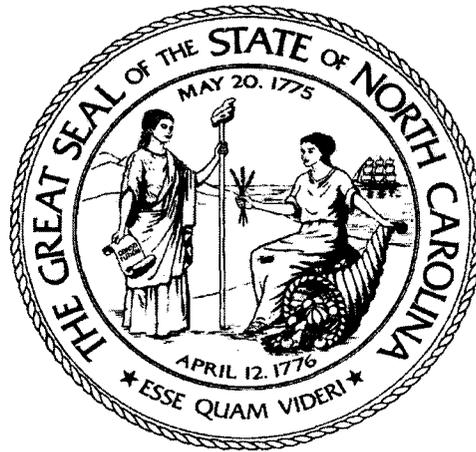


NORTH CAROLINA GENERAL ASSEMBLY



AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION

REPORT TO THE
2014 SESSION
of the
2013 GENERAL ASSEMBLY

APRIL 30, 2014

A LIMITED NUMBER OF COPIES OF THIS REPORT ARE AVAILABLE FOR
DISTRIBUTION THROUGH THE LEGISLATIVE LIBRARY

ROOM 500
LEGISLATIVE OFFICE BUILDING
RALEIGH, NORTH CAROLINA 27603-5925
TELEPHONE: (919) 733-9390

TABLE OF CONTENTS

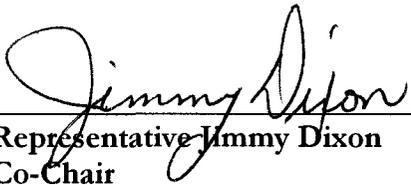
Transmittal Letter	5
Statutory Authority	7
Commission Membership.....	9
Commission Proceedings	11
Legislative Proposals.....	21

This page is intentionally left blank

TRANSMITTAL LETTER

[\[Back to Top\]](#)

The Agriculture and Forestry Awareness Study Commission, respectfully submits the following report.



Representative Jimmy Dixon
Co-Chair



Senator Andrew Brock
Co-Chair



Representative James Langdon
Co-Chair



Senator Brent Jackson
Co-Chair

This page is intentionally left blank

STATUTORY AUTHORITY

[\[Back to Top\]](#)

Article 19.

Agriculture and Forestry Awareness Study Commission.

§ 120-150. Creation; appointment of members.

There is created an Agriculture and Forestry Awareness Study Commission. Members of the Commission shall be citizens of North Carolina who are interested in the vitality of the agriculture and forestry sectors of the State's economy. Members shall be as follows:

- (1) Three appointed by the Governor.
- (2) Three appointed by the President Pro Tempore of the Senate.
- (3) Three appointed by the Speaker of the House.
- (4) The chairs of the House Agriculture Committee.
- (5) The chairs of the Senate Committee on Agriculture, Environment, and Natural Resources.
- (6) The Commissioner of Agriculture or the Commissioner's designee.
- (7) A member of the Board of Agriculture designated by the chair of the Board of Agriculture.
- (8) The President of the North Carolina Farm Bureau Federation, Inc., or the President's designee.
- (9) The President of the North Carolina State Grange or the President's designee.
- (10) The Secretary of Environment and Natural Resources or the Secretary's designee.
- (11) The President of the North Carolina Forestry Association, Inc., or the President's designee.

Members shall be appointed for two-year terms beginning October 1 of each odd-numbered year. The Chairs of the House Agriculture Committee and the Chairs of the Senate Committee on Agriculture, Environment, and Natural Resources shall serve as cochairs.

This page is intentionally left blank

COMMISSION MEMBERSHIP

[\[Back to Top\]](#)

Co-Chairs

<u>Rep. Jimmy Dixon</u> (Co-Chair)	Ex Officio
<u>Rep. James H. Langdon, Jr.</u> (Co-Chair)	Ex Officio
<u>Sen. Andrew C. Brock</u> (Co-Chair)	Ex Officio
<u>Sen. Brent Jackson</u> (Co-Chair)	Ex Officio

Ex Officio Members

Mr. Jimmy Gentry	Ex Officio
Mr. Mitchell A. Peele	Ex Officio
Mr. Frank Rackley	Ex Officio
Mr. J. Neal Robbins	Ex Officio
Hon. Steven Troxler	Ex Officio

Public Members

Mr. Maurice K. Berry, Jr.	Other Appointment
Mr. Donald Butler	Senate Appointment
Mr. Wood Farless	Governor's Appointment
Ms. Carla Harper	Governor's Appointment
Dr. Clarence E. Hood, Jr.	House Appointment
Mr. C. Howard Isley	House Appointment
Mr. Danny McConnell	Senate Appointment
Ms. Katie E. Mills	Governor's Appointment
Mr. Sherwood Padgette	Senate Appointment
Ms. Alice Scott	House Appointment

This page is intentionally left blank

COMMITTEE PROCEEDINGS

[\[Back to Top\]](#)

The Agriculture and Forestry Awareness Study Commission met four times during the interim between the 2013 and the 2014 Regular Sessions of the General Assembly. The Commission's Charge can be found [here](#). The following is a brief summary of the Commission's proceedings. Detailed minutes and information from each Commission meeting are available in the Legislative Library and [online](#).

January 22, 2014

AGENDA

1:00 p.m. Wednesday

Room 643 Legislative Office Building
Raleigh, North Carolina

1. Call to order
Representative J.H. Langdon, Presiding
2. Introductory remarks by Co-Chairs
3. Introduction of Commission members
4. Presentation on the economic value of agriculture and agribusiness in North Carolina.
Dr. Michael Walden, Wm. Neal Reynolds Distinguished Professor
Agricultural and Resource Economics, North Carolina State University
(NCSU)
5. Presentation of issues for consideration by the Commission from the North Carolina Department of Agriculture & Consumer Services (NCDA&CS).
Steve Troxler, Commissioner
NCDA&CS
6. Presentation on the implementation of the Food Safety Modernization Act.
Joe Reardon, Assistant Commissioner for Consumer Protection
NCDA&CS
7. Presentation on the NCSU College of Agriculture and Life Sciences Strategic Plan.
Dr. Marshall Stewart, Special Assistant to the Dean, College Leadership & Strategy
College of Agriculture and Life Sciences, NCSU

8. Presentation on North Carolina A&T State University (NC A&T) School of Agriculture and Environmental Sciences.
Dr. William Randle, Dean
School of Agriculture and Environmental Sciences, NC A&T
9. Implications of the Proposed Federal Clean Water Protection Rule for Federal Jurisdiction over Waters within North Carolina.
Thomas A. Reeder, Director
Division of Water Resources, DENR
10. Commission discussion and announcements
11. Adjourn

The first meeting of the Agriculture and Forestry Awareness Study Commission (Commission) was held on Wednesday January 22, 2014 at 1:00 p.m. in Room 643 of the Legislative Office Building. Representative J.H. Langdon presided.

Dr. Mike Walden, Wm. Neal Reynolds Distinguished Professor of Agricultural and Resource Economics at North Carolina State University (NCSU), gave a presentation on the value of agriculture and agribusiness to North Carolina's economy. Dr. Walden said that agriculture and agribusiness (including food, fiber, and forestry) account for almost one-fifth of the State's income and employees. More than 17 percent, or \$77 billion, of the \$440 billion gross State product is contributed by the food, fiber, and forestry industries. These industries account for 642,000 of the State's 3.8 million employees.

There was Commission discussion on fiber based manufacturing, on whether or not agriculture/agribusiness was the primary economic benefit in North Carolina, how agriculture compares to manufacturing, if economic numbers are available at a county level, vertical integration, and processing jobs lost to Tennessee and Georgia. Dr. Walden indicated that the aggregate processing numbers have held up well, as North Carolina has moved from tobacco processing into meat processing.

Mr. Steve Troxler, Commissioner of Agriculture, North Carolina Department of Agriculture and Consumer Services (DACS), gave a presentation on the following: (1) DACS' goal of growing agriculture to a \$100 billion industry in North Carolina; (2) modernization of animal lab and food lab systems; (3) loss of farmland and forestland in North Carolina; (4) agricultural research funding; (5) promoting the relationship between agriculture and the military; (6) projects in DuPont Forest; and (7) improving port facilities to allow increased export of wood pellets.

The Commission discussed the cost for updating the food and veterinary labs in the State and which labs would be a priority. Commissioner Troxler indicated that it would cost somewhere in the range between \$66 to \$75 million, which is comparable to what would be spent on a public health lab. Modernization of labs would be the first priority.

Additional priorities of DACS are farmland preservation, capital projects, and forestry facilities.

There was additional Commission discussion on exports and the North Carolina port capability, the depletion of farmland for solar energy in Eastern North Carolina, and the retirement of agriculture extension specialists.

Mr. Joe Reardon, Assistant Commissioner for Consumer Protection, DACS, gave a presentation on implementation of the Food Safety Modernization Act (FSMA) and its impact on agribusiness in North Carolina.

There was Commission discussion on farms being exempted from federal rules. Mr. Reardon explained that the only exemption from FSMA applies to farms with a revenue of under \$25,000. The Commission discussed the driving force behind some of the new federal rules. Mr. Reardon indicated that there have been food safety issues from exports from other countries, such as melamine and seafood contamination. The federal government is in the process of promulgating rules to protect food safety. However, the impact of domestic production could be greatly impacted.

Dr. Marshall Stewart, Special Assistant to the Dean of the College of Agriculture and Life Sciences at North Carolina State University (NCSU), gave a presentation on the College of Agricultural and Life Sciences' Strategic Plan. The Commission discussed school preparedness and the preparatory school in Bertie County.

Dr. Bill Randle, Dean of the School of Agriculture and Environmental Sciences at North Carolina Agricultural and Technical State University (NCA&T), gave a presentation on the strategic vision for NCA&T's School of Agriculture and Environmental Sciences over the next five to 10 years.

There was Commission discussion on a disagreement between NCA&T and the Department of Transportation. Dr. Randle said that there was a road system planned near Greensboro and one of the roads would have gone directly through NCA&T research station's farm. NCA&T believes that the farm is relevant and substantial in its importance to the local economy and the school. The farm operates as a model for small scale food production.

Mr. Tom Reeder, Director of the Division of Water Resources (DWR), Department of Environment and Natural Resources, gave a presentation on the implications of the proposed Clean Water Protection Rule for federal jurisdiction over waters within North Carolina. Mr. Reeder discussed navigable waters, U.S. Supreme Court interpretations, and the draft version of the federal Clean Water Protection Rule.

February 19, 2014

AGENDA

9:30 a.m. Wednesday

Hennessee Room, Lois K. Murphy Center
at the University of Mount Olive
Mount Olive, North Carolina

1. Call to order
 Senator Brent Jackson, Presiding
2. Introductory remarks by Co-Chairs
3. Welcome
 Dr. Philip Kerstetter, President
 University of Mount Olive
4. Presentation on University of Mount Olive Agribusiness Center
 Edward Olive, Project Development Specialist
 University of Mount Olive Agribusiness Center
5. Presentation on agricultural labor standards versus industrial labor standards
 Steve Woodson, Associate General Counsel
 North Carolina Farm Bureau
6. Presentation on availability of emergency aid for farmers
 Sharron Stewart, Director, Emergency Programs Division
 North Carolina Department of Agriculture and Consumer Services
 (NCDA&CS)
7. Presentation on soil and water issues facing North Carolina agriculture
 Pat Harris, Director, Division of Soil and Water Conservation
 NCDA&CS
8. Presentation on NC Cooperative Extension Strategic Planning process
 Dr. Joe Zublena, Director, NC Cooperative Extension Service
 NC State University
9. Presentation on local ordinances affecting agriculture
 Keith Larick, Environmental Programs Specialist
 NCDA&CS
10. Commission discussion and announcements
11. Adjourn

The second meeting of the Agriculture and Forestry Awareness Study Commission (Commission) was held on Wednesday February 19, 2014 at 9:30 a.m. in the Hennessee Room, Lois K. Murphy Center at the University of Mount Olive, Mount Olive, North Carolina. Senator Brent Jackson presided.

Dr. Philip Kerstetter, President of the University of Mount Olive, gave a brief welcome and introduction to the University of Mount Olive. Dr. Kerstetter introduced Mr. Edward Olive, Project Development Specialist, University of Mount Olive, Agribusiness Center. Mr. Olive gave a presentation on the curricula and projects conducted by the University of Mount Olive Agribusiness Center. Mr. Olive gave a background on the University of Mount Olive, the undergraduate agriculture programs the University offers, student organizations, farmland preservation plans, and workshops offered at the University.

Mr. Steve Woodson, Associate General Counsel at North Carolina Farm Bureau, gave a presentation on differences between agricultural labor standards and industrial labor standards. Mr. Woodson discussed defining "agriculture," with regard to Occupational Safety and Health Administration (OSHA) issues. There was discussion among Commission members with regard to the definition of the term "farm," as used by various laws and agencies at the state and federal levels.

Ms. Sharron Stewart, Director of the Emergency Programs Division, North Carolina Department of Agriculture and Consumer Services (DACS), gave a presentation on North Carolina's preparedness for emergencies in the agricultural sector and the availability of emergency aid for farmers. Ms. Stewart discussed the DACS' role and response to emergencies, animal health issues, hurricanes and tornadoes, and agriculture emergency response teams.

The Commission discussed why agriculture does not qualify for Federal Emergency Management Aid (FEMA), the North Carolina Emergency Response hotline, and the responsibilities of the State during an emergency.

Ms. Pat Harris, Director of the Division of Soil and Water Conservation, DACS, gave a presentation on soil and water issues facing North Carolina. Ms. Harris discussed soil and water conservation partnerships, farmer surveys, drainage flood and control, subsurface water management, wetlands jurisdiction, conservation compliance, and research and development.

There was Commission discussion on blockages and drainages, the possibility of using prisoners to clean up streams, and potential problems with agricultural land being converted into wetlands.

Dr. Joe Zublena, Director of the North Carolina Cooperative Extension Service, gave a presentation on the North Carolina Cooperative Extension Service strategic planning process and the funding model for North Carolina Cooperative Extension Service. Dr. Zublena discussed strategic educational goals, faculty capacity, and budgetary issues.

The Commission discussed the loss of federal funds for the Cooperative Extensive Service and funding issues.

Mr. Keith Larick, Environmental Programs Specialist, DACS, gave a presentation on local ordinances affecting agriculture throughout North Carolina. Mr. Larick discussed existing protections, zoning issues, forest resources, building codes, water use, nuisance ordinances, genetically modified crops, pesticides, and House Bill 74 (Regulatory Reform Act of 2013).

There was Commission discussion on the impact of beavers on streams and stream restoration, potential regulations in Durham County on the use of fertilizer, and the use of genetically modified crops.

March 28, 2014

AGENDA

9:00 a.m. Wednesday

Administration Building, DuPont State Forest
Cedar Mountain, North Carolina

1. Call to order
Representative Jimmy Dixon, Presiding
2. Introductory remarks by Co-Chairs
3. Welcome
Steve Troxler, Commissioner
North Carolina Department of Agriculture & Consumer Services
(NCDA&CS)
4. Presentation on the role of the North Carolina Department of Environment and Natural Resources (DENR) in Agriculture
John Skvarla, Secretary
DENR
5. Presentation on forestry issues
Paul Sherman, Air & Energy Programs Director
North Carolina Farm Bureau
6. Presentation on the North Carolina BRIDGE Young Offenders Forest Conservation Program
Travis Ruff, BRIDGE Program Manager
NCDA&CS
7. Presentation on local tree ordinances more stringent than federal regulations
John Allen, Owner, Shiloh Nursery
Mark Gantt, Owner, Hefner's Nursery
8. Presentation on the woolly adelgid issue in hemlocks
Brian Heath, NCFS Forest Health Forester
North Carolina Forest Service
9. Presentation on privacy laws relating to farms
Paul Sherman, Air & Energy Programs Director
North Carolina Farm Bureau
10. Commission discussion and announcements

11. Adjourn

The third meeting of the Agriculture and Forestry Awareness Study Commission (Commission) was held on Friday March 28, 2014 at 9:00 a.m. in the Administration Building, DuPont State Forest, Cedar Mountain, North Carolina. Representative Jimmy Dixon Presided.

Mr. Steve Troxler, Commissioner of Agriculture, North Carolina Department of Agriculture and Consumer Services (DACS), spoke about Dupont State Forest and its importance to North Carolina. The Commissioner also discussed the Hemlock Woolly Adelgid bug and its effect on Dupont State Forest and the BRIDGE Young Offenders Forest Conservation Program.

Mr. John Skvarla, Secretary of Environment and Natural Resources, the Department of Environment and Natural Resources (DENR), gave a presentation on the role of DENR in agriculture. Secretary Skvarla described DENR's role as public servants.

Mr. Paul Sherman, Director of Air and Energy Programs, Farm Bureau, gave a presentation on forestry and transportation issues. Mr. Sherman discussed truck safety inspections, existing infrastructure and maintenance, contested cases, and Intrastate U.S. Department of Transportation (U.S. DOT) markings.

There was Commission discussion on how the U.S. DOT rates bridges for weight, weight citations and civil penalties, weight allowances, exemptions from Superior Court, emergency declarations by the Governor, and feed truck and feed companies' operations during storms.

Mr. Travis Ruff, Program Manager, North Carolina BRIDGE Young Offenders Forest Conservation Program, DACS, gave a presentation on the BRIDGE Program. Mr. Ruff discussed how the Program was established, the reasons it was established, and the Program's mission. Mr. Ruff said that the Program provides disaster relief assistance, teaches the participants important job skills, and saves the State money. The Commission discussed possible expansions of the Program and potential limiting factors to the Program.

Mr. John Allen, Owner, Shiloh Nursery, gave a presentation on local tree ordinances more stringent than federal regulations. Mr. Allen discussed restrictive local tree ordinances and their effect on local nurseries.

Mr. Mark Gannt, Owner, Hefner's Nursery, gave a presentation on local tree ordinances. Mr. Gannt explained that some municipalities like trees and shrubs planted a certain way. There have been occasions when contractors do not adhere to the municipality's preferences. Mr. Gannt said his organization works with municipalities and nurseries to come to an agreement. Mr. Gannt is against additional regulation on local tree ordinances. There was Commission discussion on what types of properties the municipalities are setting standards for (commercial or residential).

Mr. Brian Heath, Forest Health Forester, Forest Service, DACS, gave a presentation on Hemlock Woolly Adelgid bugs. Mr. Heath explained what type of treatments have worked or might work, such as chemical treatments or biological control. Mr. Heath discussed what the State should do in response to the Hemlock Woolly Adelgid bug and the future of Hemlock trees.

There was Commission discussion on the use of potentially invasive species to control the Hemlock Woolly Adelgid bugs. Mr. Heath said that the U.S. Department of Agriculture has protocols before a species can be introduced as a biological control. There is a great deal of research before a control species is released.

Mr. Paul Sherman, Air and Energy Programs Director, Farm Bureau, gave a presentation on privacy laws relating to farms. Mr. Sherman discussed employment fraud, third party environmental complaints about agricultural operations, and technology advances.

The Commission discussed the need for livestock operations to have protection from trespassing due to biosecurity and the potential use of drones.

April 30, 2014

The fourth meeting of the Agriculture and Forestry Awareness Study Commission (Commission) was held on Wednesday April 30, 2014 at 9:00 a.m. in Room 643 of the Legislative Office Building. Senator Andrew Brock Presided.

The Commission approved a motion to send a letter to North Carolina's Congressional delegation and the North Carolina Attorney General in opposition to the U.S. Environmental Protection Agency's proposed rules defining "waters of the United States."

The Commission adopted this report.

This page is intentionally left blank

LEGISLATIVE PROPOSALS

[\[Back to Top\]](#)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

U

D

BILL DRAFT 2013-TQz-20 [v.19] (03/26)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/29/2014 12:16:18 PM

Short Title: Farm GPS Coordinates/Photos/ Public Records.

(Public)

Sponsors: (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

1 AN ACT TO PROTECT NORTH CAROLINA FARMERS BY PROVIDING THAT
2 THE GLOBAL POSITIONING SYSTEM COORDINATES OF THEIR
3 AGRICULTURAL OPERATIONS ARE NOT PUBLIC RECORDS, AS
4 RECOMMENDED BY THE AGRICULTURE AND FORESTRY AWARENESS
5 STUDY COMMISSION.
6

7 Whereas, agriculture and agribusiness make up the largest industry in North
8 Carolina at \$67.4 billion annually; and

9 Whereas, the Agriculture and Forestry Awareness Study Commission has
10 heard compelling evidence that some groups have fraudulently reported environmental
11 complaints about certain agricultural operations; and

12 Whereas, fraudulent complaints about agricultural operations create an
13 unnecessary burden on both operators and regulatory authorities, thereby unnecessarily
14 raising the cost of food, fiber, and forestry products; and

15 Whereas, these groups have publicized photographs and GPS coordinates of
16 some agricultural operations where operators and their families live on the property
17 without any compelling rationale for doing so; Now, therefore,

18
19 The General Assembly of North Carolina enacts:

20 **SECTION 1.** Chapter 132 of the General Statutes is amended by adding a
21 new section to read:

22 "**§ 132-1.23. Agricultural operation GPS coordinates and aerial photographs.**

23 (a) Records in the custody of the State containing global positioning system (GPS)
24 coordinates of an agricultural operation are not public records as defined by G.S. 132-1.

25 (b) Records in the custody of the State containing aerial photographs of an
26 agricultural operation are not public records as defined by G.S. 132-1."

1

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

U

D

BILL DRAFT 2013-TQz-21 [v.5] (04/01)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/29/2014 12:16:50 PM

Short Title: Motor Vehicle Civil Penalty/District Court. (Public)

Sponsors: (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW JUDICIAL REVIEW OF CIVIL PENALTIES ON MOTOR
2 VEHICLES IMPOSED BY THE DEPARTMENT OF PUBLIC SAFETY IN THE
3 DISTRICT COURT OF THE COUNTY IN WHICH THE PENALTY WAS ASSESSED,
4 AS RECOMMENDED BY THE AGRICULTURE AND FORESTRY AWARENESS
5 STUDY COMMISSION.
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 20-178.1 reads as rewritten:

9 **"§ 20-178.1. Payment and review of civil penalty imposed by Department of Public**
10 **Safety.**

11 ...

12 (c) Judicial Review. – Except as provided in subsection (c1) of this section, anyAny person
13 who is dissatisfied with the decision of the Secretary and who has paid the penalty in full
14 within 30 days of the notice of decision, as required by subsection (b) of this section, may,
15 within 60 days of the decision, bring an action for refund of the penalty against the Department
16 in the Superior Court of Wake County or in the superior court of the county in which the civil
17 penalty was assessed. The court shall review the Secretary's decision and shall make findings of
18 fact and conclusions of law. The hearing shall be conducted by the court without a jury. In
19 reviewing the case, the court shall not give deference to the prior decision of the Secretary. A
20 superior court may award attorneys' fees to a prevailing plaintiff only upon a showing of bad
21 faith on the part of the Department, and any order for attorneys' fees must be supported by
22 findings of fact and conclusions of law.

23 (c1) Judicial Review. – Any person operating a truck or other motor vehicle transporting
24 supplies, material or equipment necessary to carry out a farming or forestry operation who is
25 dissatisfied with the decision of the Secretary and who has paid the penalty in full within 30
26 days of the notice of decision, as required by subsection (b) of this section, may, within 60 days
27 of the decision, bring an action for refund of the penalty against the Department in the district
28 court of the county in which the civil penalty was assessed. The court shall review the
29 Secretary's decision and shall make findings of fact and conclusions of law. The hearing shall
30 be conducted by the court without a jury. In reviewing the case, the court shall not give
31 deference to the prior decision of the Secretary. A district court may award attorneys' fees to a
32 prevailing plaintiff only upon a showing of bad faith on the part of the Department, and any
33 order for attorneys' fees must be supported by findings of fact and conclusions of law.

34 ..."

1 **SECTION 2.** This act becomes effective October 1, 2014, and applies to penalties
2 assessed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

U

D

BILL DRAFT 2013-TQz-22 [v.5] (03/31)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/29/2014 12:17:17 PM

Short Title: Authority to Adopt Local Ordinances. (Public)

Sponsors: (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY OF LOCAL GOVERNMENTS TO
ADOPT CERTAIN AGRICULTURAL AND ENVIRONMENTAL ORDINANCES,
AS RECOMMENDED BY THE AGRICULTURE AND FORESTRY
AWARENESS STUDY COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Article 56 of Chapter 106 of the General Statutes is amended
by adding a new section to read:

"§ 106-678. Authority of local governments to regulate fertilizers.

No county or city shall adopt or continue in effect any ordinance, rule, regulation, or resolution regulating the use, sale, distribution, storage, transportation, disposal, formulation, labeling, registration, manufacture, or application of fertilizer. Nothing in this section shall prohibit a county, city, or other political subdivision of the State from exercising its planning and zoning authority under Article 19 of Chapter 160A of the General Statutes or Article 18 of Chapter 153A of the General Statutes, or from exercising its fire prevention or inspection authority. Nothing in this section shall limit the authority of the Department of Environment and Natural Resources to enforce water quality standards."

SECTION 2. G.S. 153A-452 reads as rewritten:

"...

(b) A county shall not adopt or enforce any ordinance, rule, regulation, or resolution that ~~regulates either~~ regulates:

(1) Forestry activity on forestland that is taxed on the basis of its present-use value as forestland under Article 12 of Chapter 105 of the General Statutes.

(2) Forestry activity that is conducted in accordance with a forest management plan.

(3) The removal, replacement, and preservation of trees on private property within its jurisdiction.

(c) This section shall not be construed to limit, expand, or otherwise alter the authority of a county to:

- 1 (1) Regulate activity associated with development. A county may deny a
 2 building permit or refuse to approve a site or subdivision plan for
 3 either a period of up to:
 4 a. Three years after the completion of a timber harvest if the
 5 harvest results in the removal of all or substantially all of the
 6 trees that were protected under county regulations governing
 7 development from the tract of land for which the permit or
 8 approval is sought.
 9 b. Five years after the completion of a timber harvest if the
 10 harvest results in the removal of all or substantially all of the
 11 trees that were protected under county regulations governing
 12 development from the tract of land for which the permit or
 13 approval is sought and the harvest was a willful violation of the
 14 county regulations.
 15 ~~(2) Regulate trees pursuant to any local act of the General Assembly.~~
 16 (3) Adopt ordinances that are necessary to comply with any federal or
 17 State law, regulation, or rule.
 18 (4) Exercise its planning or zoning authority under Article 18 of this
 19 Chapter."

20 SECTION 3. G.S. 160A-458.5 reads as rewritten:

21 **"§ 160A-458.5. Restriction of certain forestry activities prohibited.**

22 ...

23 (b) A city shall not adopt or enforce any ordinance, rule, regulation, or resolution that
 24 ~~regulates either:~~ regulates:

- 25 (1) Forestry activity on forestland that is taxed on the basis of its
 26 present-use value as forestland under Article 12 of Chapter 105 of the
 27 General Statutes.
 28 (2) Forestry activity that is conducted in accordance with a forest
 29 management plan that is prepared or approved by a forester registered
 30 in accordance with Chapter 89B of the General Statutes.
 31 (3) The removal, replacement, and preservation of trees on private
 32 property within its jurisdiction.

33 (c) This section shall not be construed to limit, expand, or otherwise alter the
 34 authority of a city to:

- 35 (1) Regulate activity associated with development. A city may deny a
 36 building permit or refuse to approve a site or subdivision plan for
 37 either a period of up to:
 38 a. Three years after the completion of a timber harvest if the
 39 harvest results in the removal of all or substantially all of the
 40 trees that were protected under city regulations governing
 41 development from the tract of land for which the permit or
 42 approval is sought.
 43 b. Five years after the completion of a timber harvest if the
 44 harvest results in the removal of all or substantially all of the
 45 trees that were protected under city regulations governing
 46 development from the tract of land for which the permit or

1
2
3
4
5
6
7
8

approval is sought and the harvest was a willful violation of the city regulations.

- ~~(2) Regulate trees pursuant to any local act of the General Assembly.~~
- (3) Adopt ordinances that are necessary to comply with any federal or State law, regulation, or rule.
- (4) Exercise its planning or zoning authority under this Article.
- (5) Regulate and protect streets under Article 15 of this Chapter."

SECTION 4. This act is effective when it becomes law.

This page is intentionally left blank

This page is intentionally left blank

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

U

D

BILL DRAFT 2013-TQza-25 [v.6] (04/16)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/29/2014 12:19:27 PM

Short Title: NCSU Plant Sciences Research Initiative.

(Public)

Sponsors: (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE FUNDING FOR A PROPOSAL AND ECONOMIC
2 NEEDS ASSESSMENT TO ESTABLISH A NORTH CAROLINA STATE
3 UNIVERSITY PLANT SCIENCES RESEARCH AND INNOVATION
4 INITIATIVE, AS RECOMMENDED BY THE AGRICULTURE AND FORESTRY
5 AWARENESS STUDY COMMISSION.
6

7 Whereas, the United States Department of Agriculture has determined that
8 each dollar invested in agricultural research returns about \$19 worth of benefits to the
9 nation's economy; and

10 Whereas, 40,000 new jobs in the agriculture sector are created annually in
11 North Carolina; and

12 Whereas, each \$1 million generated in the State's agribusiness sector creates
13 14 new jobs in the State; and

14 Whereas, a \$27 billion increase in the State's agribusiness sector by 2020 will
15 create 378,000 jobs and \$62 billion in spending; and

16 Whereas, North Carolina's Research Triangle Park is a global hub of
17 agriculture and bioscience research that is home to many of the world's leading plant
18 science companies and first-rate research institutions; and

19 Whereas, North Carolina is the third most diverse agricultural state in the
20 country; and

21 Whereas, North Carolina State University has the strongest plant breeding and
22 plant science programs in the world; and

23 Whereas, North Carolina can become the world leader in plant sciences by
24 bringing together the resources of academia, industry, regulatory agencies, and scientists
25 in the Research Triangle; Now, therefore,

26
27 The General Assembly of North Carolina enacts:

28 **SECTION 1.** There is appropriated from the General Fund to North Carolina
29 State University the sum of two hundred fifty thousand dollars (\$250,000) for the
30 2014-2015 fiscal year. The University shall use the funds to develop a formal proposal
31 and economic needs assessment for establishment of a public/private partnership between

1 the University, other academic institutions, private companies in the agribusiness and
2 bioscience sectors, and State regulatory agencies, to be known as the "Plant Sciences
3 Research and Innovation Initiative."

4 **SECTION 2.** North Carolina State University shall submit a copy of the
5 proposal and report to the Agriculture and Forestry Awareness Study Commission on the
6 results of the economic needs assessment by January 1, 2015.

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