION 3. The Wildlife Resources Commission shall adopt rules to implement the provisions of Section 1 of this act on or before October 1, 2010.

SECTION 4. Section 1 of this act becomes effective October 1, 2010. The remainder of the act is effective when it becomes law.



* H 1 8 2 4 - C S R F - 9 1 - V - 3 *



HOUSE BILL 1824: Coyote Controls

2009-2010 General Assembly

Committee: House Agriculture
Introduced by: Reps. Williams, Faison
Analysis of: H1824-CSRF-91

Date: June 14, 2010
Prepared by: Barbara Riley
Committee Counsel

SUMMARY: *House Bill 1824 provides an additional method of trapping coyotes and increases the availability of depredation permits for coyotes to livestock and poultry owners.*

BILL ANALYSIS: Section 1 of the bill authorizes a person who has been issued a depredation permit for coyotes to use a Collarum™ trap, or similar trap approved by the Wildlife Resources commission, solely for the purpose of taking coyotes under that permit. The person authorized to use these traps under the depredation permit shall be required to provide to the Wildlife Resources Commission information related to the effectiveness and efficiency of the trap. To minimize the risk of harm to nontargeted species, any such trap set shall be attended daily and any nontarget animal caught released.

Section 2 of the bill requires that livestock and poultry owners be issued a depredation permit for coyotes upon request.

Section 3 of the bill requires the Wildlife Resources Commission to adopt rules to implement the provisions of Section 1 on or before October 1, 2010 (was December 1, 2010).

EFFECTIVE DATE: The proposed committee substitute rewrites the effective date. Section 1 becomes effective October 1, 2010. The remainder of the act is effective when it becomes law.

BACKGROUND: The original bill was a recommendation of the House Select Committee on Coyote Nuisance Control.

Susan Sitze, counsel to House Wildlife, substantially contributed to this summary.

H1824-SMRF-176(e2) v3

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

2

**HOUSE BILL 1748*
Committee Substitute Favorable 6/9/10**

Short Title: Conserve & Protect Ag Water Resources.

(Public)

Sponsors:

Referred to:

May 18, 2010

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO: (1) CONTINUE TO WORK WITH THE NORTH CAROLINA FARM BUREAU FEDERATION, OTHER AGRICULTURAL ORGANIZATIONS, AND FARMERS IN THE STATE TO DEVELOP A PLAN TO IDENTIFY AND REPORT AGRICULTURAL WATER INFRASTRUCTURE NEEDS; (2) ENCOURAGE VOLUNTARY PRACTICES THAT CONSERVE AND PROTECT WATER RESOURCES; AND (3) DESIGN A COST-SHARE PROGRAM TO ASSIST FARMERS AND AGRICULTURAL LANDOWNERS WHO IMPLEMENT BEST MANAGEMENT PRACTICES TO CONSERVE AND PROTECT WATER RESOURCES RELATED TO AGRICULTURAL USE, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE.

Whereas, North Carolina recognizes that water is our most basic and precious natural resource; and

Whereas, North Carolina has experienced several years of extreme drought over the past decade and will likely continue to experience extreme drought in the future; and

Whereas, North Carolina should identify and promote best management practices and leadership efforts in water efficiency and water conservation; and

Whereas, agriculture is one of the largest industries in the State, with an annual economic impact of over \$70 billion each year and employing over 640,000 people; and

Whereas, agriculture suffers acutely from the effects of water scarcity and drought, while at the same time playing an important role in the sustainable management of available water resources; and

Whereas, farmers and agricultural landowners can play an important role in helping to protect current and future water resources; and

Whereas, the United States Environmental Protection Agency conducts an assessment of the national public water system capital improvement needs every four years as part of its Drinking Water Infrastructure Needs Survey and Assessment, but this survey does not consider agricultural water infrastructure needs; and

Whereas, the Department of Agriculture and Consumer Services, in conjunction with the Division of Soil and Water Conservation of the Department of Environment and Natural Resources, the North Carolina Farm Bureau Federation, other agricultural organizations, and farmers are currently in the process of developing a strategic plan for protecting agricultural water resources; Now, therefore,
The General Assembly of North Carolina enacts:



* H 1 7 4 8 - V - 2 *

1 **SECTION 1.** The Department of Agriculture and Consumer Services and the
2 Division of Soil and Water Conservation of the Department of Environment and Natural
3 Resources shall continue to work with the North Carolina Farm Bureau Federation, other
4 agricultural organizations, and farmers to develop a plan that will identify agricultural water
5 infrastructure needs that are not accounted for in the surveys of water infrastructure needs
6 conducted by the United States Environmental Protection Agency. The plan shall include the
7 following:

- 8 (1) A mechanism for reporting the results of the data gathered to the General
9 Assembly in a manner that is helpful in assessing legislative and budgetary
10 issues that the General Assembly may need to address.
- 11 (2) Methods to identify current and future agricultural water-use needs and
12 methods to ensure that those needs are met.
- 13 (3) Methods to identify best management practices for water conservation and
14 water efficiency by agricultural water users in the State.
- 15 (4) A schedule to update the plan on a regular basis.

16 **SECTION 2.** The Department of Agriculture and Consumer Services and the
17 Department of Environment and Natural Resources shall work with farmers and agricultural
18 landowners to encourage voluntary practices that conserve water, increase the efficiency of
19 private water use, and increase the water storage capacity of agricultural lands. The
20 Department of Agriculture and Consumer Services and the Department of Environment and
21 Natural Resources shall jointly design a cost-share program to provide technical and financial
22 support to farmers and agricultural landowners who want to implement best management
23 practices to protect water resources related to agricultural use.

24 **SECTION 3.** The Department of Agriculture and Consumer Services and the
25 Department of Environment and Natural Resources shall report to the Legislative Study
26 Commission on Water and Wastewater Infrastructure by November 1, 2010, on the
27 development of the agricultural water infrastructure needs survey, the identification of best
28 management practices for water conservation and water efficiency by agricultural water users
29 in the State, and the design of the cost-share program. The report shall include the estimated
30 costs of the survey and cost-share program, the proposed methodology and time frame for
31 implementing the survey and cost-share program, possible sources of funding for the survey
32 and cost-share program, and any legislative changes needed to implement the survey and
33 cost-share program.

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

1 organizations, and farmers are currently in the process of developing a strategic plan for
2 protecting agricultural water resources; Now, therefore,
3 The General Assembly of North Carolina enacts:

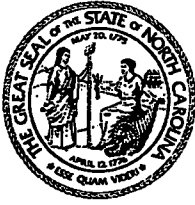
4 **SECTION 1.** The Department of Agriculture and Consumer Services and the
5 Division of Soil and Water Conservation of the Department of Environment and Natural
6 Resources shall continue to work with the North Carolina Farm Bureau Federation, other
7 agricultural organizations, and farmers to develop a plan that will identify agricultural water
8 infrastructure needs that are not accounted for in the surveys of water infrastructure needs
9 conducted by the United States Environmental Protection Agency. The plan shall include the
10 following:

- 11 (1) A mechanism for reporting the results of the data gathered to the General
12 Assembly in a manner that is helpful in assessing legislative and budgetary
13 issues that the General Assembly may need to address.
- 14 (2) Methods to identify current and future agricultural water-use needs and
15 methods to ensure that those needs are met.
- 16 (3) Methods to identify best management practices for water conservation and
17 water efficiency by agricultural water users in the State.
- 18 (4) A schedule to update the plan on a regular basis.

19 **SECTION 2.** The Department of Agriculture and Consumer Services and the
20 Department of Environment and Natural Resources shall work with farmers and agricultural
21 landowners to encourage voluntary practices that conserve water, increase the efficiency of
22 private water use, and increase the water storage capacity of agricultural lands. The
23 Department of Agriculture and Consumer Services and the Department of Environment and
24 Natural Resources shall jointly design a cost-share program to provide technical and financial
25 support to farmers and agricultural landowners who want to implement best management
26 practices to protect water resources related to agricultural use.

27 **SECTION 3.** The Department of Agriculture and Consumer Services and the
28 Department of Environment and Natural Resources shall report to the Legislative Study
29 Commission on Water and Wastewater Infrastructure by November 1, 2010, on the
30 development of the plan to identify agricultural water infrastructure needs, the identification of
31 best management practices for water conservation and water efficiency by agricultural water
32 users in the State, and the design of the cost-share program. The report shall include the
33 estimated costs of implementing the plan and cost-share program, the proposed methodology
34 and time frame for implementing the plan and cost-share program, possible sources of funding
35 for the cost-share program, and any legislative changes needed to implement the plan and
36 cost-share program.

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



HOUSE BILL 1748: Conserve & Protect Ag Water Resources

2009-2010 General Assembly

Committee:	House Agriculture	Date:	June 14, 2010
Introduced by:	Reps. Crawford, Gillespie, Owens, Tarleton	Prepared by:	Hal Pell*
Analysis of:	Second Edition (PCS)		Committee Counsel

SUMMARY: *House Bill 1748 directs the Department of Agriculture and Consumer Services and the Department of Environment and Natural Resources (DENR) to take various steps designed to conserve and protect water resources. The PCS makes technical changes to the bill.*

[House Bill 1748 was recommended by the Legislative Study Commission on Water and Wastewater Infrastructure. As introduced, this bill was identical to S1294, as introduced by Sen. Hoyle, which is currently in House Water Resources and Infrastructure, if favorable, Agriculture.]

BACKGROUND: As part of the federal Safe Drinking Water Act, the United States Environmental Protection Agency (EPA) conducts the Drinking Water Infrastructure Needs Survey and Assessment every four years to assess public water system capital improvement needs. This survey does not consider agricultural water infrastructure needs. The General Assembly enacted G.S. 106-24(b) in 2008 as part of its response to the drought the State was experiencing in 2007-2008. The statute requires the Department of Agriculture and Consumer Services to annually collect by survey information on water use by a person who withdraws 10,000 gallons of water per day or more for agricultural activities. This information is reported annually to the Environmental Review Commission.

BILL ANALYSIS: House Bill 1748 (2nd Edition) directs the Department of Agriculture and Consumer Services and DENR to:

- Continue to work with the North Carolina Farm Bureau Federation, other agricultural organizations, and farmers to develop a plan to identify and report on agricultural water infrastructure needs
- Identify and encourage voluntary practices that conserve and protect water resources; and
- Design a cost-share program to assist farmers and agricultural landowners who implement best management practices to conserve and protect water resources related to agricultural use.

The bill directs the Department of Agriculture and Consumer Services and DENR to report to the Legislative Study Commission on Water and Wastewater Infrastructure by November 1, 2010, on

- The development of the plan to identify agricultural water infrastructure needs,
- The identification of best management practices for water conservation and water efficiency by agricultural water users in the State, and
- The design of the cost-share program.

The report shall include the estimated costs of the plan and cost-share program, the proposed methodology and time frame for implementing the plan and cost-share program, possible sources of funding for the cost-share program, and any legislative changes needed to implement the plan and cost-share program.

EFFECTIVE DATE: The act would become effective when it becomes law.

**Tim Dodge, Staff Attorney, substantially contributed to this summary.*

H1748-SMRK-203(e2) v3

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