

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 686

Short Title: Regulatory Reform Act of 2023. (Public)

Sponsors: Senators Sanderson, Johnson, and Woodard (Primary Sponsors).

Referred to: Agriculture, Energy, and Environment

April 10, 2023

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:

REFORM THE LAWS PERTAINING TO TRESPASSING FOR PURPOSES OF HUNTING OR FISHING

SECTION 1.(a) Hunting Without Permission a Trespass. – G.S. 14-159.6 reads as rewritten:

"§ 14-159.6. Trespass for purposes of hunting, etc., without written consent a misdemeanor; defense.

(a) Any person who willfully goes on the land, waters, ponds, or a legally established waterfowl blind of another to hunt, fish, or trap without verbal or written permission from the landowner, lessee, or agent of such property shall be guilty of a Class 3 misdemeanor. Written permission shall be dated within the last 12 months. Information establishing permission shall be provided to any law enforcement officer with general subject matter jurisdiction upon request.

~~(a)~~(a1) Any person who willfully goes on the land, waters, ponds, or a legally established waterfowl blind of another that has been posted in accordance with the provisions of G.S. 14-159.7, to hunt, fish or trap without written permission of the landowner, lessee, or his agent shall be guilty of a Class 2 misdemeanor. Written permission shall be carried on one's person, signed by the landowner, lessee, or agent, and dated within the last 12 months. The written permission shall be displayed upon request of any law enforcement officer of the Wildlife Resources Commission, sheriff or deputy sheriff, or other law enforcement officer with general subject matter jurisdiction.

(a2) A person shall have written permission for purposes of subsections (a) and (a1) of this section if a landowner, lessee, or agent has granted permission to a club to hunt, fish, or trap on the land and the person is carrying both a current membership card demonstrating the person's membership in the club and a copy of written permission granted to the club that complies with the requirements of this section.

...."

SECTION 1.(b) Conforming Change. – The title of Article 22A of Chapter 14 of the General Statutes reads as rewritten:

"Article 22A.

"Trespassing Upon ~~Posted~~Property to Hunt, Fish, Trap, or Remove Pine Needles/Straw."

SECTION 1.(c) License or Permit Suspension. – G.S. 113-276.3(d) reads as rewritten:



"(d) Any violation of this Subchapter or of any rule adopted by the Wildlife Resources Commission under the authority of this Subchapter which is subject to a penalty greater than the one provided in G.S. 113-135(a)(1) is a suspension ~~offense~~ offense with a conviction resulting in a suspension for a period of one year. Conviction of any of the following suspension offenses results in a suspension for a period of two years:

- (1) A violation of G.S. 113-294(b).
- (2) A violation of G.S. 113-294(c).
- (2a) A violation of G.S. 113-294(c1).
- (3) A violation of G.S. 113-294(e).
- (4) Repealed by Session Laws 1999-120, s. 2, effective October 1, 1999.
- (5) A violation of G.S. 113-291.1A.
- (6) A ~~third or subsequent~~ violation of ~~G.S. 14-159.6(a)~~ G.S. 14-159.6(a1).

A conviction of any other suspension offense results in a suspension for a period of one year."

SECTION 1.(d) Criminal Violation. – G.S. 113-294 reads as rewritten:

"§ 113-294. Specific violations.

...

(d1) Any person who ~~unlawfully takes, possesses, or transports any deer from land that has been posted in accordance with the provisions~~ violates any provision of G.S. 14-159.7 without written permission of the landowner, lessee, or the agent of the landowner or lessee G.S. 14-159.6(a1) is guilty of a Class 2 misdemeanor, punishable by a fine of not less than five hundred dollars (\$500.00) one thousand dollars (\$1,000).

(d2) Any person who violates any provision of G.S. 14-159.6(a) a second or subsequent time within a three-year period is guilty of a Class 2 misdemeanor.

...."

SECTION 1.(e) Effective Date. – This section becomes effective October 1, 2023, and applies to offenses committed on or after that date.

STORMWATER VEGETATIVE BUFFER CLARIFICATION

SECTION 2. G.S. 143-214.7(b2) reads as rewritten:

"(b2) For purposes of implementing stormwater programs, "built-upon area" means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle. The owner or developer of a property may opt out of any of the exemptions from "built-upon area" set out in this subsection. For State stormwater programs and local stormwater programs approved pursuant to subsection (d) of this section, all of the following shall apply:

...

- (2) Development may occur within the area that would otherwise be required to be placed within a vegetative buffer required by the Commission pursuant to G.S. 143-214.1 and G.S. 143-214.7 provided the stormwater runoff from the ~~entire impervious area of the development~~ built-upon area of the vegetative buffer is collected, treated, and discharged so that it passes through a segment of the vegetative buffer and is managed so that it otherwise complies with all applicable State and federal stormwater management requirements.

1 "

2
3 **STORMWATER REDEVELOPMENT DENSITY**

4 **SECTION 3.** G.S. 143-214.7(b3) reads as rewritten:

5 "(b3) Stormwater runoff rules and programs shall not require private property owners to
6 install new or increased stormwater controls for (i) preexisting development or (ii)
7 redevelopment activities that do not remove or decrease existing stormwater controls. When a
8 preexisting development is redeveloped, either in whole or in part, increased stormwater controls
9 shall only be required for the amount of impervious surface being created that exceeds the amount
10 of impervious surface that existed before the redevelopment. ~~Provided, however, a~~ A property
11 owner may voluntarily elect to treat all stormwater from preexisting development or
12 redevelopment activities described herein for the purpose of exceeding allowable density under
13 ~~the exceed the otherwise applicable density limitation under the applicable water supply~~
14 watershed rules as provided in G.S. 143-214.5(d3). G.S. 143-214.5(d3) by treating the increase
15 in stormwater resulting from the net increase in built-upon areas. This subsection applies to all
16 local governments regardless of the source of their regulatory authority. Local governments shall
17 include the requirements of this subsection in their stormwater ordinances."
18

19 **WETLANDS RULE CHANGE**

20 **SECTION 4.(a)** Definitions. – For purposes of this section and its implementation,
21 "Wetlands Definition" means 15A NCAC 02B .0202 (Definitions).

22 **SECTION 4.(b)** Wetlands Definition Rule. – Until the effective date of the revised
23 permanent rule that the Environmental Management Commission (Commission) is required to
24 adopt pursuant to subsection (d) of this section, the Commission shall implement the Wetlands
25 Definition Rule as provided in subsection (c) of this section.

26 **SECTION 4.(c)** Implementation. – Wetlands classified as waters of the State are
27 restricted to waters of the United States as defined by 33 C.F.R. § 328.3 and 40 C.F.R. § 230.3.
28 Wetlands do not include prior converted cropland as defined in the National Food Security Act
29 Manual, Fifth Edition, issued by the United States Department of Agriculture.

30 **SECTION 4.(d)** Additional Rulemaking Authority. – The Commission shall adopt
31 a rule to amend the Wetlands Definition Rule consistent with subsection (c) of this section.
32 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section
33 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted
34 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General
35 Statutes. Rules adopted pursuant to this section shall become effective as provided in
36 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
37 G.S. 150B-21.3(b2).

38 **SECTION 4.(e)** Sunset. – This section expires when permanent rules adopted as
39 required by subsection (d) of this section become effective.
40

41 **STORMWATER TRANSPORTATION PROJECT EXEMPTION RULE CHANGE**

42 **SECTION 5.(a)** Definitions. – For purposes of this section and its implementation,
43 "Stormwater Transportation Exemption Rule" means 15A NCAC 02H .1001 (Post-Construction
44 Stormwater Management: Purpose and Scope).

45 **SECTION 5.(b)** Stormwater Transportation Exemption Rule. – Until the effective
46 date of the revised permanent rule that the Environmental Management Commission is required
47 to adopt pursuant to subsection (d) of this section, the Commission shall implement the
48 Stormwater Transportation Exemption Rule as provided in subsection (c) of this section.

49 **SECTION 5.(c)** Implementation. – Stormwater programs, as defined in the
50 Stormwater Transportation Exemption Rule, shall not apply to linear transportation projects
51 undertaken by an entity other than the North Carolina Department of Transportation that (i) are

1 constructed to NCDOT standards and are in accordance with the NCDOT Stormwater Best
2 Management Practices Toolbox (Version 2, April 2014 Edition) which is herein incorporated by
3 reference, including any subsequent amendments and editions, and may be accessed at no cost at
4 https://connect.ncdot.gov/resources/hydro/HSPDocuments/2014_BMP_Toolbox.pdf and (ii)
5 will be conveyed upon completion either to the NCDOT or another public entity and will be
6 regulated in accordance with that entity's NPDES MS4 stormwater permit. Whether or not the
7 project is a part of a common plan of development shall have no bearing on the exemption
8 afforded by this subsection.

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

17 **SECTION 5.(e)** Applicability and Sunset. – This section and rules adopted pursuant
18 to this section apply to all linear transportation projects undertaken by an entity other than the
19 North Carolina Department of Transportation on or after August 1, 2023. This section expires
20 when permanent rules adopted as required by subsection (d) of this section become effective.
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22 **WASTEWATER DESIGN FLOW RATE RULE CHANGE**

23 **SECTION 6.(a)** Definitions. – For purposes of this section and its implementation,
24 "Dwelling Wastewater Design Flow Rate Rule" means 15A NCAC 02T .0114 (Wastewater
25 Design Flow Rates) as it applies to dwelling units.

26 **SECTION 6.(b)** Dwelling Wastewater Design Flow Rate Rule. – Until the effective
27 date of the revised permanent rule that the Environmental Management Commission is required
28 to adopt pursuant to subsection (d) of this section, the Commission shall implement the Dwelling
29 Wastewater Design Flow Rate Rule as provided in subsection (c) of this section.

30 **SECTION 6.(c)** Implementation. – In determining the volume of sewage from
31 dwelling units, the flow rate shall be 70 gallons per day per bedroom. The minimum volume of
32 sewage from each dwelling unit shall be 70 gallons per day and each additional bedroom above
33 two bedrooms shall increase the volume by 70 gallons per day.

34 **SECTION 6.(d)** Additional Rulemaking Authority. – The Commission shall adopt
35 a rule to amend the Dwelling Wastewater Design Flow Rate Rule consistent with subsection (c)
36 of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant
37 to this section shall be substantively identical to the provisions of subsection (c) of this section.
38 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
39 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
40 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided
41 in G.S. 150B-21.3(b2).

42 **SECTION 6.(e)** Applicability and Sunset. – This section and rules adopted pursuant
43 to this section apply to all dwelling units sewer system permits issued on or after August 1, 2023.
44 This section expires when permanent rules adopted as required by subsection (d) of this section
45 become effective.
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47 **FISHERIES REFORMS**

48 **SECTION 7.(a)** Consistent with its duties under Articles 15 and 17 of Chapter 113
49 of the General Statutes and under applicable federal law, the Marine Fisheries Commission
50 (Commission) shall adopt rules that provide for all of the following:

- 1 (1) A prohibition on the following with respect to any species of coastal or marine
2 finfish which is overfished or experiencing overfishing, except in times and
3 areas where harvest is allowed under rules of the Commission or
4 proclamations of the Director of the Marine Fisheries Commission under
5 G.S. 113-221.1:
6 a. Permitting of any fishing tournament targeting the species.
7 b. Targeted catch of the species.
8 c. The advertisement or sale of services of fishing guides targeting the
9 species.
- 10 (2) A prohibition on the sale of marine and coastal finfishes by recreational
11 fishing tournaments if such sale would be deducted from commercial harvest
12 quotas set or enforced by the Commission.
- 13 (3) A prohibition on the use as bait for catching finfish of any species of coastal
14 or marine finfish which is overfished or experiencing overfishing.
- 15 (4) The mandatory reporting of all coastal and marine finfish (i) harvested by
16 holders of Coastal Recreational Fishing Licenses and Recreational
17 Commercial Gear Licenses and (ii) harvested but not sold by holders of
18 Standard Commercial Fishing Licenses and Retired Standard Commercial
19 Fishing Licenses. The Commission to the extent feasible shall model these
20 reporting requirements on those for large game harvest reporting under rules
21 of the Wildlife Resources Commission.

22 **SECTION 7.(b)** The Commission may adopt temporary rules to implement this
23 section and shall adopt permanent rules consistent with subsection (a) of this section. Rules
24 adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as
25 though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).
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27 **EFFECTIVE DATE**

28 **SECTION 8.** Except as otherwise provided, this act is effective when it becomes
29 law.