

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE BILL 303  
Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/22/15  
Third Edition Engrossed 4/23/15  
House Committee Substitute Favorable 6/8/16  
House Committee Substitute #2 Favorable 6/16/16  
Sixth Edition Engrossed 6/16/16

Short Title: Regulatory Reform Act of 2016.

(Public)

Sponsors:

Referred to:

March 18, 2015

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH  
3 CAROLINA.

4 The General Assembly of North Carolina enacts:

5  
6 **PART I. BUSINESS REGULATION**

7  
8 **EMPLOYMENT STATUS OF FRANCHISES**

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

11 **"§ 95-25.24A. Franchisee status.**

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

16  
17 **PART II. STATE AND LOCAL GOVERNMENT REGULATION**

18  
19 **PERSONALLY IDENTIFIABLE INFORMATION OF PUBLIC UTILITY CUSTOMERS**

20 **SECTION 2.1.** Chapter 132 of the General Statutes is amended by adding a new  
21 section to read:

22 **"§ 132-1.14. Personally identifiable information of public utility customers.**

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

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

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

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



**WATER AND SEWER BILLING BY LESSORS**

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

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

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

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

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

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

(1) All charges for water or sewer service shall be based on the user's metered consumption of water, which shall be determined by metered measurement of all water consumed. The rate charged by the lessor shall not exceed the unit consumption rate charged by the supplier of the service.

(1a) If the ~~contiguous leased premises were~~ contiguous dwelling units built prior to ~~1989-1989~~, and the lessor determines that the measurement of the tenant's total water usage is impractical or not economical, the lessor may allocate the cost for water and sewer service to the tenant using equipment that measures the tenant's hot water usage. In that case, each tenant shall be billed a percentage of the landlord's water and sewer costs for water usage in the dwelling units based upon the hot water used in the tenant's dwelling unit. The percentage of total water usage allocated for each dwelling unit shall be equal to that dwelling unit's individually submetered hot water usage divided by all submetered hot water usage in all dwelling units. The following conditions apply to billing for water and sewer service under this subdivision:

- a. A lessor shall not utilize a ratio utility billing system or other allocation billing system that does not rely on individually submetered hot water usage to determine the allocation of water and sewer costs.
- b. The lessor shall not include in a tenant's bill the cost of water and sewer service used in common areas or water loss due to leaks in the lessor's water mains. A lessor shall not bill or attempt to collect for excess water usage resulting from a plumbing malfunction or other condition that is not known to the tenant or that has been reported to the lessor.
- c. All equipment used to measure water usage shall comply with guidelines promulgated by the American Water Works Association.
- d. The lessor shall maintain records for a minimum of 12 months that demonstrate how each tenant's allocated costs were calculated for water and sewer service. Upon advanced written notice to the lessor, a tenant may inspect the records during reasonable business hours.
- e. Bills for water and sewer service sent by the lessor to the tenant shall contain all the following information:
  1. The amount of water and sewer services allocated to the tenant during the billing period.

- 1                                    2.        The method used to determine the amount of water and sewer  
2                                    services allocated to the tenant.
- 3                                    3.        Beginning and ending dates for the billing period.
- 4                                    4.        The past-due date, which shall not be less than 25 days after the  
5                                    bill is mailed.
- 6                                    5.        A local or toll-free telephone number and address that the tenant  
7                                    can use to obtain more information about the bill.
- 8                                    (2)        The lessor may charge a reasonable administrative fee for providing water or  
9                                    sewer service not to exceed the maximum administrative fee authorized by the  
10                                    Commission.
- 11                                    (3)        The Commission shall ~~issue~~ adopt rules to ~~define contiguous premises and to~~  
12                                    ~~implement this subsection. In issuing the rule to define contiguous premises, the~~  
13                                    ~~Commission shall consider contiguous premises where manufactured homes, as~~  
14                                    ~~defined in G.S. 143-145(7), or spaces for manufactured homes are rented.~~
- 15                                    (4)        The Commission shall develop an application that lessors must submit for  
16                                    authority to charge for water or sewer service. The form shall include all of the  
17                                    following:
  - 18                                    a.        A description of the applicant and the property to be served.
  - 19                                    b.        A description of the proposed billing method and billing statements.
  - 20                                    c.        The schedule of rates charged to the applicant by the supplier.
  - 21                                    d.        The schedule of rates the applicant proposes to charge the applicant's  
22                                    customers.
  - 23                                    e.        The administrative fee proposed to be charged by the applicant.
  - 24                                    f.        The name of and contact information for the applicant and its agents.
  - 25                                    g.        The name of and contact information for the supplying water or sewer  
26                                    system.
  - 27                                    h.        Any additional information that the Commission may require.
- 28                                    (4a)        The Commission shall develop an application that lessors must submit for  
29                                    authority to charge for water or sewer service at single-family homes that  
30                                    allows the applicant to serve multiple homes in the State subject to single  
31                                    Commission approval. The form shall include all of the following:
  - 32                                    a.        A description of the applicant and a listing of the address of all the  
33                                    properties to be served, which shall be updated annually with the  
34                                    Commission.
  - 35                                    b.        A description of the proposed billing method and billing statements.
  - 36                                    c.        The administrative fee proposed to be charged by the applicant.
  - 37                                    d.        The name and contact information for the applicant and its agents.
  - 38                                    e.        Any additional information the Commission may require.
- 39                                    (5)        The Commission shall approve or disapprove an application within 30 days of  
40                                    the filing of a completed application with the Commission. If the Commission  
41                                    has not issued an order disapproving a completed application within 30 days,  
42                                    the application shall be deemed approved.
- 43                                    (6)        A provider of water or sewer service under this subsection may increase the rate  
44                                    for service so long as the rate does not exceed the unit consumption rate  
45                                    charged by the supplier of the service. A provider of water or sewer service  
46                                    under this subsection may change the administrative fee so long as the  
47                                    administrative fee does not exceed the maximum administrative fee authorized  
48                                    by the Commission. In order to change the rate or administrative fee, the  
49                                    provider shall file a notice of revised schedule of rates and fees with the  
50                                    Commission. The Commission may prescribe the form by which the provider

- 1 files a notice of a revised schedule of rates and fees under this subsection. The  
2 form shall include all of the following:
- 3 a. The current schedule of the unit consumption rates charged by the  
4 provider.
  - 5 b. The schedule of rates charged by the supplier to the provider that the  
6 provider proposes to pass through to the provider's customers.
  - 7 c. The schedule of the unit consumption rates proposed to be charged by  
8 the provider.
  - 9 d. The current administrative fee charged by the provider, if applicable.
  - 10 e. The administrative fee proposed to be charged by the provider.
- 11 (7) A notification of revised schedule of rates and fees shall be presumed valid and  
12 shall be allowed to become effective upon 14 days notice to the Commission,  
13 unless otherwise suspended or disapproved by order issued within 14 days after  
14 filing.
- 15 (8) Notwithstanding any other provision of this Chapter, the Commission shall  
16 determine the extent to which the services shall be regulated and, to the extent  
17 necessary to protect the public interest, regulate the terms, conditions, and rates  
18 that may be charged for the services. Nothing in this subsection shall be  
19 construed to alter the rights, obligations, or remedies of persons providing water  
20 or sewer services and their customers under any other provision of law.
- 21 (9) A provider of water or sewer service under this subsection shall not be required  
22 to file annual reports pursuant to G.S. 62-36 or to furnish a bond pursuant to  
23 G.S. 62-110.3."  
24

#### 25 **CLARIFY RECYCLING PROGRAMS BY LOCAL SCHOOL BOARDS MUST COMPLY** 26 **WITH G.S. 160A-327**

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

28 "(41) To Encourage Recycling in Public Schools. – Local boards of education shall  
29 encourage recycling in public schools and may develop and implement  
30 recycling programs at public schools. Local boards of education shall comply  
31 with G.S. 160A-327."  
32

#### 33 **REZONING/SIMULTANEOUS COMPREHENSIVE PLAN AMENDMENT**

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

35 "**§ 153A-341. Purposes in view.**

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

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

42 (c) Prior to consideration by the governing board under subsection (b) of this section, The  
43 the planning board shall advise and comment on whether the proposed amendment is consistent  
44 with any comprehensive plan that has been adopted and any other officially adopted ~~plan~~ plan,  
45 including any unified development ordinance, that is applicable. The planning board shall provide  
46 a written recommendation to the board of county commissioners that addresses plan consistency  
47 and other matters as deemed appropriate by the planning board, but a comment by the planning  
48 board that a proposed amendment is inconsistent with the comprehensive plan or any other  
49 officially adopted plan, including any unified development ordinance, shall not preclude  
50 consideration or approval of the proposed amendment by the governing board.

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

12 (e) If the governing board adopts a zoning amendment that is inconsistent with the  
13 comprehensive plan or any other officially adopted plan, including any unified development  
14 ordinance, the governing board shall deem the affirmative vote adopting that zoning amendment  
15 as a simultaneous amendment to the comprehensive plan and any other officially adopted plan,  
16 including any unified development ordinance, for the property identified in the zoning amendment  
17 only."

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

19 **"§ 160A-383. Purposes in view.**

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

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

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

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

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

50 **SECTION 2.4.(c)** This section becomes effective October 1, 2016.

**PARENT PARCEL/SUBDIVISION CLARIFICATION**

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

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

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

- (1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations.
- (2) The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for widening or opening streets or for public transportation system corridors.
- (4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

(b) A county may provide for expedited review of specified classes of subdivisions.

(c) The county may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

- (1) The tract or parcel to be divided is not exempted under subdivision (a)(2) of this section.
- (2) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
- (3) The entire area of the tract or parcel to be divided is greater than five acres.
- (4) After division, no more than three lots result from the division.
- (5) After division, all resultant lots comply with all of the following:
  - a. Any lot dimension size requirements of the applicable land use regulations, if any.
  - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
  - c. A permanent means of ingress and egress is recorded for each lot."

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

**"§ 160A-376. Definition.**

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

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations.

- 1 (2) The division of land into parcels greater than 10 acres where no street  
2 right-of-way dedication is involved.
- 3 (3) The public acquisition by purchase of strips of land for the widening or opening  
4 of streets or for public transportation system corridors.
- 5 (4) The division of a tract in single ownership whose entire area is no greater than  
6 two acres into not more than three lots, where no street right-of-way dedication  
7 is involved and where the resultant lots are equal to or exceed the standards of  
8 the municipality, as shown in its subdivision regulations.
- 9 (5) The division of a tract into parcels in accordance with the terms of a probated  
10 will or in accordance with intestate succession under Chapter 29 of the General  
11 Statutes.
- 12 (b) A city may provide for expedited review of specified classes of subdivisions.
- 13 (c) The city may require only a plat for recordation for the division of a tract or parcel of  
14 land in single ownership if all of the following criteria are met:
- 15 (1) The tract or parcel to be divided is not exempted under subdivision (a)(2) of  
16 this section.
- 17 (2) No part of the tract or parcel to be divided has been divided under this  
18 subsection in the 10 years prior to division.
- 19 (3) The entire area of the tract or parcel to be divided is greater than five acres.
- 20 (4) After division, no more than three lots result from the division.
- 21 (5) After division, all resultant lots comply with all of the following:
- 22 a. Any lot dimension size requirements of the applicable land use  
23 regulations, if any.
- 24 b. The use of the lots is in conformity with the applicable zoning  
25 requirements, if any.
- 26 c. A permanent means of ingress and egress is recorded for each lot."
- 27 **SECTION 2.5.(c)** This section becomes effective October 1, 2016.

## 29 STATUTE OF LIMITATIONS/LAND-USE VIOLATIONS

30 **SECTION 2.6.(a)** G.S. 1-52 is amended by adding a new subdivision to read:  
31 **"§ 1-52. Three years.**

32 Within three years an action –

33 ...

- 34 (21) Against the owner of an interest in real property by a unit of local government  
35 for a violation of a land-use statute, ordinance, or permit or any other official  
36 action concerning land use carrying the effect of law. This subdivision does not  
37 limit the remedy of injunction for conditions that are actually injurious or  
38 dangerous to the public health or safety. The claim for relief accrues upon the  
39 occurrence of the earlier of any of the following:
- 40 a. The facts constituting the violation are known to the governing body, an  
41 agent, or an employee of the unit of local government.
- 42 b. The violation can be determined from the public record of the unit of  
43 local government."

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

- 45 "(8) Against the owner of an interest in real property by a unit of local government  
46 for a violation of a land-use statute, ordinance, or permit or any other official  
47 action concerning land use carrying the effect of law. This subdivision does not  
48 limit the remedy of injunction for conditions that are actually injurious or  
49 dangerous to the public health or safety but does prescribe an outside limitation  
50 of six years from the earlier of the occurrence of any of the following:
- 51 a. The violation is apparent from a public right-of-way.

b. The violation is in plain view from a place to which the public is invited.

**SECTION 2.6.(c)** This act becomes effective August 1, 2016, and applies to actions commenced on or after that date.

## **PROGRAM EVALUATION TO STUDY NONPROFIT CONTRACTING**

**SECTION 2.7.(a)** The Joint Legislative Program Evaluation Oversight Committee may amend the 2016-2017 Program Evaluation Division work plan to direct the Division to study State law and internal agency policies and procedures for delivery of public services through State grants and contracts to nonprofit organizations. The study shall include, but not be limited to, how nonprofit organizations are compensated for actual, reasonable, documented indirect costs, and the extent to which any underpayment for indirect costs reduces the efficiency or effectiveness of the delivery of public services. The study shall propose improvements to State law and internal agency policies and procedures, if necessary, to remove unnecessary impediments to the efficient and effective delivery of public services, including, but not limited to, late execution of contracts, late payments, and late reimbursements. In conducting the study, the Division may require each State agency to provide data maintained by the agency to determine any of the following:

- (1) The timeliness of delivery and execution of contracts.
- (2) The timeliness of payment for services that have been delivered.
- (3) The extent to which nonprofit contractors or grantees are reimbursed for their indirect costs.
- (4) The contact information for all nonprofit grantees and contractors.

**SECTION 2.7.(b)** If the study is conducted, the Division shall submit a report on the results of the study to the Joint Legislative Program Evaluation Oversight Committee and the Joint Legislative Commission on Governmental Operations no later than September 1, 2017.

**SECTION 2.7.(c)** This section becomes effective July 1, 2016.

## **CLARIFY REQUIREMENTS FOR INITIAL LICENSURE AS A PROFESSIONAL ENGINEER**

**SECTION 2.8.(a)** G.S. 89C-13 reads as rewritten:

"§ 89C-13. General requirements for licensure.

(a) ~~Engineer Applicant. The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for licensure as a professional engineer:~~

- (1) ~~To be certified as an engineer intern, an applicant shall (i) pass the fundamentals of engineering examination and make application to the Board, (ii) be of good character and reputation, (iii) submit three character references to the Board, one of whom is a professional engineer, (iv) comply with the requirements of this Chapter, and (v) meet one of the following requirements:~~

a. ~~Education. Be a graduate of an engineering curriculum or related science curriculum of four years or more, approved by the Board as being of satisfactory standing.~~

b. ~~Education and experience. Be a graduate of an engineering curriculum or related science curriculum of four years or more, other than curricula approved by the Board as being of satisfactory standing, or possess equivalent education and engineering experience satisfactory to the Board with a specific record of four or more years of progressive experience on engineering projects of a grade and character satisfactory to the Board.~~

- (1a) ~~To be licensed as a professional engineer, an applicant shall (i) be of good character and reputation, (ii) submit five character references to the Board, three of whom are professional engineers or individuals acceptable to the Board~~



1 with personal knowledge of the applicant's engineering experience, (iii) comply  
2 with the requirements of this Chapter, and (iv) meet one of the following  
3 requirements:

4 a. ~~Licensure by Comity or Endorsement. — A person holding a certificate~~  
5 ~~of licensure to engage in the practice of engineering, on the basis of~~  
6 ~~comparable qualifications, issued to the person by a proper authority of~~  
7 ~~a state, territory, or possession of the United States, the District of~~  
8 ~~Columbia, or of any foreign country possessing credentials that, based~~  
9 ~~on verifiable evidence, in the opinion of the Board, of a standard not~~  
10 ~~lower than that in effect in this State at the time the certificate was~~  
11 ~~issued, may upon application, be licensed without further examination,~~  
12 ~~except as required to examine the applicant's knowledge of laws, rules,~~  
13 ~~and requirements unique to North Carolina.~~

14 b. ~~E.I. Certificate, Experience, and Examination. — A holder of a certificate~~  
15 ~~of engineer intern and with a specific record of an additional four years~~  
16 ~~or more of progressive experience on engineering projects of a grade~~  
17 ~~and character which indicates to the Board that the applicant may be~~  
18 ~~competent to practice engineering, shall be admitted to the principles~~  
19 ~~and practice of engineering examination. Upon passing the examination,~~  
20 ~~the applicant shall be granted a certificate of licensure to practice~~  
21 ~~professional engineering in this State, provided the applicant is~~  
22 ~~otherwise qualified.~~

23 e. ~~Graduation, Experience, and Examination. — A graduate of an~~  
24 ~~engineering curriculum of four years or more approved by the Board as~~  
25 ~~being of satisfactory standing, shall be admitted to the fundamentals of~~  
26 ~~engineering examination, and with a specific record of an additional~~  
27 ~~four years or more of progressive experience on engineering projects of~~  
28 ~~a grade and character that indicates to the Board that the applicant may~~  
29 ~~be competent to practice engineering, the principles and practice of~~  
30 ~~engineering examination. Upon passing the examinations, the applicant~~  
31 ~~shall be granted a certificate of licensure to practice professional~~  
32 ~~engineering in this State, provided the applicant is otherwise qualified.~~

33 d. ~~Graduation, Experience, and Examination. — A graduate of an~~  
34 ~~engineering or related science curriculum of four years or more, other~~  
35 ~~than the ones approved by the Board as being of satisfactory standing or~~  
36 ~~with an equivalent education and engineering experience satisfactory to~~  
37 ~~the Board shall be admitted to the fundamentals of engineering~~  
38 ~~examination and with a specific record of an additional eight years or~~  
39 ~~more of progressive experience on engineering projects of a grade and~~  
40 ~~character that indicates to the Board that the applicant may be~~  
41 ~~competent to practice engineering, the principles and practice of~~  
42 ~~engineering examination. Upon passing the examinations, the applicant~~  
43 ~~shall be granted a certificate of licensure to practice professional~~  
44 ~~engineering in this State, provided the applicant is otherwise qualified.~~

45 e. ~~Long Established Practice. — A person with a specific record of 20 years~~  
46 ~~or more of progressive experience on engineering projects of a grade~~  
47 ~~and character which indicates to the Board that the applicant may be~~  
48 ~~competent to practice engineering shall be admitted to the principles and~~  
49 ~~practice of engineering examination. Upon passing the examination, the~~  
50 ~~applicant shall be granted a certificate of licensure to practice~~

1 professional engineering in this State, provided the applicant is  
2 otherwise qualified.

3 f. Full-time faculty. — Full-time engineering faculty members who teach in  
4 an approved engineering program offering a four-year or more degree  
5 approved by the Board, may request and be granted waiver of the  
6 fundamentals of engineering examination. The faculty applicant shall  
7 document that the degree meets the Board's requirement. The faculty  
8 applicant shall then be admitted to the principles and practice of  
9 engineering examination.

10 g. Doctoral degree. — A person possessing an earned doctoral degree in  
11 engineering from an institution in which the same discipline  
12 undergraduate engineering program has been accredited by ABET  
13 (EAC) may request and be granted waiver of the fundamentals of  
14 engineering examination. The doctoral degree applicant shall document  
15 that the degree meets the Board's requirement. The doctoral degree  
16 applicant shall then be admitted to the principles and practice of  
17 engineering examination.

18 At its discretion the Board may require an applicant to submit exhibits, drawings, designs, or  
19 other tangible evidence of engineering work which the applicant personally accomplished or  
20 supervised. Engineer Intern. — To be certified as an engineer intern, an applicant shall (i) pass the  
21 fundamentals of engineering examination and make application to the Board, (ii) be of good  
22 character and reputation, (iii) submit three character references to the Board, one of whom is a  
23 professional engineer, (iv) comply with the requirements of this Chapter, and (v) meet one of the  
24 following requirements:

25 (1) Education. — Be a graduate of an EAC/ABET accredited engineering  
26 curriculum or of a related science curriculum which has been approved by the  
27 Board as being of satisfactory standing.

28 (2) Education and experience. — Be a graduate of an engineering curriculum or  
29 related science curriculum of four years or more, other than curriculums  
30 approved by the Board as being of satisfactory standing in subdivision (1) of  
31 this subsection, and possess engineering experience satisfactory to the Board  
32 with a specific record of four or more years of progressive experience on  
33 engineering projects of a grade and character satisfactory to the Board.

34 (a1) Engineer Applicant. — To be licensed as a professional engineer, an applicant (i) shall  
35 be of good character and reputation, (ii) submit five character references to the Board, three of  
36 whom are professional engineers or individuals acceptable to the Board with personal knowledge  
37 of the applicant's engineering experience, (iii) comply with the requirements of this Chapter, and  
38 (iv) meet the requirements related to education, examination, and experience set forth in this  
39 subsection. An applicant seeking licensure as a professional engineer shall meet the following  
40 requirements:

41 (1) Education requirement. — Possess one or more of the following educational  
42 qualifications:

43 a. A bachelor's degree in engineering from an EAC/ABET accredited  
44 program or in a related science curriculum which has been approved by  
45 the Board as being of satisfactory standing.

46 b. A bachelor's degree in an engineering curriculum or related science  
47 curriculum of four years or more, other than curriculums approved by  
48 the Board as being of satisfactory standing in sub-subdivision a. of this  
49 subdivision.

50 c. A master's degree in engineering from an institution that offers  
51 EAC/ABET accredited programs.

1           d.       An earned doctoral degree in engineering from an institution that offers  
2                   EAC/ABET accredited programs and in which the degree requirements  
3                   are approved by the Board.

4           (2)       Examination requirements. – Take and pass the Fundamentals of Engineering  
5                   (FE) examination. Take and pass the Principles and Practice of Engineering  
6                   (PE) examination as provided by G.S. 89C-15, after having met the education  
7                   requirement set forth in subdivision (1) of this subsection.

8           (3)       Experience requirement. – Present evidence satisfactory to the Board of a  
9                   specific record of progressive engineering experience that is of a grade and  
10                   character that indicates to the Board that the applicant is competent to practice  
11                   engineering. The Board may adopt rules to specify the years of experience  
12                   required based on educational attainment, provided the experience requirement  
13                   for an applicant who qualifies under sub-subdivision (1)a. of this subsection  
14                   shall be no less than four years and for an applicant who qualifies under  
15                   sub-subdivision (1)b. of this subsection, no less than eight years.

16       For purposes of this subsection, the term "EAC/ABET" means the Engineering Accreditation  
17 Commission of the Accreditation Board for Engineering and Technology.

18       (a2)       Licensure by Comity or Endorsement. – A person holding a certificate of licensure to  
19                   engage in the practice of engineering, on the basis of comparable qualifications, issued to the  
20                   person by a proper authority of a state, territory, or possession of the United States, the District of  
21                   Columbia, or of any foreign country possessing credentials that, based on verifiable evidence, in  
22                   the opinion of the Board, of a standard not lower than that in effect in this State at the time the  
23                   certificate was issued, may upon application, be licensed without further examination, except as  
24                   required to examine the applicant's knowledge of laws, rules, and requirements unique to North  
25                   Carolina.

26       (a3)       Long-Established Practice. – A person with a specific record of 20 years or more of  
27                   progressive experience on engineering projects of a grade and character which indicates to the  
28                   Board that the applicant may be competent to practice engineering shall be admitted to the  
29                   Principles and Practice of Engineering examination. Upon passing the examination, the person  
30                   shall be granted a certificate of licensure to practice professional engineering in this State,  
31                   provided the person is otherwise qualified.

32       (a4)       Exceptions. – The following persons may apply for and be granted waiver of the  
33                   fundamentals of engineering examination and admission to the principles and practice of  
34                   engineering examination:

35           (1)       A full-time engineering faculty member who teaches in an approved  
36                   engineering program offering a four-year or more degree approved by the  
37                   Board. The faculty member applicant shall document that the degree meets the  
38                   Board's requirements.

39           (2)       A person possessing an earned doctoral degree in engineering from an  
40                   institution in which the same discipline undergraduate engineering program has  
41                   been accredited by EAC/ABET. The doctoral degree applicant shall document  
42                   that the degree meets the Board's requirements.

43       (b)       Land Surveyor Applicant. – The evaluation of a land surveyor applicant's qualifications  
44 shall involve a consideration of the applicant's education, technical, and land surveying  
45 experience, exhibits of land surveying projects with which the applicant has been associated, and  
46 recommendations by references. The land surveyor applicant's qualifications may be reviewed at  
47 an interview if the Board determines it necessary. Educational credit for institute courses,  
48 correspondence courses, or other courses shall be determined by the Board.

49       ...."

50       **SECTION 2.8.(b)** This section becomes effective October 1, 2016.

**RENAME AND AMEND THE BOARD OF REFRIGERATION EXAMINERS**

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

"Article 5.

"Commercial Refrigeration Contractors.

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

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

- (1) One member who is a wholesaler or a manufacturer of refrigeration equipment.
- (2) One member from an accredited engineering school located in this State.
- (3) One member from the field of public health with an environmental science background from an accredited college or university located in this State.
- (4) Two members who are licensed refrigeration contractors.
- (5) One member who has no ties with the construction industry to represent the interest of the public at large.
- (6) One member with an engineering background in refrigeration.

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

"...

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

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

- (1) Commercial refrigeration contractor. – "refrigeration trade or business" is defined to include all All persons, firms-firms, or corporations engaged in the installation, maintenance, servicing and repairing of refrigerating machinery, equipment, devices and components relating thereto and within limits as set forth in the codes, laws and regulations governing refrigeration installation, maintenance, service and repairs within the State of North Carolina or any of its political subdivisions. The provisions of this Article shall not repeal any wording, phrase, or paragraph as set forth in Article 2 of Chapter 87 of the General Statutes.thereto.
- (2) Industrial refrigeration contractor. – All persons, firms, or corporations engaged in commercial refrigeration contracting with the use of ammonia as a refrigerant gas.
- (3) Transport refrigeration contractor. – All persons, firms, or corporations engaged in the business of installation, maintenance, repairing, and servicing of transport refrigeration.

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (d) In order to protect the public health, comfort and safety, the Board shall prescribe the  
28 standard of experience to be required of an applicant for license and shall give an examination  
29 designed to ascertain the technical and practical knowledge of the applicant concerning the  
30 analysis of plans and specifications, estimating cost, fundamentals of installation and design as  
31 they pertain to refrigeration; and as a result of the examination, the Board shall issue a certificate  
32 of license in refrigeration to applicants who pass the required examination and a license shall be  
33 obtained in accordance with the provisions of this Article, before any person, firm or corporation  
34 shall engage in, or offer to engage in the business of refrigeration contracting. ~~The Board shall~~  
35 ~~prescribe standards for and issue licenses for refrigeration contracting and for transport~~  
36 ~~refrigeration contracting. A transport refrigeration contractor license is a specialty license that~~  
37 ~~authorizes the licensee to engage only in transport refrigeration contracting. A refrigeration~~  
38 ~~contractor licensee is authorized to engage in transport refrigeration and all other aspects of~~  
39 ~~refrigeration contracting.~~ all license classifications.

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

43 ...

44 (k) Upon application and payment of the fee for license renewal provided in G.S. 87-64,  
45 the Board shall issue a certificate of license to any licensee whose business activities require a  
46 Class I or Class II license if that licensee had an established place of business and was licensed  
47 pursuant to this Article prior to January 1, 2016.

48 "...

49 **"§ 87-64. Examination and license fees; annual renewal.**

50 (a) Each applicant for a license by examination shall pay to the Board of Commercial  
51 Refrigeration Examiners a nonrefundable examination fee in an amount to be established by the

1 ~~Board not to exceed the sum of forty one hundred dollars (\$40.00). In the event the applicant~~  
2 ~~successfully passes the examination, the examination fee shall be applied to the license fee~~  
3 ~~required of licensees for the current year in which the examination was taken and~~  
4 ~~passed.(\$100.00).~~

5 (b) The license of every person licensed under the provisions of this statute shall be  
6 annually renewed. Effective January 1, 2012, the Board may require, as a prerequisite to the  
7 annual renewal of a license, that licensees complete continuing education courses in subjects  
8 related to refrigeration contracting to ensure the safe and proper installation of commercial and  
9 transport refrigeration work and equipment. On or before November 1 of each year the Board shall  
10 cause to be mailed an application for renewal of license to every person who has received from the  
11 Board a license to engage in the refrigeration business, as heretofore defined. On or before January  
12 1 of each year every licensed person who desires to continue in the refrigeration business shall  
13 forward to the Board a nonrefundable renewal fee in an amount to be established by the Board not  
14 to exceed ~~forty eighty~~ dollars ~~(\$40.00)~~(\$80.00) together with the application for renewal. Upon  
15 receipt of the application and renewal fee the Board shall issue a renewal certificate for the current  
16 year. Failure to renew the license annually shall automatically result in a forfeiture of the right to  
17 engage in the refrigeration business.

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

24 ...."

25 **SECTION 2.9.(b)** This section becomes effective January 1, 2017, and applies to  
26 applications submitted and Board membership appointments on or after that date.

## 27 **AMEND DEFINITION OF ANTIQUE AUTOMOBILE**

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

### 29 **"§ 105-330.9. Antique automobiles.**

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

- 32 (1) It is registered with the Division of Motor Vehicles and has an historic vehicle  
33 special license plate under G.S. 20-79.4.
- 34 (2) It is maintained primarily for use in exhibitions, club activities, parades, and  
35 other public interest functions.
- 36 (3) It is used only occasionally for other purposes.
- 37 (4) It is owned by an ~~individual~~individual or owned directly or indirectly through  
38 one or more pass-through entities, by an individual.
- 39 (5) It is used by the owner for a purpose other than the production of income and is  
40 not used in connection with a business.

41 (b) Classification. – Antique automobiles are designated a special class of property under  
42 Article V, Sec. 2(2) of the North Carolina Constitution and must be assessed for taxation in  
43 accordance with this section. An antique automobile must be assessed at the lower of its true value  
44 or five hundred dollars (\$500.00)."  
45

## 46 **COPIES OF CERTAIN PUBLIC RECORDS**

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

### 48 **"§ 132-6.2. Provisions for copies of public records; fees.**

49 (a) Persons requesting copies of public records may elect to obtain them in any and all  
50 media in which the public agency is capable of providing them. No request for copies of public  
51

1 records in a particular medium shall be denied on the grounds that the custodian has made or  
2 prefers to make the public records available in another medium. The public agency may assess  
3 different fees for different media as prescribed by law.

4 (a1) Notwithstanding subsection (a) of this section, a public agency may satisfy the  
5 requirement to provide access to public records and computer databases under G.S. 132-9 by  
6 making those public records or computer databases available online in a format that allows a  
7 person to download the public record or computer database to obtain a copy. A public agency that  
8 provides access to public records or computer databases under this subsection is not required to  
9 provide copies through any other method or medium. If a public agency, as a service to the  
10 requester, voluntarily elects to provide copies by another method or medium, the public agency  
11 may negotiate a reasonable charge for the service with the requester. A public agency satisfying its  
12 requirement to provide access to public records and computer databases under G.S. 132-9 by  
13 making those public records or computer databases available online in a format that allows a  
14 person to obtain a copy by download shall also allow for inspection of any public records also held  
15 in a nondigital medium.

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

35 (c) Persons requesting copies of computer databases may be required to make or submit  
36 such requests in writing. Custodians of public records shall respond to all such requests as  
37 promptly as possible. If the request is granted, the copies shall be provided as soon as reasonably  
38 possible. If the request is denied, the denial shall be accompanied by an explanation of the basis  
39 for the denial. If asked to do so, the person denying the request shall, as promptly as possible,  
40 reduce the explanation for the denial to writing.

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

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

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

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

51 (2) Media or Medium. – A particular form or means of storing information."

1           **SECTION 2.11.(b)** The State Chief Information Officer, working with the State  
2 Controller, the Office of State Budget and Management, the Local Government Commission, The  
3 University of North Carolina, The North Carolina Community College System, The School of  
4 Government at the University of North Carolina Chapel Hill, the North Carolina League of  
5 Municipalities, the North Carolina School Boards Association, and the North Carolina County  
6 Commissioners Association, shall report, including any recommendations, to the 2017 Regular  
7 Session of the General Assembly on or before February 1, 2017, regarding the development and  
8 use of computer databases by State and local agencies and the need for public access to those  
9 public records.

10           **SECTION 2.11.(c)** This section becomes effective July 1, 2016.

11  
12 **SPECIFY LOCATION OF LIEUTENANT GOVERNOR'S OFFICE**

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

14 **"§ 143A-5. Office of the Lieutenant Governor.**

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

20  
21 **CLARIFY THAT DOT STORMWATER REQUIREMENTS ARE APPLICABLE TO**  
22 **STATE ROAD CONSTRUCTION UNDERTAKEN BY PRIVATE PARTIES**

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

25 **"§ 136-28.6B. Applicable stormwater regulation.**

26           For the purposes of stormwater regulation, any construction undertaken by a private party  
27 pursuant to the provisions of G.S. 136-18(17), 136-18(27), 136-18(29), 136-18(29a), 136-28.6, or  
28 136-28.6A shall be considered to have been undertaken by the Department, and the stormwater  
29 law and rules applicable to the Department shall apply."

30  
31 **DOT/PERMIT PROCESS REVISIONS & REIMBURSEMENT FOR MOVING CERTAIN**  
32 **UTILITIES**

33           **SECTION 2.16.(a)** Uniform Process for Issuing Permits; Report. – For each type of  
34 permit issued by the Highway Divisions under Chapter 136 of the General Statutes, the  
35 Department of Transportation shall make uniform all processes and procedures followed by the  
36 Highway Divisions when issuing that type of permit. No later than February 1, 2017, the  
37 Department shall report to the following on the implementation of this subsection, including (i)  
38 what processes and procedures were adjusted, (ii) how were the identified processes and  
39 procedures adjusted, and (iii) a comparison of the average length of time for obtaining each type  
40 of permit before and after implementation of this section:

- 41           (1) If the General Assembly is in session at the time of the report, to the chairs of  
42 the House of Representatives Committee on Transportation Appropriations and  
43 the Senate Appropriations Committee on Department of Transportation.  
44           (2) If the General Assembly is not in session at the time of the report, to the chairs  
45 of the Joint Legislative Transportation Oversight Committee.

46           **SECTION 2.16.(b)** Allow Electronic Submission of Permits. – Article 7 of Chapter  
47 136 of the General Statutes is amended by adding a new section to read:

48 **"§ 136-93.01. Electronic submission of permits authorized.**

49           Except as otherwise prohibited under federal law, an application submitted for a permit issued  
50 by the Department of Transportation or its agents under this Chapter may be submitted



1 electronically in a manner approved by the Department. If submitted electronically, a paper copy  
2 of the application shall not be required."

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

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

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

10 **SECTION 2.16.(e)** Subsection (b) of this section becomes effective December 31,  
11 2016. The remainder of this section is effective when it becomes law.

## 12 **AMENDMENTS TO GENERAL CONTRACTOR LICENSURE**

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

14 **"§ 87-10. Application for license; examination; certificate; renewal.**

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

19 (1) Be at least 18 years of age.

20 (2) Possess good moral character as determined by the Board.

21 (3) Provide evidence of financial responsibility as determined by the Board.

22 (4) Submit the appropriate application fee.

23 (a1) The Board ~~may~~-shall require ~~the~~-an applicant to pay the Board or a provider contracted  
24 by the Board an examination fee not to exceed one hundred dollars ~~(\$100.00)~~ and ~~pay to~~  
25 (\$100.00). In addition, the Board shall require an applicant to pay the Board a license fee not to  
26 exceed one hundred twenty-five dollars (\$125.00) if the application is for an unlimited license, one  
27 hundred dollars (\$100.00) if the application is for an intermediate license, or seventy-five dollars  
28 (\$75.00) if the application is for a limited license. The fees accompanying any application or  
29 examination shall be nonrefundable. The holder of an unlimited license shall be entitled to act as  
30 general contractor without restriction as to value of any single project; the holder of an  
31 intermediate license shall be entitled to act as general contractor for any single project with a value  
32 of up to one million dollars (\$1,000,000); the holder of a limited license shall be entitled to act as  
33 general contractor for any single project with a value of up to five hundred thousand dollars  
34 ~~(\$500,000); and the (\$500,000).~~ The license certificate shall be classified in accordance with this  
35 section. ~~Before being entitled to an examination an applicant must show to the satisfaction of the~~  
36 ~~Board from the application and proofs furnished that the applicant is possessed of a good character~~  
37 ~~and is otherwise qualified as to competency, ability, integrity, and financial responsibility, and that~~  
38 ~~the applicant has not committed or done any act, which, if committed or done by any licensed~~  
39 ~~contractor would be grounds under the provisions hereinafter set forth for the suspension or~~  
40 ~~revocation of contractor's license, or that the applicant has not committed or done any act~~  
41 ~~involving dishonesty, fraud, or deceit, or that the applicant has never been refused a license as a~~  
42 ~~general contractor nor had such license revoked, either in this State or in another state, for reasons~~  
43 ~~that should preclude the granting of the license applied for, and that the applicant has never been~~  
44 ~~convicted of a felony involving moral turpitude, relating to building or contracting, or involving~~  
45 ~~embezzlement or misappropriation of funds or property entrusted to the applicant: Provided, no~~  
46 ~~applicant shall be refused the right to an examination, except in accordance with the provisions of~~  
47 ~~Chapter 150B of the General Statutes.~~

48 (b) The Board shall conduct an examination, either oral or written, of all applicants for  
49 license to ascertain, for the classification of license for which the applicant has applied: An  
50 applicant shall identify an individual who has successfully passed an examination approved by the  
51

1 Board who, for purposes of this section, shall be known as the "qualifier" or the "qualifying party"  
2 of the applicant. If the qualifier or the qualifying party seeks to take an examination, the  
3 examination shall establish (i) the ability of the applicant to make a practical application of the  
4 applicant's knowledge of the profession of contracting; (ii) the qualifications of the applicant in  
5 reading plans and specifications, knowledge of relevant matters contained in the North Carolina  
6 State Building Code, knowledge of estimating costs, construction, ethics, and other similar matters  
7 pertaining to the contracting business; (iii) the knowledge of the applicant as to the responsibilities  
8 of a contractor to the public and of the requirements of the laws of the State of North Carolina  
9 relating to contractors, construction, and liens; and (iv) the applicant's knowledge of requirements  
10 of the Sedimentation Pollution Control Act of 1973, Article 4 of Chapter 113A of the General  
11 Statutes, and the rules adopted pursuant to that Article. ~~If the results of the examination of the~~  
12 ~~applicant shall be satisfactory to the Board, then the qualifier or qualifying party passes the~~  
13 ~~examination, upon review of the application and all relevant information, the Board shall issue to~~  
14 ~~the applicant a certificate to a license to the applicant to engage as a in general contractor~~  
15 ~~contracting in the State of North Carolina, as provided in said certificate, which may be limited~~  
16 ~~into five classifications as follows:~~

- 17 (1) Building contractor, which shall include private, public, commercial, industrial  
18 and residential buildings of all types.
- 19 (1a) Residential contractor, which shall include any general contractor constructing  
20 only residences which are required to conform to the residential building code  
21 adopted by the Building Code Council pursuant to G.S. 143-138.
- 22 (2) Highway contractor.
- 23 (3) Public utilities contractors, which shall include those whose operations are the  
24 performance of construction work on the following subclassifications of  
25 facilities:
- 26 a. Water and sewer mains, water service lines, and house and building  
27 sewer lines as defined in the North Carolina State Building Code, and  
28 water storage tanks, lift stations, pumping stations, and appurtenances to  
29 water storage tanks, lift stations, and pumping stations.
- 30 b. Water and wastewater treatment facilities and appurtenances thereto.
- 31 c. Electrical power transmission facilities, and primary and secondary  
32 distribution facilities ahead of the point of delivery of electric service to  
33 the customer.
- 34 d. Public communication distribution facilities.
- 35 e. Natural gas and other petroleum products distribution facilities;  
36 provided the General Contractors Licensing Board may issue license to  
37 a public utilities contractor limited to any of the above subclassifications  
38 for which the general contractor qualifies.
- 39 (4) Specialty contractor, which shall include those whose operations as such are the  
40 performance of construction work requiring special skill and involving the use  
41 of specialized building trades or crafts, but which shall not include any  
42 operations now or hereafter under the jurisdiction, for the issuance of license,  
43 by any board or commission pursuant to the laws of the State of North Carolina.
- 44 (b1) Public utilities contractors constructing house and building sewer lines as provided in  
45 sub-subdivision a. of subdivision (3) of subsection (b) of this section shall, at the junction of the  
46 public sewer line and the house or building sewer line, install as an extension of the public sewer  
47 line a cleanout at or near the property line that terminates at or above the finished grade. Public  
48 utilities contractors constructing water service lines as provided in sub-subdivision a. of  
49 subdivision (3) of subsection (b) of this section shall terminate the water service lines at a valve,  
50 box, or meter at which the facilities from the building may be connected. Public utilities  
51 contractors constructing fire service mains for connection to fire sprinkler systems shall terminate

1 those lines at a flange, cap, plug, or valve inside the building one foot above the finished floor. All  
 2 fire service mains shall comply with the NFPA standards for fire service mains as incorporated  
 3 into and made applicable by Volume V of the North Carolina Building Code.

4 (c) If an applicant is an individual, examination may be taken by his personal appearance  
 5 for examination, or by the appearance for examination of one or more of his responsible managing  
 6 ~~employees, and if employees. If an applicant is a copartnership or copartnership, a corporation, or~~  
 7 ~~any other combination or organization, by the examination of the examination may be taken by~~  
 8 ~~one or more of the responsible managing officers or members of the personnel of the applicant,~~  
 9 ~~and if the person so examined applicant.~~

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

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

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

25 (e) ~~A certificate of license shall expire on the thirty first first day of December January~~  
 26 ~~following its issuance or renewal and shall become invalid 60 days from that date unless renewed,~~  
 27 ~~subject to the approval of the Board. Renewals may be effected any time during the month of~~  
 28 ~~January without reexamination, by the payment of a fee to the secretary of the Board. The fee shall~~  
 29 Renewal applications shall be submitted with a fee not to exceed one hundred twenty-five dollars  
 30 (\$125.00) for an unlimited license, one hundred dollars (\$100.00) for an intermediate license, and  
 31 seventy-five dollars (\$75.00) for a limited license. No later than November 30 of each year, the  
 32 ~~Board shall mail written notice of the amount of the renewal fees for the upcoming year to the last~~  
 33 ~~address of record for each general contractor licensed pursuant to this Article. Renewal~~  
 34 ~~applications shall be accompanied by evidence of continued financial responsibility satisfactory to~~  
 35 ~~the Board. Renewal applications received by the Board on or after the first day of January shall be~~  
 36 ~~accompanied by a late payment of ten dollars (\$10.00) for each month or part after January. After~~  
 37 ~~a lapse of four years no renewal shall be effected and the applicant shall~~ If a licensee wishes to be  
 38 relicensed subsequent to the archival of a license, the licensee shall fulfill all requirements of a  
 39 new applicant as set forth in this section. Archived license numbers shall not be reissued."

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

### 43 **PART III. AGRICULTURE, ENERGY, ENVIRONMENT, AND NATURAL RESOURCES** 44 **REGULATION**

#### 46 **DIRECT DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO** 47 **INSPECT RENDERING PLANTS**

48 **SECTION 3.1.(a)** G.S. 106-168.5 is repealed.

49 **SECTION 3.1.(b)** G.S. 106-168.6 reads as rewritten:

50 **"§ 106-168.6. ~~Inspection by committee; Inspection; certificate of specific findings.~~**

1     ~~The committee upon notification by~~ Upon receipt of an application for license, the  
 2 Commissioner or the Commissioner's designee shall promptly inspect the plans, specifications,  
 3 and selected site in the case of proposed rendering plants and shall inspect the buildings, grounds,  
 4 and equipment of established rendering plants. If the ~~committee~~ Commissioner or the  
 5 Commissioner's designee finds that the plans, specifications, and selected site in the case of  
 6 proposed plants, or the buildings, grounds, and equipment— in the case of established plants,  
 7 comply with the requirements of this Article and the rules and regulations promulgated ~~by the~~  
 8 ~~Commissioner not inconsistent therewith, it~~ under the authority of this Article, the Commissioner  
 9 shall certify ~~its~~ the findings in ~~writing and forward same to the Commissioner writing.~~ If there is a  
 10 failure in any respect to meet such requirements, the ~~committee~~ Commissioner or the  
 11 Commissioner's designee shall notify the applicant in writing of such deficiencies and ~~the~~  
 12 ~~committee shall~~ shall, within a reasonable time to be determined by the ~~Commissioner~~  
 13 Commissioner, make a second inspection. If the specified defects are remedied, the ~~committee~~  
 14 Commissioner or the Commissioner's designee shall ~~thereupon~~ certify its ~~the~~ findings in ~~writing to~~  
 15 ~~the Commissioner writing.~~ Not more than two inspections shall be required ~~of the committee~~  
 16 under any one application."

17     **SECTION 3.1.(c)** G.S. 106-168.7 reads as rewritten:

18     "**§ 106-168.7. Issuance of license.**

19     Upon ~~receipt of the certificate of compliance from the committee,~~ certification in accordance  
 20 with G.S. 106-168.6, the Commissioner shall issue a license to the applicant to conduct rendering  
 21 operations as specified in the application. A license shall be valid until revoked for cause as  
 22 hereinafter provided."

23     **SECTION 3.1.(d)** G.S. 106-168.12 reads as rewritten:

24     "**§ 106-168.12. Commissioner authorized to adopt rules and regulations.**

25     The Commissioner of Agriculture is hereby authorized to make and establish reasonable rules  
 26 and regulations, ~~not inconsistent~~ consistent with the provisions of this Article, ~~after consulting the~~  
 27 ~~committee,~~ for the proper administration and enforcement thereof."

28     **SECTION 3.1.(e)** G.S. 106-168.13 reads as rewritten:

29     "**§ 106-168.13. Effect of failure to comply.**

30     Failure to comply with the provisions of this Article or rules and regulations ~~not inconsistent~~  
 31 ~~therewith~~ adopted pursuant to this Article shall be cause of revocation of license, if such failure  
 32 shall not be remedied within a reasonable time after notice to the licensee. Any person whose  
 33 license is revoked may reapply for a license in the manner provided in this Article for an initial  
 34 application, except that the Commissioner shall not be required to cause the rendering plant and  
 35 equipment of the applicant to be inspected ~~by the committee~~ until the expiration of 30 days from  
 36 the date of revocation."  
 37

38     **SOLID WASTE AMENDMENTS**

39     **SECTION 3.3.(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 3.3.(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 3.3.(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 3.3.(d)** Section 4.9(d) of S.L. 2015-286 reads as rewritten:

50     "**SECTION 4.9.(d)** Section 14.20(f) of S.L. 2015-241 ~~reads as rewritten:~~ is rewritten to read:  
 51     ...."

1           **SECTION 3.3.(e)** Section 14.20(e) of S.L. 2015-241 reads as rewritten:

2           **"SECTION 14.20.(e)** After July 1, 2016, the annual fee due pursuant to  
3 ~~G.S. 130A-295.8A(d1), G.S. 130A-295.8(d1)~~, as enacted by Section 14.20(c) of this act, for  
4 existing sanitary landfills and transfer stations with a valid permit issued before the date this act  
5 becomes effective is equal to the applicable annual fee for the facility as set forth in  
6 ~~G.S. 130A-295.8A(d1), G.S. 130A-295.8(d1)~~ as enacted by Section 14.20(c) of this act, less a  
7 permittee fee credit. A permittee fee credit exists when the life-of-site permit fee amount is greater  
8 than the time-limited permit fee amount. The amount of the permittee fee credit shall be calculated  
9 by (i) subtracting the time-limited permit fee amount from the life-of-site permit fee amount due  
10 for the same period of time and (ii) multiplying the difference by a fraction, the numerator of  
11 which is the number of years remaining in the facility's time-limited permit and the denominator  
12 of which is the total number of years covered by the facility's time-limited permit. The amount of  
13 the permittee fee credit shall be allocated in equal annual installments over the number of years  
14 that constitute the facility's remaining life-of-site, as determined by the Department, unless the  
15 Department accelerates, in its sole discretion, the use of the credit over a shorter period of time.  
16 For purposes of this subsection, the following definitions apply:

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

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

27           **SECTION 3.4.(a)** Section 14.20(f) of S.L. 2015-241, as amended by Section 4.9(d) of  
28 S.L. 2015-286, reads as rewritten:

29           **"SECTION 14.20.(f)** This section becomes effective October 1, 2015. G.S. 130A-294(b1)(2),  
30 as amended by subsection (a) of this section, applies to franchise ~~agreements~~ agreements (i)  
31 executed on or after October 1, 2015, and (ii) executed on or before October 1,  
32 2015, only if all parties to a valid and operative franchise agreement consent to modify the  
33 agreement for the purpose of extending the agreement's duration to the life-of-site of the landfill  
34 for which the agreement was executed. The remainder of G.S. 130A-294, as amended by  
35 subsection (a) of this section, and G.S. 130A-295.8, as amended by subsection (c) of this section,  
36 apply to (i) existing sanitary landfills and transfer stations, with a valid permit issued before the  
37 date this act becomes effective, on July 1, 2016, at which point a permittee may choose to apply  
38 for a life-of-site permit pursuant to G.S. 130A-294(a2), as amended by Section 14.20(b) of this  
39 act, or may choose to apply for a life-of-site permit for the facility when the facility's permit is  
40 next subject to renewal after July 1, 2016, (ii) new sanitary landfills and transfer stations, for  
41 applications submitted on or after July 1, 2016, and (iii) applications for sanitary landfills or  
42 transfer stations submitted before July 1, 2015, and pending on the date this act becomes law shall  
43 be evaluated by the Department based on the applicable laws that were in effect on July 1, 2015,  
44 and the Department shall not delay in processing such permit applications in consideration of  
45 changes made by this act, but such landfills and transfer stations shall be eligible for issuance of  
46 life-of-site permits pursuant to G.S. 130A-294(a2), as amended by Section 14.20(b) of this act, on  
47 July 1, 2016, at which point a permittee may choose to apply for a life-of-site permit pursuant to  
48 G.S. 130A-294(a2), as amended by Section 14.20(b) of this act, or may choose to apply for a  
49 life-of-site permit for the facility when the facility's permit is next subject to renewal after July 1,  
50 2016."

51           **SECTION 3.4.(b)** G.S. 130A-294(b1)(2) reads as rewritten:

- 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           **SECTION 3.4.(c)** G.S. 160A-319(a) reads as rewritten:

29           **"§ 160A-319. Utility franchises.**

30           (a) A city shall have authority to grant upon reasonable terms franchises for a telephone  
 31 system and any of the enterprises listed in G.S. 160A-311, except a cable television system. A  
 32 franchise granted by a city authorizes the operation of the franchised activity within the city. No  
 33 franchise shall be granted for a period of more than 60 years, ~~except including a franchise granted~~  
 34 to a sanitary landfill for the life-of-site of the landfill pursuant to G.S. 130A-294(b1); provided,  
 35 however, that a franchise for solid waste collection or disposal systems and facilities-facilities,  
 36 other than sanitary landfills, shall not be granted for a period of more than 30 years. Except as  
 37 otherwise provided by law, when a city operates an enterprise, or upon granting a franchise, a city  
 38 may by ordinance make it unlawful to operate an enterprise without a franchise."

39           **SECTION 3.4.(d)** G.S. 153A-136 reads as rewritten:

40           **"§ 153A-136. Regulation of solid wastes.**

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

- 43           ...
- 44           (3) Grant a franchise to one or more persons for the exclusive right to  
 45 commercially collect or dispose of solid wastes within all or a defined portion  
 46 of the county and prohibit any other person from commercially collecting or  
 47 disposing of solid wastes in that area. The board of commissioners may set the  
 48 terms of any franchise, ~~except that no franchise may be granted for a period~~  
 49 ~~exceeding 30 years, nor may any franchise; provided, however, no franchise~~  
 50 shall be granted for a period of more than 30 years, except for a franchise  
 51 granted to a sanitary landfill for the life-of-site of the landfill pursuant to

1                    G.S. 130A-294(b1), which may not exceed 60 years. No franchise by its terms  
2                    may impair the authority of the board of commissioners to regulate fees as  
3                    authorized by this section.

4                    ...."

5                    **SECTION 3.4.(e)** Section 3.4 of this act is effective retroactively to July 1, 2015, and  
6                    applies to franchise agreements (i) executed on or after October 1, 2015, and (ii) executed on or  
7                    before October 1, 2015, only if all parties to the agreement consent to modify the agreement for  
8                    the purpose of extending the agreement's duration of the life-of-site of the landfill for which the  
9                    agreement was executed.

10  
11                    **REQUIRE STUDY OF THE ROLE OF THE DEPARTMENT OF MILITARY AND**  
12                    **VETERANS AFFAIRS IN EVALUATION OF MILITARY-RELATED PERMIT**  
13                    **CRITERIA FOR PERMITTING WIND ENERGY FACILITIES**

14                    **SECTION 3.6.** The Department of Environmental Quality and the Department of  
15                    Military and Veterans Affairs shall jointly study the appropriate role of the Department of Military  
16                    and Veterans Affairs with regard to evaluation of military-related criteria for permitting wind  
17                    energy facilities under Article 21C of Chapter 143 of the General Statutes. The Departments shall  
18                    issue a joint report, including any findings and recommendations for legislative action, to the  
19                    Environmental Review Commission and the North Carolina Military Affairs Commission no later  
20                    than December 1, 2016.

21  
22                    **DEQ TO STUDY RIPARIAN BUFFERS**

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

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

32                    **SECTION 3.9.(c)** The Department of Environmental Quality shall report the results  
33                    of the studies required by this section, including any recommendations, to the Environmental  
34                    Review Commission no later than December 1, 2016. For any recommendations made pursuant to  
35                    the studies, the Department shall include specific draft language for any rule or statutory changes  
36                    necessary to implement the recommendations.

37  
38                    **TRANSFER OF CERTAIN CONSERVATION EASEMENTS**

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

40                    "**§ 143-214.12. Division of Mitigation Services: Ecosystem Restoration Fund.**

41                    (a) Ecosystem Restoration Fund. – The Ecosystem Restoration Fund is established as a  
42                    nonreverting fund within the Department. The Fund shall be treated as a special trust fund and  
43                    shall be credited with interest by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3.  
44                    The Ecosystem Restoration Fund shall provide a repository for monetary contributions and  
45                    donations or dedications of interests in real property to promote projects for the restoration,  
46                    enhancement, preservation, or creation of wetlands and riparian areas and for payments made in  
47                    lieu of compensatory mitigation as described in subsection (b) of this section. No funds shall be  
48                    expended from this Fund for any purpose other than those directly contributing to the acquisition,  
49                    perpetual maintenance, enhancement, restoration, or creation of wetlands and riparian areas in  
50                    accordance with the basinwide plan as described in G.S. 143-214.10. The cost of acquisition

1 includes a payment in lieu of ad valorem taxes required under G.S. 146-22.3 when the Department  
2 is the State agency making the acquisition.

3 (a1) The Department may distribute funds from the Ecosystem Restoration Fund directly to  
4 a federal or State agency, a local government, or a private, nonprofit conservation organization to  
5 acquire, manage, and maintain real property or an interest in real property for the purposes set out  
6 in subsection (a) of this section. ~~A recipient of funds under this subsection shall grant a~~  
7 ~~conservation easement in the real property or interest in real property acquired with the funds to~~  
8 ~~the Department in a form that is acceptable to the Department.~~ When the recipient of funds under  
9 this subsection acquires a conservation easement or interest in real property appurtenant to a  
10 restoration project delivered to the Division of Mitigation Services, the recipient, upon approval  
11 from the Department, may directly transfer the conservation easement or real property interest to  
12 another governmental agency or a Department approved third party. The Department may convey  
13 real property or an interest in real property that has been acquired under the Division of Mitigation  
14 Services to a federal or State agency, a local government, or a private, nonprofit conservation  
15 organization to acquire, manage, and maintain real property or an interest in real property for the  
16 purposes set out in subsection (a) of this section. A grantee of real property or an interest in real  
17 property under this subsection shall grant a conservation easement in the real property or interest  
18 in real property to the Department in a form that is acceptable to the Department.

19 (b) Authorized Methods of Payment. – A person subject to a permit or authorization issued  
20 by the United States Army Corps of Engineers under 33 U.S.C. § 1344 may contribute to the  
21 Division of Mitigation Services in order to comply with conditions to, or terms of, the permit or  
22 authorization if participation in the Division of Mitigation Services will meet the mitigation  
23 requirements of the United States Army Corps of Engineers. The Department shall, at the  
24 discretion of the applicant, accept payment into the Ecosystem Restoration Fund in lieu of other  
25 compensatory mitigation requirements of any authorizations issued by the United States Army  
26 Corps of Engineers under 33 U.S.C. § 1344 if the contributions will meet the mitigation  
27 requirements of the United States Army Corps of Engineers. Payment may be made in the form of  
28 monetary contributions according to a fee schedule established by the Environmental Management  
29 Commission or in the form of donations of real property provided that the property is approved by  
30 the Department as a suitable site consistent with the basinwide wetlands restoration plan.

31 (c) Accounting of Payments. – The Department shall provide an itemized statement that  
32 accounts for each payment into the Fund. The statement shall include the expenses and activities  
33 financed by the payment."  
34

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

##### 36 37 **ELIMINATE ANNUAL REPORT ON MINING ACCOUNT PURSUANT TO THE** 38 **MINING ACT OF 1971 BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

39 **SECTION 4.1.** G.S. 74-54.1(c) is repealed.  
40

##### 41 **ELIMINATE ANNUAL REPORT ON THE IMPLEMENTATION OF THE** 42 **SUSTAINABLE ENERGY EFFICIENT BUILDINGS PROGRAM BY THE** 43 **DEPARTMENT OF ADMINISTRATION**

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

45 **SECTION 4.2.(b)** G.S. 143-135.40(b) is repealed.  
46

##### 47 **ELIMINATE QUARTERLY REPORT ON SYSTEMWIDE MUNICIPAL AND** 48 **DOMESTIC WASTEWATER COLLECTION SYSTEM PERMIT PROGRAM BY THE** 49 **ENVIRONMENTAL MANAGEMENT COMMISSION**

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



1 **"§ 143-215.9B. Systemwide municipal and domestic wastewater collection system permit**  
2 **program report.**

3 The Environmental Management Commission shall develop and implement a permit program  
4 for municipal and domestic wastewater collection systems on a systemwide basis. The collection  
5 system permit program shall provide for performance standards, minimum design and  
6 construction requirements, a capital improvement plan, operation and maintenance requirements,  
7 and minimum reporting requirements. In order to ensure an orderly and cost-effective phase-in of  
8 the collection system permit program, the Commission shall implement the permit program over a  
9 five-year period beginning 1 July 2000. The Commission shall issue permits for approximately  
10 twenty percent (20%) of municipal and domestic wastewater collection systems that are in  
11 operation on 1 July 2000 during each of the five calendar years beginning 1 July 2000 and shall  
12 give priority to those collection systems serving the largest populations, those under a moratorium  
13 imposed by the Commission under G.S. 143-215.67, and those for which the Department of  
14 Environmental Quality has issued a notice of violation for the discharge of untreated wastewater.  
15 ~~The Commission shall report on its progress in developing and implementing the collection~~  
16 ~~system permit program required by this section as a part of each quarterly report the~~  
17 ~~Environmental Management Commission makes to the Environmental Review Commission~~  
18 ~~pursuant to G.S. 143B-282(b)."~~

19  
20 **ELIMINATE ANNUAL REPORTS ON REDUCING VEHICLE EMISSIONS FROM**  
21 **STATE EMPLOYEE AND PRIVATE SECTOR VEHICLES BY THE DEPARTMENT OF**  
22 **TRANSPORTATION**

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

24  
25 **ELIMINATE ANNUAL REPORT ON PURCHASE OF NEW MOTOR VEHICLES AND**  
26 **FUEL SAVINGS BY THE DEPARTMENT OF ADMINISTRATION**

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

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

~~Commission on Governmental Operations and the  
Environmental Review Commission."~~

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

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

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

**SECTION 4.8.** Section 11.1 of S.L. 1999-329 reads as rewritten:

"Section 11.1. The Environmental Management Commission shall develop engineering standards governing municipal and domestic wastewater collection systems that will allow interconnection of these systems on a regional basis. ~~The Commission shall report on its progress in developing the engineering standards required by this section as a part of each quarterly report the Commission makes to the Environmental Review Commission pursuant to G.S. 143B-282(b)."~~

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

**SECTION 4.9.** Section 13.9(d) of S.L. 2000-67 reads as rewritten:

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

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

**SECTION 4.11.(a)** G.S. 143B-279.8(e) reads as rewritten:

"(e) The Coastal Resources Commission, the Environmental Management Commission, and the Marine Fisheries Commission shall report to the Joint Legislative Commission on Governmental Operations and the Environmental Review Commission on progress in developing and implementing the Coastal Habitat Protection Plans, including the extent to which the actions of the three commissions are consistent with the Plans, on or before ~~4-September~~September 1 of each ~~year~~year in which any significant revisions to the Plans are made."

**SECTION 4.11.(b)** G.S. 143B-279.8(f) is repealed.

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

**SECTION 4.12.(a)** G.S. 143-215.3A(c) reads as rewritten:

"(c) The Department shall report to the Environmental Review Commission and the Fiscal Research Division on the cost of the State's environmental permitting programs contained within the Department on or before ~~4-November~~January 1 of each odd-numbered year. The report shall include, but is not limited to, fees set and established under this Article, fees collected under this Article, revenues received from other sources for environmental permitting and compliance programs, changes made in the fee schedule since the last report, anticipated revenues from all other sources, interest earned and any other information requested by the General Assembly. The Department shall submit this report with the report required by G.S. 143B-279.17 as a single report."

**SECTION 4.12.(b)** G.S. 143B-279.17 reads as rewritten:

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

1 The Department of Environmental Quality shall track the time required to process all permit  
2 applications in the One-Stop for Certain Environmental Permits Programs established by  
3 G.S. 143B-279.12 and the Express Permit and Certification Reviews established by  
4 G.S. 143B-279.13 that are received by the Department. The processing time tracked shall include  
5 (i) the total processing time from when an initial permit application is received to issuance or  
6 denial of the permit and (ii) the processing time from when a complete permit application is  
7 received to issuance or denial of the permit. No later than ~~March~~ January 1 of each odd-numbered  
8 year, the Department shall report to the Fiscal Research Division of the General Assembly and the  
9 Environmental Review Commission on the permit processing times required to be tracked  
10 pursuant to this section. The Department shall submit this report with the report required by  
11 G.S. 143-215.3A(c) as a single report."

12 **SECTION 4.12.(c)** The first combined report required by subsections (a) and (b) of  
13 this section shall be submitted to the Environmental Review Commission and the Fiscal Research  
14 Division no later than January 1, 2017.

#### 15 16 **CONSOLIDATE AND REDUCE FREQUENCY OF REPORTS BY THE** 17 **ENVIRONMENTAL MANAGEMENT COMMISSION**

18 **SECTION 4.13.(a)** G.S. 143B-282(b) reads as rewritten:

19 "(b) The Environmental Management Commission shall submit ~~quarterly~~-written reports as  
20 to its operation, activities, programs, and progress to the Environmental Review  
21 Commission.Commission by January 1 of each year. The Environmental Management  
22 Commission shall supplement the written reports required by this subsection with additional  
23 written and oral reports as may be requested by the Environmental Review Commission. ~~The~~  
24 ~~Environmental Management Commission shall submit the written reports required by this~~  
25 ~~subsection whether or not the General Assembly is in session at the time the report is due."~~

26 **SECTION 4.13.(b)** G.S. 143-215.1(h) reads as rewritten:

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

37 **SECTION 4.13.(c)** The first combined report required by subsections (a) and (b) of  
38 this section shall be submitted to the Environmental Review Commission no later than January 1,  
39 2017.

#### 40 41 **CONSOLIDATE WASTE MANAGEMENT REPORTS BY THE DEPARTMENT OF** 42 **ENVIRONMENTAL QUALITY**

43 **SECTION 4.14.(a)** G.S. 130A-309.06(c) reads as rewritten:

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

- 47 (1) A comprehensive analysis, to be updated in each report, of solid waste  
48 generation and disposal in the State projected for the 20-year period beginning  
49 on ~~1 July~~ July 1 1991.

- 1 (2) The total amounts of solid waste recycled and disposed of and the methods of  
2 solid waste recycling and disposal used during the calendar year prior to the  
3 year in which the report is published.
- 4 (3) An evaluation of the development and implementation of local solid waste  
5 management programs and county and municipal recycling programs.
- 6 (4) An evaluation of the success of each county or group of counties in meeting the  
7 municipal solid waste reduction goal established in G.S. 130A-309.04.
- 8 (5) Recommendations concerning existing and potential programs for solid waste  
9 reduction and recycling that would be appropriate for units of local government  
10 and State agencies to implement to meet the requirements of this Part.
- 11 (6) An evaluation of the recycling industry, the markets for recycled materials, the  
12 recycling of polystyrene, and the success of State, local, and private industry  
13 efforts to enhance the markets for these materials.
- 14 (7) Recommendations to the Governor and the Environmental Review Commission  
15 to improve the management and recycling of solid waste in the State, including  
16 any proposed legislation to implement the recommendations.
- 17 (8) A description of the condition of the Solid Waste Management Trust Fund and  
18 the use of all funds allocated from the Solid Waste Management Trust Fund, as  
19 required by G.S. 130A-309.12(c).
- 20 (9) A description of the review and revision of bid procedures and the purchase and  
21 use of reusable, refillable, repairable, more durable, and less toxic supplies and  
22 products by both the Department of Administration and the Department of  
23 Transportation, as required by G.S. 130A-309.14(a1)(3).
- 24 (10) A description of the implementation of the North Carolina Scrap Tire Disposal  
25 Act that includes the amount of revenue used for grants and to clean up  
26 nuisance tire collection under the provisions of G.S. 130A-309.64.
- 27 (11) A description of the management of white goods in the State, as required by  
28 G.S. 130A-309.85.
- 29 (12) A summary of the report by the Department of Transportation on the amounts  
30 and types of recycled materials that were specified or used in contracts that  
31 were entered into by the Department of Transportation during the previous  
32 fiscal year, as required by G.S. 136-28.8(g).
- 33 (13) Repealed by Session Laws 2010-142, s. 1, effective July 22, 2010.
- 34 (14) (Expiring October 1, 2023) A description of the activities related to the  
35 management of abandoned manufactured homes in the State in accordance with  
36 G.S. 130A-117, the beginning and ending balances in the Solid Waste  
37 Management Trust Fund for the reporting period and the amount of funds used,  
38 itemized by county, for grants made under Part 2F of Article 9 of Chapter 130A  
39 of the General Statutes.
- 40 (15) A report on the recycling of discarded computer equipment and televisions in  
41 the State pursuant to G.S. 130A-309-140(a).
- 42 (16) An evaluation of the Brownfields Property Reuse Act pursuant to  
43 G.S. 130A-310.40.
- 44 (17) A report on the Inactive Hazardous Waste Response Act of 1987 pursuant to  
45 G.S. 130A-310.10(a).
- 46 (18) A report on the Dry-Cleaning Solvent Cleanup Act of 1997 pursuant to  
47 G.S. 143-215.104U(a) until such time as the Act expires pursuant to Part 6 of  
48 Article 21A of Chapter 143 of the General Statutes.
- 49 (19) A report on the implementation and cost of the hazardous waste management  
50 program pursuant to G.S. 130A-294(i)."

51 **SECTION 4.14.(b)** G.S. 130A-309.140(a) reads as rewritten:

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

10       **SECTION 4.14.(c)** G.S. 130A-310.40 reads as rewritten:

11       "**§ 130A-310.40. Legislative reports.**

12       The Department shall ~~prepare and submit to the Environmental Review Commission,~~  
13 ~~concurrently with the report on the Inactive Hazardous Sites Response Act of 1987 required under~~  
14 ~~G.S. 130A-310.10, include in the solid waste management report required to be submitted on or~~  
15 ~~before January 15 of each year pursuant to G.S. 130A-309.06(c) an evaluation of the effectiveness~~  
16 ~~of this Part in facilitating the remediation and reuse of existing industrial and commercial~~  
17 ~~properties. This evaluation shall include any recommendations for additional incentives or~~  
18 ~~changes, if needed, to improve the effectiveness of this Part in addressing such properties. This~~  
19 ~~evaluation shall also include a report on receipts by and expenditures from the Brownfields~~  
20 ~~Property Reuse Act Implementation Account."~~

21       **SECTION 4.14.(d)** G.S. 130A-310.10(a) reads as rewritten:

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

- 27       (1) The Inactive Hazardous Waste Sites Priority List.
- 28       (2) A list of remedial action plans requiring State funding through the Inactive  
29       Hazardous Sites Cleanup Fund.
- 30       (3) A comprehensive budget to implement these remedial action plans and the  
31       adequacy of the Inactive Hazardous Sites Cleanup Fund to fund the cost of said  
32       plans.
- 33       (4) A prioritized list of sites that are eligible for remedial action under  
34       CERCLA/SARA together with recommended remedial action plans and a  
35       comprehensive budget to implement such plans. The budget for implementing a  
36       remedial action plan under CERCLA/SARA shall include a statement as to any  
37       appropriation that may be necessary to pay the State's share of such plan.
- 38       (5) A list of sites and remedial action plans undergoing voluntary cleanup with  
39       Departmental approval.
- 40       (6) A list of sites and remedial action plans that may require State funding, a  
41       comprehensive budget if implementation of these possible remedial action  
42       plans is required, and the adequacy of the Inactive Hazardous Sites Cleanup  
43       Fund to fund the possible costs of said plans.
- 44       (7) A list of sites that pose an imminent hazard.
- 45       (8) A comprehensive budget to develop and implement remedial action plans for  
46       sites that pose imminent hazards and that may require State funding, and the  
47       adequacy of the Inactive Hazardous Sites Cleanup Fund.
- 48       (8a) Repealed by Session Laws 2015-286, s. 4.7(f), effective October 22, 2015.
- 49       (9) Any other information requested by the General Assembly or the  
50       Environmental Review Commission."

51       **SECTION 4.14.(e)** G.S. 143-215.104U reads as rewritten:

1 **"§ 143-215.104U. Reporting requirements.**

2 (a) The Secretary shall ~~present an annual report to the Environmental Review Commission~~  
3 ~~that shall include~~ include in the solid waste management report required to be submitted on or  
4 before January 15 of each year pursuant to G.S. 130A-309.06(c) a report on at least the following:

- 5 (1) A list of all dry-cleaning solvent contamination reported to the Department.
- 6 (2) A list of all facilities and abandoned sites certified by the Commission and the  
7 status of contamination associated with each facility or abandoned site.
- 8 (3) An estimate of the cost of assessment and remediation required in connection  
9 with facilities or abandoned sites certified by the Commission and an estimate  
10 of assessment and remediation costs expected to be paid from the Fund.
- 11 (4) A statement of receipts and disbursements for the Fund.
- 12 (5) A statement of all claims against the Fund, including claims paid, claims  
13 denied, pending claims, anticipated claims, and any other obligations.
- 14 (6) The adequacy of the Fund to carry out the purposes of this Part together with  
15 any recommendations as to measures that may be necessary to assure the  
16 continued solvency of the Fund.

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

19 **SECTION 4.14.(f)** G.S. 130A-294(i) reads as rewritten:

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

- 44 (1) ~~A detailed description of the mercury recovery performance ratio achieved by~~  
45 ~~the mercury switch removal program.~~
- 46 (2) ~~A detailed description of the mercury switch collection system developed and~~  
47 ~~implemented by vehicle manufacturers in accordance with the NVMSRP.~~
- 48 (3) ~~In the event that a mercury recovery performance ratio of at least 0.90 of the~~  
49 ~~national mercury recovery performance ratio as reported by the NVMSRP is~~  
50 ~~not achieved, a description of additional or alternative actions that may be~~  
51 ~~implemented to improve the mercury switch removal program.~~

- 1           (4) ~~The number of mercury switches collected and a description of how the~~  
2           ~~mercury switches were managed.~~  
3           (5) ~~A statement that details the costs required to implement the mercury switch~~  
4           ~~removal program, including a summary of receipts and disbursements from the~~  
5           ~~Mercury Switch Removal Account."~~

6           **SECTION 4.14.(g)** The first combined report required by subsections (a) through (f)  
7 of this section shall be submitted to the Environmental Review Commission and the Fiscal  
8 Research Division no later than January 15, 2017.  
9

## 10 **CONSOLIDATE SEDIMENTATION POLLUTION CONTROL ACT AND** 11 **STORMWATER REPORTS**

12           **SECTION 4.15.(a)** G.S. 113A-67 reads as rewritten:

### 13 **"§ 113A-67. Annual Report.**

14           The Department shall report to the Environmental Review Commission on the implementation  
15 of this Article on or before ~~4 October~~October 1 of each year. The Department shall include in the  
16 report an analysis of how the implementation of the Sedimentation Pollution Control Act of 1973  
17 is affecting activities that contribute to the sedimentation of streams, rivers, lakes, and other waters  
18 of the State. The report shall also include a review of the effectiveness of local erosion and  
19 sedimentation control programs. The report shall be submitted to the Environmental Review  
20 Commission with the report required by G.S. 143-214.7(e) as a single report."

21           **SECTION 4.15.(b)** G.S. 143-214.7(e) reads as rewritten:

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

29           **SECTION 4.15.(c)** The first combined report required by subsections (a) and (b) of  
30 this section shall be submitted to the Environmental Review Commission no later than October 1,  
31 2016.  
32

## 33 **CONSOLIDATE VARIOUS WATER RESOURCES AND WATER QUALITY REPORTS** 34 **BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

35           **SECTION 4.16.(a)** G.S. 143-355(n) is repealed.

36           **SECTION 4.16.(b)** G.S. 143-355(o)(9) is repealed.

37           **SECTION 4.16.(c)** G.S. 143-355 is amended by adding a new subsection to read:

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

43           **SECTION 4.16.(d)** G.S. 143-215.8B(d) reads as rewritten:

44           "(d) ~~The~~As a part of the report required pursuant to G.S. 143-355(p), the Commission and  
45 the Department shall each report on or before ~~4 October~~November 1 of each year on an annual  
46 basis to the Environmental Review Commission on the progress in developing and implementing  
47 basinwide water quality management plans and on increasing public involvement and public  
48 education in connection with basinwide water quality management planning. The report to the  
49 Environmental Review Commission by the Department shall include a written statement as to all  
50 concentrations of heavy metals and other pollutants in the surface waters of the State that are  
51 identified in the course of preparing or revising the basinwide water quality management plans."

1           **SECTION 4.16.(e)** The first combined report required by subsections (c) and (d) of  
2 this section shall be submitted to the Environmental Review Commission no later than November  
3 1, 2016.

4  
5 **CONSOLIDATE REPORTS BY THE DIVISION OF WATER INFRASTRUCTURE OF**  
6 **THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE STATE WATER**  
7 **INFRASTRUCTURE AUTHORITY**

8           **SECTION 4.17.(a)** G.S. 159G-26(a) reads as rewritten:

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

17           **SECTION 4.17.(b)** G.S. 159G-72 reads as rewritten:

18 **"§ 159G-72. State Water Infrastructure Authority; reports.**

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

26           **SECTION 4.17.(c)** The first combined report required by subsections (a) and (b) of  
27 this section shall be submitted to the Environmental Review Commission, the Joint Legislative  
28 Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal  
29 Research Division no later than November 1, 2016.

30  
31 **CONSOLIDATE REPORTS BY SOIL AND WATER CONSERVATION COMMISSION**  
32 **AND THE DIVISION OF SOIL AND WATER CONSERVATION OF THE**  
33 **DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

34           **SECTION 4.18.(a)** G.S. 106-850(e) reads as rewritten:

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

45           **SECTION 4.18.(b)** G.S. 106-860(e) reads as rewritten:

46           "(e) Report. – The Soil and Water Conservation Commission shall report no later than ~~31~~  
47 January 31 of each year to the Environmental Review Commission, the Department of Agriculture  
48 and Consumer Services, and the Fiscal Research Division. The report shall include a summary of  
49 projects that received State funding pursuant to the Program, the results of the evaluation  
50 conducted pursuant to subdivision (5) of subsection (b) of this section, findings regarding the  
51 effectiveness of each project to accomplish its primary purpose, and any recommendations to



1 assure that State funding is used in the most cost-effective manner and accomplishes the greatest  
2 improvement in water quality. This report shall be submitted to the Environmental Review  
3 Commission and the Fiscal Research Division as a part of the report required by G.S. 106-850(e)."

4 **SECTION 4.18.(c)** G.S. 139-60(d) reads as rewritten:

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

10 **SECTION 4.18.(d)** The first combined report required by subsections (a) through (c)  
11 of this section shall be submitted to the Environmental Review Commission and the Fiscal  
12 Research Division no later than January 31, 2017.

### 13 14 **DECREASE REPORTING FREQUENCY ON TERMINAL GROINS PILOT PROJECT** 15 **BY THE COASTAL RESOURCES COMMISSION**

16 **SECTION 4.20.** G.S. 113A-115.1(i) reads as rewritten:

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

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

### 35 36 **DECREASE REPORTING FREQUENCY ON PARKS SYSTEM PLAN BY THE** 37 **DEPARTMENT OF NATURAL AND CULTURAL RESOURCES**

38 **SECTION 4.21.** G.S. 143B-135.48(d) reads as rewritten:

39 "(d) No later than ~~October 1 of each year,~~ 1, 2016, and every five years thereafter, the  
40 Department shall submit electronically the State Parks System Plan to the Environmental Review  
41 Commission, ~~the Senate and the House of Representatives appropriations committees with~~  
42 ~~jurisdiction over natural and cultural resources,~~ the Joint Legislative Oversight Committee on  
43 Agriculture and Natural and Economic Resources, and the Fiscal Research Division. Concurrently,  
44 the Department shall submit a summary of each change to the Plan that was made during the  
45 previous ~~fiscal year,~~ five fiscal years."

### 46 47 **REDIRECT INTERAGENCY REPORT ON SUPERFUND COST SHARE TO THE ANER** 48 **OVERSIGHT COMMITTEE**

49 **SECTION 4.22.** Section 15.6 of S.L. 1999-237 reads as rewritten:

50 "Section 15.6.(a) The Department of ~~Environment and Natural Resources~~ Environmental  
51 Quality may use available funds, with the approval of the Office of State Budget and

1 Management, to provide the ten percent (10%) cost share required for Superfund cleanups on the  
2 National Priority List sites, to pay the operating and maintenance costs associated with these  
3 Superfund cleanups, and for the cleanup of priority inactive hazardous substance or waste disposal  
4 sites under Part 3 of Article 9 of Chapter 130A of the General Statutes. These funds may be in  
5 addition to those appropriated for this purpose.

6 "Section 15.6.(b) The Department of ~~Environment and Natural Resources~~Environmental  
7 Quality and the Office of State Budget and Management shall report to the ~~Environmental Review~~  
8 ~~Commission and the Joint Legislative Commission on Governmental Operations~~Joint Legislative  
9 Oversight Committee on Agriculture and Natural and Economic Resources the amount and the  
10 source of the funds used pursuant to subsection (a) of this section within 30 days of the  
11 expenditure of these funds."  
12

### 13 **REDIRECT REPORT ON EXPENDITURES FROM BERNARD ALLEN EMERGENCY** 14 **DRINKING WATER FUND TO ANER OVERSIGHT COMMITTEE**

15 **SECTION 4.23.** G.S. 87-98(e) reads as rewritten:

16 "(e) The Department, in consultation with the Commission for Public Health and local  
17 health departments, shall report no later than October 1 of each year to the ~~Environmental Review~~  
18 ~~Commission, the House of Representatives and Senate Appropriations Subcommittees on Natural~~  
19 Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and  
20 the Fiscal Research Division of the General Assembly on the implementation of this section. The  
21 report shall include the purpose and amount of all expenditures from the Fund during the prior  
22 fiscal year, a discussion of the benefits and deficiencies realized as a result of the section, and may  
23 also include recommendations for any legislative action."  
24

### 25 **REDIRECT REPORT ON PARKS AND RECREATION TRUST FUND TO THE ANER** 26 **OVERSIGHT COMMITTEE**

27 **SECTION 4.24.** G.S. 143B-135.56(f) reads as rewritten:

28 "(f) Reports. – The North Carolina Parks and Recreation Authority shall report no later  
29 than October 1 of each year to the ~~Joint Legislative Commission on Governmental Operations, the~~  
30 ~~House and Senate Appropriations Subcommittees on Natural and Economic Resources, Oversight~~  
31 Committee on Agriculture and Natural and Economic Resources, the Fiscal Research Division,  
32 and the Environmental Review Commission on allocations from the Trust Fund from the prior  
33 fiscal year. For funds allocated from the Trust Fund under subsection (c) of this section, this report  
34 shall include the operating expenses determined under subdivisions (1) and (2) of subsection (e) of  
35 this section."  
36

### 37 **PART IV-A. UMSTEAD ACT STUDY**

38 **SECTION 4A.1.** In order to mitigate inefficient and nonproductive underutilization of  
39 State property, the Department of Administration shall study and report on recommended  
40 legislative changes concerning means by which the Umstead Act may be modified so as to balance  
41 (i) the State's legitimate interest in self-limiting governmental participation in business through the  
42 leasing or subleasing of State-owned property, including parking spaces, and (ii) the State's  
43 legitimate interest in properly stewarding assets of the State that are currently unneeded and  
44 underutilized by finding alternative uses that maintain State ownership while maximizing and  
45 accommodating economic exploitation of such assets. The Department shall submit the report  
46 required by this section, along with recommended legislative changes, to the Joint Legislative  
47 Commission on Governmental Operations no later than November 1, 2016.

48 **SECTION 4A.2.** This Part is effective when it becomes law.  
49

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

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

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