



ANALYSIS OF H.B. 379

H.B. 379 would add the following section to Article 36 of Chapter 106 of the General Statutes:

"§ 106-421.1 Authority of Board of Agriculture to Regulate Plants.

The Board of Agriculture shall have the sole authority to prohibit the planting, cultivation, harvesting, disposal, handling, or movement of plants as defined in [G.S. 106-202.12](#). This section shall not prevent the designation of plants as noxious aquatic weeds pursuant to [Article 15 of Chapter 113A](#) of the General Statutes, nor shall it prevent the adoption or enforcement of city or county ordinances regulating the appearance of property or the handling and collection of solid waste."

Incorporate the language from the existing statutes referenced in the bill, and [H.B. 379](#) would read:

"§ 106-421.1 Authority of Board of Agriculture to Regulate Plants.

The Board of Agriculture shall have the sole authority to prohibit the planting, cultivation, harvesting, disposal, handling, or movement of any member of the plant kingdom, including seeds, roots and other parts or their propagules. This section shall not prevent the designation of plants as noxious aquatic weeds which:

- (1) Grows in or is closely associated with the aquatic environment, whether floating, emersed, submersed, or ditch-bank species, and including terrestrial phases of any such plant organism;*
- (2) Exhibits characteristics of obstructive nature and either massive productivity or choking density; and*
- (3) Is or may become a threat to public health or safety or to existing or new beneficial uses of the waters of the State., nor shall it prevent the adoption or enforcement of city or county ordinances regulating the appearance of property or the handling and collection of solid waste."*

The first sentence of H.B. 379 is what's new, and essentially gives the unelected Board of Agriculture sole authority to prohibit "the planting, cultivation, harvesting, disposal, handling, or movement of any member of the plant kingdom" in North Carolina. This would include the authority to prohibit plants grown from, or that produce non-GMO "heirloom seeds."

<http://citizensconstitutionalcaucus.com>

Download this analysis here: <http://patriotcoalition.com/docs/ANALYSIS-OF-HB-379.pdf>



"The North Carolina Board of Agriculture is a statutory agency with members appointed by the Governor. The Board is a policy- and rule-making body that adopts regulations for many of the programs administered by the North Carolina Department of Agriculture and Consumer Services. The North Carolina Board of Agriculture is "appointed," meaning it is not answerable to the voters.

We're not sure of the motivation for this bill. Was the authority previously spread out over multiple agencies? Is this simply intended to be a consolidation? Who knows, but the authority is dangerous, no matter who has it. The existing statute pretends to prohibit penalizing a landowner beyond the actual costs of the removal / eradication of the targeted plant, seed, etc..., but if they so choose, your heirloom apples, tomatoes, etc... could also be destroyed as an evil plant. That there is no fine is no consolation.

G.S. 106 - 202.12 (7)

"Plant" means any member of the plant kingdom, including seeds, roots and other parts or their propagules. (*Emphasis added.*)

Article 15, Chapter 113A-222

222. Designation of noxious aquatic weeds.

(a) The Secretary, after consultation with the Director of the North Carolina Agricultural Extension Service, the Wildlife Resources Commission, and the Marine Fisheries Commission, and with the concurrence of the Commissioner of Agriculture, may designate as a noxious aquatic weed any plant organism which:

- (1) Grows in or is closely associated with the aquatic environment, whether floating, emersed, submersed, or ditch-bank species, and including terrestrial phases of any such plant organism;
- (2) Exhibits characteristics of obstructive nature and either massive productivity or choking density; and
- (3) Is or may become a threat to public health or safety or to existing or new beneficial uses of the waters of the State.

We strongly recommend opposing this bill, and the underlying authority in the existing statute that allows the government, without redress, to not only prohibit any plant they choose, but to enter property, remove the plants, and send the landowner the bill. It turns landowners into mere custodial tenants.

Approved by CCC Advisory Council

<http://citizensconstitutionalcaucus.com>

Download this analysis here: <http://patriotcoalition.com/docs/ANALYSIS-OF-HB-379.pdf>