GENERAL ASSEMBLY OF NORTH CAROLINA
FOURTH EXTRA SESSION 2016

H

HOUSE BILL DRH30004-TQ-3 (12/14)

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

Sponsors: Representatives McGrady and Dixon (Primary Sponsors).

A BILL TO BE ENTITLED
AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA.
The General Assembly of North Carolina enacts:

PART I. BUSINESS REGULATION

EMPLOYMENT STATUS OF FRANCHISES

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

"§ 95-25.24A. Franchisee status.
Neither a franchisee nor a franchisee's employee shall be deemed to be an employee of the franchisor for any purposes, including, but not limited to, this Article and Chapters 96 and 97 of the General Statutes. For purposes of this section, "franchisee" and "franchisor" have the same definitions as set out in 16 C.F.R. § 436.1."

EXEMPT CERTAIN BUILDING CODE CLASSIFICATIONS FROM ENERGY EFFICIENCY STANDARDS

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

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

STREAMLINE MORTGAGE NOTICE REQUIREMENTS

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

"§ 45-91. Assessment of fees; processing of payments; publication of statements.
A servicer must comply as to every home loan, regardless of whether the loan is considered in default or the borrower is in bankruptcy or the borrower has been in bankruptcy, with the following requirements:

(1) Any fee that is incurred by a servicer shall be both:
a. Assessed within 45 days of the date on which the fee was incurred.
Provided, however, that attorney or trustee fees and costs incurred as a
result of a foreclosure action shall be assessed within 45 days of the date
they are charged by either the attorney or trustee to the servicer.

b. Explained clearly and conspicuously in a statement mailed to the
borrower at the borrower's last known address within 30 days after
assessing the fee, provided the servicer shall not be required to take any
action in violation of the provisions of the federal bankruptcy code. The
servicer shall not be required to send such a statement for a fee that (i)
results in either:

1. is otherwise included in a periodic statement sent to the
borrower that meets the requirements of paragraphs (b), (c), and
(d) of 12 C.F.R. § 1026.41.

2. results from a service that is affirmatively requested by the
borrower, (ii) is paid for by the borrower at the time the service
is provided, and (iii) is not charged to the borrower's loan
account.

(2) All amounts received by a servicer on a home loan at the address where the
borrower has been instructed to make payments shall be accepted and credited,
or treated as credited, within one business day of the date received, provided
that the borrower has made the full contractual payment and has provided
sufficient information to credit the account. If a servicer uses the scheduled
method of accounting, any regularly scheduled payment made prior to the
scheduled due date shall be credited no later than the due date. Provided,
however, that if any payment is received and not credited, or treated as credited,
the borrower shall be notified within 10 business days by mail at the borrower's
last known address of the disposition of the payment, the reason the payment
was not credited, or treated as credited to the account, and any actions
necessary by the borrower to make the loan current.

(2a) The notification required by subdivision (2) of this section is not necessary if (i)
the servicer complies with the terms of any agreement or plan made with the
borrower and has applied and credited payments received in the manner
required, and (ii) the servicer is applying and crediting payments to the
borrower's account in compliance with all applicable State and federal laws,
including bankruptcy laws, and if at least one of the following occurs:

a. The borrower has entered into a written loss mitigation, loan
modification, or forbearance agreement with the servicer that itemizes
all amounts due and specifies how payments will be applied and
credited;

b. The borrower has elected to participate in an alternative payment plan,
such as a biweekly payment plan, that specifies as part of a written
agreement how payments will be applied and credited; or

c. The borrower is making payments pursuant to a bankruptcy plan.

(3) Failure to charge the fee or provide the information within the allowable time
and in the manner required under subdivision (1) of subsection (a) of this
section constitutes a waiver of such fee.

(4) All fees charged by a servicer must be otherwise permitted under applicable law
and the contracts between the parties. Nothing herein is intended to permit the
application of payments or method of charging interest which is less protective
of the borrower than the contracts between the parties and other applicable law.

(5) The obligations of mortgage servicers set forth in G.S. 53-244.110."

PART II. STATE AND LOCAL GOVERNMENT REGULATION
WILDLIFE RESOURCES COMMISSION, DIVISION OF MARINE FISHERIES, AND UTILITIES COMMISSION
PRIVATE IDENTIFYING INFORMATION

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

"§ 143-254.5. Disclosure of personal identifying information.
Social security numbers and identifying information obtained by the Commission shall be treated as provided in G.S. 132-1.10. For purposes of this section, "identifying information" also includes a person's mailing address, residence address, e-mail address, Commission-issued customer identification number, date of birth, and telephone number."

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

"§ 143B-289.52. Marine Fisheries Commission – powers and duties.
...
(h) Social security numbers and identifying information obtained by the Commission or the Division of Marine Fisheries shall be treated as provided in G.S. 132-1.10. For purposes of this subsection, "identifying information" also includes a person's mailing address, residence address, e-mail address, Commission-issued customer identification number, date of birth, and telephone number."

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

(a) Except as otherwise provided in this section, a public record, as defined by G.S. 132-1, does not include personally identifiable information obtained by the Public Staff of the Utilities Commission from customers requesting assistance from the Public Staff regarding rate or service disputes with a public utility, as defined by G.S. 62-3(23).
(b) The Public Staff may disclose personally identifiable information of a customer to the public utility involved in the matter for the purpose of investigating such disputes.
(c) Such personally identifiable information is a public record to the extent disclosed by the customer in a complaint filed with the Commission pursuant to G.S. 62-73.
(d) For purposes of this section, "personally identifiable information" means the customer's name, physical address, e-mail address, telephone number, and public utility account number."

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

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, 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.
2. The method used to determine the amount of water and sewer services allocated to the tenant.
3. Beginning and ending dates for the billing period.
4. The past-due date, which shall not be less than 25 days after the bill is mailed.
5. A local or toll-free telephone number and address that the tenant can use to obtain more information about the bill.

(2) The lessor may charge a reasonable administrative fee for providing water or sewer service not to exceed the maximum administrative fee authorized by the Commission.

(3) The Commission shall issue adopt rules to define contiguous premises and to implement this subsection. In issuing the rule to define contiguous premises, the Commission shall consider contiguous premises where manufactured homes, as defined in G.S. 143-145(7), or spaces for manufactured homes are rented.

(4) The Commission shall develop an application that lessors must submit for authority to charge for water or sewer service. The form shall include all of the following:

a. A description of the applicant and the property to be served.
b. A description of the proposed billing method and billing statements.
c. The schedule of rates charged to the applicant by the supplier.
d. The schedule of rates the applicant proposes to charge the applicant's customers.

e. The administrative fee proposed to be charged by the applicant.

f. The name of and contact information for the applicant and its agents.

g. The name of and contact information for the supplying water or sewer system.

h. Any additional information that the Commission may require.

(4a) The Commission shall develop an application that lessors must submit for authority to charge for water or sewer service at single-family homes that allows the applicant to serve multiple homes in the State subject to single Commission approval. The form shall include all of the following:

a. A description of the applicant and a listing of the address of all the properties to be served, which shall be updated annually with the Commission.

b. A description of the proposed billing method and billing statements.

c. The administrative fee proposed to be charged by the applicant.

d. The name and contact information for the applicant and its agents.

e. Any additional information the Commission may require.

(5) The Commission shall approve or disapprove an application within 30 days of the filing of a completed application with the Commission. If the Commission has not issued an order disapproving a completed application within 30 days, the application shall be deemed approved.

(6) A provider of water or sewer service under this subsection may increase the rate for service so long as the rate does not exceed the unit consumption rate charged by the supplier of the service. A provider of water or sewer service under this subsection may change the administrative fee so long as the administrative fee does not exceed the maximum administrative fee authorized by the Commission. In order to change the rate or administrative fee, the provider shall file a notice of revised schedule of rates and fees with the Commission. The Commission may prescribe the form by which the provider files a notice of a revised schedule of rates and fees under this subsection. The form shall include all of the following:

a. The current schedule of the unit consumption rates charged by the provider.

b. The schedule of rates charged by the supplier to the provider that the provider proposes to pass through to the provider's customers.

c. The schedule of the unit consumption rates proposed to be charged by the provider.

d. The current administrative fee charged by the provider, if applicable.

e. The administrative fee proposed to be charged by the provider.

(7) A notification of revised schedule of rates and fees shall be presumed valid and shall be allowed to become effective upon 14 days notice to the Commission, unless otherwise suspended or disapproved by order issued within 14 days after filing.

(8) Notwithstanding any other provision of this Chapter, the Commission shall determine the extent to which the services shall be regulated and, to the extent necessary to protect the public interest, regulate the terms, conditions, and rates that may be charged for the services. Nothing in this subsection shall be construed to alter the rights, obligations, or remedies of persons providing water or sewer services and their customers under any other provision of law.
(9) A provider of water or sewer service under this subsection shall not be required to file annual reports pursuant to G.S. 62-36 or to furnish a bond pursuant to G.S. 62-110.3."

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

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

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

REZONING/SIMULTANEOUS COMPREHENSIVE PLAN AMENDMENT

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

(a) Zoning regulations shall be made in accordance with a comprehensive plan.
(b) Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan, including any unified development ordinance, and explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.
(c) Prior to consideration by the governing board under subsection (b) of this section, the planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan, including any unified development ordinance, that is applicable. The planning board shall provide a written recommendation to the board of county commissioners that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan or any other officially adopted plan, including any unified development ordinance, shall not preclude consideration or approval of the proposed amendment by the governing board.
(d) Zoning regulations shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration as to, among other things, the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the county. In addition, the regulations shall be made with reasonable consideration to expansion and development of any cities within the county, so as to provide for their orderly growth and development.
(e) If the governing board adopts a zoning amendment that is inconsistent with the comprehensive plan or any other officially adopted plan, including any unified development ordinance, the governing board shall deem the affirmative vote adopting that zoning amendment as a simultaneous amendment to the comprehensive plan and any other officially adopted plan, including any unified development ordinance, for the property identified in the zoning amendment only."

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

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

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

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

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

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

PARENT PARCEL/SUBDIVISION CLARIFICATION

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


(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.
2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in 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 city may provide for expedited review of specified classes of subdivisions.

(c) The city 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.(c) This section becomes effective July 1, 2017.

STATUTE OF LIMITATIONS/LAND-USE VIOLATIONS

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

"§ 1-52. Three years.
Within three years an action –

..."

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

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

"(8) Against the owner of an interest in real property by a unit of local government for a violation of a land-use statute, ordinance, or permit or any other official action concerning land use carrying the effect of law. This subdivision does not limit the remedy of injunction for conditions that are actually injurious or dangerous to the public health or safety but does prescribe an outside limitation of six years from the earlier of the occurrence of any of the following:
   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 section becomes effective July 1, 2017, 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 February 1, 2018.

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

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

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

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:

(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 to this Article, "refrigeration trade or business" is defined to include all persons, 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AMEND DEFINITION OF ANTIQUE AUTOMOBILE

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

"§ 105-330.9. Antique automobiles.

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

(1) It is registered with the Division of Motor Vehicles and has an historic vehicle special license plate under G.S. 20-79.4.

(2) It is maintained primarily for use in exhibitions, club activities, parades, and other public interest functions.

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

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

COPIES OF CERTAIN PUBLIC RECORDS

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

"§ 132-6.2. Provisions for copies of public records; fees.
(a) Persons requesting copies of public records may elect to obtain them in any and all media in which the public agency is capable of providing them. No request for copies of public records in a particular medium shall be denied on the grounds that the custodian has made or prefers to make the public records available in another medium. The public agency may assess different fees for different media as prescribed by law.

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

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

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

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

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

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

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

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

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

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

SPECIFY LOCATION OF LIEUTENANT GOVERNOR'S OFFICE

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


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

CLARIFY THAT DOT STORMWATER REQUIREMENTS ARE APPLICABLE TO STATE ROAD CONSTRUCTION UNDERTAKEN BY PRIVATE PARTIES

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

"§ 136-28.6B. Applicable stormwater regulation.

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

DOT/PERMIT PROCESS REVISIONS & REIMBURSEMENT FOR MOVING CERTAIN UTILITIES

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

(1) If the General Assembly is in session at the time of the report, to the chairs of
the House of Representatives Committee on Transportation Appropriations and
the Senate Appropriations Committee on Department of Transportation.

(2) If the General Assembly is not in session at the time of the report, to the chairs
of the Joint Legislative Transportation Oversight Committee.

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

"§ 136-93.01. Electronic submission of permits authorized.
Except as otherwise prohibited under federal law, an application submitted for a permit issued
by the Department of Transportation or its agents under this Chapter may be submitted
electronically in a manner approved by the Department. If submitted electronically, a paper copy
of the application shall not be required."

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

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

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

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

AMENDMENTS TO GENERAL CONTRACTOR LICENSURE

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

"§ 87-10. Application for license; examination; certificate; renewal.
(a) Anyone seeking to be licensed as a general contractor in this State shall file submit an
application for an examination on a form provided by the Board, at least 30 days before any
regular or special meeting of the Board. Before being entitled to an examination, an
applicant shall:

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

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

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

1. Building contractor, which shall include private, public, commercial, industrial and residential buildings of all types.
2. Residential contractor, which shall include any general contractor constructing only residences which are required to conform to the residential building code adopted by the Building Code Council pursuant to G.S. 143-138.
3. Highway contractor.
4. Public utilities contractors, which shall include those whose operations are the performance of construction work on the following subclassifications of facilities:
   a. Water and sewer mains, water service lines, and house and building sewer lines as defined in the North Carolina State Building Code, and water storage tanks, lift stations, pumping stations, and appurtenances to water storage tanks, lift stations, and pumping stations.
   b. Water and wastewater treatment facilities and appurtenances thereto.
   c. Electrical power transmission facilities, and primary and secondary distribution facilities ahead of the point of delivery of electric service to the customer.
   d. Public communication distribution facilities.
   e. Natural gas and other petroleum products distribution facilities; provided the General Contractors Licensing Board may issue license to a public utilities contractor limited to any of the above subclassifications for which the general contractor qualifies.
(4) Specialty contractor, which shall include those whose operations as such are the
performance of construction work requiring special skill and involving the use
of specialized building trades or crafts, but which shall not include any
operations now or hereafter under the jurisdiction, for the issuance of license,
by any board or commission pursuant to the laws of the State of North Carolina.

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

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

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

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

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

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

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

DIRECT THE MEDICAL CARE COMMISSION TO ADOPT THE
RECOMMENDATIONS OF THE AMERICAN SOCIETY OF HEALTHCARE
ENGINEERS FACILITY GUIDELINES INSTITUTE

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

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

a. 10A NCAC 13B .6001 – Physical Plant: Location.
b. 10A NCAC 13B .6002 – Physical Plant: Roads and Parking.
d. 10A NCAC 13B .6201 – Construction Requirements: Medical, Surgical, and Post-Partum Care Unit.
e. 10A NCAC 13B .6202 – Construction Requirements: Special Care Unit.
f. 10A NCAC 13B .6203 – Construction Requirements: Neonatal Level I and Level II Nursery Unit.
g. 10A NCAC 13B .6204 – Construction Requirements: Neonatal Level III and Level IV Nursery.
h. 10A NCAC 13B .6205 – Construction Requirements: Psychiatric Unit.
i. 10A NCAC 13B .6206 – Construction Requirements: Surgical Department Requirements.
j. 10A NCAC 13B .6207 – Construction Requirements: Obstetrical Department Requirements.
k. 10A NCAC 13B .6209 – Construction Requirements: Emergency Services.
l. 10A NCAC 13B .6210 – Construction Requirements: Imaging Services.
m. 10A NCAC 13B .6211 – Construction Requirements: Laboratory Services.
n. 10A NCAC 13B .6212 – Construction Requirements: Morgue.
o. 10A NCAC 13B .6213 – Construction Requirements: Pharmacy Services.
q. 10A NCAC 13B .6215 – Construction Requirements: Administration.
r. 10A NCAC 13B .6216 – Construction Requirements: Medical Records Services.
s. 10A NCAC 13B .6217 – Construction Requirements: Central Medical and Surgical Supply Services.
t. 10A NCAC 13B .6218 – Construction Requirements: General Storage.
u. 10A NCAC 13B .6219 – Construction Requirements: Laundry Services.
v. 10A NCAC 13B .6220 – Construction Requirements: Physical Rehabilitation Services.
w. 10A NCAC 13B .6221 – Construction Requirements: Engineering Services.
x. 10A NCAC 13B .6222 – Construction Requirements: Waste Processing.
y. 10A NCAC 13B .6223 – Construction Requirements: Details and Finishes.
z. 10A NCAC 13B .6224 – Construction Requirements: Elevator Requirements.
aa. 10A NCAC 13B .6225 – Construction Requirements: Mechanical
   Requirements.
bb. 10A NCAC 13B .6226 – Construction Requirements: Plumbing and
   Other Piping Systems Requirements.
cc. 10A NCAC 13B .6227 – Construction Requirements: Electrical
   Requirements.
(2) "Guidelines" means the American Society for Healthcare Engineering's Facility
   Guidelines Institute "Guidelines for Design and Construction of Hospitals and
   Outpatient Facilities."

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

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

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

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

PART III. AGRICULTURE, ENERGY, ENVIRONMENT, AND NATURAL RESOURCES
REGULATION

SOLID WASTE AMENDMENTS

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

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

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

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

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

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

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

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

For purposes of this subsection, the following definitions apply:

1. Life-of-site permit fee amount. – The amount equal to the sum of all annual fees that would be due under the fee structure set forth in G.S. 130A-295.8A(d1), as enacted by Section 14.20(c) of this act, during the cycle of the facility's permit in effect on July 1, 2016.

2. Time-limited permit fee amount. – The amount equal to the sum of the application fee or renewal fee, whichever is applicable, and all annual fees paid or to be paid pursuant to subsections (c) and (d) of G.S. 130A-295.8A(d1), as repealed by Section 14.20(c) of this act, during the cycle of the facility's permit in effect on July 1, 2016.

The Department shall adopt rules to implement this subsection."

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

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

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

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

..."
A person who intends to apply for a new permit for a sanitary landfill shall obtain, prior to applying for a permit, a franchise for the operation of the sanitary landfill from each local government having jurisdiction over any part of the land on which the sanitary landfill and its appurtenances are located or to be located. A local government may adopt a franchise ordinance under G.S. 153A-136 or G.S. 160A-319. A franchise granted for a sanitary landfill shall (i) be granted for the life-of-site of the landfill and shall landfill, but for a period not to exceed 60 years and (ii) include all of the following:

a. A statement of the population to be served, including a description of the geographic area.
b. A description of the volume and characteristics of the waste stream.
c. A projection of the useful life of the sanitary landfill.
e. The procedures to be followed for governmental oversight and regulation of the fees and rates to be charged by facilities subject to the franchise for waste generated in the jurisdiction of the franchising entity.
f. A facility plan for the sanitary landfill that shall include the boundaries of the proposed facility, proposed development of the facility site, the boundaries of all waste disposal units, final elevations and capacity of all waste disposal units, the amount of waste to be received per day in tons, the total waste disposal capacity of the sanitary landfill in tons, a description of environmental controls, and a description of any other waste management activities to be conducted at the facility. In addition, the facility plan shall show the proposed location of soil borrow areas, leachate facilities, and all other facilities and infrastructure, including ingress and egress to the facility.

Prior to the award of a franchise for the construction or operation of a sanitary landfill, the board of commissioners of the county or counties in which the sanitary landfill is proposed to be located or is located or, if the sanitary landfill is proposed to be located or is located in a city, the governing board of the city shall conduct a public hearing. The board of commissioners of the county or counties in which the sanitary landfill is proposed to be located or is located or, if the sanitary landfill is proposed to be located or is located in a city, the governing board of the city shall provide at least 30 days' notice to the public of the public hearing. The notice shall include a summary of all the information required to be included in the franchise, and shall specify the procedure to be followed at the public hearing. The applicant for the franchise shall provide a copy of the application for the franchise that includes all of the information required to be included in the franchise, to the public library closest to the proposed sanitary landfill site to be made available for inspection and copying by the public. The requirements of this subdivision shall not apply to franchises amended by agreement of the parties to extend the duration of the franchise to the life-of-site of the landfill, but for a period not to exceed 60 years.

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

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

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

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

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

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

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

..."

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

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

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

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

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

... (4) a. Develop a permit system governing the establishment and operation of solid waste management facilities. A landfill with a disposal area of 1/2 acre or less for the on-site disposal of land clearing and inert debris is exempt from the permit requirement of this section and shall be governed by G.S. 130A-301.1. Demolition debris from the decommissioning of manufacturing buildings, including electric..."
generating stations, that is disposed of on the same site as the
de decommissioned buildings, is exempt from the permit requirement of
this section and rules adopted pursuant to this section and shall be
governed by G.S. 130A-301.3. The Department shall not approve an
application for a new permit, major permit modification, or a substantial
amendment to a permit for a sanitary landfill, excluding demolition
landfills as defined in the rules of the Commission, except as provided
in subdivisions (3) and (4) of subsection (b1) of this section. No permit
shall be granted for a solid waste management facility having discharges
that are point sources until the Department has referred the complete
plans and specifications to the Commission and has received advice in
writing that the plans and specifications are approved in accordance
with the provisions of G.S. 143-215.1. In any case where the
Department denies a permit for a solid waste management facility, it
shall state in writing the reason for denial and shall also state its
estimate of the changes in the applicant’s proposed activities or plans
that will be required for the applicant to obtain a permit.


c. The Department shall deny an application for a permit for a solid waste
management facility if the Department finds that:

1. Construction or operation of the proposed facility would be
   inconsistent with or violate rules adopted by the Commission.

2. Construction or operation of the proposed facility would result in
   a violation of water quality standards adopted by the
   Commission pursuant to G.S. 143-214.1 for waters, as defined in
   G.S. 143-213.

3. Construction or operation of the facility would result in
   significant damage to ecological systems, natural resources,
   cultural sites, recreation areas, or historic sites of more than local
   significance. These areas include, but are not limited to, national
   or State parks or forests; wilderness areas; historic sites;
   recreation areas; segments of the natural and scenic rivers
   system; wildlife refuges, preserves, and management areas; areas
   that provide habitat for threatened or endangered species;
   primary nursery areas and critical fisheries habitat designated by
   the Marine Fisheries Commission; and Outstanding Resource
   Waters designated by the Commission.

4. Construction or operation of the proposed facility would
   substantially limit or threaten access to or use of public trust
   waters or public lands.

5. The proposed facility would be located in a natural hazard area,
   including a floodplain, a landslide hazard area, or an area subject
   to storm surge or excessive seismic activity, such that the facility
   will present a risk to public health or safety.

6. There is a practical alternative that would accomplish the
   purposes of the proposed facility with less adverse impact on
   public resources, considering engineering requirements and
   economic costs.

7. The cumulative impacts of the proposed facility and other
   facilities in the area of the proposed facility would violate the
criteria set forth in sub-sub-divisions 2. through 5. of this
sub-subdivision.

8. Construction or operation of the proposed facility would be
inconsistent with the State solid waste management policy and
goals as set out in G.S. 130A-309.04 and with the State solid
waste management plan developed as provided in
G.S. 130A-309.07.

9. The cumulative impact of the proposed facility, when considered
in relation to other similar impacts of facilities located or
proposed in the community, would have a disproportionate
adverse impact on a minority or low-income community
protected by Title VI of the federal Civil Rights Act of 1964.
This subdivision shall apply only to the extent required by
federal law.

d. Management of land clearing debris burned in accordance with 15A
NCAC 02D.1903 shall not require a permit pursuant to this section.

e. For the purpose of the disposal of leachate and wastewater collected
from a sanitary landfill, the Department shall approve aerosolization of
such leachate and wastewater as an acceptable method of disposal.
Aerosolization of leachate or wastewater that results in effluent
free-production or a zero liquid discharge does not constitute a
discharge that requires a permit under either Article 21 or Article 21B of
Chapter 143 of the General Statutes.

…"

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

MOTOR VEHICLE EMISSIONS INSPECTIONS

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

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

(a) General Provisions. –

(1) G.S. 143-215.107(a)(6) shall be implemented as provided in this section.

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

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

(c) Counties Covered. – Motor vehicle emissions inspections shall be performed in the
following counties: Alamance, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret,
Catawba, Chatham, Cleveland, Craven, Cumberland, Davidson, Durham, Edgecombe, Forsyth,
Franklin, Gaston, Granville, Guilford, Harnett, Haywood, Henderson, Iredell, Johnston, Lee,
Lenoir, Lincoln, Mecklenburg, Moore, Nash, New Hanover, Onslow, Orange, Pitt, Randolph,
Robeson, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Union, Wake, Wayne, Wilkes
and Wilson and Wake."
SECTION 3.7. (b) G.S. 20-183.2(b) reads as rewritten:

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

1. It is subject to registration with the Division under Article 3 of this Chapter, except for motor vehicles operated on a federal installation as provided in sub-subdivision e. of subdivision (5) of this subsection.
2. It is not a trailer whose gross weight is less than 4,000 pounds, a house trailer, or a motorcycle.
3. It is (i) a 1996 or later model vehicle with a model year within 20 years of the current year and older than the three most recent model years or (ii) a 1996 or later model vehicle with a model year within 20 years of the current year and has 70,000 miles or more on its odometer.

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

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

TRANSFER OF CERTAIN CONSERVATION EASEMENTS

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


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

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

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

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

ELIMINATE OUTDATED PROVISION OF THE COASTAL AREA MANAGEMENT ACT

SECTION 3.11. G.S. 113A-109 is repealed.

REPEAL PASTURE POINTS PROVISION

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

ELIMINATE REPORTS TO THE COMMISSIONER OF AGRICULTURE AS TO MILK PURCHASED OR SOLD

SECTION 3.13. G.S. 106-261 is repealed.

REPEAL RESTRICTION ON PET TURTLE SALES

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

PROHIBIT CERTAIN STORMWATER CONTROL MEASURES

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

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

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

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

EXEMPT LANDSCAPING MATERIAL FROM STORMWATER MANAGEMENT REQUIREMENTS

SECTION 3.16. G.S. 143-214.7(b2) reads as rewritten:
"(b2) For purposes of implementing stormwater programs, "built-upon area" means an impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; or a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic; or the stoned areas used for parking, storage, or road areas on industrial or distribution center property, whether the stone is number 57 stone or compacted crusher-run stone of any type or permeability. The owner or developer of a property may opt out of any of the exemptions from "built-upon area" set out in this subsection. For State stormwater programs and local stormwater programs approved pursuant to subsection (d) of this section, all of the following shall apply:

(1) The volume, velocity, and discharge rates of water associated with the one-year, 24-hour storm and the difference in stormwater runoff from the predevelopment and postdevelopment conditions for the one-year, 24-hour storm shall be calculated using any acceptable engineering hydrologic and hydraulic methods.

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

(3) The requirements that apply to development activities within one-half mile of and draining to Class SA waters or within one-half mile of Class SA waters and draining to unnamed freshwater tributaries shall not apply to development activities and associated stormwater discharges that do not occur within one-half mile of and draining to Class SA waters or are not within one-half mile of Class SA waters and draining to unnamed freshwater tributaries."

**STORMWATER CONTROL SYSTEM DESIGN REGULATION**

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

"§ 143-214.7B. Fast-track permitting for stormwater management systems.
The Commission shall adopt rules to establish a fast-track permitting process that allows for the issuance of stormwater management system permits without a technical review when the permit applicant (i) complies with the Minimum Design Criteria for stormwater management developed by the Department and (ii) submits a permit application prepared by a qualified professional. In developing the rules, the Commission shall consult with a technical working group that consists of industry experts, engineers, environmental consultants, relevant faculty from The University of North Carolina, and other interested stakeholders. The rules shall, at a minimum, provide for all of the following:

(1) A process for permit application, review, and determination.

(2) The types of professionals that are qualified to prepare a permit application submitted pursuant to this section and the types of qualifications such professionals must have. The Commission shall include the following professionals who meet the North Carolina licensing requirements applicable to the type of stormwater management system proposed:

a. Engineers licensed pursuant to Chapter 89C of the General Statutes.
b. Geologists licensed pursuant to Chapter 89E of the General Statutes.

c. Soil scientists licensed pursuant to Chapter 89F of the General Statutes.

d. Any other licensed profession that the Commission deems appropriate.

(3) A process for ensuring compliance with the Minimum Design Criteria.

(4) That permits issued pursuant to the fast-track permitting process comply with State water quality standards adopted pursuant to G.S. 143-214.1, 143-214.7, and 143-215.3(a)(1).

(5) A process for establishing the liability of a qualified professional who prepares a permit application for a stormwater management system that fails to comply with the Minimum Design Criteria.”

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

AMEND STREAM MITIGATION REQUIREMENTS

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

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

COASTAL RESOURCES COMMISSION RULES ON TEMPORARY EROSION CONTROL STRUCTURES

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

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

DIRECT THE COASTAL RESOURCES COMMISSION TO AMEND THE SEDIMENT CRITERIA RULE TO EXEMPT SEDIMENT FROM CAPE SHOAL SYSTEMS

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

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

SECTION 3.20.(c) Implementation. – The Commission shall exempt from the permitting requirements of the Sediment Criteria Rule any sediment in the cape shoal systems used as a borrow site and any portion of an oceanfront beach that receives sediment from the cape
shoal systems. For purposes of this section, "cape shoal systems" includes the Frying Pan Shoals at Cape Fear, Lookout Shoals at Cape Lookout, and Diamond Shoals at Cape Hatteras.

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

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

DIVISION OF COASTAL MANAGEMENT TO STUDY CURRENT LONG-TERM EROSION RATES ADJACENT TO TERMINAL GROINS

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

REGULATION AND DISPOSITION OF CERTAIN REPTILES

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

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

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

(b) If the Museum or the Zoological Park or their designated representatives find that a seized reptile is a venomous reptile, large constricting snake, or crocodilian regulated under this Article, the Museum or the Zoological Park or their designated representative shall determine final interim disposition of the reptile in a manner consistent with the safety of the public, which until a final disposition is determined by a court of competent jurisdiction. In the case of a venomous reptile for which antivenin approved by the United States Food and Drug Administration is not readily available, shall the reptile may be euthanized unless the species is protected under the federal Endangered Species Act of 1973.
Zoological Park or their designated representative determines euthanasia to be the appropriate interim disposition, or where a reptile seized pursuant to this Article dies of natural or unintended causes, the Museum, the Zoological Park, or their designated representatives shall not be liable to the reptile's owner.

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

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

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

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

PROVIDE FOR LOW-FLOW DESIGN ALTERNATIVES FOR PUBLIC WATER SUPPLY SYSTEMS

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

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

SECTION 3.23.(c) Additional Rule-Making Authority. – The Commission shall adopt a rule to amend 15A NCAC 18C .0409(b)(1) (Daily Flow Requirements), consistent with subsection (b) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (b) of this section. Rules adopted pursuant to this section are not subject to G.S. 150B-21.8 through G.S. 150B-21.14. Rules adopted pursuant to this section shall become effective as
provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

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

ESTABLISH NORTH CAROLINA SENTINEL LANDSCAPES COMMITTEE

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

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

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

1. Identify and designate certain lands to be contained in the sentinel landscape of this State that are of particular import to the nation's defense and in the vicinity of and where testing and training occur on major military installations. In this work, the Committee may seek advice and recommendations from stakeholders who have experience in this sort of identification and designation.

2. In designating sentinel lands as directed by subdivision (1) of this subsection, the Committee shall evaluate all working or natural lands that the Committee identifies as contributing to the long-term sustainability of the military missions conducted in this State. In its evaluation of which lands to designate as sentinel lands, the Committee shall consult with and seek input from:
   a. The United States Department of Defense.
   b. The North Carolina Commander's Council.
   c. The United States Department of Agriculture.
   d. The United States Department of the Interior.
   e. Elected officials from units of local government located in the vicinity of and where testing and training occur on the proposed sentinel lands.
   f. Any other stakeholders that the Committee deems appropriate.

3. Develop recommendations to encourage landowners located within the sentinel landscape designated pursuant to subdivision (1) of this subsection to voluntarily participate in and begin or continue land uses compatible with the United States Department of Defense operations in this State.

4. Provide technical support services and assistance to landowners who voluntarily participate in the sentinel landscape program.

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

1. The Commissioner of Agriculture, or the Commissioner's designee.
2. The Secretary of the Department of Military and Veterans Affairs, or the Secretary's designee.
3. The Secretary of Natural and Cultural Resources, or the Secretary's designee.
(4) The Dean of the College of Natural Resources at North Carolina State University, or the Dean's designee.

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

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

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

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

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

PART IV. ELIMINATE, CONSOLIDATE, AND AMEND ENVIRONMENTAL REPORTS

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

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

ELIMINATE ANNUAL REPORT ON THE IMPLEMENTATION OF THE SUSTAINABLE ENERGY EFFICIENT BUILDINGS PROGRAM BY THE DEPARTMENT OF ADMINISTRATION

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

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

ELIMINATE QUARTERLY REPORT ON SYSTEMWIDE MUNICIPAL AND DOMESTIC WASTEWATER COLLECTION SYSTEM PERMIT PROGRAM BY THE ENVIRONMENTAL MANAGEMENT COMMISSION

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

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

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

DRH30004-TQ-3 [v.4] (12/16)
The Commission shall report on its progress in developing and implementing the collection system permit program required by this section as a part of each quarterly report the Environmental Management Commission makes to the Environmental Review Commission pursuant to G.S. 143B-282(b)."

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

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

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

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

"2b. As used in this sub-sub-subdivision, "fuel economy" and "class of comparable automobiles" have the same meaning as in Part 600 of Title 40 of the Code of Federal Regulations (July 1, 2008 Edition). As used in this sub-sub-subdivision, "passenger motor vehicle" has the same meaning as "private passenger vehicle" as defined in G.S. 20-4.01. Notwithstanding the requirements of sub-sub-subdivision 2a. of this sub-sub-subdivision, every request for proposals for new passenger motor vehicles to be purchased by the Department shall state a preference for vehicles that have a fuel economy for the new vehicle's model year that is in the top fifteen percent (15%) of its class of comparable automobiles. The award for every new passenger motor vehicle that is purchased by the Department shall be based on the Department's evaluation of the best value for the State, taking into account fuel economy ratings and life cycle cost that reasonably consider both projected fuel costs and acquisition costs. This sub-sub-subdivision does not apply to vehicles used in law enforcement, emergency medical response, and firefighting. The Department shall report the number of new passenger motor vehicles that are purchased as required by this sub-sub-subdivision, the savings or costs for the purchase of vehicles to comply with this sub-sub-subdivision, and the quantity and cost of fuel saved for the previous fiscal year on or 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 4.7. 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 4.8.** 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."

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

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

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

**SECTION 4.10.(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 September 1 of each year in which any significant revisions to the Plans are made."

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

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

**SECTION 4.11.(a)** G.S. 143B-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 November 1 of each even-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 4.11.(b)** G.S. 143B-279.17 reads as rewritten:

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

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

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

CONSOLIDATE AND REDUCE FREQUENCY OF REPORTS BY THE ENVIRONMENTAL MANAGEMENT COMMISSION

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

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

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

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

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

CONSOLIDATE WASTE MANAGEMENT REPORTS BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY

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

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

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

(2) The total amounts of solid waste recycled and disposed of and the methods of solid waste recycling and disposal used during the calendar year prior to the year in which the report is published.

(3) An evaluation of the development and implementation of local solid waste management programs and county and municipal recycling programs.

(4) An evaluation of the success of each county or group of counties in meeting the municipal solid waste reduction goal established in G.S. 130A-309.04.

(5) Recommendations concerning existing and potential programs for solid waste reduction and recycling that would be appropriate for units of local government and State agencies to implement to meet the requirements of this Part.
An evaluation of the recycling industry, the markets for recycled materials, the recycling of polystyrene, and the success of State, local, and private industry efforts to enhance the markets for these materials.

Recommendations to the Governor and the Environmental Review Commission to improve the management and recycling of solid waste in the State, including any proposed legislation to implement the recommendations.

A description of the condition of the Solid Waste Management Trust Fund and the use of all funds allocated from the Solid Waste Management Trust Fund, as required by G.S. 130A-309.12(c).

A description of the review and revision of bid procedures and the purchase and use of reusable, refillable, repairable, more durable, and less toxic supplies and products by both the Department of Administration and the Department of Transportation, as required by G.S. 130A-309.14(a1)(3).

A description of the implementation of the North Carolina Scrap Tire Disposal Act that includes the amount of revenue used for grants and to clean up nuisance tire collection under the provisions of G.S 130A-309.64.

A description of the management of white goods in the State, as required by G.S. 130A-309.85.

A summary of the report by the Department of Transportation on the amounts and types of recycled materials that were specified or used in contracts that were entered into by the Department of Transportation during the previous fiscal year, as required by G.S. 136-28.8(g).

Repealed by Session Laws 2010-142, s. 1, effective July 22, 2010.

(Expanding October 1, 2023) A description of the activities related to the management of abandoned manufactured homes in the State in accordance with G.S. 130A-117, the beginning and ending balances in the Solid Waste Management Trust Fund for the reporting period and the amount of funds used, itemized by county, for grants made under Part 2F of Article 9 of Chapter 130A of the General Statutes.

A report on the recycling of discarded computer equipment and televisions in the State pursuant to G.S. 130A-309.140(a).

An evaluation of the Brownfields Property Reuse Act pursuant to G.S. 130A-310.40.


A report on the Dry-Cleaning Solvent Cleanup Act of 1997 pursuant to G.S. 143-215.104U(a) until such time as the act expires pursuant to Part 6 of Article 21A of Chapter 143 of the General Statutes.

A report on the implementation and cost of the hazardous waste management program pursuant to G.S. 130A-294(i).

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

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

SECTION 4.13.(e) G.S. 130A-310.40 reads as rewritten:
§ 130A-310.40. Legislative reports.

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

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

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

(1) The Inactive Hazardous Waste Sites Priority List.

(2) A list of remedial action plans requiring State funding through the Inactive Hazardous Sites Cleanup Fund.

(3) A comprehensive budget to implement these remedial action plans and the adequacy of the Inactive Hazardous Sites Cleanup Fund to fund the cost of said plans.

(4) A prioritized list of sites that are eligible for remedial action under CERCLA/SARA together with recommended remedial action plans and a comprehensive budget to implement such plans. The budget for implementing a remedial action plan under CERCLA/SARA shall include a statement as to any appropriation that may be necessary to pay the State's share of such plan.

(5) A list of sites and remedial action plans undergoing voluntary cleanup with Departmental approval.

(6) A list of sites and remedial action plans that may require State funding, a comprehensive budget if implementation of these possible remedial action plans is required, and the adequacy of the Inactive Hazardous Sites Cleanup Fund to fund the possible costs of said plans.

(7) A list of sites that pose an imminent hazard.

(8) A comprehensive budget to develop and implement remedial action plans for sites that pose imminent hazards and that may require State funding, and the adequacy of the Inactive Hazardous Sites Cleanup Fund.

(8a) Repealed by Session Laws 2015-286, s. 4.7(f), effective October 22, 2015.

(9) Any other information requested by the General Assembly or the Environmental Review Commission."

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

"§ 143-215.104U. Reporting requirements.

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

(1) A list of all dry-cleaning solvent contamination reported to the Department.

(2) A list of all facilities and abandoned sites certified by the Commission and the status of contamination associated with each facility or abandoned site.
An estimate of the cost of assessment and remediation required in connection with facilities or abandoned sites certified by the Commission and an estimate of assessment and remediation costs expected to be paid from the Fund.

A statement of receipts and disbursements for the Fund.

A statement of all claims against the Fund, including claims paid, claims denied, pending claims, anticipated claims, and any other obligations.

The adequacy of the Fund to carry out the purposes of this Part together with any recommendations as to measures that may be necessary to assure the continued solvency of the Fund.

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

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

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

(1) A detailed description of the mercury recovery performance ratio achieved by the mercury switch removal program.

(2) A detailed description of the mercury switch collection system developed and implemented by vehicle manufacturers in accordance with the NVMSRP.

(3) In the event that a mercury recovery performance ratio of at least 0.90 of the national mercury recovery performance ratio as reported by the NVMSRP is not achieved, a description of additional or alternative actions that may be implemented to improve the mercury switch removal program.

(4) The number of mercury switches collected and a description of how the mercury switches were managed.

(5) A statement that details the costs required to implement the mercury switch removal program, including a summary of receipts and disbursements from the Mercury Switch Removal Account."

DRH30004-TQ-3 [v.4] (12/16)  Page 39
SECTION 4.13.(g) The first combined report required by subsections (a) through (f) of this section shall be submitted to the Environmental Review Commission and the Fiscal Research Division no later than May 1, 2017.

CONSOLIDATE SEDIMENTATION POLLUTION CONTROL ACT AND STORMWATER REPORTS

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


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

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

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

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

CONSOLIDATE VARIOUS WATER RESOURCES AND WATER QUALITY REPORTS BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY

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

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

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

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

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

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

SECTION 4.15.(e) The first combined report required by subsections (c) and (d) of this section shall be submitted to the Environmental Review Commission no later than November 1, 2017.
CONSOLIDATE REPORTS BY THE DIVISION OF WATER INFRASTRUCTURE OF
THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE STATE WATER
INFRASTRUCTURE AUTHORITY

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

"(a) Requirement. – The Department must publish a report each year on the accounts
in the Water Infrastructure Fund that are administered by the Division of Water Infrastructure. The
report must be published by the November 1 of each year and cover the preceding fiscal year.
The Department must make the report available to the public and give a copy of
the report to the Environmental Review Commission and the Commission, the Joint Legislative
Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal
Research Division of the Legislative Services Commission. This report shall include a list of projects
that received State funding pursuant to the Program, the results of the evaluations conducted
pursuant to subdivision (7) of subsection (b) of this section, findings regarding the effectiveness of
each of these projects to accomplish its primary purpose, and any recommendations to assure that
State funding is used in the most cost-effective manner and accomplishes the greatest
improvement in water quality. This report shall be submitted to the Environmental Review

CONSOLIDATE REPORTS BY SOIL AND WATER CONSERVATION COMMISSION
AND THE DIVISION OF SOIL AND WATER CONSERVATION OF THE
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

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

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

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

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

SECTION 4.17.(c) G.S. 139-60(d) reads as rewritten:
"(d) Report. – No later than January 31 of each year, the Division of Soil and Water Conservation of the Department of Agriculture and Consumer Services shall prepare a comprehensive report on the implementation of subsections (a) through (c) of this section. The report shall be submitted to the Environmental Review Commission and the Fiscal Research Division as a part of the report required by G.S. 106-850(e)."

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

DECREASE REPORTING FREQUENCY ON TERMINAL GROINS PILOT PROJECT BY THE COASTAL RESOURCES COMMISSION

SECTION 4.18. G.S. 113A-115.1(i) reads as rewritten:
"(i) No later than September 1 of each year, September 1, 2017, and every five years thereafter, the Coastal Resources Commission shall report to the Environmental Review Commission on the implementation of this section. The report shall provide a detailed description of each proposed and permitted terminal groin and its accompanying beach fill project, including the information required to be submitted pursuant to subsection (e) of this section. For each permitted terminal groin and its accompanying beach fill project, the report shall also provide all of the following:

(1) The findings of the Commission required pursuant to subsection (f) of this section.

(2) The status of construction and maintenance of the terminal groin and its accompanying beach fill project, including the status of the implementation of the plan for construction and maintenance and the inlet management plan.

(3) A description and assessment of the benefits of the terminal groin and its accompanying beach fill project, if any.

(4) A description and assessment of the adverse impacts of the terminal groin and its accompanying beach fill project, if any, including a description and assessment of any mitigation measures implemented to address adverse impacts."

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

SECTION 4.19. G.S. 143B-135.48(d) reads as rewritten:
"(d) No later than October 1 of each year, October 1, 2017, and every five years thereafter, the Department shall submit electronically the State Parks System Plan to the Environmental Review Commission, the Senate and the House of Representatives appropriations committees with jurisdiction over natural and cultural resources, the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal Research Division. Concurrently, the Department shall submit a summary of each change to the Plan that was made during the previous fiscal year. Five fiscal years."

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

SECTION 4.20. Section 15.6 of S.L. 1999-237 reads as rewritten:
"Section 15.6.(a) The Department of Environmental and Natural Resources Environmental Quality may use available funds, with the approval of the Office of State Budget and Management, to provide the ten percent (10%) cost share required for Superfund cleanups on the National Priority List sites, to pay the operating and maintenance costs associated with these Superfund cleanups, and for the cleanup of priority inactive hazardous substance or waste disposal
sites under Part 3 of Article 9 of Chapter 130A of the General Statutes. These funds may be in addition to those appropriated for this purpose.

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

REDIRECT REPORT ON EXPENDITURES FROM BERNARD ALLEN EMERGENCY DRINKING WATER FUND TO ANER OVERSIGHT COMMITTEE

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

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

REDIRECT REPORT ON PARKS AND RECREATION TRUST FUND TO THE ANER OVERSIGHT COMMITTEE

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

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

PART V. SEVERABILITY CLAUSE AND EFFECTIVE DATE

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

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