

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**SENATE BILL 172**

Short Title: Add Agribusiness Council to Ag Committees/Bds. (Public)

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Sponsors: Senators Albertson; Atwater, Brown, Brunstetter, Clodfelter, Foriest, Forrester, Goodall, Jenkins, Snow, Soles, Tillman, and Weinstein.

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Referred to: Agriculture/Environment/Natural Resources.

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February 14, 2007

A BILL TO BE ENTITLED

AN ACT TO ADD THE NORTH CAROLINA AGRIBUSINESS COUNCIL, INC., TO  
VARIOUS AGRICULTURAL BOARDS AND COMMISSIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 105-277.7(a) reads as rewritten:

"(a) Creation and Membership. – The Use-Value Advisory Board is established under the supervision of the Agricultural Extension Service of North Carolina State University. The Director of the Agricultural Extension Service of North Carolina State University shall serve as the chair of the Board. The Board shall consist of the following additional members, to serve ex officio:

- (1) A representative of the Department of Agriculture and Consumer Services, designated by the Commissioner of Agriculture.
- (2) A representative of the Division of Forest Resources of the Department of Environment and Natural Resources, designated by the Director of that Division.
- (3) A representative of the Agricultural Extension Service at North Carolina Agricultural and Technical State University, designated by the Director of the Extension Service.
- (4) A representative of the North Carolina Farm Bureau Federation, Inc., designated by the President of the Bureau.
- (5) A representative of the North Carolina Association of Assessing Officers, designated by the President of the Association.
- (6) The Director of the Property Tax Division of the North Carolina Department of Revenue or the Director's designee.
- (7) A representative of the North Carolina Association of County Commissioners, designated by the President of the Association.
- (8) A representative of the North Carolina Forestry Association, designated by the President of the Association.

1           (9) A representative of the North Carolina Agribusiness Council, Inc.,  
2           designated by the Executive Director of the Council."

3           **SECTION 2.** G.S. 106-568.3 reads as rewritten:

4           **"§ 106-568.3. Action of Board of Agriculture on petition for referendum; creation**  
5           **of the Tobacco Research Commission.**

6           (a) The State Board of Agriculture, upon a petition being filed with it so  
7           requesting and signed by the governing boards of the North Carolina Farm Bureau  
8           Federation, the North Carolina State Grange, the North Carolina Agribusiness Council,  
9           Inc., and the North Carolina Agricultural Foundation, Inc., shall examine such petition  
10          and upon finding that it complies with the provisions of this Article shall authorize the  
11          holding of a referendum as hereinafter set out and the governing boards of the North  
12          Carolina Farm Bureau Federation, the North Carolina State Grange, the North Carolina  
13          Agribusiness Council, Inc., and the North Carolina Agricultural Foundation, Inc., shall  
14          thereupon be fully authorized and empowered to hold and conduct on the part of the  
15          producers and growers of the commodities herein mentioned a referendum on the  
16          question of whether or not such growers and producers shall levy upon themselves an  
17          assessment under and subject to and for the purposes stated in this Article. Provided,  
18          that the petition for a tobacco referendum shall be signed by and, once approved, shall  
19          authorize the holding of a referendum by the governing boards of the North Carolina  
20          Farm Bureau Federation, Inc., the North Carolina State Grange, the North Carolina  
21          Agribusiness Council, Inc., the North Carolina Tobacco Foundation, Inc., and the  
22          Tobacco Growers Association of North Carolina, Incorporated.

23          (b) There is hereby created a North Carolina Tobacco Research Commission  
24          within the Department of Agriculture and Consumer Services. The Commission shall  
25          consist of the Commissioner of Agriculture, or his designee; the President of the North  
26          Carolina Farm Bureau Federation, Inc., or his designee; the President of the Tobacco  
27          Growers Association of North Carolina, Incorporated, or his designee; the Master of the  
28          North Carolina State Grange, or his designee; the Executive Director of the North  
29          Carolina Agribusiness Council, Inc., or his designee, and, the President of the North  
30          Carolina Tobacco Foundation, Inc., or his designee."

31          **SECTION 3.** G.S. 106-568.4 reads as rewritten:

32          **"§ 106-568.4. By whom referendum to be managed; announcement.**

33          The governing boards of the North Carolina Farm Bureau Federation, the North  
34          Carolina State Grange, the North Carolina Agribusiness Council, Inc., and the North  
35          Carolina Agricultural Foundation, Inc., shall arrange for and manage any referendum  
36          conducted under the provisions of this Article but shall, 60 days before the date upon  
37          which it is to be held, fix, determine, and publicly announce in each county the date,  
38          hours, and polling places in that county for voting in such referendum, the amount and  
39          basis proposed to be collected, the means by which such assessment shall be collected  
40          as authorized by the growers and producers, and the general purposes for which said  
41          funds so collected shall be applied. Provided, that the governing boards of the North  
42          Carolina Farm Bureau Federation, Inc., the North Carolina State Grange, the North  
43          Carolina Agribusiness Council, Inc., the North Carolina Tobacco Foundation, Inc., and  
44          the Tobacco Growers Association of North Carolina, Incorporated, shall arrange for and

1 manage any referendum for tobacco poundage assessments under the provisions of this  
2 Article."

3 **SECTION 4.** G.S. 106-568.7 reads as rewritten:

4 **"§ 106-568.7. Preparation and distribution of ballots; poll holders; canvass and**  
5 **announcement of results.**

6 The governing boards of the North Carolina Farm Bureau Federation, the North  
7 Carolina State Grange, the North Carolina Agribusiness Council, Inc., and the North  
8 Carolina Agricultural Foundation, Inc., shall prepare and distribute in advance of such  
9 referendum all necessary ballots and shall under rules and regulations, adopted and  
10 promulgated by the organizations holding such referendum, arrange for the necessary  
11 poll holders and shall, within 10 days after the date of such referendum, canvass and  
12 publicly declare the results thereof. Provided, that for the tobacco poundage assessment  
13 referendum, the North Carolina Farm Bureau Federation, Inc., the North Carolina State  
14 Grange, the North Carolina Agribusiness Council, Inc., the North Carolina Tobacco  
15 Foundation, Inc., and the Tobacco Growers Association of North Carolina,  
16 Incorporated, shall perform the functions set forth in this section."

17 **SECTION 5.** G.S. 106-568.8(a) reads as rewritten:

18 "(a) Fertilizer and feed assessments. In the event two-thirds or more of the eligible  
19 farmers and producers participating in said referendum vote in favor of such  
20 assessment, then said assessment shall be collected for a period of six years under rules,  
21 regulations, and methods as provided for in this Article. The assessments shall be added  
22 to the wholesale purchase price of each ton of fertilizer, commercial feed, and/or their  
23 ingredients (except lime and land plaster) by the manufacturer of said fertilizer and feed.  
24 The assessment so collected shall be paid by the manufacturer into the hands of the  
25 North Carolina Commissioner of Agriculture on the same tonnage and at the same time  
26 and in the same manner as prescribed for the reporting of the inspection tax on  
27 commercial feeds and fertilizers as prescribed by G.S. 106-284.40 and 106-671. The  
28 Commissioner shall then remit the assessment for the total tonnage as reported by all  
29 manufacturers of commercial feeds, fertilizers, and their ingredients to the treasurer of  
30 the North Carolina Agricultural Foundation, Inc., who shall disburse such funds for the  
31 purposes herein enumerated and not inconsistent with provisions contained in the  
32 charter and bylaws of the North Carolina Agricultural Foundation, Inc. Signed copies of  
33 the receipts for such remittances made by the Commissioner to the treasurer of the  
34 North Carolina Agricultural Foundation, Inc., shall be furnished the Commissioner of  
35 Agriculture, the North Carolina Farm Bureau Federation, the North Carolina  
36 Agribusiness Council, Inc., and the North Carolina State Grange. The treasurer of the  
37 North Carolina Agricultural Foundation, Inc., shall make an annual report at each  
38 annual meeting of the Foundation directors of total receipts and disbursements for the  
39 year and shall file a copy of said report with the Commissioner of Agriculture and shall  
40 make available a copy of said report for publication.

41 It shall be the duty of the Commissioner of Agriculture to audit and check the  
42 remittances of the assessment by the manufacturer to the Commissioner in the same  
43 manner and at the same time as audits and checks are made of remittances of the  
44 inspection tax on commercial feeds and fertilizers.

1 Any commercial feed excluded from the payment of the inspection fee required by  
2 G.S. 106-284.40 shall nevertheless be subject to the assessment provided for by this  
3 Article and to quarterly tonnage reports to the Department of Agriculture and Consumer  
4 Services as provided for in G.S. 106-284.40(c)."

5 **SECTION 6.** G.S. 106-568.10 reads as rewritten:

6 "**§ 106-568.10. Subsequent referenda; continuation of assessment.**

7 If the assessment is defeated in the referendum, the governing boards of the North  
8 Carolina Farm Bureau Federation, the North Carolina State Grange, the North Carolina  
9 Agribusiness Council, Inc., and the North Carolina Agricultural Foundation, Inc., shall  
10 have full power and authority to call another referendum for the purposes herein set out  
11 in the next succeeding year on the question of the annual assessment for six years. In the  
12 event the assessment carried in a referendum by two-thirds or more of the eligible  
13 farmers participating therein, such assessment shall be levied annually for the six years  
14 set forth in the call for such referendum and a new referendum may be called and  
15 conducted during the sixth year of such period on the question of whether or not such  
16 assessment shall be continued for the next ensuing six years. Provided, that if the  
17 tobacco poundage assessment is defeated in the referendum, the governing boards of the  
18 North Carolina Farm Bureau Federation, Inc., the North Carolina State Grange, the  
19 North Carolina Agribusiness Council, Inc., the North Carolina Tobacco Foundation,  
20 Inc., and Tobacco Growers Association of North Carolina, Incorporated, may call  
21 another referendum in the next succeeding year on the question of the annual  
22 assessment for six years. If the tobacco assessment carried in a referendum by  
23 two-thirds or more of the eligible farmers participating therein, the assessment shall be  
24 levied annually for the six years set forth in the call for the referendum and a new  
25 referendum may be called and conducted during the sixth year of the period on the  
26 question of whether or not the assessment shall be continued for the next ensuing six  
27 years."

28 **SECTION 7.** G.S. 106-568.14 reads as rewritten:

29 "**§ 106-568.14. Board of directors; membership; compensation.**

30 The North Carolina Agricultural Hall of Fame shall be under the general supervision  
31 and control of a board of directors consisting of the following: the Commissioner of  
32 Agriculture of the State of North Carolina, who shall act as chairman; the Director of  
33 the North Carolina Agricultural Extension Service; the State Supervisor of Vocational  
34 Agriculture; the President of the North Carolina Farm Bureau Federation; the Master of  
35 the State Grange, the Executive Director of the North Carolina Agribusiness Council,  
36 Inc., the foregoing being ex officio members; and three members who shall be  
37 appointed by the Governor of North Carolina. All of said members shall serve without  
38 compensation."

39 **SECTION 8.** G.S. 106-568.37 reads as rewritten:

40 "**§ 106-568.37. Report on use of assessments.**

41 The Board of Directors of the Tobacco Associates, Incorporated shall make an  
42 annual written report of the financial transactions and a financial statement concerning  
43 the receipts and disbursements of the revenue from the assessment. A copy of the report  
44 shall be provided by the Board of Directors of the Tobacco Associates, Incorporated to

1 the Commissioner of Agriculture, the Dean of the College of Agriculture and Life  
2 Sciences at North Carolina State University, the North Carolina Farm Bureau  
3 Federation, the North Carolina State Grange, the North Carolina Agribusiness Council,  
4 Inc., and the Bright Belt Warehouse Association."

5 **SECTION 9.** G.S. 113-291.10(a) reads as rewritten:

6 "(a) There is established the Beaver Damage Control Advisory Board. The Board  
7 shall consist of nine members, as follows:

- 8 (1) The Executive Director of the North Carolina Wildlife Resources  
9 Commission, or his designee, who shall serve as chair;
- 10 (2) The Commissioner of Agriculture and Consumer Services, or a  
11 designee;
- 12 (3) The Director of the Division of Forest Resources of the Department of  
13 Environment and Natural Resources, or a designee;
- 14 (4) The Director of the Division of Soil and Water Conservation of the  
15 Department of Environment and Natural Resources, or a designee;
- 16 (5) The Director of the North Carolina Cooperative Extension Service, or  
17 a designee;
- 18 (6) The Secretary of Transportation, or a designee;
- 19 (7) The State Director of the Wildlife Services Division of the Animal and  
20 Plant Health Inspection Service, U.S. Department of Agriculture, or a  
21 designee;
- 22 (8) The President of the North Carolina Farm Bureau Federation, Inc., or a  
23 designee, representing private ~~landowners;~~ and landowners;
- 24 (9) A representative of the North Carolina Forestry—~~Association.~~  
25 Association; and
- 26 (10) The Executive Director of the North Carolina Agribusiness Council, or  
27 a designee."

28 **SECTION 10.** G.S. 120-150 reads as rewritten:

29 **"§ 120-150. Creation; appointment of members.**

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

- 34 (1) Three appointed by the Governor;
- 35 (2) Three appointed by the President Pro Tempore of the Senate;
- 36 (3) Three appointed by the Speaker of the House;
- 37 (4) The chairman of the House Agriculture Committee;
- 38 (5) The chairman of the Senate Agriculture Committee;
- 39 (6) The Commissioner of Agriculture or the Commissioner's designee;
- 40 (7) A member of the Board of Agriculture designated by the chairman of  
41 the Board of Agriculture;
- 42 (8) The President of the North Carolina Farm Bureau Federation, Inc., or  
43 the President's designee;

- 1 (9) The Master of the North Carolina State Grange or the Master's  
2 designee;  
3 (10) The Secretary of Environment and Natural Resources or the  
4 Secretary's designee; ~~and~~  
5 (11) The President of the North Carolina Forestry Association, Inc., or the  
6 President's ~~designee~~.designee; ~~and~~  
7 (12) The Executive Director of the North Carolina Agribusiness Council, or  
8 a designee.

9 Members shall be appointed for two-year terms beginning October 1 of each  
10 odd-numbered year. The cochairmen of the Commission shall be the chairmen of the  
11 Senate and House Agriculture Committees respectively."

12 **SECTION 11.** G.S. 143-215.74B reads as rewritten:

13 "**§ 143-215.74B. Committee established.**

14 Detailed plans for implementing the program shall be reviewed and suggested  
15 changes and reasons therefor shall be given by a committee consisting of the Master of  
16 the North Carolina State Grange, the Executive Director of the North Carolina  
17 Agribusiness Council, Inc., the President of the North Carolina Farm Bureau  
18 Federation, the North Carolina Commissioner of Agriculture, the Dean of the School of  
19 Agriculture and Life Sciences at North Carolina State University, the Dean of the  
20 School of Agriculture at North Carolina Agricultural and Technical State University, the  
21 Chairman of the State Soil and Water Conservation Commission, the President of the  
22 North Carolina Association of Soil and Water Conservation Districts, the Executive  
23 Director of the Wildlife Resources Commission or a designee, and the Director of the  
24 Division of Marine Fisheries or a designee. The committee shall review the program  
25 prior to expenditure of any funds for the program. Certification documenting the  
26 committee's review of the program shall be made in writing to the Speaker of the House  
27 of Representatives, the President of the Senate, the Chairmen of the Appropriations  
28 Committees of the Senate and the House of Representatives, the Director of the Fiscal  
29 Research Division of the Legislative Services Office, and the Legislative Library."

30 **SECTION 12.** This act is effective when it becomes law.