

GENERAL ASSEMBLY OF NORTH CAROLINA  
FOURTH EXTRA SESSION 2016

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HOUSE BILL 3

Short Title: Regulatory Reform Act of 2016. (Public)

Sponsors: Representatives McGrady and Dixon (Primary Sponsors).

Referred to: Regulatory Reform

December 14, 2016

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

**PART I. BUSINESS REGULATION**

**EMPLOYMENT STATUS OF FRANCHISES**

**SECTION 1.1.** Article 2A of Chapter 95 of the General Statutes is amended by adding a new section to read:

**"§ 95-25.24A. Franchisee status.**

Neither a franchisee nor a franchisee's employee shall be deemed to be an employee of the franchisor for any purposes, including, but not limited to, this Article and Chapters 96 and 97 of the General Statutes. For purposes of this section, "franchisee" and "franchisor" have the same definitions as set out in 16 C.F.R. § 436.1."

**EXEMPT CERTAIN BUILDING CODE CLASSIFICATIONS FROM ENERGY EFFICIENCY STANDARDS**

**SECTION 1.2.** G.S. 143-138 is amended by adding a new subsection to read:

"(b16) Exclusion From Energy Efficiency Code Requirements for Certain Use and Occupancy Classifications. – The Council shall provide for an exemption from any requirements in the energy efficiency standards pursuant to Chapter 13 of the 2012 North Carolina Building Code and the 2012 Energy Conservation Code, and any subsequent amendments to the Building Code and Energy Conservation Code, for the following use and occupancy classifications pursuant to Chapter 3 of the 2012 North Carolina Building Code: Section 311, Storage Group S, and Section 312, Utility and Miscellaneous Group U."

**STREAMLINE MORTGAGE NOTICE REQUIREMENTS**

**SECTION 1.3.** G.S. 45-91 reads as rewritten:

**"§ 45-91. Assessment of fees; processing of payments; publication of statements.**

A servicer must comply as to every home loan, regardless of whether the loan is considered in default or the borrower is in bankruptcy or the borrower has been in bankruptcy, with the following requirements:

(1) Any fee that is incurred by a servicer shall be both:

a. Assessed within 45 days of the date on which the fee was incurred.

Provided, however, that attorney or trustee fees and costs incurred as a



- 1 result of a foreclosure action shall be assessed within 45 days of the date  
 2 they are charged by either the attorney or trustee to the servicer.
- 3 b. Explained clearly and conspicuously in a statement mailed to the  
 4 borrower at the borrower's last known address within 30 days after  
 5 assessing the fee, provided the servicer shall not be required to take any  
 6 action in violation of the provisions of the federal bankruptcy code. The  
 7 servicer shall not be required to send such a statement for a fee ~~that: (i)~~  
 8 ~~results that either:~~
- 9 1. Is otherwise included in a periodic statement sent to the  
 10 borrower that meets the requirements of paragraphs (b), (c), and  
 11 (d) of 12 C.F.R. § 1026.41.
- 12 2. Results from a service that is affirmatively requested by the  
 13 borrower, ~~(ii)~~ is paid for by the borrower at the time the service  
 14 is provided, and ~~(iii)~~ is not charged to the borrower's loan  
 15 account.
- 16 (2) All amounts received by a servicer on a home loan at the address where the  
 17 borrower has been instructed to make payments shall be accepted and credited,  
 18 or treated as credited, within one business day of the date received, provided  
 19 that the borrower has made the full contractual payment and has provided  
 20 sufficient information to credit the account. If a servicer uses the scheduled  
 21 method of accounting, any regularly scheduled payment made prior to the  
 22 scheduled due date shall be credited no later than the due date. Provided,  
 23 however, that if any payment is received and not credited, or treated as credited,  
 24 the borrower shall be notified within 10 business days by mail at the borrower's  
 25 last known address of the disposition of the payment, the reason the payment  
 26 was not credited, or treated as credited to the account, and any actions  
 27 necessary by the borrower to make the loan current.
- 28 (2a) The notification required by subdivision (2) of this section is not necessary if (i)  
 29 the servicer complies with the terms of any agreement or plan made with the  
 30 borrower and has applied and credited payments received in the manner  
 31 required, and (ii) the servicer is applying and crediting payments to the  
 32 borrower's account in compliance with all applicable State and federal laws,  
 33 including bankruptcy laws, and if at least one of the following occurs:
- 34 a. The borrower has entered into a written loss mitigation, loan  
 35 modification, or forbearance agreement with the servicer that itemizes  
 36 all amounts due and specifies how payments will be applied and  
 37 credited;
- 38 b. The borrower has elected to participate in an alternative payment plan,  
 39 such as a biweekly payment plan, that specifies as part of a written  
 40 agreement how payments will be applied and credited; or
- 41 c. The borrower is making payments pursuant to a bankruptcy plan.
- 42 (3) Failure to charge the fee or provide the information within the allowable time  
 43 and in the manner required under subdivision (1) of subsection (a) of this  
 44 section constitutes a waiver of such fee.
- 45 (4) All fees charged by a servicer must be otherwise permitted under applicable law  
 46 and the contracts between the parties. Nothing herein is intended to permit the  
 47 application of payments or method of charging interest which is less protective  
 48 of the borrower than the contracts between the parties and other applicable law.
- 49 (5) The obligations of mortgage servicers set forth in G.S. 53-244.110."
- 50
- 51

**PART II. STATE AND LOCAL GOVERNMENT REGULATION**

1  
2 **WILDLIFE RESOURCES COMMISSION, DIVISION OF MARINE FISHERIES, AND**  
3 **UTILITIES COMMISSION PRIVATE IDENTIFYING INFORMATION**

4 **SECTION 2.1.(a)** G.S. 143-254.5 reads as rewritten:

5 **"§ 143-254.5. Disclosure of personal identifying information.**

6 Social security numbers and identifying information obtained by the Commission shall be  
7 treated as provided in G.S. 132-1.10. For purposes of this section, "identifying information" also  
8 includes a person's mailing address, residence address, e-mail address, Commission-issued  
9 customer identification number, date of birth, and telephone number."

10 **SECTION 2.1.(b)** G.S. 143B-289.52(h) reads as rewritten:

11 **"§ 143B-289.52. Marine Fisheries Commission – powers and duties.**

12 ...

13 (h) Social security numbers and identifying information obtained by the Commission or  
14 the Division of Marine Fisheries shall be treated as provided in G.S. 132-1.10. For purposes of this  
15 subsection, "identifying information" also includes a person's mailing address, residence address,  
16 e-mail address, Commission-issued customer identification number, date of birth, and telephone  
17 number."

18 **SECTION 2.1.(c)** Chapter 132 of the General Statutes is amended by adding a new  
19 section to read:

20 **"§ 132-1.14. Personally identifiable information of public utility customers.**

21 (a) Except as otherwise provided in this section, a public record, as defined by G.S. 132-1,  
22 does not include personally identifiable information obtained by the Public Staff of the Utilities  
23 Commission from customers requesting assistance from the Public Staff regarding rate or service  
24 disputes with a public utility, as defined by G.S. 62-3(23).

25 (b) The Public Staff may disclose personally identifiable information of a customer to the  
26 public utility involved in the matter for the purpose of investigating such disputes.

27 (c) Such personally identifiable information is a public record to the extent disclosed by  
28 the customer in a complaint filed with the Commission pursuant to G.S. 62-73.

29 (d) For purposes of this section, "personally identifiable information" means the customer's  
30 name, physical address, e-mail address, telephone number, and public utility account number."

31 **SECTION 2.1.(d)** This section becomes effective July 1, 2017.

32  
33 **WATER AND SEWER BILLING BY LESSORS**

34 **SECTION 2.2.(a)** G.S. 42-42.1 reads as rewritten:

35 **"§ 42-42.1. Water and electricity conservation.**

36 (a) For the purpose of encouraging water and electricity conservation, pursuant to a written  
37 rental agreement, a landlord may charge for the cost of providing water or sewer service to tenants  
38 ~~who occupy the same contiguous premises~~ pursuant to G.S. 62-110(g) or electric service pursuant  
39 to G.S. 62-110(h).

40 (b) The landlord may not disconnect or terminate the tenant's electric service or water or  
41 sewer services due to the tenant's nonpayment of the amount due for electric service or water or  
42 sewer services."

43 **SECTION 2.2.(b)** G.S. 62-110(g) reads as rewritten:

44 "(g) In addition to the authority to issue a certificate of public convenience and necessity  
45 and establish rates otherwise granted in this Chapter, for the purpose of encouraging water  
46 conservation, the Commission may, consistent with the public interest, adopt procedures that  
47 allow a lessor to charge for the costs of providing water or sewer service to persons who occupy  
48 ~~the same contiguous~~ leased premises. The following provisions shall apply:

49 (1) All charges for water or sewer service shall be based on the user's metered  
50 consumption of water, which shall be determined by metered measurement of

- 1 all water consumed. The rate charged by the lessor shall not exceed the unit  
2 consumption rate charged by the supplier of the service.
- 3 (1a) If the ~~contiguous leased premises were~~ are contiguous dwelling units built prior  
4 to ~~1989-1989~~, and the lessor determines that the measurement of the tenant's  
5 total water usage is impractical or not economical, the lessor may allocate the  
6 cost for water and sewer service to the tenant using equipment that measures  
7 the tenant's hot water usage. In that case, each tenant shall be billed a  
8 percentage of the landlord's water and sewer costs for water usage in the  
9 dwelling units based upon the hot water used in the tenant's dwelling unit. The  
10 percentage of total water usage allocated for each dwelling unit shall be equal  
11 to that dwelling unit's individually submetered hot water usage divided by all  
12 submetered hot water usage in all dwelling units. The following conditions  
13 apply to billing for water and sewer service under this subdivision:
- 14 a. A lessor shall not utilize a ratio utility billing system or other allocation  
15 billing system that does not rely on individually submetered hot water  
16 usage to determine the allocation of water and sewer costs.
- 17 b. The lessor shall not include in a tenant's bill the cost of water and sewer  
18 service used in common areas or water loss due to leaks in the lessor's  
19 water mains. A lessor shall not bill or attempt to collect for excess water  
20 usage resulting from a plumbing malfunction or other condition that is  
21 not known to the tenant or that has been reported to the lessor.
- 22 c. All equipment used to measure water usage shall comply with  
23 guidelines promulgated by the American Water Works Association.
- 24 d. The lessor shall maintain records for a minimum of 12 months that  
25 demonstrate how each tenant's allocated costs were calculated for water  
26 and sewer service. Upon advanced written notice to the lessor, a tenant  
27 may inspect the records during reasonable business hours.
- 28 e. Bills for water and sewer service sent by the lessor to the tenant shall  
29 contain all the following information:
- 30 1. The amount of water and sewer services allocated to the tenant  
31 during the billing period.
- 32 2. The method used to determine the amount of water and sewer  
33 services allocated to the tenant.
- 34 3. Beginning and ending dates for the billing period.
- 35 4. The past-due date, which shall not be less than 25 days after the  
36 bill is mailed.
- 37 5. A local or toll-free telephone number and address that the tenant  
38 can use to obtain more information about the bill.
- 39 (2) The lessor may charge a reasonable administrative fee for providing water or  
40 sewer service not to exceed the maximum administrative fee authorized by the  
41 Commission.
- 42 (3) The Commission shall ~~issue~~ adopt rules to ~~define contiguous premises and to~~  
43 ~~implement this subsection. In issuing the rule to define contiguous premises, the~~  
44 ~~Commission shall consider contiguous premises where manufactured homes, as~~  
45 ~~defined in G.S. 143-145(7), or spaces for manufactured homes are rented.~~
- 46 (4) The Commission shall develop an application that lessors must submit for  
47 authority to charge for water or sewer service. The form shall include all of the  
48 following:
- 49 a. A description of the applicant and the property to be served.
- 50 b. A description of the proposed billing method and billing statements.
- 51 c. The schedule of rates charged to the applicant by the supplier.

- 1 d. The schedule of rates the applicant proposes to charge the applicant's  
2 customers.
- 3 e. The administrative fee proposed to be charged by the applicant.
- 4 f. The name of and contact information for the applicant and its agents.
- 5 g. The name of and contact information for the supplying water or sewer  
6 system.
- 7 h. Any additional information that the Commission may require.
- 8 (4a) The Commission shall develop an application that lessors must submit for  
9 authority to charge for water or sewer service at single-family homes that  
10 allows the applicant to serve multiple homes in the State subject to single  
11 Commission approval. The form shall include all of the following:
- 12 a. A description of the applicant and a listing of the address of all the  
13 properties to be served, which shall be updated annually with the  
14 Commission.
- 15 b. A description of the proposed billing method and billing statements.
- 16 c. The administrative fee proposed to be charged by the applicant.
- 17 d. The name and contact information for the applicant and its agents.
- 18 e. Any additional information the Commission may require.
- 19 (5) The Commission shall approve or disapprove an application within 30 days of  
20 the filing of a completed application with the Commission. If the Commission  
21 has not issued an order disapproving a completed application within 30 days,  
22 the application shall be deemed approved.
- 23 (6) A provider of water or sewer service under this subsection may increase the rate  
24 for service so long as the rate does not exceed the unit consumption rate  
25 charged by the supplier of the service. A provider of water or sewer service  
26 under this subsection may change the administrative fee so long as the  
27 administrative fee does not exceed the maximum administrative fee authorized  
28 by the Commission. In order to change the rate or administrative fee, the  
29 provider shall file a notice of revised schedule of rates and fees with the  
30 Commission. The Commission may prescribe the form by which the provider  
31 files a notice of a revised schedule of rates and fees under this subsection. The  
32 form shall include all of the following:
- 33 a. The current schedule of the unit consumption rates charged by the  
34 provider.
- 35 b. The schedule of rates charged by the supplier to the provider that the  
36 provider proposes to pass through to the provider's customers.
- 37 c. The schedule of the unit consumption rates proposed to be charged by  
38 the provider.
- 39 d. The current administrative fee charged by the provider, if applicable.
- 40 e. The administrative fee proposed to be charged by the provider.
- 41 (7) A notification of revised schedule of rates and fees shall be presumed valid and  
42 shall be allowed to become effective upon 14 days notice to the Commission,  
43 unless otherwise suspended or disapproved by order issued within 14 days after  
44 filing.
- 45 (8) Notwithstanding any other provision of this Chapter, the Commission shall  
46 determine the extent to which the services shall be regulated and, to the extent  
47 necessary to protect the public interest, regulate the terms, conditions, and rates  
48 that may be charged for the services. Nothing in this subsection shall be  
49 construed to alter the rights, obligations, or remedies of persons providing water  
50 or sewer services and their customers under any other provision of law.

- 1 (9) A provider of water or sewer service under this subsection shall not be required  
2 to file annual reports pursuant to G.S. 62-36 or to furnish a bond pursuant to  
3 G.S. 62-110.3."  
4

5 **CLARIFY RECYCLING PROGRAMS BY LOCAL SCHOOL BOARDS MUST COMPLY**  
6 **WITH G.S. 160A-327**

7 **SECTION 2.3.** G.S. 115C-47(41) reads as rewritten:

- 8 "(41) To Encourage Recycling in Public Schools. – Local boards of education shall  
9 encourage recycling in public schools and may develop and implement  
10 recycling programs at public schools. Local boards of education shall comply  
11 with G.S. 160A-327."  
12

13 **REZONING/SIMULTANEOUS COMPREHENSIVE PLAN AMENDMENT**

14 **SECTION 2.4.(a)** G.S. 153A-341 reads as rewritten:

15 "**§ 153A-341. Purposes in view.**

16 (a) Zoning regulations shall be made in accordance with a comprehensive plan.

17 (b) Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a  
18 statement describing whether its action is consistent with an adopted comprehensive plan and any  
19 other officially adopted plan, including any unified development ordinance, and explaining why  
20 the board considers the action taken to be reasonable and in the public interest. That statement is  
21 not subject to judicial review.~~The~~

22 (c) Prior to consideration by the governing board under subsection (b) of this section, the  
23 planning board shall advise and comment on whether the proposed amendment is consistent with  
24 any comprehensive plan that has been adopted and any other officially adopted plan—plan,  
25 including any unified development ordinance, that is applicable. The planning board shall provide  
26 a written recommendation to the board of county commissioners that addresses plan consistency  
27 and other matters as deemed appropriate by the planning board, but a comment by the planning  
28 board that a proposed amendment is inconsistent with the comprehensive plan or any other  
29 officially adopted plan, including any unified development ordinance, shall not preclude  
30 consideration or approval of the proposed amendment by the governing board.

31 (d) Zoning regulations shall be designed to promote the public health, safety, and general  
32 welfare. To that end, the regulations may address, among other things, the following public  
33 purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue  
34 concentration of population; to lessen congestion in the streets; to secure safety from fire, panic,  
35 and dangers; and to facilitate the efficient and adequate provision of transportation, water,  
36 sewerage, schools, parks, and other public requirements. The regulations shall be made with  
37 reasonable consideration as to, among other things, the character of the district and its peculiar  
38 suitability for particular uses, and with a view to conserving the value of buildings and  
39 encouraging the most appropriate use of land throughout the county. In addition, the regulations  
40 shall be made with reasonable consideration to expansion and development of any cities within the  
41 county, so as to provide for their orderly growth and development.

42 (e) If the governing board adopts a zoning amendment that is inconsistent with the  
43 comprehensive plan or any other officially adopted plan, including any unified development  
44 ordinance, the governing board shall deem the affirmative vote adopting that zoning amendment  
45 as a simultaneous amendment to the comprehensive plan and any other officially adopted plan,  
46 including any unified development ordinance, for the property identified in the zoning amendment  
47 only."

48 **SECTION 2.4.(b)** G.S. 160A-383 reads as rewritten:

49 "**§ 160A-383. Purposes in view.**

50 (a) Zoning regulations shall be made in accordance with a comprehensive plan.

1 (b) When adopting or rejecting any zoning amendment, the governing board shall also  
2 approve a statement describing whether its action is consistent with an adopted comprehensive  
3 plan and any other officially adopted plan that is applicable, including any unified development  
4 ordinance, and briefly explaining why the board considers the action taken to be reasonable and in  
5 the public interest. That statement is not subject to judicial review.~~The~~

6 (c) Prior to consideration by the governing board under subsection (b) of this section, the  
7 planning board shall advise and comment on whether the proposed amendment is consistent with  
8 any comprehensive plan that has been adopted and any other officially adopted plan that is  
9 applicable.~~applicable, including any unified development ordinance.~~ The planning board shall  
10 provide a written recommendation to the governing board that addresses plan consistency and  
11 other matters as deemed appropriate by the planning board, but a comment by the planning board  
12 that a proposed amendment is inconsistent with the comprehensive plan or any other officially  
13 adopted plan, including any unified development ordinance, shall not preclude consideration or  
14 approval of the proposed amendment by the governing board.

15 (d) Zoning regulations shall be designed to promote the public health, safety, and general  
16 welfare. To that end, the regulations may address, among other things, the following public  
17 purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue  
18 concentration of population; to lessen congestion in the streets; to secure safety from fire, panic,  
19 and dangers; and to facilitate the efficient and adequate provision of transportation, water,  
20 sewerage, schools, parks, and other public requirements. The regulations shall be made with  
21 reasonable consideration, among other things, as to the character of the district and its peculiar  
22 suitability for particular uses, and with a view to conserving the value of buildings and  
23 encouraging the most appropriate use of land throughout such city.

24 (e) If the governing board adopts a zoning amendment that is inconsistent with the  
25 comprehensive plan or any other officially adopted plan, including any unified development  
26 ordinance, the governing board shall deem the affirmative vote adopting that zoning amendment  
27 as a simultaneous amendment to the comprehensive plan and any other officially adopted plan,  
28 including any unified development ordinance, for the property identified in the zoning amendment  
29 only."

30 **SECTION 2.4.(c)** This section becomes effective July 1, 2017.

## 31 **PARENT PARCEL/SUBDIVISION CLARIFICATION**

32 **SECTION 2.5.(a)** G.S. 153A-335 reads as rewritten:

### 33 **"§ 153A-335. "Subdivision" defined.**

34 (a) For purposes of this Part, "subdivision" means all divisions of a tract or parcel of land  
35 into two or more lots, building sites, or other divisions when any one or more of those divisions  
36 are created for the purpose of sale or building development (whether immediate or future) and  
37 includes all division of land involving the dedication of a new street or a change in existing streets;  
38 however, the following is not included within this definition and is not subject to any regulations  
39 enacted pursuant to this Part:

- 40 (1) The combination or recombination of portions of previously subdivided and  
41 recorded lots if the total number of lots is not increased and the resultant lots  
42 are equal to or exceed the standards of the county as shown in its subdivision  
43 regulations.
- 44 (2) The division of land into parcels greater than 10 acres if no street right-of-way  
45 dedication is involved.
- 46 (3) The public acquisition by purchase of strips of land for widening or opening  
47 streets or for public transportation system corridors.
- 48 (4) The division of a tract in single ownership the entire area of which is no greater  
49 than two acres into not more than three lots, if no street right-of-way dedication  
50

- 1 is involved and if the resultant lots are equal to or exceed the standards of the  
2 county as shown by its subdivision regulations.
- 3 (5) The division of a tract into parcels in accordance with the terms of a probated  
4 will or in accordance with intestate succession under Chapter 29 of the General  
5 Statutes.
- 6 (b) A county may provide for expedited review of specified classes of subdivisions.
- 7 (c) The county may require only a plat for recordation for the division of a tract or parcel  
8 of land in single ownership if all of the following criteria are met:
- 9 (1) The tract or parcel to be divided is not exempted under subdivision (a)(2) of  
10 this section.
- 11 (2) No part of the tract or parcel to be divided has been divided under this  
12 subsection in the 10 years prior to division.
- 13 (3) The entire area of the tract or parcel to be divided is greater than five acres.
- 14 (4) After division, no more than three lots result from the division.
- 15 (5) After division, all resultant lots comply with all of the following:
- 16 a. Any lot dimension size requirements of the applicable land-use  
17 regulations, if any.
- 18 b. The use of the lots is in conformity with the applicable zoning  
19 requirements, if any.
- 20 c. A permanent means of ingress and egress is recorded for each lot."

21 **SECTION 2.5.(b)** G.S. 160A-376 reads as rewritten:

22 **"§ 160A-376. Definition.**

23 (a) For the purpose of this Part, "subdivision" means all divisions of a tract or parcel of  
24 land into two or more lots, building sites, or other divisions when any one or more of those  
25 divisions is created for the purpose of sale or building development (whether immediate or future)  
26 and shall include all divisions of land involving the dedication of a new street or a change in  
27 existing streets; but the following shall not be included within this definition nor be subject to the  
28 regulations authorized by this Part:

- 29 (1) The combination or recombination of portions of previously subdivided and  
30 recorded lots where the total number of lots is not increased and the resultant  
31 lots are equal to or exceed the standards of the municipality as shown in its  
32 subdivision regulations.
- 33 (2) The division of land into parcels greater than 10 acres where no street  
34 right-of-way dedication is involved.
- 35 (3) The public acquisition by purchase of strips of land for the widening or opening  
36 of streets or for public transportation system corridors.
- 37 (4) The division of a tract in single ownership whose entire area is no greater than  
38 two acres into not more than three lots, where no street right-of-way dedication  
39 is involved and where the resultant lots are equal to or exceed the standards of  
40 the municipality, as shown in its subdivision regulations.
- 41 (5) The division of a tract into parcels in accordance with the terms of a probated  
42 will or in accordance with intestate succession under Chapter 29 of the General  
43 Statutes.
- 44 (b) A city may provide for expedited review of specified classes of subdivisions.
- 45 (c) The city may require only a plat for recordation for the division of a tract or parcel of  
46 land in single ownership if all of the following criteria are met:
- 47 (1) The tract or parcel to be divided is not exempted under subdivision (a)(2) of  
48 this section.
- 49 (2) No part of the tract or parcel to be divided has been divided under this  
50 subsection in the 10 years prior to division.
- 51 (3) The entire area of the tract or parcel to be divided is greater than five acres.



- 1           (4)    After division, no more than three lots result from the division.
- 2           (5)    After division, all resultant lots comply with all of the following:
- 3           a.     Any lot dimension size requirements of the applicable land-use
- 4                 regulations, if any.
- 5           b.     The use of the lots is in conformity with the applicable zoning
- 6                 requirements, if any.
- 7           c.     A permanent means of ingress and egress is recorded for each lot."

8           **SECTION 2.5.(c)** This section becomes effective July 1, 2017.

9

10   **STATUTE OF LIMITATIONS/LAND-USE VIOLATIONS**

11           **SECTION 2.6.(a)** G.S. 1-52 is amended by adding a new subdivision to read:

12   **"§ 1-52. Three years.**

13           Within three years an action –

14           ...

15           (21) Against the owner of an interest in real property by a unit of local government

16                 for a violation of a land-use statute, ordinance, or permit or any other official

17                 action concerning land use carrying the effect of law. This subdivision does not

18                 limit the remedy of injunction for conditions that are actually injurious or

19                 dangerous to the public health or safety. The claim for relief accrues upon the

20                 occurrence of the earlier of any of the following:

- 21           a.     The facts constituting the violation are known to the governing body, an
- 22                 agent, or an employee of the unit of local government.
- 23           b.     The violation can be determined from the public record of the unit of
- 24                 local government."

25           **SECTION 2.6.(b)** G.S. 1-50(a) is amended by adding a new subdivision to read:

26           "(8) Against the owner of an interest in real property by a unit of local government

27                 for a violation of a land-use statute, ordinance, or permit or any other official

28                 action concerning land use carrying the effect of law. This subdivision does not

29                 limit the remedy of injunction for conditions that are actually injurious or

30                 dangerous to the public health or safety but does prescribe an outside limitation

31                 of six years from the earlier of the occurrence of any of the following:

- 32           a.     The violation is apparent from a public right-of-way.
- 33           b.     The violation is in plain view from a place to which the public is
- 34                 invited."

35           **SECTION 2.6.(c)** This section becomes effective July 1, 2017, and applies to actions

36           commenced on or after that date.

37

38   **PROGRAM EVALUATION TO STUDY NONPROFIT CONTRACTING**

39           **SECTION 2.7.(a)** The Joint Legislative Program Evaluation Oversight Committee

40           may amend the 2016-2017 Program Evaluation Division work plan to direct the Division to study

41           State law and internal agency policies and procedures for delivery of public services through State

42           grants and contracts to nonprofit organizations. The study shall include, but not be limited to, how

43           nonprofit organizations are compensated for actual, reasonable, documented indirect costs, and the

44           extent to which any underpayment for indirect costs reduces the efficiency or effectiveness of the

45           delivery of public services. The study shall propose improvements to State law and internal

46           agency policies and procedures, if necessary, to remove unnecessary impediments to the efficient

47           and effective delivery of public services, including, but not limited to, late execution of contracts,

48           late payments, and late reimbursements. In conducting the study, the Division may require each

49           State agency to provide data maintained by the agency to determine any of the following:

- 50           (1)    The timeliness of delivery and execution of contracts.
- 51           (2)    The timeliness of payment for services that have been delivered.

1 (3) The extent to which nonprofit contractors or grantees are reimbursed for their  
2 indirect costs.

3 (4) The contact information for all nonprofit grantees and contractors.

4 **SECTION 2.7.(b)** If the study is conducted, the Division shall submit a report on the  
5 results of the study to the Joint Legislative Program Evaluation Oversight Committee and the Joint  
6 Legislative Commission on Governmental Operations no later than February 1, 2018.

7 **SECTION 2.7.(c)** This section becomes effective February 1, 2017.

8 **SECTION 2.8.** S.L. 2016-94 is amended by adding a new section to read:

9 "SECTION 14.20A.(c) At any time prior to June 30, 2017, if the participating counties and  
10 one or more municipalities in those counties enter into an interlocal agreement under Article 20 of  
11 Chapter 160A of the General Statutes, the Division shall deem that undertaking to meet the  
12 requirement of establishing a regional water and sewer authority pursuant to Article 1 of Chapter  
13 162A of the General Statutes."

#### 14 15 **RENAME AND AMEND THE BOARD OF REFRIGERATION EXAMINERS**

16 **SECTION 2.9.(a)** Article 5 of Chapter 87 of the General Statutes reads as rewritten:

17 "Article 5.

18 "Commercial Refrigeration Contractors.

19 "**§ 87-52. State Board of Commercial Refrigeration Examiners; appointment; term of office.**

20 (a) For the purpose of carrying out the provisions of this Article, the State Board of  
21 Commercial Refrigeration Examiners is created, consisting of seven members appointed by the  
22 Governor to serve seven-year staggered terms. The Board shall consist of ~~one member who is a~~  
23 ~~wholesaler or a manufacturer of refrigeration equipment; one member from an engineering school~~  
24 ~~of The University of North Carolina, one member from the Division of Public Health of The~~  
25 ~~University of North Carolina, two licensed refrigeration contractors, one member who has no ties~~  
26 ~~with the construction industry to represent the interest of the public at large, and one member with~~  
27 ~~an engineering background in refrigeration of:~~

28 (1) One member who is a wholesaler or a manufacturer of refrigeration equipment.

29 (2) One member from an accredited engineering school located in this State.

30 (3) One member from the field of public health with an environmental science  
31 background from an accredited college or university located in this State.

32 (4) Two members who are licensed refrigeration contractors.

33 (5) One member who has no ties with the construction industry to represent the  
34 interest of the public at large.

35 (6) One member with an engineering background in refrigeration.

36 (b) The term of office of one member shall expire each year. Vacancies occurring during a  
37 term shall be filled by appointment of the Governor for the unexpired term. Whenever the term  
38 "Board" is used in this Article, it means the State Board of Commercial Refrigeration Examiners.  
39 No Board member shall serve more than one complete consecutive term.

40 ...

41 "**§ 87-58. Definitions; contractors licensed by Board; examinations.**

42 (a) ~~As applied~~ The provisions of this Article shall not repeal any wording, phrase, or  
43 paragraph as set forth in Article 2 of this Chapter. The following definitions apply in this  
44 Article, Article:

45 (1) Commercial refrigeration contractor. – "refrigeration trade or business" is  
46 defined to include all ~~All~~ persons, firms ~~firms~~, or corporations engaged in the  
47 installation, maintenance, servicing and repairing of refrigerating machinery,  
48 equipment, devices and components relating thereto ~~and within limits as set~~  
49 ~~forth in the codes, laws and regulations governing refrigeration installation,~~  
50 ~~maintenance, service and repairs within the State of North Carolina or any of its~~  
51 ~~political subdivisions. The provisions of this Article shall not repeal any~~

1 ~~wording, phrase, or paragraph as set forth in Article 2 of Chapter 87 of the~~  
2 ~~General Statutes thereto.~~

3 (2) Industrial refrigeration contractor. – All persons, firms, or corporations engaged  
4 in commercial refrigeration contracting with the use of ammonia as a  
5 refrigerant gas.

6 (3) Transport refrigeration contractor. – All persons, firms, or corporations engaged  
7 in the business of installation, maintenance, repairing, and servicing of transport  
8 refrigeration.

9 (a1) This Article shall not apply to any of the following:

10 (1) The installation of self-contained commercial refrigeration units equipped with  
11 an Original Equipment Manufacturer (OEM) molded plug that does not require  
12 the opening of service valves or replacement of lamps, fuses, and door  
13 gaskets.valves.

14 (2) The installation and servicing of domestic household self-contained  
15 refrigeration appliances equipped with an OEM molded plug connected to  
16 suitable receptacles which have been permanently installed and do not require  
17 the opening of service valves.

18 (3) Employees of persons, firms, or corporations or persons, firms or corporations,  
19 not engaged in refrigeration contracting as herein defined, that install, maintain  
20 and service their own refrigerating machinery, equipment and devices.

21 (4) Any person, firm or corporation engaged in the business of selling, repairing  
22 and installing any comfort cooling devices or systems.

23 (5) The replacement of lamps, fuses, and door gaskets.

24 (b) ~~The term "refrigeration contractor" means a person, firm or corporation engaged in the~~  
25 ~~business of refrigeration contracting.~~The Board shall establish and issue the following licenses:

26 (1) A Class I license shall be required for any person engaged in the business of  
27 commercial refrigeration contracting.

28 (2) A Class II license shall be required for any person engaged in the business of  
29 industrial refrigeration contracting.

30 (3) A Class III license shall be required for any person engaged in the business of  
31 repair, maintenance, and servicing of commercial equipment.

32 (4) A Class IV license shall be required for any person engaged in the business of  
33 transport refrigeration contracting.

34 (b1) ~~The term "transport refrigeration contractor" means a person, firm, or corporation~~  
35 ~~engaged in the business of installation, maintenance, servicing, and repairing of transport~~  
36 ~~refrigeration.~~

37 (c) Any person, firm or corporation who for valuable consideration engages in the  
38 refrigeration business or trade as herein defined shall be deemed and held to be in the business of  
39 refrigeration contracting.

40 (d) In order to protect the public health, comfort and safety, the Board shall prescribe the  
41 standard of experience to be required of an applicant for license and shall give an examination  
42 designed to ascertain the technical and practical knowledge of the applicant concerning the  
43 analysis of plans and specifications, estimating cost, fundamentals of installation and design as  
44 they pertain to refrigeration; and as a result of the examination, the Board shall issue a certificate  
45 of license in refrigeration to applicants who pass the required examination and a license shall be  
46 obtained in accordance with the provisions of this Article, before any person, firm or corporation  
47 shall engage in, or offer to engage in the business of refrigeration contracting. The Board shall  
48 prescribe standards for and issue licenses for refrigeration contracting and for transport  
49 refrigeration contracting. ~~A transport refrigeration contractor license is a specialty license that~~  
50 ~~authorizes the licensee to engage only in transport refrigeration contracting. A refrigeration~~

1 contractor licensee is authorized to engage in transport refrigeration and all other aspects of  
2 refrigeration contracting all license classifications.

3 Each application for examination shall be accompanied by a check, post-office money order or  
4 cash in the amount of the annual license fee required by this Article. Regular examinations shall  
5 be given in the Board's office by appointment.

6 ...

7 (k) Upon application and payment of the fee for license renewal provided in G.S. 87-64,  
8 the Board shall issue a certificate of license to any licensee whose business activities require a  
9 Class I or Class II license if that licensee had an established place of business and was licensed  
10 pursuant to this Article prior to January 1, 2017.

11 ...

12 "**§ 87-64. Examination and license fees; annual renewal.**

13 (a) Each applicant for a license by examination shall pay to the Board of Commercial  
14 Refrigeration Examiners a nonrefundable examination fee in an amount to be established by the  
15 Board not to exceed the sum of forty one hundred dollars (\$40.00). ~~In the event the applicant~~  
16 ~~successfully passes the examination, the examination fee shall be applied to the license fee~~  
17 ~~required of licensees for the current year in which the examination was taken and~~  
18 ~~passed.(\$100.00).~~

19 (b) The license of every person licensed under the provisions of this statute shall be  
20 annually renewed. Effective January 1, 2012, the Board may require, as a prerequisite to the  
21 annual renewal of a license, that licensees complete continuing education courses in subjects  
22 related to refrigeration contracting to ensure the safe and proper installation of commercial and  
23 transport refrigeration work and equipment. On or before November 1 of each year the Board shall  
24 cause to be mailed an application for renewal of license to every person who has received from the  
25 Board a license to engage in the refrigeration business, as heretofore defined. On or before January  
26 1 of each year every licensed person who desires to continue in the refrigeration business shall  
27 forward to the Board a nonrefundable renewal fee in an amount to be established by the Board not  
28 to exceed forty eighty dollars (\$40.00)(\$80.00) together with the application for renewal. Upon  
29 receipt of the application and renewal fee the Board shall issue a renewal certificate for the current  
30 year. Failure to renew the license annually shall automatically result in a forfeiture of the right to  
31 engage in the refrigeration business.

32 (c) Any licensee who allows the license to lapse may be reinstated by the Board upon  
33 payment of a nonrefundable late renewal fee in an amount to be established by the Board not to  
34 exceed seventy five one hundred sixty dollars (\$75.00)(\$160.00) together with the application for  
35 renewal. Any person who fails to renew a license for two consecutive years shall be required to  
36 take and pass the examination prescribed by the Board for new applicants before being licensed to  
37 engage further in the refrigeration business."

38 **SECTION 2.9.(b)** This section becomes effective January 1, 2018, and applies to  
39 applications submitted and Board membership appointments on or after that date.

40  
41 **AMEND DEFINITION OF ANTIQUE AUTOMOBILE**

42 **SECTION 2.10.** G.S. 105-330.9 reads as rewritten:

43 "**§ 105-330.9. Antique automobiles.**

44 (a) Definition. – For the purpose of this section, the term "antique automobile" means a  
45 motor vehicle that meets all of the following conditions:

- 46 (1) It is registered with the Division of Motor Vehicles and has an historic vehicle  
47 special license plate under G.S. 20-79.4.
- 48 (2) It is maintained primarily for use in exhibitions, club activities, parades, and  
49 other public interest functions.
- 50 (3) It is used only occasionally for other purposes.

- 1 (4) It is owned by an ~~individual~~ individual or owned directly or indirectly through  
2 one or more pass-through entities, by an individual.  
3 (5) It is used by the owner for a purpose other than the production of income and is  
4 not used in connection with a business.

5 (b) Classification. – Antique automobiles are designated a special class of property under  
6 Article V, Sec. 2(2) of the North Carolina Constitution and must be assessed for taxation in  
7 accordance with this section. An antique automobile must be assessed at the lower of its true value  
8 or five hundred dollars (\$500.00)."  
9

## 10 COPIES OF CERTAIN PUBLIC RECORDS

11 SECTION 2.11.(a) G.S. 132-6.2 reads as rewritten:

### 12 "§ 132-6.2. Provisions for copies of public records; fees.

13 (a) Persons requesting copies of public records may elect to obtain them in any and all  
14 media in which the public agency is capable of providing them. No request for copies of public  
15 records in a particular medium shall be denied on the grounds that the custodian has made or  
16 prefers to make the public records available in another medium. The public agency may assess  
17 different fees for different media as prescribed by law.

18 (a1) Notwithstanding subsection (a) of this section, a public agency may satisfy the  
19 requirement to provide access to public records and computer databases under G.S. 132-6 by  
20 making those public records or computer databases available online in a format that allows a  
21 person to download the public record or computer database to obtain a copy. A public agency that  
22 provides access to public records or computer databases under this subsection is not required to  
23 provide copies through any other method or medium. If a public agency, as a service to the  
24 requester, voluntarily elects to provide copies by another method or medium, the public agency  
25 may negotiate a reasonable charge for the service with the requester. A public agency satisfying its  
26 requirement to provide access to public records and computer databases under G.S. 132-6 by  
27 making those public records or computer databases available online in a format that allows a  
28 person to obtain a copy by download shall also allow for inspection of any public records also held  
29 in a nondigital medium.

30 (b) Persons requesting copies of public records may request that the copies be certified or  
31 uncertified. The fees for certifying copies of public records shall be as provided by law. Except as  
32 otherwise provided by law, no public agency shall charge a fee for an uncertified copy of a public  
33 record that exceeds the actual cost to the public agency of making the copy. For purposes of this  
34 subsection, "actual cost" is limited to direct, chargeable costs related to the reproduction of a  
35 public record as determined by generally accepted accounting principles and does not include  
36 costs that would have been incurred by the public agency if a request to reproduce a public record  
37 had not been made. Notwithstanding the provisions of this subsection, if the request is such as to  
38 require extensive use of information technology resources or extensive clerical or supervisory  
39 assistance by personnel of the agency involved, or if producing the record in the medium  
40 requested results in a greater use of information technology resources than that established by the  
41 agency for reproduction of the volume of information requested, then the agency may charge, in  
42 addition to the actual cost of duplication, a special service charge, which shall be reasonable and  
43 shall be based on the actual cost incurred for such extensive use of information technology  
44 resources or the labor costs of the personnel providing the services, or for a greater use of  
45 information technology resources that is actually incurred by the agency or attributable to the  
46 agency. If anyone requesting public information from any public agency is charged a fee that the  
47 requester believes to be unfair or unreasonable, the requester may ask the State Chief Information  
48 Officer or his designee to mediate the dispute.

49 (c) Persons requesting copies of computer databases may be required to make or submit  
50 such requests in writing. Custodians of public records shall respond to all such requests as  
51 promptly as possible. If the request is granted, the copies shall be provided as soon as reasonably

1 possible. If the request is denied, the denial shall be accompanied by an explanation of the basis  
2 for the denial. If asked to do so, the person denying the request shall, as promptly as possible,  
3 reduce the explanation for the denial to writing.

4 (d) Nothing in this section shall be construed to require a public agency to respond to  
5 requests for copies of public records outside of its usual business hours.

6 (e) Nothing in this section shall be construed to require a public agency to respond to a  
7 request for a copy of a public record by creating or compiling a record that does not exist. If a  
8 public agency, as a service to the requester, voluntarily elects to create or compile a record, it may  
9 negotiate a reasonable charge for the service with the requester. Nothing in this section shall be  
10 construed to require a public agency to put into electronic medium a record that is not kept in  
11 electronic medium.

12 (f) For purposes of this section, the following definitions shall apply:

13 (1) Computer database. – As defined in G.S. 132-6.1(d)(1).

14 (2) Media or medium. – A particular form or means of storing information."

15 **SECTION 2.11.(b)** The State Chief Information Officer, in consultation with the State  
16 Controller, the Office of State Budget and Management, Local Government Commission, The  
17 University of North Carolina, The North Carolina Community College System, The School of  
18 Government at the University of North Carolina at Chapel Hill, the North Carolina League of  
19 Municipalities, the North Carolina School Boards Association, and the North Carolina County  
20 Commissioners Association, shall report, including any recommendations, to the 2017 Regular  
21 Session of the General Assembly on or before July 1, 2017, regarding the development and use of  
22 computer databases by State and local agencies and the need for public access to those public  
23 records.

24 **SECTION 2.11.(c)** This section becomes effective February 1, 2017.

## 25 **SPECIFY LOCATION OF LIEUTENANT GOVERNOR'S OFFICE**

26 **SECTION 2.12.** G.S. 143A-5 reads as rewritten:

27 **"§ 143A-5. Office of the Lieutenant Governor.**

28 The Lieutenant Governor shall maintain an office in ~~a State building~~ the Hawkins-Hartness  
29 House located at 310 North Blount Street in the City of Raleigh which office shall be open during  
30 normal working hours throughout the year. The Lieutenant Governor shall serve as President of  
31 the Senate and perform such additional duties as the Governor or General Assembly may assign to  
32 him. This section shall become effective January 1, 1973."

## 33 **CLARIFY THAT DOT STORMWATER REQUIREMENTS ARE APPLICABLE TO** 34 **STATE ROAD CONSTRUCTION UNDERTAKEN BY PRIVATE PARTIES**

35 **SECTION 2.14.** Chapter 136 of the General Statutes is amended by adding a new  
36 section to read:

37 **"§ 136-28.6B. Applicable stormwater regulation.**

38 For the purposes of stormwater regulation, any construction undertaken by a private party  
39 pursuant to the provisions of G.S. 136-18(17), 136-18(27), 136-18(29), 136-18(29a), 136-28.6, or  
40 136-28.6A shall be considered to have been undertaken by the Department, and the stormwater  
41 law and rules applicable to the Department shall apply."

## 42 **DOT/PERMIT PROCESS REVISIONS & REIMBURSEMENT FOR MOVING CERTAIN** 43 **UTILITIES**

44 **SECTION 2.16.(a)** Uniform Process for Issuing Permits; Report. – For each type of  
45 permit issued by the Highway Divisions under Chapter 136 of the General Statutes, the  
46 Department of Transportation shall make uniform all processes and procedures followed by the  
47 Highway Divisions when issuing that type of permit. No later than February 1, 2017, the  
48 Department shall report to the following on the implementation of this subsection, including (i)  
49  
50  
51

1 what processes and procedures were adjusted, (ii) how were the identified processes and  
2 procedures adjusted, and (iii) a comparison of the average length of time for obtaining each type  
3 of permit before and after implementation of this section:

- 4 (1) If the General Assembly is in session at the time of the report, to the chairs of  
5 the House of Representatives Committee on Transportation Appropriations and  
6 the Senate Appropriations Committee on Department of Transportation.
- 7 (2) If the General Assembly is not in session at the time of the report, to the chairs  
8 of the Joint Legislative Transportation Oversight Committee.

9 **SECTION 2.16.(b)** Allow Electronic Submission of Permits. – Article 7 of Chapter  
10 136 of the General Statutes is amended by adding a new section to read:

11 **"§ 136-93.01. Electronic submission of permits authorized.**

12 Except as otherwise prohibited under federal law, an application submitted for a permit issued  
13 by the Department of Transportation or its agents under this Chapter may be submitted  
14 electronically in a manner approved by the Department. If submitted electronically, a paper copy  
15 of the application shall not be required."

16 **SECTION 2.16.(c)** G.S. 136-19.5(c) reads as rewritten:

17 "(c) Whenever the Department of Transportation requires the relocation of ~~utilities~~-utilities,  
18 including cable service as defined in G.S. 105-164.3, located in a right-of-way for which the utility  
19 owner contributed to the cost of acquisition, the Department of Transportation shall reimburse the  
20 utility owner for the cost of moving those utilities."

21 **SECTION 2.16.(d)** Notwithstanding G.S. 150B-21.1(a), the Department of  
22 Transportation may adopt temporary rules to implement the provisions of this section.

23 **SECTION 2.16.(e)** Subsection (b) of this section becomes effective June 30, 2017.  
24 The remainder of this section is effective when it becomes law.  
25

26 **AMENDMENTS TO GENERAL CONTRACTOR LICENSURE**

27 **SECTION 2.17.(a)** G.S. 87-10 reads as rewritten:

28 **"§ 87-10. Application for license; examination; certificate; renewal.**

29 (a) Anyone seeking to be licensed as a general contractor in this State shall ~~file~~-submit an  
30 ~~application for an examination on a form provided by the Board, at least 30 days before any~~  
31 ~~regular or special meeting of the Board.~~application. Before being entitled to an examination, an  
32 applicant shall:

- 33 (1) Be at least 18 years of age.
- 34 (2) Possess good moral character as determined by the Board.
- 35 (3) Provide evidence of financial responsibility as determined by the Board.
- 36 (4) Submit the appropriate application fee.

37 (a1) The Board ~~may~~-shall require ~~the~~-an applicant to pay the Board or a provider contracted  
38 by the Board an examination fee not to exceed one hundred dollars ~~(\$100.00)~~ and ~~pay to~~  
39 (\$100.00). In addition, the Board shall require an applicant to pay the Board a ~~license~~-fee not to  
40 exceed one hundred twenty-five dollars (\$125.00) if the application is for an unlimited license, one  
41 hundred dollars (\$100.00) if the application is for an intermediate license, or seventy-five dollars  
42 (\$75.00) if the application is for a limited license. The fees accompanying any application or  
43 examination shall be nonrefundable. The holder of an unlimited license shall be entitled to act as  
44 general contractor without restriction as to value of any single project; the holder of an  
45 intermediate license shall be entitled to act as general contractor for any single project with a value  
46 of up to one million dollars (\$1,000,000); the holder of a limited license shall be entitled to act as  
47 general contractor for any single project with a value of up to five hundred thousand dollars  
48 ~~(\$500,000); and the (\$500,000).~~ The license certificate shall be classified in accordance with this  
49 ~~section. Before being entitled to an examination an applicant must show to the satisfaction of the~~  
50 ~~Board from the application and proofs furnished that the applicant is possessed of a good character~~  
51 ~~and is otherwise qualified as to competency, ability, integrity, and financial responsibility, and that~~

1 ~~the applicant has not committed or done any act, which, if committed or done by any licensed~~  
2 ~~contractor would be grounds under the provisions hereinafter set forth for the suspension or~~  
3 ~~revocation of contractor's license, or that the applicant has not committed or done any act~~  
4 ~~involving dishonesty, fraud, or deceit, or that the applicant has never been refused a license as a~~  
5 ~~general contractor nor had such license revoked, either in this State or in another state, for reasons~~  
6 ~~that should preclude the granting of the license applied for, and that the applicant has never been~~  
7 ~~convicted of a felony involving moral turpitude, relating to building or contracting, or involving~~  
8 ~~embezzlement or misappropriation of funds or property entrusted to the applicant: Provided, no~~  
9 ~~applicant shall be refused the right to an examination, except in accordance with the provisions of~~  
10 ~~Chapter 150B of the General Statutes.~~

11 (b) ~~The Board shall conduct an examination, either oral or written, of all applicants for~~  
12 ~~license to ascertain, for the classification of license for which the applicant has applied: An~~  
13 ~~applicant shall identify an individual who has successfully passed an examination approved by the~~  
14 ~~Board who, for purposes of this section, shall be known as the "qualifier" or the "qualifying party"~~  
15 ~~of the applicant. If the qualifier or the qualifying party seeks to take an examination, the~~  
16 ~~examination shall establish~~ (i) the ability of the applicant to make a practical application of the  
17 applicant's knowledge of the profession of contracting; (ii) the qualifications of the applicant in  
18 reading plans and specifications, knowledge of relevant matters contained in the North Carolina  
19 State Building Code, knowledge of estimating costs, construction, ethics, and other similar matters  
20 pertaining to the contracting business; (iii) the knowledge of the applicant as to the responsibilities  
21 of a contractor to the public and of the requirements of the laws of the State of North Carolina  
22 relating to contractors, construction, and liens; and (iv) the applicant's knowledge of requirements  
23 of the Sedimentation Pollution Control Act of 1973, Article 4 of Chapter 113A of the General  
24 Statutes, and the rules adopted pursuant to that Article. ~~If the results of the examination of the~~  
25 ~~applicant shall be satisfactory to the Board, then the qualifier or qualifying party passes the~~  
26 ~~examination, upon review of the application and all relevant information, the Board shall issue to~~  
27 ~~the applicant a certificate to a license to the applicant to engage as a in general contractor~~  
28 ~~contracting in the State of North Carolina, as provided in said certificate, which may be limited~~  
29 ~~into five classifications as follows:~~

- 30 (1) Building contractor, which shall include private, public, commercial, industrial  
31 and residential buildings of all types.
- 32 (1a) Residential contractor, which shall include any general contractor constructing  
33 only residences which are required to conform to the residential building code  
34 adopted by the Building Code Council pursuant to G.S. 143-138.
- 35 (2) Highway contractor.
- 36 (3) Public utilities contractors, which shall include those whose operations are the  
37 performance of construction work on the following subclassifications of  
38 facilities:
- 39 a. Water and sewer mains, water service lines, and house and building  
40 sewer lines as defined in the North Carolina State Building Code, and  
41 water storage tanks, lift stations, pumping stations, and appurtenances to  
42 water storage tanks, lift stations, and pumping stations.
- 43 b. Water and wastewater treatment facilities and appurtenances thereto.
- 44 c. Electrical power transmission facilities, and primary and secondary  
45 distribution facilities ahead of the point of delivery of electric service to  
46 the customer.
- 47 d. Public communication distribution facilities.
- 48 e. Natural gas and other petroleum products distribution facilities;  
49 provided the General Contractors Licensing Board may issue license to  
50 a public utilities contractor limited to any of the above subclassifications  
51 for which the general contractor qualifies.



1 (4) Specialty contractor, which shall include those whose operations as such are the  
2 performance of construction work requiring special skill and involving the use  
3 of specialized building trades or crafts, but which shall not include any  
4 operations now or hereafter under the jurisdiction, for the issuance of license,  
5 by any board or commission pursuant to the laws of the State of North Carolina.

6 (b1) Public utilities contractors constructing house and building sewer lines as provided in  
7 sub-subdivision a. of subdivision (3) of subsection (b) of this section shall, at the junction of the  
8 public sewer line and the house or building sewer line, install as an extension of the public sewer  
9 line a cleanout at or near the property line that terminates at or above the finished grade. Public  
10 utilities contractors constructing water service lines as provided in sub-subdivision a. of  
11 subdivision (3) of subsection (b) of this section shall terminate the water service lines at a valve,  
12 box, or meter at which the facilities from the building may be connected. Public utilities  
13 contractors constructing fire service mains for connection to fire sprinkler systems shall terminate  
14 those lines at a flange, cap, plug, or valve inside the building one foot above the finished floor. All  
15 fire service mains shall comply with the NFPA standards for fire service mains as incorporated  
16 into and made applicable by Volume V of the North Carolina Building Code.

17 (c) If an applicant is an individual, examination may be taken by his personal appearance  
18 for examination, or by the appearance for examination of one or more of his responsible managing  
19 ~~employees, and if employees. If an applicant is a copartnership or copartnership, a corporation, or~~  
20 ~~any other combination or organization, by the examination of the examination may be taken by~~  
21 ~~one or more of the responsible managing officers or members of the personnel of the applicant,~~  
22 ~~and if the person so examined applicant.~~

23 (c1) If the qualifier or qualifying party shall cease to be connected with the applicant,  
24 licensee, then in such event the license shall remain in full force and effect for a period of 90 days  
25 thereafter, and then be canceled, but the applicant days. After 90 days, the license shall be  
26 invalidated, however, the licensee shall then be entitled to a reexamination, all return to active  
27 status pursuant to the all relevant statutes and rules to be promulgated by the Board. Provided, that  
28 the holder of such license Board. However, during the 90-day period described in this subsection,  
29 the licensee shall not bid on or undertake any additional contracts from the time such examined  
30 employee shall cease qualifier or qualifying party ceased to be connected with the applicant  
31 licensee until said applicant's the license is reinstated as provided in this Article.

32 (d) ~~Anyone failing to pass this examination may be reexamined at any regular meeting of~~  
33 ~~the Board upon payment of an examination fee. Anyone requesting to take the examination a third~~  
34 ~~or subsequent time shall submit a new application with the appropriate examination and license~~  
35 ~~fees.~~

36 (d1) The Board may require a new application if a qualifier or qualifying party requests to  
37 take an examination a third or subsequent time.

38 (e) ~~A certificate of license shall expire on the thirty first first day of December January~~  
39 ~~following its issuance or renewal and shall become invalid 60 days from that date unless renewed,~~  
40 ~~subject to the approval of the Board. Renewals may be effected any time during the month of~~  
41 ~~January without reexamination, by the payment of a fee to the secretary of the Board. The fee shall~~  
42 ~~Renewal applications shall be submitted with a fee not to exceed one hundred twenty-five dollars~~  
43 ~~(\$125.00) for an unlimited license, one hundred dollars (\$100.00) for an intermediate license, and~~  
44 ~~seventy-five dollars (\$75.00) for a limited license. No later than November 30 of each year, the~~  
45 ~~Board shall mail written notice of the amount of the renewal fees for the upcoming year to the last~~  
46 ~~address of record for each general contractor licensed pursuant to this Article. Renewal~~  
47 ~~applications shall be accompanied by evidence of continued financial responsibility satisfactory to~~  
48 ~~the Board. Renewal applications received by the Board on or after the first day of January shall be~~  
49 ~~accompanied by a late payment of ten dollars (\$10.00) for each month or part after January. After~~  
50 ~~a lapse of four years no renewal shall be effected and the applicant shall~~ If a licensee wishes to be

1 relicensed subsequent to the archival of a license, the licensee shall fulfill all requirements of a  
2 new applicant as set forth in this section. Archived license numbers shall not be reissued."

3 **SECTION 2.17.(b)** This section becomes effective July 1, 2017, and applies to  
4 applications for licensure submitted on or after that date.

5  
6 **DIRECT THE MEDICAL CARE COMMISSION TO ADOPT THE**  
7 **RECOMMENDATIONS OF THE AMERICAN SOCIETY OF HEALTHCARE**  
8 **ENGINEERS FACILITY GUIDELINES INSTITUTE**

9 **SECTION 2.18.(a)** Definitions. – For purposes of this section and its implementation:

10 (1) "Hospital Facilities Rules" means all of the following:

- 11 a. 10A NCAC 13B .6001 – Physical Plant: Location.  
12 b. 10A NCAC 13B .6002 – Physical Plant: Roads and Parking.  
13 c. 10A NCAC 13B .6104 – General Requirements: Access and Safety.  
14 d. 10A NCAC 13B .6201 – Construction Requirements: Medical, Surgical,  
15 and Post-Partum Care Unit.  
16 e. 10A NCAC 13B .6202 – Construction Requirements: Special Care Unit.  
17 f. 10A NCAC 13B .6203 – Construction Requirements: Neonatal Level I  
18 and Level II Nursery Unit.  
19 g. 10A NCAC 13B .6204 – Construction Requirements: Neonatal Level III  
20 and Level IV Nursery.  
21 h. 10A NCAC 13B .6205 – Construction Requirements: Psychiatric Unit.  
22 i. 10A NCAC 13B .6206 – Construction Requirements: Surgical  
23 Department Requirements.  
24 j. 10A NCAC 13B .6207 – Construction Requirements: Obstetrical  
25 Department Requirements.  
26 k. 10A NCAC 13B .6209 – Construction Requirements: Emergency  
27 Services.  
28 l. 10A NCAC 13B .6210 – Construction Requirements: Imaging Services.  
29 m. 10A NCAC 13B .6211 – Construction Requirements: Laboratory  
30 Services.  
31 n. 10A NCAC 13B .6212 – Construction Requirements: Morgue.  
32 o. 10A NCAC 13B .6213 – Construction Requirements: Pharmacy  
33 Services.  
34 p. 10A NCAC 13B .6214 – Construction Requirements: Dietary Services.  
35 q. 10A NCAC 13B .6215 – Construction Requirements: Administration.  
36 r. 10A NCAC 13B .6216 – Construction Requirements: Medical Records  
37 Services.  
38 s. 10A NCAC 13B .6217 – Construction Requirements: Central Medical  
39 and Surgical Supply Services.  
40 t. 10A NCAC 13B .6218 – Construction Requirements: General Storage.  
41 u. 10A NCAC 13B .6219 – Construction Requirements: Laundry Services.  
42 v. 10A NCAC 13B .6220 – Construction Requirements: Physical  
43 Rehabilitation Services.  
44 w. 10A NCAC 13B .6221 – Construction Requirements: Engineering  
45 Services.  
46 x. 10A NCAC 13B .6222 – Construction Requirements: Waste Processing.  
47 y. 10A NCAC 13B .6223 – Construction Requirements: Details and  
48 Finishes.  
49 z. 10A NCAC 13B .6224 – Construction Requirements: Elevator  
50 Requirements.

- 1           aa.    10A NCAC 13B .6225 – Construction Requirements: Mechanical  
2                    Requirements.  
3           bb.    10A NCAC 13B .6226 – Construction Requirements: Plumbing and  
4                    Other Piping Systems Requirements.  
5           cc.    10A NCAC 13B .6227 – Construction Requirements: Electrical  
6                    Requirements.  
7           (2)    "Guidelines" means the American Society for Healthcare Engineering's Facility  
8                    Guidelines Institute "Guidelines for Design and Construction of Hospitals and  
9                    Outpatient Facilities."

10           **SECTION 2.18.(b)** Repeal Hospital Facilities Rules. – The Secretary of Health and  
11   Human Services and the Medical Care Commission shall repeal the Hospital Facilities Rules on or  
12   before July 1, 2017.

13           **SECTION 2.18.(c)** Implementation and Rule-Making Authority. – Before the  
14   effective date of the repeal of the Hospital Facilities Rules required pursuant to subsection (b) of  
15   this section, the Medical Care Commission shall adopt temporary rules to replace the Hospital  
16   Facilities Rules and incorporate by reference all applicable rules, standards, and requirements of  
17   the most current edition of the Guidelines. If temporary rules are not adopted before the repeal of  
18   the Hospital Facilities Rules required pursuant to subsection (a) of this section, the Commission  
19   shall utilize the 2014 Edition of the Guidelines until such time as temporary rules are adopted.  
20   Furthermore, the Commission shall adopt permanent rules pursuant to this section.

21           **SECTION 2.18.(d)** Additional Rule-Making Authority. – The Commission shall  
22   adopt rules to replace the Hospital Facilities Rules. Notwithstanding G.S. 150B-19(4), the rules  
23   adopted by the Commission pursuant to this section shall conform to the provisions of subsection  
24   (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of  
25   Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become  
26   effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been  
27   received as provided by G.S. 150B-21.3(b2). Furthermore, rules adopted pursuant to this section  
28   shall be exempt from the provisions of Chapter 150B of the General Statutes that require the  
29   preparation of fiscal notes for any rule proposed to incorporate the Guidelines by reference.

30           **SECTION 2.18.(e)** Exemption From Periodic Review. – Until such time as the  
31   Hospital Facilities Rules are repealed pursuant to subsection (b) of this section, the Hospital  
32   Facilities Rules shall be exempt from the periodic review process required pursuant to  
33   G.S. 150B-21.3A.

### 34

## 35 **PART III. AGRICULTURE, ENERGY, ENVIRONMENT, AND NATURAL RESOURCES**

### 36 **REGULATION**

### 37

#### 38 **SOLID WASTE AMENDMENTS**

39           **SECTION 3.1.(a)** Section 4.9(a) of S.L. 2015-286 reads as rewritten:

40           "**SECTION 4.9.(a)** Section 14.20(a) of S.L. 2015-241 ~~reads as rewritten:~~ is rewritten to read:  
41           ...."

42           **SECTION 3.1.(b)** Section 4.9(b) of S.L. 2015-286 reads as rewritten:

43           "**SECTION 4.9.(b)** Section ~~14.20(a)~~14.20(c) of S.L. 2015-241 ~~reads as rewritten:~~ is rewritten  
44           to read:  
45           ...."

46           **SECTION 3.1.(c)** Section 4.9(c) of S.L. 2015-286 reads as rewritten:

47           "**SECTION 4.9.(c)** Section 14.20(d) of S.L. 2015-241 ~~reads as rewritten:~~ is rewritten to read:  
48           ...."

49           **SECTION 3.1.(e)** Section 14.20(e) of S.L. 2015-241 reads as rewritten:

50           "**SECTION 14.20.(e)** After July 1, 2016, the annual fee due pursuant to  
51           ~~G.S. 130A-295.8A(d1)~~, G.S. 130A-295.8(d1), as enacted by Section 14.20(c) of this act, for

1 existing sanitary landfills and transfer stations with a valid permit issued before the date this act  
 2 becomes effective is equal to the applicable annual fee for the facility as set forth in  
 3 ~~G.S. 130A-295.8A(d1)~~, G.S. 130A-295.8(d1), as enacted by Section 14.20(c) of this act, less a  
 4 permittee fee credit. A permittee fee credit exists when the life-of-site permit fee amount is greater  
 5 than the time-limited permit fee amount. The amount of the permittee fee credit shall be calculated  
 6 by (i) subtracting the time-limited permit fee amount from the life-of-site permit fee amount due  
 7 for the same period of time and (ii) multiplying the difference by a fraction, the numerator of  
 8 which is the number of years remaining in the facility's time-limited permit and the denominator  
 9 of which is the total number of years covered by the facility's time-limited permit. The amount of  
 10 the permittee fee credit shall be allocated in equal annual installments over the number of years  
 11 that constitute the facility's remaining life-of-site, as determined by the Department, unless the  
 12 Department accelerates, in its sole discretion, the use of the credit over a shorter period of time.  
 13 For purposes of this subsection, the following definitions apply:

- 14 (1) Life-of-site permit fee amount. – The amount equal to the sum of all annual  
 15 fees that would be due under the fee structure set forth in  
 16 ~~G.S. 130A-295.8A(d1)~~, G.S. 130A-295.8(d1), as enacted by Section 14.20(c) of  
 17 this act, during the cycle of the facility's permit in effect on July 1, 2016.  
 18 (2) Time-limited permit fee amount. – The amount equal to the sum of the  
 19 application fee or renewal fee, whichever is applicable, and all annual fees paid  
 20 or to be paid pursuant to subsections (c) and (d) of  
 21 ~~G.S. 130A-295.8A~~, G.S. 130A-295.8, as repealed by Section 14.20(c) of this  
 22 act, during the cycle of the facility's permit in effect on July 1, 2016.

23 The Department shall adopt rules to implement this subsection."

24 **SECTION 3.2.(a)** Section 14.20(f) of S.L. 2015-241, as amended by Section 4.9(d) of  
 25 S.L. 2015-286, reads as rewritten:

26 "**SECTION 14.20.(f)** This section becomes effective October 1, 2015. G.S. 130A-294(b1)(2),  
 27 as amended by subsection (a) of this section, applies to franchise ~~agreements~~ agreements (i)  
 28 executed on or after October 1, 2015, and (ii) executed on or before October 1,  
 29 2015, only if all parties to a valid and operative franchise agreement consent to modify the  
 30 agreement for the purpose of extending the agreement's duration to the life-of-site of the landfill  
 31 for which the agreement was executed. The remainder of G.S. 130A-294, as amended by  
 32 subsection (a) of this section, and G.S. 130A-295.8, as amended by subsection (c) of this section,  
 33 apply to (i) existing sanitary landfills and transfer stations, with a valid permit issued before the  
 34 date this act becomes effective, on July 1, 2016, at which point a permittee may choose to apply  
 35 for a life-of-site permit pursuant to G.S. 130A-294(a2), as amended by Section 14.20(b) of this  
 36 act, or may choose to apply for a life-of-site permit for the facility when the facility's permit is  
 37 next subject to renewal after July 1, 2016, (ii) new sanitary landfills and transfer stations, for  
 38 applications submitted on or after July 1, 2016, and (iii) applications for sanitary landfills or  
 39 transfer stations submitted before July 1, 2015, and pending on the date this act becomes law shall  
 40 be evaluated by the Department based on the applicable laws that were in effect on July 1, 2015,  
 41 and the Department shall not delay in processing such permit applications in consideration of  
 42 changes made by this act, but such landfills and transfer stations shall be eligible for issuance of  
 43 life-of-site permits pursuant to G.S. 130A-294(a2), as amended by Section 14.20(b) of this act, on  
 44 July 1, 2016, at which point a permittee may choose to apply for a life-of-site permit pursuant to  
 45 G.S. 130A-294(a2), as amended by Section 14.20(b) of this act, or may choose to apply for a  
 46 life-of-site permit for the facility when the facility's permit is next subject to renewal after July 1,  
 47 2016."

48 **SECTION 3.2.(b)** G.S. 130A-294(b1) reads as rewritten:

49 "(b1) (1) For purposes of this subsection and subdivision (4) of subsection (a) of this  
 50 section, a "substantial amendment" means either:

51 ...

- 1 (2) A person who intends to apply for a new permit for a sanitary landfill shall  
 2 obtain, prior to applying for a permit, a franchise for the operation of the  
 3 sanitary landfill from each local government having jurisdiction over any part  
 4 of the land on which the sanitary landfill and its appurtenances are located or to  
 5 be located. A local government may adopt a franchise ordinance under  
 6 G.S. 153A-136 or G.S. 160A-319. A franchise granted for a sanitary landfill  
 7 ~~shall~~ shall (i) be granted for the life-of-site of the landfill and shall ~~landfill, but~~  
 8 for a period not to exceed 60 years and (ii) include all of the following:  
 9 a. A statement of the population to be served, including a description of  
 10 the geographic area.  
 11 b. A description of the volume and characteristics of the waste stream.  
 12 c. A projection of the useful life of the sanitary landfill.  
 13 d. Repealed by Session Laws 2013-409, s. 8, effective August 23, 2013.  
 14 e. The procedures to be followed for governmental oversight and  
 15 regulation of the fees and rates to be charged by facilities subject to the  
 16 franchise for waste generated in the jurisdiction of the franchising  
 17 entity.  
 18 f. A facility plan for the sanitary landfill that shall include the boundaries  
 19 of the proposed facility, proposed development of the facility site, the  
 20 boundaries of all waste disposal units, final elevations and capacity of  
 21 all waste disposal units, the amount of waste to be received per day in  
 22 tons, the total waste disposal capacity of the sanitary landfill in tons, a  
 23 description of environmental controls, and a description of any other  
 24 waste management activities to be conducted at the facility. In addition,  
 25 the facility plan shall show the proposed location of soil borrow areas,  
 26 leachate facilities, and all other facilities and infrastructure, including  
 27 ingress and egress to the facility.
- 28 (3) Prior to the award of a franchise for the construction or operation of a sanitary  
 29 landfill, the board of commissioners of the county or counties in which the  
 30 sanitary landfill is proposed to be located or is located or, if the sanitary landfill  
 31 is proposed to be located or is located in a city, the governing board of the city  
 32 shall conduct a public hearing. The board of commissioners of the county or  
 33 counties in which the sanitary landfill is proposed to be located or is located or,  
 34 if the sanitary landfill is proposed to be located or is located in a city, the  
 35 governing board of the city shall provide at least 30 days' notice to the public of  
 36 the public hearing. The notice shall include a summary of all the information  
 37 required to be included in the franchise, and shall specify the procedure to be  
 38 followed at the public hearing. The applicant for the franchise shall provide a  
 39 copy of the application for the franchise that includes all of the information  
 40 required to be included in the franchise, to the public library closest to the  
 41 proposed sanitary landfill site to be made available for inspection and copying  
 42 by the public. The requirements of this subdivision shall not apply to franchises  
 43 amended by agreement of the parties to extend the duration of the franchise to  
 44 the life-of-site of the landfill, but for a period not to exceed 60 years.

45 ...."

46 **SECTION 3.2.(c)** G.S. 160A-319(a) reads as rewritten:

47 **"§ 160A-319. Utility franchises.**

48 (a) A city shall have authority to grant upon reasonable terms franchises for a telephone  
 49 system and any of the enterprises listed in G.S. 160A-311, except a cable television system. A  
 50 franchise granted by a city authorizes the operation of the franchised activity within the city. No  
 51 franchise shall be granted for a period of more than 60 years, ~~except~~ including a franchise granted

1 to a sanitary landfill for the life-of-site of the landfill pursuant to G.S. 130A-294(b1); provided,  
2 however, that a franchise for solid waste collection or disposal systems and facilities—facilities,  
3 other than sanitary landfills, shall not be granted for a period of more than 30 years. Except as  
4 otherwise provided by law, when a city operates an enterprise, or upon granting a franchise, a city  
5 may by ordinance make it unlawful to operate an enterprise without a franchise."

6 **SECTION 3.2.(d)** G.S. 153A-136 reads as rewritten:

7 "**§ 153A-136. Regulation of solid wastes.**

8 (a) A county may by ordinance regulate the storage, collection, transportation, use,  
9 disposal, and other disposition of solid wastes. Such an ordinance may:

10 ...

11 (3) Grant a franchise to one or more persons for the exclusive right to  
12 commercially collect or dispose of solid wastes within all or a defined portion  
13 of the county and prohibit any other person from commercially collecting or  
14 disposing of solid wastes in that area. The board of commissioners may set the  
15 terms of any ~~franchise, except that no franchise may be granted for a period~~  
16 ~~exceeding 30 years, nor may any franchise; provided, however, no franchise~~  
17 shall be granted for a period of more than 30 years, except for a franchise  
18 granted to a sanitary landfill for the life-of-site of the landfill pursuant to  
19 G.S. 130A-294(b1), which may not exceed 60 years. No franchise by its terms  
20 may impair the authority of the board of commissioners to regulate fees as  
21 authorized by this section.

22 ...."

23 **SECTION 3.2.(e)** Subsection (a) of this section applies to franchise agreements (i)  
24 executed on or after October 1, 2015, and (ii) executed on or before October 1, 2015, only if all  
25 parties to a valid and operative agreement consent to modify the agreement for the purpose of  
26 extending the agreement's duration of the life-of-site of the landfill for which the agreement was  
27 executed.

28 **SECTION 3.3.** The Division of Waste Management of the Department of  
29 Environmental Quality shall examine whether solid waste management activities in the State are  
30 being conducted in a manner most beneficial to the citizens of the State in terms of efficiency and  
31 cost-effectiveness, with a focus on solid waste disposal capacity across the State, particularly areas  
32 of the State that have insufficient disposal capacity, as well as areas of the State with disposal  
33 capacity that is underutilized, resulting in transport of waste to other jurisdictions. The Department  
34 shall develop economic estimates of the short- and long-term costs of waste transport in these  
35 situations versus full utilization of capacity, or expansion of capacity, in the originating  
36 jurisdiction. The Department shall also provide information on landfill capacity that is permitted  
37 but not yet constructed and expansion opportunities for future landfill capacity. The Department  
38 shall submit a report, including any legislative recommendations, to the Environmental Review  
39 Commission no later than November 1, 2017.

40 **SECTION 3.4.** G.S. 130A-294(a) reads as rewritten:

41 "**§ 130A-294. Solid waste management program.**

42 (a) The Department is authorized and directed to engage in research, conduct  
43 investigations and surveys, make inspections and establish a statewide solid waste management  
44 program. In establishing a program, the Department shall have authority to:

45 ...

46 (4) a. Develop a permit system governing the establishment and operation of  
47 solid waste management facilities. A landfill with a disposal area of 1/2  
48 acre or less for the on-site disposal of land clearing and inert debris is  
49 exempt from the permit requirement of this section and shall be  
50 governed by G.S. 130A-301.1. Demolition debris from the  
51 decommissioning of manufacturing buildings, including electric

1 generating stations, that is disposed of on the same site as the  
2 decommissioned buildings, is exempt from the permit requirement of  
3 this section and rules adopted pursuant to this section and shall be  
4 governed by G.S. 130A-301.3. The Department shall not approve an  
5 application for a new permit, major permit modification, or a substantial  
6 amendment to a permit for a sanitary landfill, excluding demolition  
7 landfills as defined in the rules of the Commission, except as provided  
8 in subdivisions (3) and (4) of subsection (b1) of this section. No permit  
9 shall be granted for a solid waste management facility having discharges  
10 that are point sources until the Department has referred the complete  
11 plans and specifications to the Commission and has received advice in  
12 writing that the plans and specifications are approved in accordance  
13 with the provisions of G.S. 143-215.1. In any case where the  
14 Department denies a permit for a solid waste management facility, it  
15 shall state in writing the reason for denial and shall also state its  
16 estimate of the changes in the applicant's proposed activities or plans  
17 that will be required for the applicant to obtain a permit.

- 18 b. Repealed by Session Laws 2007-550, s. 1(a), effective August 1, 2007.
- 19 c. The Department shall deny an application for a permit for a solid waste  
20 management facility if the Department finds that:
- 21 1. Construction or operation of the proposed facility would be  
22 inconsistent with or violate rules adopted by the Commission.
  - 23 2. Construction or operation of the proposed facility would result in  
24 a violation of water quality standards adopted by the  
25 Commission pursuant to G.S. 143-214.1 for waters, as defined in  
26 G.S. 143-213.
  - 27 3. Construction or operation of the facility would result in  
28 significant damage to ecological systems, natural resources,  
29 cultural sites, recreation areas, or historic sites of more than local  
30 significance. These areas include, but are not limited to, national  
31 or State parks or forests; wilderness areas; historic sites;  
32 recreation areas; segments of the natural and scenic rivers  
33 system; wildlife refuges, preserves, and management areas; areas  
34 that provide habitat for threatened or endangered species;  
35 primary nursery areas and critical fisheries habitat designated by  
36 the Marine Fisheries Commission; and Outstanding Resource  
37 Waters designated by the Commission.
  - 38 4. Construction or operation of the proposed facility would  
39 substantially limit or threaten access to or use of public trust  
40 waters or public lands.
  - 41 5. The proposed facility would be located in a natural hazard area,  
42 including a floodplain, a landslide hazard area, or an area subject  
43 to storm surge or excessive seismic activity, such that the facility  
44 will present a risk to public health or safety.
  - 45 6. There is a practical alternative that would accomplish the  
46 purposes of the proposed facility with less adverse impact on  
47 public resources, considering engineering requirements and  
48 economic costs.
  - 49 7. The cumulative impacts of the proposed facility and other  
50 facilities in the area of the proposed facility would violate the

- 1 criteria set forth in sub-sub-subdivisions 2. through 5. of this  
 2 sub-subdivision.  
 3 8. Construction or operation of the proposed facility would be  
 4 inconsistent with the State solid waste management policy and  
 5 goals as set out in G.S. 130A-309.04 and with the State solid  
 6 waste management plan developed as provided in  
 7 G.S. 130A-309.07.  
 8 9. The cumulative impact of the proposed facility, when considered  
 9 in relation to other similar impacts of facilities located or  
 10 proposed in the community, would have a disproportionate  
 11 adverse impact on a minority or low-income community  
 12 protected by Title VI of the federal Civil Rights Act of 1964.  
 13 This subdivision shall apply only to the extent required by  
 14 federal law.  
 15 d. Management of land clearing debris burned in accordance with 15A  
 16 NCAC 02D.1903 shall not require a permit pursuant to this section.  
 17 e. For the purpose of the disposal of leachate and wastewater collected  
 18 from a sanitary landfill, the Department shall approve aerosolization of  
 19 such leachate and wastewater as an acceptable method of disposal.  
 20 Aerosolization of leachate or wastewater that results in effluent  
 21 free-production or a zero liquid discharge does not constitute a  
 22 discharge that requires a permit under either Article 21 or Article 21B of  
 23 Chapter 143 of the General Statutes.

24 ...."

25 **SECTION 3.5.** Except as otherwise provided, Sections 3.1 and 3.2 of this act are  
 26 effective retroactively to July 1, 2015. Sections 3.3, 3.4, and 3.5 of this act are effective when this  
 27 act becomes law.

28  
 29 **MOTOR VEHICLE EMISSIONS INSPECTIONS**

30 **SECTION 3.7.(a)** G.S. 143-215.107A reads as rewritten:

31 **"§ 143-215.107A. Motor vehicle emissions testing and maintenance program.**

32 (a) General Provisions. –

- 33 (1) G.S. 143-215.107(a)(6) shall be implemented as provided in this section.  
 34 (2) Motor vehicle emissions inspections shall be performed by a person who holds  
 35 an emissions inspection mechanic license issued as provided in  
 36 G.S. 20-183.4A(c) at a station that holds an emissions inspection station license  
 37 issued under G.S. 20-183.4A(a) or at a place of business that holds an  
 38 emissions self-inspector license issued as provided in G.S. 20-183.4A(d). Motor  
 39 vehicle emissions inspections may be performed by a decentralized network of  
 40 test-and-repair stations as described in 40 Code of Federal Regulations § 51.353  
 41 (1 July 1998 Edition). The Commission may not require that motor vehicle  
 42 emissions inspections be performed by a network of centralized or  
 43 decentralized test-only stations.

44 (b) Repealed by Session Laws 2000-134, s. 2, effective July 14, 2000.

45 (c) Counties Covered. – Motor vehicle emissions inspections shall be performed in the  
 46 following counties: Alamance, ~~Brunswick~~, ~~Buncombe~~, ~~Burke~~, ~~Cabarrus~~, ~~Caldwell~~, ~~Carteret~~,  
 47 ~~Catawba~~, ~~Chatham~~, ~~Cleveland~~, ~~Craven~~, ~~Cumberland~~, Davidson, Durham, ~~Edgecombe~~, Forsyth,  
 48 Franklin, Gaston, ~~Granville~~, Guilford, ~~Harnett~~, Haywood, ~~Henderson~~, Iredell, Johnston, Lee,  
 49 ~~Lenoir~~, Lincoln, Mecklenburg, ~~Moore~~, ~~Nash~~, New Hanover, Onslow, ~~Orange~~, ~~Pitt~~, ~~Randolph~~,  
 50 ~~Robeson~~, ~~Rockingham~~, Rowan, ~~Rutherford~~, ~~Stanly~~, ~~Stokes~~, ~~Surry~~, Union, Wake, Wayne, Wilkes  
 51 ~~and Wilson~~ and Wake."



1           **SECTION 3.7.(b)** G.S. 20-183.2(b) reads as rewritten:

2           "(b) Emissions. – A motor vehicle is subject to an emissions inspection in accordance with  
3 this Part if it meets all of the following requirements:

4           (1) It is subject to registration with the Division under Article 3 of this Chapter,  
5 except for motor vehicles operated on a federal installation as provided in  
6 sub-subdivision e. of subdivision (5) of this subsection.

7           (2) It is not a trailer whose gross weight is less than 4,000 pounds, a house trailer,  
8 or a motorcycle.

9           (3) It is (i) a 1996 or later model vehicle with a model year within 20 years of the  
10 current year and older than the three most recent model years or (ii) a 1996 or  
11 later model a vehicle with a model year within 20 years of the current year and  
12 has 70,000 miles or more on its odometer.

13           ...."

14           **SECTION 3.7.(c)** No later than March 30, 2017, the Department of Environmental  
15 Quality shall prepare and submit to the United States Environmental Protection Agency for  
16 approval by that agency a proposed North Carolina State Implementation Plan amendment based  
17 on the change to the motor vehicle emissions testing program provided in this section.

18           **SECTION 3.7.(d)** Subsections (a) and (b) of this section become effective on the later  
19 of the following dates and apply to motor vehicles inspected, or due to be inspected, on or after  
20 that effective date:

21           (1) January 1, 2018.

22           (2) The first day of a month that is 60 days after the Secretary of the Department of  
23 Environmental Quality certifies to the Revisor of Statutes that the United States  
24 Environmental Protection Agency has approved an amendment to the North  
25 Carolina State Implementation Plan submitted as required by subsection (c) of  
26 this section. The Secretary shall provide this notice along with the effective date  
27 of this act on its Web site and by written or electronic notice to emissions  
28 inspection mechanic license holders, emissions inspection station licensees, and  
29 self-inspector licensees in the counties where motor vehicle emissions  
30 inspection requirements are removed by this section.

### 31 **FARRIERS/HORSESHOEING**

32           **SECTION 3.8.** G.S. 90-187.10 is amended by adding a new subdivision to read:

33           "**§ 90-187.10. Necessity for license; certain practices exempted.**

34           No person shall engage in the practice of veterinary medicine or own all or part interest in a  
35 veterinary medical practice in this State or attempt to do so without having first applied for and  
36 obtained a license for such purpose from the North Carolina Veterinary Medical Board, or without  
37 having first obtained from the Board a certificate of renewal of license for the calendar year in  
38 which the person proposes to practice and until the person shall have been first licensed and  
39 registered for such practice in the manner provided in this Article and the rules and regulations of  
40 the Board.

41           Nothing in this Article shall be construed to prohibit:

42           ...

43           (11) Any farrier or person actively engaged in the activity or profession of shoeing  
44 hooved animals as long as his or her actions are limited to the art of shoeing  
45 hooved animals or trimming, clipping, or maintaining hooves."  
46

### 47 **DEQ TO STUDY RIPARIAN BUFFERS**

48           **SECTION 3.9.(a)** The Department of Environmental Quality shall study whether the  
49 size of riparian buffers required for intermittent streams should be adjusted and whether the  
50 allowable activities within the buffers should be modified.  
51

1           **SECTION 3.9.(b)** The Department of Environmental Quality shall study under what  
2 circumstances units of local government should be allowed to exceed riparian buffer requirements  
3 mandated by the State and the federal government. The Department shall also consider measures  
4 to ensure that local governments do not exceed their statutory authority for establishing riparian  
5 buffer requirements. In conducting this study, the Department shall consult with property owners  
6 and other entities impacted by riparian buffer requirements as well as local governments.

7           **SECTION 3.9.(c)** The Department of Environmental Quality shall report the results  
8 of the studies required by this section, including any recommendations, to the Environmental  
9 Review Commission no later than July 1, 2017. For any recommendations made pursuant to the  
10 studies, the Department shall include specific draft language for any rule or statutory changes  
11 necessary to implement the recommendations.

## 12           **TRANSFER OF CERTAIN CONSERVATION EASEMENTS**

13           **SECTION 3.10.** G.S. 143-214.12 reads as rewritten:

### 14           **"§ 143-214.12. Division of Mitigation Services: Ecosystem Restoration Fund.**

15           (a) Ecosystem Restoration Fund. – The Ecosystem Restoration Fund is established as a  
16 nonreverting fund within the Department. The Fund shall be treated as a special trust fund and  
17 shall be credited with interest by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3.  
18 The Ecosystem Restoration Fund shall provide a repository for monetary contributions and  
19 donations or dedications of interests in real property to promote projects for the restoration,  
20 enhancement, preservation, or creation of wetlands and riparian areas and for payments made in  
21 lieu of compensatory mitigation as described in subsection (b) of this section. No funds shall be  
22 expended from this Fund for any purpose other than those directly contributing to the acquisition,  
23 perpetual maintenance, enhancement, restoration, or creation of wetlands and riparian areas in  
24 accordance with the basinwide plan as described in G.S. 143-214.10. The cost of acquisition  
25 includes a payment in lieu of ad valorem taxes required under G.S. 146-22.3 when the Department  
26 is the State agency making the acquisition.

27           (a1) The Department may distribute funds from the Ecosystem Restoration Fund directly to  
28 a federal or State agency, a local government, or a private, nonprofit conservation organization to  
29 acquire, manage, and maintain real property or an interest in real property for the purposes set out  
30 in subsection (a) of this section. ~~A recipient of funds under this subsection shall grant a~~  
31 ~~conservation easement in the real property or interest in real property acquired with the funds to~~  
32 ~~the Department in a form that is acceptable to the Department. When the recipient of funds under~~  
33 ~~this subsection acquires a conservation easement or interest in real property appurtenant to a~~  
34 restoration project delivered to the Division of Mitigation Services, the recipient, upon approval  
35 from the Department, may directly transfer the conservation easement or real property interest to  
36 another governmental agency or a Department-approved third party. The Department may convey  
37 real property or an interest in real property that has been acquired under the Division of Mitigation  
38 Services to a federal or State agency, a local government, or a private, nonprofit conservation  
39 organization to acquire, manage, and maintain real property or an interest in real property for the  
40 purposes set out in subsection (a) of this section. A grantee of real property or an interest in real  
41 property under this subsection shall grant a conservation easement in the real property or interest  
42 in real property to the Department in a form that is acceptable to the Department.

43           (b) Authorized Methods of Payment. – A person subject to a permit or authorization issued  
44 by the United States Army Corps of Engineers under 33 U.S.C. § 1344 may contribute to the  
45 Division of Mitigation Services in order to comply with conditions to, or terms of, the permit or  
46 authorization if participation in the Division of Mitigation Services will meet the mitigation  
47 requirements of the United States Army Corps of Engineers. The Department shall, at the  
48 discretion of the applicant, accept payment into the Ecosystem Restoration Fund in lieu of other  
49 compensatory mitigation requirements of any authorizations issued by the United States Army  
50 Corps of Engineers under 33 U.S.C. § 1344 if the contributions will meet the mitigation  
51

1 requirements of the United States Army Corps of Engineers. Payment may be made in the form of  
2 monetary contributions according to a fee schedule established by the Environmental Management  
3 Commission or in the form of donations of real property provided that the property is approved by  
4 the Department as a suitable site consistent with the basinwide wetlands restoration plan.

5 (c) Accounting of Payments. – The Department shall provide an itemized statement that  
6 accounts for each payment into the Fund. The statement shall include the expenses and activities  
7 financed by the payment."  
8

## 9 **ELIMINATE OUTDATED PROVISION OF THE COASTAL AREA MANAGEMENT** 10 **ACT**

11 **SECTION 3.11.** G.S. 113A-109 is repealed.  
12

## 13 **REPEAL PASTURE POINTS PROVISION**

14 **SECTION 3.12.** Section 4(c) of S.L. 2001-355 is repealed.  
15

## 16 **ELIMINATE REPORTS TO THE COMMISSIONER OF AGRICULTURE AS TO MILK** 17 **PURCHASED OR SOLD**

18 **SECTION 3.13.** G.S. 106-261 is repealed.  
19

## 20 **REPEAL RESTRICTION ON PET TURTLE SALES**

21 **SECTION 3.14.** The Commission for Public Health shall repeal 10A NCAC 41A  
22 .0301 (Definitions) and 10A NCAC 41A .0302 (Sale of Turtles Restricted) on or before July 1,  
23 2017. Until the effective date of the repeal of the rule required pursuant to this section, the  
24 Department of Health and Human Services, the Department of Environmental Quality, or any  
25 other political subdivision of the State shall not implement or enforce 10A NCAC 41A .0301  
26 (Definitions) and 10A NCAC 41A .0302 (Sale of Turtles Restricted).  
27

## 28 **PROHIBIT CERTAIN STORMWATER CONTROL MEASURES**

29 **SECTION 3.15.(a)** Until the effective date of the revised permanent rule that the  
30 Environmental Management Commission is required to adopt pursuant to subsection (c) of this  
31 section, the Commission and the Department of Environmental Quality shall implement 15A  
32 NCAC 02H .0506 (Review of Applications) as provided in subsection (b) of this section.

33 **SECTION 3.15.(b)** Notwithstanding 15A NCAC 02H .0506(b)(5) and 15A NCAC  
34 02H .0506(c)(5), the Director of the Division of Water Resources shall not require the use of  
35 on-site stormwater control measures to protect downstream water quality standards, except as  
36 required by State or federal law.

37 **SECTION 3.15.(c)** The Environmental Management Commission shall adopt rules to  
38 amend 15A NCAC 02H .0506 (Review of Applications) consistent with subsection (b) of this  
39 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this  
40 section shall be substantively identical to the provisions of subsection (b) of this section. Rules  
41 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the  
42 General Statutes. Rules adopted pursuant to this section shall become effective as provided in  
43 G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by  
44 G.S. 150B-21.3(b2).

45 **SECTION 3.15.(d)** This section is effective when it becomes law. Subsection (b) of  
46 this section expires on the date that rules adopted pursuant to subsection (c) of this section become  
47 effective.  
48

## 49 **EXEMPT LANDSCAPING MATERIAL FROM STORMWATER MANAGEMENT** 50 **REQUIREMENTS**

51 **SECTION 3.16.** G.S. 143-214.7(b2) reads as rewritten:

1       "(b2) For purposes of implementing stormwater programs, "built-upon area" means  
2 impervious surface and partially impervious surface to the extent that the partially impervious  
3 surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon  
4 area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57  
5 stone, as designated by the American Society for Testing and Materials, laid at least four inches  
6 thick over a geotextile fabric; ~~or~~ a trail as defined in G.S. 113A-85 that is either unpaved or paved  
7 as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per  
8 second (1.41 inches per ~~hour~~-hour); landscaping material, including, but not limited to, gravel,  
9 mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic; or the  
10 stoned areas used for parking, storage, or road areas on industrial or distribution center property,  
11 whether the stone is number 57 stone or compacted crusher-run stone of any type or permeability.  
12 The owner or developer of a property may opt out of any of the exemptions from "built-upon area"  
13 set out in this subsection. For State stormwater programs and local stormwater programs approved  
14 pursuant to subsection (d) of this section, all of the following shall apply:

- 15           (1) The volume, velocity, and discharge rates of water associated with the one-year,  
16 24-hour storm and the difference in stormwater runoff from the predevelopment  
17 and postdevelopment conditions for the one-year, 24-hour storm shall be  
18 calculated using any acceptable engineering hydrologic and hydraulic methods.
- 19           (2) Development may occur within the area that would otherwise be required to be  
20 placed within a vegetative buffer required by the Commission pursuant to  
21 G.S. 143-214.1 and G.S. 143-214.7 to protect classified shellfish waters,  
22 outstanding resource waters, and high-quality waters provided the stormwater  
23 runoff from the development is collected and treated from the entire impervious  
24 area and discharged so that it passes through the vegetative buffer and is  
25 managed so that it otherwise complies with all applicable State and federal  
26 stormwater management requirements.
- 27           (3) The requirements that apply to development activities within one-half mile of  
28 and draining to Class SA waters or within one-half mile of Class SA waters and  
29 draining to unnamed freshwater tributaries shall not apply to development  
30 activities and associated stormwater discharges that do not occur within  
31 one-half mile of and draining to Class SA waters or are not within one-half mile  
32 of Class SA waters and draining to unnamed freshwater tributaries."  
33

## 34 **STORMWATER CONTROL SYSTEM DESIGN REGULATION**

35       **SECTION 3.17.(a)** G.S. 143-214.7B reads as rewritten:

### 36 **"§ 143-214.7B. Fast-track permitting for stormwater management systems.**

37       The Commission shall adopt rules to establish a fast-track permitting process that allows for  
38 the issuance of stormwater management system permits without a technical review when the  
39 permit applicant (i) complies with the Minimum Design Criteria for stormwater management  
40 developed by the Department and (ii) submits a permit application prepared by a qualified  
41 professional. In developing the rules, the Commission shall consult with a technical working  
42 group that consists of industry experts, engineers, environmental consultants, relevant faculty from  
43 The University of North Carolina, and other interested stakeholders. The rules shall, at a  
44 minimum, provide for all of the following:

- 45           (1) A process for permit application, review, and determination.
- 46           (2) The types of professionals that are qualified to prepare a permit application  
47 submitted pursuant to this section and the types of qualifications such  
48 professionals must have. The Commission shall include the following  
49 professionals who meet the North Carolina licensing requirements applicable to  
50 the type of stormwater management system proposed:
  - 51           a. Engineers licensed pursuant to Chapter 89C of the General Statutes.

- 1            b. Geologists licensed pursuant to Chapter 89E of the General Statutes.  
2            c. Soil scientists licensed pursuant to Chapter 89F of the General Statutes.  
3            d. Any other licensed profession that the Commission deems appropriate.

- 4            (3) A process for ensuring compliance with the Minimum Design Criteria.  
5            (4) That permits issued pursuant to the fast-track permitting process comply with  
6            State water quality standards adopted pursuant to G.S. 143-214.1, 143-214.7,  
7            and 143-215.3(a)(1).  
8            (5) A process for establishing the liability of a qualified professional who prepares  
9            a permit application for a stormwater management system that fails to comply  
10           with the Minimum Design Criteria."

11           **SECTION 3.17.(b)** The Environmental Management Commission shall amend its  
12           rules to implement subsection (a) of this section no later than January 1, 2018.

### 13 14 **AMEND STREAM MITIGATION REQUIREMENTS**

15           **SECTION 3.18.(a)** The Environmental Management Commission shall amend its  
16           rules so that mitigation is not required for losses of 300 linear feet or less of stream bed; for losses  
17           of more than 300 linear feet of stream bed, mitigation shall not be required for 300 linear feet of  
18           those losses; and a lower mitigation threshold may be applied in the case of a legally binding  
19           federal policy. The Commission shall adopt temporary rules as soon as practicable to implement  
20           this section.

21           **SECTION 3.18.(b)** The Department of Environmental Quality shall submit written  
22           comments to the Washington, D.C., Headquarters and the Wilmington District Office of the  
23           United States Army Corps of Engineers on behalf of the State in support of the Wilmington  
24           District adopting Regional Conditions that will increase the threshold for the requirement of  
25           mitigation for loss of stream bed of perennial or ephemeral/intermittent streams from 150 linear  
26           feet to 300 linear feet. The written comments shall include a history of why the current threshold  
27           of 150 linear feet exists in North Carolina, shall outline the thresholds that exist in other  
28           jurisdictions, and shall note that the State has established a 300-linear-foot mitigation threshold.

### 29 30 **COASTAL RESOURCES COMMISSION RULES ON TEMPORARY EROSION** 31 **CONTROL STRUCTURES**

32           **SECTION 3.19.(a)** Sections 14.6(p) and 14.6(q) of S.L. 2015-241 are repealed.

33           **SECTION 3.19.(b)** The Coastal Resources Commission shall adopt temporary rules  
34           for the use of temporary erosion control structures consistent with the amendments to the  
35           temporary erosion control structure rules adopted by the Commission as agenda item CRC-16-23  
36           on May 11, 2016, with any further modifications in the Commission's discretion. The Commission  
37           shall also adopt permanent rules to implement this section.

### 38 39 **DIRECT THE COASTAL RESOURCES COMMISSION TO AMEND THE SEDIMENT** 40 **CRITERIA RULE TO EXEMPT SEDIMENT FROM CAPE SHOAL SYSTEMS**

41           **SECTION 3.20.(a)** Definitions. – "Sediment Criteria Rule" means 15A NCAC 07H  
42           .0312 (Technical Standards for Beach Fill Projects) for purposes of this section and its  
43           implementation.

44           **SECTION 3.20.(b)** Sediment Criteria Rule. – Until the effective date of the revised  
45           permanent rule that the Coastal Resources Commission is required to adopt pursuant to subsection  
46           (d) of this section, the Commission and the Department of Environmental Quality shall implement  
47           the Sediment Criteria Rule, as provided in subsection (c) of this section.

48           **SECTION 3.20.(c)** Implementation. – The Commission shall exempt from the  
49           permitting requirements of the Sediment Criteria Rule any sediment in the cape shoal systems  
50           used as a borrow site and any portion of an oceanfront beach that receives sediment from the cape

1 shoal systems. For purposes of this section, "cape shoal systems" includes the Frying Pan Shoals  
2 at Cape Fear, Lookout Shoals at Cape Lookout, and Diamond Shoals at Cape Hatteras.

3 **SECTION 3.20.(d)** Additional Rule-Making Authority. – The Commission shall  
4 adopt a rule to amend the Sediment Criteria Rule consistent with subsection (c) of this section.  
5 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section  
6 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted  
7 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General  
8 Statutes. Rules adopted pursuant to this section shall become effective as provided in  
9 G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by  
10 G.S. 150B-21.3(b2).

11 **SECTION 3.20.(e)** Sunset. – This section expires when permanent rules adopted as  
12 required by subsection (d) of this section become effective.

### 13 14 **DIVISION OF COASTAL MANAGEMENT TO STUDY CURRENT LONG-TERM** 15 **EROSION RATES ADJACENT TO TERMINAL GROINS**

16 **SECTION 3.21.** The Division of Coastal Management of the Department of  
17 Environmental Quality, in consultation with the Coastal Resources Commission, shall study the  
18 change in erosion rates directly adjacent to existing and newly constructed terminal groins to  
19 determine whether long-term erosion rates, currently in effect in accordance with 15A NCAC 07H  
20 .0304 (AECS Within Ocean Hazard Areas), should be adjusted to reflect any mitigation of  
21 shoreline erosion resulting from the installation of the terminal groins. The Division shall report  
22 on the results of the study to the Environmental Review Commission on or before July 1, 2017.

### 23 24 **REGULATION AND DISPOSITION OF CERTAIN REPTILES**

25 **SECTION 3.22.(a)** G.S. 14-419 reads as rewritten:

26 "**§ 14-419. Investigation of suspected violations; seizure and examination of reptiles;**  
27 **disposition of reptiles.**

28 (a) In any case in which any law-enforcement officer or animal control officer has  
29 probable cause to believe that any of the provisions of this Article have been or are about to be  
30 violated, it shall be the duty of the officer and the officer is authorized, empowered, and directed  
31 to immediately investigate the violation or impending violation and to consult with representatives  
32 of the North Carolina Museum of Natural Sciences or the North Carolina Zoological Park or a  
33 designated representative of either the Museum or Zoological Park to identify appropriate and safe  
34 methods to seize the reptile or reptiles involved, to seize the reptile or reptiles involved, and the  
35 officer is authorized and directed to deliver: (i) a reptile believed to be venomous to the North  
36 Carolina State Museum of Natural Sciences or to its designated representative for examination for  
37 the purpose of ascertaining whether the reptile is regulated under this Article; and, (ii) a reptile  
38 believed to be a large constricting snake or crocodilian to the North Carolina Zoological Park or to  
39 its designated representative for the purpose of ascertaining whether the reptile is regulated under  
40 this Article. In any case in which a law enforcement officer or animal control officer determines  
41 that there is an immediate risk to public safety, the officer shall not be required to consult with  
42 representatives of the North Carolina Museum of Natural Sciences or the North Carolina  
43 Zoological Park as provided by this ~~subsection~~ subsection and may kill the reptile.

44 (b) If the Museum or the Zoological Park or their designated representatives find that a  
45 seized reptile is a venomous reptile, large constricting snake, or crocodilian regulated under this  
46 Article, the Museum or the Zoological Park or their designated representative shall determine  
47 ~~final~~ an interim disposition of the reptile in a manner consistent with the safety of the public, ~~which~~  
48 ~~is~~ until a final disposition is determined by a court of competent jurisdiction. In the case of a  
49 venomous reptile for which antivenin approved by the United States Food and Drug  
50 Administration is not readily available, ~~shall the reptile may~~ be euthanized unless the species is  
51 protected under the federal Endangered Species Act of 1973. Where the Museum or the

1 Zoological Park or their designated representative determines euthanasia to be the appropriate  
2 interim disposition, or where a reptile seized pursuant to this Article dies of natural or unintended  
3 causes, the Museum, the Zoological Park, or their designated representatives shall not be liable to  
4 the reptile's owner.

5 (b1) Upon conviction of any offense contained in this Article, the court shall order a final  
6 disposition of the confiscated venomous reptiles, large constricting snakes, or crocodylians, which  
7 may include the transfer of title to the State of North Carolina and reimbursement for the  
8 necessary expenses incurred in the seizure, delivery, and storage thereof.

9 (c) If the Museum or the Zoological Park or their designated representatives find that the  
10 reptile is not a venomous reptile, large constricting snake, or crocodylian regulated under this  
11 Article, and either no criminal warrants or indictments are initiated in connection with the reptile  
12 within 10 days of initial seizure, or a court of law determines that the reptile is not being owned,  
13 possessed, used, transported, or trafficked in violation of this Article, then it shall be the duty of  
14 the law enforcement officer to return the reptile or reptiles to the person from whom they were  
15 seized within 15 days."

16 **SECTION 3.22.(b)** The North Carolina Department of Natural and Cultural  
17 Resources and the North Carolina Wildlife Resources Commission shall jointly study and develop  
18 a list of potential designated representatives for the storage and safekeeping of venomous reptiles,  
19 large constricting snakes, or crocodylians.

20 **SECTION 3.22.(c)** The North Carolina Department of Natural and Cultural Resources  
21 and the North Carolina Wildlife Resources Commission shall jointly study and develop  
22 recommendations for potential procedural and policy changes to improve the regulation of certain  
23 reptiles pursuant to Article 55 of Chapter 14 of the General Statutes. The Department and the  
24 Commission shall consider public health and safety risks, permitting requirements, exemptions,  
25 notification of escape, investigation of suspected violations, seizure and examination of reptiles,  
26 disposition of seized reptiles, and any other issues determined relevant to the regulation of certain  
27 reptiles. The Department and the Commission shall submit a report, including any legislative  
28 recommendations, to the Environmental Review Commission no later than July 1, 2017.

## 30 **PROVIDE FOR LOW-FLOW DESIGN ALTERNATIVES FOR PUBLIC WATER** 31 **SUPPLY SYSTEMS**

32 **SECTION 3.23.(a)** 15A NCAC 18C .0409(b)(1) (Daily Flow Requirements). – Until  
33 the effective date of the revised permanent rule that the Commission for Public Health is required  
34 to adopt pursuant to subsection (c) of this section, the Commission, the Department of  
35 Environmental Quality, and any other political subdivision of the State shall implement 15A  
36 NCAC 18C .0409(b)(1) (Daily Flow Requirements) as provided in subsection (b) of this section.

37 **SECTION 3.23.(b)** Implementation. – Notwithstanding the Daily Flow Requirements  
38 rates listed in Table No. 1 of 15A NCAC 18C .0409(b)(1) (Daily Flow Requirements), a public  
39 water supply system shall be exempt from the Daily Flow Requirements, and any other design  
40 flow standards established by the Department or the Commission, provided the flow rates that are  
41 less than those required in Table No. 1 of 15A NCAC 18C .0409(b)(1) (Daily Flow Requirements)  
42 are (i) achieved through an engineering design that utilizes low-flow fixtures and low-flow  
43 reduction technologies and the design is prepared, sealed, and signed by a professional engineer  
44 licensed pursuant to Chapter 89C of the General Statutes and (ii) provide for a flow that is  
45 sufficient to sustain the water usage required in the engineering design.

46 **SECTION 3.23.(c)** Additional Rule-Making Authority. – The Commission shall adopt  
47 a rule to amend 15A NCAC 18C .0409(b)(1) (Daily Flow Requirements), consistent with  
48 subsection (b) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the  
49 Commission pursuant to this section shall be substantively identical to the provisions of subsection  
50 (b) of this section. Rules adopted pursuant to this section are not subject to G.S. 150B-21.8  
51 through G.S. 150B-21.14. Rules adopted pursuant to this section shall become effective as

1 provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as  
2 provided by G.S. 150B-21.3(b2).

3 **SECTION 3.23.(d)** Sunset. – Subsection (b) of this section expires on the date that  
4 rules adopted pursuant to subsection (c) of this section become effective.

5  
6 **ESTABLISH NORTH CAROLINA SENTINEL LANDSCAPES COMMITTEE**

7 **SECTION 3.26.(a)** Committee Established. – There is established the North Carolina  
8 Sentinel Landscape Committee (Committee).

9 **SECTION 3.26.(b)** Findings and Purpose. – The General Assembly finds that sentinel  
10 landscapes are places where preserving the working and rural character of the State's private lands  
11 is important for both national defense and conservation priorities. It is the intent of the General  
12 Assembly to direct the Committee to coordinate the overlapping priority areas in the vicinity of  
13 and where testing and training occur on major military installations, as that term is defined in  
14 G.S. 143-215.115. Further, the Committee shall assist landowners in improving their land to  
15 benefit their operations and enhance wildlife habitats while furthering the State's vested economic  
16 interest in preserving, maintaining, and sustaining land uses that are compatible with military  
17 activities at major military installations and National Guard facilities. In its work, the Committee  
18 shall develop and implement programs and strategies that (i) protect working lands in the vicinity  
19 of and where testing and training occur on major military installations, (ii) address restrictions that  
20 inhibit military testing and training, and (iii) forestall incompatible development in the vicinity of  
21 and where testing and training occur on military installations.

22 **SECTION 3.26.(c)** Powers and Duties. – The Committee shall:

- 23 (1) Identify and designate certain lands to be contained in the sentinel landscape of  
24 this State that are of particular import to the nation's defense and in the vicinity  
25 of and where testing and training occur on major military installations. In this  
26 work, the Committee may seek advice and recommendations from stakeholders  
27 who have experience in this sort of identification and designation.
- 28 (2) In designating sentinel lands as directed by subdivision (1) of this subsection,  
29 the Committee shall evaluate all working or natural lands that the Committee  
30 identifies as contributing to the long-term sustainability of the military missions  
31 conducted in this State. In its evaluation of which lands to designate as sentinel  
32 lands, the Committee shall consult with and seek input from:
  - 33 a. The United States Department of Defense.
  - 34 b. The North Carolina Commander's Council.
  - 35 c. The United States Department of Agriculture.
  - 36 d. The United States Department of the Interior.
  - 37 e. Elected officials from units of local government located in the vicinity  
38 of and where testing and training occur on the proposed sentinel lands.
  - 39 f. Any other stakeholders that the Committee deems appropriate.
- 40 (3) Develop recommendations to encourage landowners located within the sentinel  
41 landscape designated pursuant to subdivision (1) of this subsection to  
42 voluntarily participate in and begin or continue land uses compatible with the  
43 United States Department of Defense operations in this State.
- 44 (4) Provide technical support services and assistance to landowners who  
45 voluntarily participate in the sentinel landscape program.

46 **SECTION 3.26.(d)** Membership. – The Committee shall consist of at least the four  
47 following members:

- 48 (1) The Commissioner of Agriculture, or the Commissioner's designee.
- 49 (2) The Secretary of the Department of Military and Veterans Affairs, or the  
50 Secretary's designee.
- 51 (3) The Secretary of Natural and Cultural Resources, or the Secretary's designee.



1 (4) The Dean of the College of Natural Resources at North Carolina State  
2 University, or the Dean's designee.

3 The Committee chair shall be one of the four listed members above and the Committee  
4 chair may appoint members representing other State agencies, local government officials, and  
5 nongovernmental organizations that are experienced in land management activities within sentinel  
6 lands.

7 **SECTION 3.26.(e)** Transaction of Business. – The Committee shall meet, at a  
8 minimum, at least once during each calendar quarter and at other times at the call of the chair. A  
9 majority of members of the Committee shall constitute a quorum. The first Committee meeting  
10 shall take place within 30 days of the effective date of this act.

11 **SECTION 3.26.(f)** Reports. – The Committee shall report on its activities conducted  
12 to implement this section, including any findings, recommendations, and legislative proposals, to  
13 the North Carolina Military Affairs Commission and the Agriculture and Forestry Awareness  
14 Study Commission beginning September 1, 2017, and annually thereafter, until such time as the  
15 Committee completes its work.

16 **SECTION 3.26.(g)** Administrative Assistance. – All clerical and other services  
17 required by the Committee shall be supplied by the membership and shall be provided with funds  
18 available.

19 **SECTION 3.26.(h)** Effective Date. – This section is effective when this act becomes  
20 law.

#### 21 **PART IV. ELIMINATE, CONSOLIDATE, AND AMEND ENVIRONMENTAL REPORTS**

##### 22 **ELIMINATE ANNUAL REPORT ON MINING ACCOUNT PURSUANT TO THE** 23 **MINING ACT OF 1971 BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

24 **SECTION 4.1.** G.S. 74-54.1(c) is repealed.

##### 25 **ELIMINATE ANNUAL REPORT ON THE IMPLEMENTATION OF THE** 26 **SUSTAINABLE ENERGY EFFICIENT BUILDINGS PROGRAM BY THE** 27 **DEPARTMENT OF ADMINISTRATION**

28 **SECTION 4.2.(a)** G.S. 143-135.39(f) and (g) are repealed.

29 **SECTION 4.2.(b)** G.S. 143-135.40(b) is repealed.

##### 30 **ELIMINATE QUARTERLY REPORT ON SYSTEMWIDE MUNICIPAL AND** 31 **DOMESTIC WASTEWATER COLLECTION SYSTEM PERMIT PROGRAM BY THE** 32 **ENVIRONMENTAL MANAGEMENT COMMISSION**

33 **SECTION 4.3.** G.S. 143-215.9B reads as rewritten:

34 **"§ 143-215.9B. Systemwide municipal and domestic wastewater collection system permit**  
35 **program report.**

36 The Environmental Management Commission shall develop and implement a permit program  
37 for municipal and domestic wastewater collection systems on a systemwide basis. The collection  
38 system permit program shall provide for performance standards, minimum design and  
39 construction requirements, a capital improvement plan, operation and maintenance requirements,  
40 and minimum reporting requirements. In order to ensure an orderly and cost-effective phase-in of  
41 the collection system permit program, the Commission shall implement the permit program over a  
42 five-year period beginning 1 July 2000. The Commission shall issue permits for approximately  
43 twenty percent (20%) of municipal and domestic wastewater collection systems that are in  
44 operation on 1 July 2000 during each of the five calendar years beginning 1 July 2000 and shall  
45 give priority to those collection systems serving the largest populations, those under a moratorium  
46 imposed by the Commission under G.S. 143-215.67, and those for which the Department of  
47 Environmental Quality has issued a notice of violation for the discharge of untreated wastewater.  
48  
49  
50  
51

1 ~~The Commission shall report on its progress in developing and implementing the collection~~  
2 ~~system permit program required by this section as a part of each quarterly report the~~  
3 ~~Environmental Management Commission makes to the Environmental Review Commission~~  
4 ~~pursuant to G.S. 143B-282(b)."~~  
5

6 **ELIMINATE ANNUAL REPORTS ON REDUCING VEHICLE EMISSIONS FROM**  
7 **STATE EMPLOYEE AND PRIVATE SECTOR VEHICLES BY THE DEPARTMENT OF**  
8 **TRANSPORTATION**

9 **SECTION 4.4.** G.S. 143-215.107C(d) and (e) are repealed.

10  
11 **ELIMINATE ANNUAL REPORT ON PURCHASE OF NEW MOTOR VEHICLES AND**  
12 **FUEL SAVINGS BY THE DEPARTMENT OF ADMINISTRATION**

13 **SECTION 4.5.** G.S. 143-341(8)i.2b. reads as rewritten:

14 "2b. As used in this sub-sub-subdivision, "fuel economy" and "class  
15 of comparable automobiles" have the same meaning as in Part  
16 600 of Title 40 of the Code of Federal Regulations (July 1, 2008  
17 Edition). As used in this sub-sub-subdivision, "passenger motor  
18 vehicle" has the same meaning as "private passenger vehicle" as  
19 defined in G.S. 20-4.01. Notwithstanding the requirements of  
20 sub-sub-subdivision 2a. of this sub-subdivision, every request  
21 for proposals for new passenger motor vehicles to be purchased  
22 by the Department shall state a preference for vehicles that have  
23 a fuel economy for the new vehicle's model year that is in the top  
24 fifteen percent (15%) of its class of comparable automobiles.  
25 The award for every new passenger motor vehicle that is  
26 purchased by the Department shall be based on the Department's  
27 evaluation of the best value for the State, taking into account  
28 fuel economy ratings and life cycle cost that reasonably consider  
29 both projected fuel costs and acquisition costs. This  
30 sub-sub-subdivision does not apply to vehicles used in law  
31 enforcement, emergency medical response, and firefighting.~~The~~  
32 ~~Department shall report the number of new passenger motor~~  
33 ~~vehicles that are purchased as required by this~~  
34 ~~sub-sub-subdivision, the savings or costs for the purchase of~~  
35 ~~vehicles to comply with this sub-sub-subdivision, and the~~  
36 ~~quantity and cost of fuel saved for the previous fiscal year on or~~  
37 ~~before October 1 of each year to the Joint Legislative~~  
38 ~~Commission on Governmental Operations and the~~  
39 ~~Environmental Review Commission."~~  
40

41 **ELIMINATE BIENNIAL STATE OF THE ENVIRONMENT REPORT BY THE**  
42 **DEPARTMENT OF ENVIRONMENTAL QUALITY**

43 **SECTION 4.6.** G.S. 143B-279.5 is repealed.  
44

45 **ELIMINATE THE ENVIRONMENTAL MANAGEMENT COMMISSION QUARTERLY**  
46 **REPORT ON DEVELOPING ENGINEERING STANDARDS GOVERNING MUNICIPAL**  
47 **AND DOMESTIC SYSTEMS TO ALLOW REGIONAL INTERCONNECTION**

48 **SECTION 4.7.** Section 11.1 of S.L. 1999-329 reads as rewritten:

49 "Section 11.1. The Environmental Management Commission shall develop engineering  
50 standards governing municipal and domestic wastewater collection systems that will allow  
51 interconnection of these systems on a regional basis.~~The Commission shall report on its progress~~

1 in developing the engineering standards required by this section as a part of each quarterly report  
2 the Commission makes to the Environmental Review Commission pursuant to G.S. 143B-282(b)."  
3

4 **ELIMINATE BIENNIAL REPORT ON IMPLEMENTATION OF THE NORTH**  
5 **CAROLINA BEACH AND INLET MANAGEMENT PLAN BY THE DEPARTMENT OF**  
6 **ENVIRONMENTAL QUALITY**

7 **SECTION 4.8.** Section 13.9(d) of S.L. 2000-67 reads as rewritten:

8 "Section 13.9.(d) Each plan shall be as complete as resources and available information allow.  
9 ~~The Department of Environment and Natural Resources shall revise the plan every two years and~~  
10 ~~shall submit the revised plan to the General Assembly no later than March 1 of each odd-~~  
11 ~~numbered year. The Department may issue a supplement to the plan in even numbered years if~~  
12 ~~significant new information becomes available."~~  
13

14 **ELIMINATE ANNUAL REPORT ON INFORMAL REVIEW PROCESS FOR AGENCY**  
15 **REVIEW OF ENGINEERING WORK**

16 **SECTION 4.9.** Sections 29(j) and 29(k) of S.L. 2014-120 are repealed effective July  
17 1, 2017.  
18

19 **CONSOLIDATE REPORTS ON THE COASTAL HABITAT PROTECTION PLAN**

20 **SECTION 4.10.(a)** G.S. 143B-279.8(e) reads as rewritten:

21 "(e) The Coastal Resources Commission, the Environmental Management Commission,  
22 and the Marine Fisheries Commission shall report to the Joint Legislative Commission on  
23 Governmental Operations and the Environmental Review Commission on progress in developing  
24 and implementing the Coastal Habitat Protection Plans, including the extent to which the actions  
25 of the three commissions are consistent with the Plans, on or before ~~1 September~~ September 1 of  
26 each ~~year-year~~ in which any significant revisions to the Plans are made."  
27

28 **SECTION 4.10.(b)** G.S. 143B-279.8(f) is repealed.

29 **CONSOLIDATE AND REDUCE FREQUENCY OF REPORTS ON COST AND**  
30 **IMPLEMENTATION OF ENVIRONMENTAL PERMITTING PROGRAMS**

31 **SECTION 4.11.(a)** G.S. 143-215.3A(c) reads as rewritten:

32 "(c) The Department shall report to the Environmental Review Commission and the Fiscal  
33 Research Division on the cost of the State's environmental permitting programs contained within  
34 the Department on or before ~~1 November~~ January 1 of each even-numbered year. The report shall  
35 include, but is not limited to, fees set and established under this Article, fees collected under this  
36 Article, revenues received from other sources for environmental permitting and compliance  
37 programs, changes made in the fee schedule since the last report, anticipated revenues from all  
38 other sources, interest earned and any other information requested by the General Assembly. The  
39 Department shall submit this report with the report required by G.S. 143B-279.17 as a single  
40 report."  
41

42 **SECTION 4.11.(b)** G.S. 143B-279.17 reads as rewritten:

43 **"§ 143B-279.17. Tracking and report on permit processing times.**

44 The Department of Environmental Quality shall track the time required to process all permit  
45 applications in the One-Stop for Certain Environmental Permits Programs established by  
46 G.S. 143B-279.12 and the Express Permit and Certification Reviews established by  
47 G.S. 143B-279.13 that are received by the Department. The processing time tracked shall include  
48 (i) the total processing time from when an initial permit application is received to issuance or  
49 denial of the permit and (ii) the processing time from when a complete permit application is  
50 received to issuance or denial of the permit. No later than ~~March 1~~ January 1 of each  
51 even-numbered year, the Department shall report to the Fiscal Research Division of the General  
Assembly and the Environmental Review Commission on the permit processing times required to

1 be tracked pursuant to this section. The Department shall submit this report with the report  
2 required by G.S. 143-215.3A(c) as a single report."

3 **SECTION 4.11.(c)** The first combined report required by subsections (a) and (b) of  
4 this section shall be submitted to the Environmental Review Commission and the Fiscal Research  
5 Division no later than January 1, 2018.

6  
7 **CONSOLIDATE AND REDUCE FREQUENCY OF REPORTS BY THE**  
8 **ENVIRONMENTAL MANAGEMENT COMMISSION**

9 **SECTION 4.12.(a)** G.S. 143B-282(b) reads as rewritten:

10 "(b) The Environmental Management Commission shall submit ~~quarterly~~-written reports as  
11 to its operation, activities, programs, and progress to the Environmental Review  
12 ~~Commission~~ Commission by January 1 of each year. The Environmental Management  
13 Commission shall supplement the written reports required by this subsection with additional  
14 written and oral reports as may be requested by the Environmental Review Commission. ~~The~~  
15 ~~Environmental Management Commission shall submit the written reports required by this~~  
16 ~~subsection whether or not the General Assembly is in session at the time the report is due."~~

17 **SECTION 4.12.(b)** G.S. 143-215.1(h) reads as rewritten:

18 "(h) Each applicant for a new permit or the modification of an existing permit issued under  
19 subsection (c) of this section shall include with the application: (i) the extent to which the new or  
20 modified facility is constructed in whole or in part with funds provided or administered by the  
21 State or a unit of local government, (ii) the impact of the facility on water quality, and (iii) whether  
22 there are cost-effective alternative technologies that will achieve greater protection of water  
23 quality. The Commission shall prepare ~~a quarterly~~ an annual summary and analysis of the  
24 information provided by applicants pursuant to this subsection. The Commission shall submit the  
25 summary and analysis required by this subsection to the Environmental Review Commission  
26 (ERC) as a part of each ~~quarterly~~ annual report that the Commission is required to make to the  
27 ERC under G.S. 143B-282(b)."

28 **SECTION 4.12.(c)** The first combined report required by subsections (a) and (b) of  
29 this section shall be submitted to the Environmental Review Commission no later than January 1,  
30 2018.

31  
32 **CONSOLIDATE WASTE MANAGEMENT REPORTS BY THE DEPARTMENT OF**  
33 **ENVIRONMENTAL QUALITY**

34 **SECTION 4.13.(a)** G.S. 130A-309.06(c) reads as rewritten:

35 "(c) The Department shall report to the Environmental Review Commission and the Fiscal  
36 Research Division on or before ~~15 January~~ May 1 of each year on the status of solid waste  
37 management efforts in the State. The report shall include:

- 38 (1) A comprehensive analysis, to be updated in each report, of solid waste  
39 generation and disposal in the State projected for the 20-year period beginning  
40 on ~~1 July~~ July 1, 1991.
- 41 (2) The total amounts of solid waste recycled and disposed of and the methods of  
42 solid waste recycling and disposal used during the calendar year prior to the  
43 year in which the report is published.
- 44 (3) An evaluation of the development and implementation of local solid waste  
45 management programs and county and municipal recycling programs.
- 46 (4) An evaluation of the success of each county or group of counties in meeting the  
47 municipal solid waste reduction goal established in G.S. 130A-309.04.
- 48 (5) Recommendations concerning existing and potential programs for solid waste  
49 reduction and recycling that would be appropriate for units of local government  
50 and State agencies to implement to meet the requirements of this Part.

- 1 (6) An evaluation of the recycling industry, the markets for recycled materials, the  
2 recycling of polystyrene, and the success of State, local, and private industry  
3 efforts to enhance the markets for these materials.
- 4 (7) Recommendations to the Governor and the Environmental Review Commission  
5 to improve the management and recycling of solid waste in the State, including  
6 any proposed legislation to implement the recommendations.
- 7 (8) A description of the condition of the Solid Waste Management Trust Fund and  
8 the use of all funds allocated from the Solid Waste Management Trust Fund, as  
9 required by G.S. 130A-309.12(c).
- 10 (9) A description of the review and revision of bid procedures and the purchase and  
11 use of reusable, refillable, repairable, more durable, and less toxic supplies and  
12 products by both the Department of Administration and the Department of  
13 Transportation, as required by G.S. 130A-309.14(a1)(3).
- 14 (10) A description of the implementation of the North Carolina Scrap Tire Disposal  
15 Act that includes the amount of revenue used for grants and to clean up  
16 nuisance tire collection under the provisions of G.S. 130A-309.64.
- 17 (11) A description of the management of white goods in the State, as required by  
18 G.S. 130A-309.85.
- 19 (12) A summary of the report by the Department of Transportation on the amounts  
20 and types of recycled materials that were specified or used in contracts that  
21 were entered into by the Department of Transportation during the previous  
22 fiscal year, as required by G.S. 136-28.8(g).
- 23 (13) Repealed by Session Laws 2010-142, s. 1, effective July 22, 2010.
- 24 (14) (Expiring October 1, 2023) A description of the activities related to the  
25 management of abandoned manufactured homes in the State in accordance with  
26 G.S. 130A-117, the beginning and ending balances in the Solid Waste  
27 Management Trust Fund for the reporting period and the amount of funds used,  
28 itemized by county, for grants made under Part 2F of Article 9 of Chapter 130A  
29 of the General Statutes.
- 30 (15) A report on the recycling of discarded computer equipment and televisions in  
31 the State pursuant to G.S. 130A-309.140(a).
- 32 (16) An evaluation of the Brownfields Property Reuse Act pursuant to  
33 G.S. 130A-310.40.
- 34 (17) A report on the Inactive Hazardous Waste Response Act of 1987 pursuant to  
35 G.S. 130A-310.10(a).
- 36 (18) A report on the Dry-Cleaning Solvent Cleanup Act of 1997 pursuant to  
37 G.S. 143-215.104U(a) until such time as the act expires pursuant to Part 6 of  
38 Article 21A of Chapter 143 of the General Statutes.
- 39 (19) A report on the implementation and cost of the hazardous waste management  
40 program pursuant to G.S. 130A-294(i)."

41 **SECTION 4.13.(b)** G.S. 130A-309.140(a) reads as rewritten:

42 "(a) ~~No later than January 15 of each year, the Department shall submit a report on The~~  
43 ~~Department shall include in the status of solid waste management report required to be submitted~~  
44 ~~on or before May 1 of each year pursuant to G.S. 130A-309.06(c) a report on the recycling of~~  
45 ~~discarded computer equipment and televisions in the State under this Part to the Environmental~~  
46 ~~Review Commission Part.~~ The report must include an evaluation of the recycling rates in the State  
47 for discarded computer equipment and televisions, a discussion of compliance and enforcement  
48 related to the requirements of this Part, and any recommendations for any changes to the system of  
49 collection and recycling of discarded computer equipment, televisions, or other electronic  
50 devices."

51 **SECTION 4.13.(c)** G.S. 130A-310.40 reads as rewritten:

1 **"§ 130A-310.40. Legislative reports.**

2 The Department shall ~~prepare and submit to the Environmental Review Commission,~~  
3 ~~concurrently with the report on the Inactive Hazardous Sites Response Act of 1987 required under~~  
4 ~~G.S. 130A-310.10,~~ include in the status of solid waste management report required to be  
5 submitted on or before May 1 of each year pursuant to G.S. 130A-309.06(c) an evaluation of the  
6 effectiveness of this Part in facilitating the remediation and reuse of existing industrial and  
7 commercial properties. This evaluation shall include any recommendations for additional  
8 incentives or changes, if needed, to improve the effectiveness of this Part in addressing such  
9 properties. This evaluation shall also include a report on receipts by and expenditures from the  
10 Brownfields Property Reuse Act Implementation Account."

11 **SECTION 4.13.(d)** G.S. 130A-310.10(a) reads as rewritten:

12 "(a) The Secretary shall include in the status of solid waste management report required to  
13 be submitted on or before May 1 of each year pursuant to G.S. 130A-309.06(c) a report on  
14 inactive hazardous sites to the Joint Legislative Commission on Governmental Operations, the  
15 Environmental Review Commission, and the Fiscal Research Division on or before October 1 of  
16 each year. The report shall include that includes at least the following:

- 17 (1) The Inactive Hazardous Waste Sites Priority List.
- 18 (2) A list of remedial action plans requiring State funding through the Inactive  
19 Hazardous Sites Cleanup Fund.
- 20 (3) A comprehensive budget to implement these remedial action plans and the  
21 adequacy of the Inactive Hazardous Sites Cleanup Fund to fund the cost of said  
22 plans.
- 23 (4) A prioritized list of sites that are eligible for remedial action under  
24 CERCLA/SARA together with recommended remedial action plans and a  
25 comprehensive budget to implement such plans. The budget for implementing a  
26 remedial action plan under CERCLA/SARA shall include a statement as to any  
27 appropriation that may be necessary to pay the State's share of such plan.
- 28 (5) A list of sites and remedial action plans undergoing voluntary cleanup with  
29 Departmental approval.
- 30 (6) A list of sites and remedial action plans that may require State funding, a  
31 comprehensive budget if implementation of these possible remedial action  
32 plans is required, and the adequacy of the Inactive Hazardous Sites Cleanup  
33 Fund to fund the possible costs of said plans.
- 34 (7) A list of sites that pose an imminent hazard.
- 35 (8) A comprehensive budget to develop and implement remedial action plans for  
36 sites that pose imminent hazards and that may require State funding, and the  
37 adequacy of the Inactive Hazardous Sites Cleanup Fund.
- 38 (8a) Repealed by Session Laws 2015-286, s. 4.7(f), effective October 22, 2015.
- 39 (9) Any other information requested by the General Assembly or the  
40 Environmental Review Commission."

41 **SECTION 4.13.(e)** G.S. 143-215.104U reads as rewritten:

42 **"§ 143-215.104U. Reporting requirements.**

43 (a) The Secretary shall ~~present an annual report to the Environmental Review Commission~~  
44 ~~that shall include~~ include in the status of solid waste management report required to be submitted  
45 on or before May 1 of each year pursuant to G.S. 130A-309.06(c) a report on at least the  
46 following:

- 47 (1) A list of all dry-cleaning solvent contamination reported to the Department.
- 48 (2) A list of all facilities and abandoned sites certified by the Commission and the  
49 status of contamination associated with each facility or abandoned site.

- 1 (3) An estimate of the cost of assessment and remediation required in connection  
2 with facilities or abandoned sites certified by the Commission and an estimate  
3 of assessment and remediation costs expected to be paid from the Fund.
- 4 (4) A statement of receipts and disbursements for the Fund.
- 5 (5) A statement of all claims against the Fund, including claims paid, claims  
6 denied, pending claims, anticipated claims, and any other obligations.
- 7 (6) The adequacy of the Fund to carry out the purposes of this Part together with  
8 any recommendations as to measures that may be necessary to assure the  
9 continued solvency of the Fund.

10 (b) ~~The Secretary shall make the annual report required by this section on or before 1~~  
11 ~~October of each year."~~

12 **SECTION 4.13.(f)** G.S. 130A-294(i) reads as rewritten:

13 "(i) ~~The Department shall report to Fiscal Research Division of the General Assembly, the~~  
14 ~~Senate Appropriations Subcommittee on Natural and Economic Resources, the House~~  
15 ~~Appropriations Subcommittee on Natural and Economic Resources, and the Environmental~~  
16 ~~Review Commission on or before January 1 of each year include in the status of solid waste~~  
17 management report required to be submitted on or before May 1 of each year pursuant to  
18 G.S. 130A-309.06(c) a report on the implementation and cost of the hazardous waste management  
19 program. The report shall include an evaluation of how well the State and private parties are  
20 managing and cleaning up hazardous waste. The report shall also include recommendations to the  
21 Governor, State agencies, and the General Assembly on ways to: improve waste management;  
22 reduce the amount of waste generated; maximize resource recovery, reuse, and conservation; and  
23 minimize the amount of hazardous waste which must be disposed of. The report shall include  
24 beginning and ending balances in the Hazardous Waste Management Account for the reporting  
25 period, total fees collected pursuant to G.S. 130A-294.1, anticipated revenue from all sources,  
26 total expenditures by activities and categories for the hazardous waste management program, any  
27 recommended adjustments in annual and tonnage fees which may be necessary to assure the  
28 continued availability of funds sufficient to pay the State's share of the cost of the hazardous waste  
29 management program, and any other information requested by the General Assembly. In  
30 recommending adjustments in annual and tonnage fees, the Department may propose fees for  
31 hazardous waste generators, and for hazardous waste treatment facilities that treat waste generated  
32 on site, which are designed to encourage reductions in the volume or quantity and toxicity of  
33 hazardous waste. The report shall also include a description of activities undertaken to implement  
34 the resident inspectors program established under G.S. 130A-295.02. In addition, the report shall  
35 include an annual update on the mercury switch removal program that shall include, at a  
36 minimum, all of the following:

- 37 (1) A detailed description of the mercury recovery performance ratio achieved by  
38 the mercury switch removal program.
- 39 (2) A detailed description of the mercury switch collection system developed and  
40 implemented by vehicle manufacturers in accordance with the NVMSRP.
- 41 (3) In the event that a mercury recovery performance ratio of at least 0.90 of the  
42 national mercury recovery performance ratio as reported by the NVMSRP is  
43 not achieved, a description of additional or alternative actions that may be  
44 implemented to improve the mercury switch removal program.
- 45 (4) The number of mercury switches collected and a description of how the  
46 mercury switches were managed.
- 47 (5) A statement that details the costs required to implement the mercury switch  
48 removal program, including a summary of receipts and disbursements from the  
49 Mercury Switch Removal Account."

1           **SECTION 4.13.(g)** The first combined report required by subsections (a) through (f)  
2 of this section shall be submitted to the Environmental Review Commission and the Fiscal  
3 Research Division no later than May 1, 2017.

4  
5 **CONSOLIDATE SEDIMENTATION POLLUTION CONTROL ACT AND**  
6 **STORMWATER REPORTS**

7           **SECTION 4.14.(a)** G.S. 113A-67 reads as rewritten:

8 "**§ 113A-67. Annual Report.**

9           The Department shall report to the Environmental Review Commission on the implementation  
10 of this Article on or before ~~1 October~~October 1 of each year. The Department shall include in the  
11 report an analysis of how the implementation of the Sedimentation Pollution Control Act of 1973  
12 is affecting activities that contribute to the sedimentation of streams, rivers, lakes, and other waters  
13 of the State. The report shall also include a review of the effectiveness of local erosion and  
14 sedimentation control programs. The report shall be submitted to the Environmental Review  
15 Commission with the report required by G.S. 143-214.7(e) as a single report."

16           **SECTION 4.14.(b)** G.S. 143-214.7(e) reads as rewritten:

17           "(e) On or before October 1 of each year, the ~~Commission~~Department shall report to the  
18 Environmental Review Commission on the implementation of this section, including the status of  
19 any stormwater control programs administered by State agencies and units of local government.  
20 The status report shall include information on any integration of stormwater capture and reuse into  
21 stormwater control programs administered by State agencies and units of local government. The  
22 report shall be submitted to the Environmental Review Commission with the report required by  
23 G.S. 113A-67 as a single report."

24           **SECTION 4.14.(c)** The first combined report required by subsections (a) and (b) of  
25 this section shall be submitted to the Environmental Review Commission no later than October 1,  
26 2017.

27  
28 **CONSOLIDATE VARIOUS WATER RESOURCES AND WATER QUALITY REPORTS**  
29 **BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

30           **SECTION 4.15.(a)** G.S. 143-355(n) is repealed.

31           **SECTION 4.15.(b)** G.S. 143-355(o)(9) is repealed.

32           **SECTION 4.15.(c)** G.S. 143-355 is amended by adding a new subsection to read:

33           "**(p) Report.** – The Department of Environmental Quality shall report to the Environmental  
34 Review Commission on the implementation of this section, including the development of the State  
35 water supply plan and the development of basinwide hydrologic models, no later than November 1  
36 of each year. The Department shall submit the report required by this subsection with the report on  
37 basinwide water quality management plans required by G.S. 143-215.8B(d) as a single report."

38           **SECTION 4.15.(d)** G.S. 143-215.8B(d) reads as rewritten:

39           "(d) ~~The~~As a part of the report required pursuant to G.S. 143-355(p), the Commission and  
40 the Department shall each report on or before ~~1 October~~November 1 of each year on an annual  
41 basis to the Environmental Review Commission on the progress in developing and implementing  
42 basinwide water quality management plans and on increasing public involvement and public  
43 education in connection with basinwide water quality management planning. The report to the  
44 Environmental Review Commission by the Department shall include a written statement as to all  
45 concentrations of heavy metals and other pollutants in the surface waters of the State that are  
46 identified in the course of preparing or revising the basinwide water quality management plans."

47           **SECTION 4.15.(e)** The first combined report required by subsections (c) and (d) of  
48 this section shall be submitted to the Environmental Review Commission no later than November  
49 1, 2017.

50



1 **CONSOLIDATE REPORTS BY THE DIVISION OF WATER INFRASTRUCTURE OF**  
2 **THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE STATE WATER**  
3 **INFRASTRUCTURE AUTHORITY**

4 **SECTION 4.16.(a)** G.S. 159G-26(a) reads as rewritten:

5 "(a) Requirement. – The Department ~~must~~shall publish a report each year on the accounts  
6 in the Water Infrastructure Fund that are administered by the Division of Water Infrastructure. The  
7 report ~~must~~shall be published by ~~4~~November 1 of each year and cover the preceding fiscal year.  
8 The Department ~~must~~shall make the report available to the public and ~~must~~shall give a copy of  
9 the report to the Environmental Review ~~Commission and the~~Commission, the Joint Legislative  
10 Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal  
11 Research Division of the Legislative Services Commission.Division with the report required by  
12 G.S. 159G-72 as a single report."

13 **SECTION 4.16.(b)** G.S. 159G-72 reads as rewritten:

14 "**§ 159G-72. State Water Infrastructure Authority; reports.**

15 No later than November 1 of each year, the Authority shall submit a report of its activity and  
16 findings, including any recommendations or legislative proposals, to the ~~Senate Appropriations~~  
17 ~~Committee on Natural and Economic Resources, the House of Representatives Appropriations~~  
18 ~~Subcommittee on Natural and Economic Resources, and the Fiscal Research Division of the~~  
19 ~~Legislative Services Commission.~~Environmental Review Commission, the Joint Legislative  
20 Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal  
21 Research Division with the report required by G.S. 159G-26(a) as a single report."

22 **SECTION 4.16.(c)** The first combined report required by subsections (a) and (b) of  
23 this section shall be submitted to the Environmental Review Commission, the Joint Legislative  
24 Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal  
25 Research Division no later than November 1, 2017.

26  
27 **CONSOLIDATE REPORTS BY SOIL AND WATER CONSERVATION COMMISSION**  
28 **AND THE DIVISION OF SOIL AND WATER CONSERVATION OF THE**  
29 **DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

30 **SECTION 4.17.(a)** G.S. 106-850(e) reads as rewritten:

31 "(e) The Soil and Water Conservation Commission shall report on or before ~~31~~January 31  
32 of each year to the Environmental Review Commission, the Department of Agriculture and  
33 Consumer Services, and the Fiscal Research Division. This report shall include a list of projects  
34 that received State funding pursuant to the program, the results of the evaluations conducted  
35 pursuant to subdivision (7) of subsection (b) of this section, findings regarding the effectiveness of  
36 each of these projects to accomplish its primary purpose, and any recommendations to assure that  
37 State funding is used in the most cost-effective manner and accomplishes the greatest  
38 improvement in water quality. This report shall be submitted to the Environmental Review  
39 Commission and the Fiscal Research Division with the reports required by G.S. 106-860(e) and  
40 G.S. 139-60(d) as a single report."

41 **SECTION 4.17.(b)** G.S. 106-860(e) reads as rewritten:

42 "(e) Report. – The Soil and Water Conservation Commission shall report no later than ~~31~~  
43 January 31 of each year to the Environmental Review Commission, the Department of Agriculture  
44 and Consumer Services, and the Fiscal Research Division. The report shall include a summary of  
45 projects that received State funding pursuant to the Program, the results of the evaluation  
46 conducted pursuant to subdivision (5) of subsection (b) of this section, findings regarding the  
47 effectiveness of each project to accomplish its primary purpose, and any recommendations to  
48 assure that State funding is used in the most cost-effective manner and accomplishes the greatest  
49 improvement in water quality. This report shall be submitted to the Environmental Review  
50 Commission and the Fiscal Research Division as a part of the report required by G.S. 106-850(e)."

51 **SECTION 4.17.(c)** G.S. 139-60(d) reads as rewritten:

1 "(d) Report. – No later than January 31 of each year, the Division of Soil and Water  
2 Conservation of the Department of Agriculture and Consumer Services shall prepare a  
3 comprehensive report on the implementation of subsections (a) through (c) of this section. The  
4 report shall be submitted to the Environmental Review Commission and the Fiscal Research  
5 Division as a part of the report required by G.S. 106-850(e)."

6 **SECTION 4.17.(d)** The first combined report required by subsections (a) through (c)  
7 of this section shall be submitted to the Environmental Review Commission and the Fiscal  
8 Research Division no later than January 31, 2018.

9  
10 **DECREASE REPORTING FREQUENCY ON TERMINAL GROINS PILOT PROJECT**  
11 **BY THE COASTAL RESOURCES COMMISSION**

12 **SECTION 4.18.** G.S. 113A-115.1(i) reads as rewritten:

13 "(i) No later than ~~September 1 of each year,~~September 1, 2017, and every five years  
14 thereafter, the Coastal Resources Commission shall report to the Environmental Review  
15 Commission on the implementation of this section. The report shall provide a detailed description  
16 of each proposed and permitted terminal groin and its accompanying beach fill project, including  
17 the information required to be submitted pursuant to subsection (e) of this section. For each  
18 permitted terminal groin and its accompanying beach fill project, the report shall also provide all  
19 of the following:

- 20 (1) The findings of the Commission required pursuant to subsection (f) of this  
21 section.  
22 (2) The status of construction and maintenance of the terminal groin and its  
23 accompanying beach fill project, including the status of the implementation of  
24 the plan for construction and maintenance and the inlet management plan.  
25 (3) A description and assessment of the benefits of the terminal groin and its  
26 accompanying beach fill project, if any.  
27 (4) A description and assessment of the adverse impacts of the terminal groin and  
28 its accompanying beach fill project, if any, including a description and  
29 assessment of any mitigation measures implemented to address adverse  
30 impacts."  
31

32 **DECREASE REPORTING FREQUENCY ON PARKS SYSTEM PLAN BY THE**  
33 **DEPARTMENT OF NATURAL AND CULTURAL RESOURCES**

34 **SECTION 4.19.** G.S. 143B-135.48(d) reads as rewritten:

35 "(d) No later than ~~October 1 of each year,~~October 1, 2017, and every five years thereafter,  
36 the Department shall submit electronically the State Parks System Plan to the Environmental  
37 Review Commission, ~~the Senate and the House of Representatives appropriations committees with~~  
38 ~~jurisdiction over natural and cultural resources,~~ the Joint Legislative Oversight Committee on  
39 Agriculture and Natural and Economic Resources, and the Fiscal Research Division. Concurrently,  
40 the Department shall submit a summary of each change to the Plan that was made during the  
41 previous ~~fiscal year~~five fiscal years."  
42

43 **REDIRECT INTERAGENCY REPORT ON SUPERFUND COST SHARE TO THE ANER**  
44 **OVERSIGHT COMMITTEE**

45 **SECTION 4.20.** Section 15.6 of S.L. 1999-237 reads as rewritten:

46 "Section 15.6.(a) The Department of ~~Environment and Natural Resources~~Environmental  
47 Quality may use available funds, with the approval of the Office of State Budget and  
48 Management, to provide the ten percent (10%) cost share required for Superfund cleanups on the  
49 National Priority List sites, to pay the operating and maintenance costs associated with these  
50 Superfund cleanups, and for the cleanup of priority inactive hazardous substance or waste disposal

1 sites under Part 3 of Article 9 of Chapter 130A of the General Statutes. These funds may be in  
2 addition to those appropriated for this purpose.

3 "Section 15.6.(b) The Department of ~~Environment and Natural Resources~~Environmental  
4 Quality and the Office of State Budget and Management shall report to the ~~Environmental Review~~  
5 ~~Commission and the Joint Legislative Commission on Governmental Operations~~Joint Legislative  
6 Oversight Committee on Agriculture and Natural and Economic Resources the amount and the  
7 source of the funds used pursuant to subsection (a) of this section within 30 days of the  
8 expenditure of these funds."  
9

#### 10 **REDIRECT REPORT ON EXPENDITURES FROM BERNARD ALLEN EMERGENCY** 11 **DRINKING WATER FUND TO ANER OVERSIGHT COMMITTEE**

12 **SECTION 4.21.** G.S. 87-98(e) reads as rewritten:

13 "(e) The Department, in consultation with the Commission for Public Health and local  
14 health departments, shall report no later than October 1 of each year to the ~~Environmental Review~~  
15 ~~Commission, the House of Representatives and Senate Appropriations Subcommittees on Natural~~  
16 Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and  
17 the Fiscal Research Division of the General Assembly on the implementation of this section. The  
18 report shall include the purpose and amount of all expenditures from the Fund during the prior  
19 fiscal year, a discussion of the benefits and deficiencies realized as a result of the section, and may  
20 also include recommendations for any legislative action."  
21

#### 22 **REDIRECT REPORT ON PARKS AND RECREATION TRUST FUND TO THE ANER** 23 **OVERSIGHT COMMITTEE**

24 **SECTION 4.22.** G.S. 143B-135.56(f) reads as rewritten:

25 "(f) Reports. – The North Carolina Parks and Recreation Authority shall report no later  
26 than October 1 of each year to the Joint Legislative ~~Commission on Governmental Operations, the~~  
27 ~~House and Senate Appropriations Subcommittees on Natural and Economic Resources, Oversight~~  
28 Committee on Agriculture and Natural and Economic Resources, the Fiscal Research Division,  
29 and the Environmental Review Commission on allocations from the Trust Fund from the prior  
30 fiscal year. For funds allocated from the Trust Fund under subsection (c) of this section, this report  
31 shall include the operating expenses determined under subdivisions (1) and (2) of subsection (e) of  
32 this section."  
33

#### 34 **PART V. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

35 **SECTION 5.1.** If any section or provision of this act is declared unconstitutional or  
36 invalid by the courts, it does not affect the validity of this act as a whole or any part other than the  
37 part declared to be unconstitutional or invalid.

38 **SECTION 5.2.** Except as otherwise provided, this act is effective when it becomes  
39 law.